

ORDINANCE 2020-002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AMENDING ZONING ORDINANCE (TITLE 17 OF THE SAN PABLO MUNICIPAL CODE) CHAPTERS 17.08, 17.16, 17.32, 17.34, 17.36, 17.40, 17.42, 17.45, 17.46, 17.48, 17.54, 17.58, 17.62, 17.68, AND 17.70 AND MUNICIPAL CODE CHAPTERS 8.02, 8.36, 9.58, 15.56 AND 18.04, REGARDING A VARIETY OF ZONING AND LAND USE TOPICS, INCLUDING ADDITIONAL WATER-EFFICIENT LANDSCAPE REQUIREMENTS

The City Council of the City of San Pablo does ordain as follows:

Section 1. The City Council makes the following findings, pursuant to Section 17.22.040 of the San Pablo Municipal Code:

- A. This ordinance was initiated by City of San Pablo staff as a means of correcting inconsistencies, clarifying language, correcting errors, and updating topics pursuant to changes in state law and changes in zoning practice and recommended by the Planning Commission of the City of San Pablo following a duly noticed public hearing on December 17, 2019.
- B. A duly noticed public hearing was held by the City Council on February 3, 2020 to consider these amendments to the Zoning Ordinance of the City of San Pablo codified as Title 17 and to Chapters 8.02, 8.36, 9.58, 15.56 and 18.04 of the San Pablo Municipal Code.
- C. As further described in the City Council staff report accompanying this Ordinance, the Ordinance is consistent with the City of San Pablo General Plan Policies LU-I-3 and LU-I-5:

Establish zoning standards, including maximum size and separation requirements, for any commercial land use type that could adversely affect adjacent residential areas or create health and safety impacts. Adult businesses, check-cashing establishments, and alcohol sales are typical of the types of uses that would be subject to this policy.

Promote the phasing out of old uses in areas designated for new land use in an orderly fashion, consistent with adopted general plan designations. Promote the continuing viability of old uses during the transition period.

- D. As further described in the City Council staff report accompanying this Ordinance, this Ordinance is consistent with the purposes of the Zoning Ordinance:

Pursuant to Zoning Ordinance Section 17.01.020, "Purpose," the ordinance promotes growth of the city in an orderly manner and promotes and protects the public health, safety, peace, comfort, and general welfare. In addition, pursuant

to Zoning Ordinance Section 17.32.010, "Purpose," the ordinance helps to produce healthy, safe, and attractive neighborhoods in San Pablo. The ordinance addresses neighborhood compatibility by prohibiting uses that could have a negative effect on neighborhoods and business areas, including offensive odors, illegal sales and distribution of marijuana, trespassing, theft, robberies and robbery attempts, fire hazards, and problems associated with mold, fungus and pests.

- E. Pursuant to the California Environmental Quality Act, the proposed project has been determined to be categorically exempt from the provisions of CEQA, in accordance with CEQA Guidelines Section 15305 Minor Alterations in Land Use Limitations and Section 15061(b)(3) with no potential for causing a significant effect on the environment, and the City Manager is directed to ensure that a Notice of Exemption is filed with the County Clerk.

Section 2. Section 17.08.040, Nonconforming structures, of the San Pablo Municipal Code is amended to read as follows

17.08.040 Nonconforming structures.

- A. Continuanace. A nonconforming structure may continue to exist, subject to the provisions of this section.
- B. Damage. A nonconforming structure damaged or destroyed by fire, explosion, earthquake, flood, or other natural or human-caused act to an extent of more than seventy-five percent of the appraised value of the structure thereof, according to the assessor's record, may be restored only if made to conform to all current regulations of the district in which it is located.
- C. Maintenance—General. Ordinary maintenance and repairs may be made to any legal nonconforming structure, residential or non-residential, provided no structural alterations are made and provided such work does not exceed fifteen percent of the appraised value of the structure in any one-year period, except as provided in subsection B of this section.
- D. Major Repairs and Renovation for Non-Conforming Residences – More extensive renovations and repairs beyond those covered by subsection C may be allowed for nonconforming residential structures in a residential zoning district, provided such work does not exceed fifty percent of the appraised value of the structure, as determined by the latest county assessment roll, in any one-year period, and does not extend or enlarge the nonconformity.
- E. Use Permit Required. Maintenance, repair, and renovation work exceeding the limits identified in subsections C and D shall require a Use Permit, in accordance with the provisions of Section 17.20.040 and shall not extend or enlarge the nonconformity.

Section 3. Section 17.16.070, Approving Authority, of the San Pablo Municipal Code is amended to read as follows:

17.16.070 Approving Authority.

- A. Designated Approving Authority. The approving authority as designated in Table 17.16-A—Approving Authority for Land Use Entitlements shall approve, conditionally approve, or deny the proposed land use or development permit or entitlement in accordance with the requirements of this title. Table 17.16-A—Approving Authority for Land Use Entitlements identifies recommending “R” and final “F” authorities for each permit or entitlement. In acting on a permit, the approving authority shall make all required findings. An action of the approving authority may be appealed pursuant to procedures set forth in Section 17.16.080, Appeals.
- B. Multiple Entitlements. When a proposed project requires more than one permit with more than one approving authority, all project permits shall be processed concurrently and final action shall be taken by the highest-level designated approving authority for all such requested permits.
- C. Referral to the Planning Commission. At any point in the application review process, the zoning administrator may transfer his or her decision-making authority to the planning commission at his/her discretion because of policy implications, unique or unusual circumstances, or the magnitude of the project. Decisions referred to the planning commission shall be considered at a noticed public hearing. A referral under this section to another decision-maker is not an appeal and requires no appeal application or fee.

Section 4. Table 17.16-A – Approving Authority for Land Use Entitlements, of the San Pablo Municipal Code is amended as follows:

Table 17.16-A—Approving Authority for Land Use Entitlements

Type of Permit or Decision	Designated Approving Authority R = Recommending Authority F = Final Decision-Making Authority A = Appeal Authority			
	Zoning Administrator	Planning Commission	City Council	Section Reference
Plan Check/Zoning Clearance	F	A	F	17.18.020
Official Code Interpretation	F	A	F	17.18.030
Similar Use Designation	F	A	F	17.18.040
Home Occupation Permit	F	A	F	17.18.050
Temporary Use Permit	F	A	F	17.18.060
Minor Adjustment	F	A	F	17.18.070
Administrative Use Permit	F	A	F	17.18.080
Minor Design Review	F	A	F	17.18.090

Type of Permit or Decision	Designated Approving Authority R = Recommending Authority F = Final Decision-Making Authority A = Appeal Authority			
	Zoning Administrator	Planning Commission	City Council	Section Reference
Reasonable Accommodation	F	A	F	17.18.100
Entertainment Permit	R	F	F	17.20.020
Major Design Review	R	F	F	17.20.030
Conditional Use Permit	R	F	F	17.20.040
Variance	R	F	F	17.20.050
Planned Development	R	F	F	17.22.030
Development Agreement	R	R	F	17.22.020
Specific Plan	R	R	F	17.22.030
Specific Plan Amendment	R	R	F	17.22.030
Zoning Amendment	R	R	F	17.22.040
General Plan Amendment	R	R	F	17.20.050
Prezoning	R	R	F	17.20.060

Section 5. Section 17.16.080, Appeals, of the San Pablo Municipal Code is amended to include the following:

17.16.080 Appeals.

- A. Appeal Authority. Any interested person may appeal any action of the zoning administrator or planning commission within ten days from the date of the action. Actions by the city council are final and no further administrative appeals are available.
- B. Call for Review. Any decision of the zoning administrator may be called up for review by a planning commissioner or city council member. Any decision of the planning commission may be called up for review by a city council member. If council members or planning commissioners request review, there is a presumption that the reason for the review is that the action has significant and material effects on the quality of life within the city. No inference of bias shall be made or implied due to such a request for review being filed.
- C. Filing an Appeal or Call for Review. All appeals shall be submitted in writing, identifying the determination or action being appealed and specifically stating the basis or grounds of the appeal. Appeals shall be filed within ten days following the date of determination or action for which an appeal is made, accompanied by a filing fee established by city council resolution, and submitted to the city clerk. A call for review shall be filed with the zoning administrator and/or city clerk.

D. Notice and Schedule of Appeal Hearings and Calls for Review. Unless otherwise agreed upon by the person filing the appeal and the applicant, appeal hearings and calls for review should be conducted within thirty days from the date of appeal submittal. Notice of hearing for the appeal shall be provided pursuant to noticing requirements of Section 17.16.050, Public hearing and public notice.

E. Appeal Hearing and Action. Each appeal and call for review shall be considered a de novo (new) hearing. In taking its action on an appeal, the appeal or review authority shall state the basis for its action. The appeal or review authority may act to confirm, modify, reverse the action of the approving authority, in whole or in part, or add or amend such conditions as it deems necessary. The action of the appeal or review authority is final on the date of decision and, unless expressly provided by this chapter, may not be further appealed.

Section 6. Table 17.32-A, Residential Districts: Use Regulations, of the San Pablo Municipal Code is amended as follows:

Table 17.32-A—Residential Districts: Use Regulations

Land Use/Zoning District	R-1	R-2	R-3	R-4	RMU	Special Provisions
Residential Uses						
Accessory Dwelling Units ¹	R	R	R	R	R	Section 17.60.070
Animal Keeping	R	R	R	R	R	Section 17.60.010
Assisted Living Facilities	—	—	U	U	U	Section 17.60.010
Boarding Houses	—	—	U	U	U	
Community Care Facilities (7+) ²	U	U	U	U	U	
Day Care, Large Family ³	R	R	R	R	R	
Day Care, Small Family ⁴	R	R	R	R	R	
Dwellings, Multiple-Family ⁵	—	—	R	R	R	Section 17.58.020
Dwellings, Single-Family Attached ⁵	—	R	R	R	R	
Dwellings, Single-Family Detached ⁵	R	R	R	—	—	Section 17.32.050
Dwellings, Two-Family (Duplexes) ⁵	—	R	R	—	—	Section 17.32.050
Emergency Shelter	—	—	—	—	R	Section 17.60.080
Home Occupations	R	R	R	R	R	Section 17.60.030
Live-Work Facility	—	—	—	—	U	Section 17.60.040
Mobile Home Parks	—	—	—	—	—	Section 17.60.060
Residential Care Facilities (≤6)	R	R	R	R	R	
Single-Room Occupancy	—	—	—	—	R	Section 17.60.090
Supportive Housing	R	R	R	R	R	
Transitional Housing	R	R	R	R	R	

Land Use/Zoning District	R-1	R-2	R-3	R-4	RMU	Special Provisions
Recreation, Resource Preservation, Open Space, Education, and Public Assembly Uses						
Cemeteries	U	U	U	–	–	
Community Facilities	U	U	U	U	U	
Community Gardens	A	A	A	A	A	
Day Care Centers	U	U	U	U	U	
Hospitals and Clinics	U	U	U	U	U	
Public Services	U	U	U	U	U	
Recreation, Amusements	–	–	–	–	–	
Recreation, Indoor	–	–	–	–	U	
Recreation, Major Arcades	–	–	–	–	–	
Recreation, Minor Arcades	–	–	–	–	–	
Recreation, Outdoor Passive	–	–	–	–	–	
Recreation, Parks and Playgrounds	U	U	U	U	U	
Religious Institutions	U	U	U	U	U	
Schools, Private	–	–	–	–	–	
Schools, Public	–	–	–	–	–	
Utility, Transportation, Public Facility, and Communication Uses						
Wireless Facilities	–	–	–	–	–	Section 17.62.200 and 17.62.300
Utilities, Major	–	–	U	U	U	
Utilities, Minor	U	U	U	U	U	
Retail, Service, and Office Uses						
Adult-Oriented Businesses	–	–	–	–	–	Section 17.62.010
Alcoholic Beverage Sales	–	–	–	–	U	Section 17.62.020
Animal Boarding	–	–	–	–	–	Section 17.60.010
Animal Care	–	–	–	–	A	Section 17.60.010
Bed and Breakfasts	U	U	R	R	R	
Business and Professional Services	–	–	–	–	R	
Cash for Gold Facilities	–	–	–	–	–	
Cannabis, Commercial Facilities and Activities	–	–	–	–	–	Section 17.62.130
Cannabis, Delivery	–	–	–	–	–	Section 17.62.130
Cannabis, Limited Personal Cultivation	P	P	P	P	P	Section 17.62.130
Cannabis, Outdoor Cultivation	–	–	–	–	–	Section 17.62.130
Check Cashing Businesses	–	–	–	–	U	Section 17.62.050

Land Use/Zoning District	R-1	R-2	R-3	R-4	RMU	Special Provisions
Dance and Fitness Studios	—	—	—	—	A	
Escort Services	—	—	—	—	—	
Farmers Markets	—	—	—	—	U	
Food and Beverage Sales, Convenience	—	—	—	—	R	
Food and Beverage Sales, General	—	—	—	—	R	
Funeral and Interment Services	—	—	—	—	R	
Health Food Stores	—	—	R	R	R	Section 17.62.090
Hotels and Motels	—	—	U	U	U	
Massage Establishments	—	—	—	—	U	Section 17.62.120
Medical Cannabis Facility	—	—	—	—	—	Section 17.62.130
Mobile Vending ⁶	—	—	—	—	U	Section 17.62.140
Nurseries	—	—	—	—	R	
Offices	—	—	—	—	R	
Pawn Broker	—	—	—	—	—	
Personal Services	—	—	—	—	R	
Repair Services, General	—	—	—	—	—	
Repair Services, Limited	—	—	—	—	U	
Restaurants, Fast Service	—	—	—	—	U	
Restaurants, General	—	—	—	—	R	
Retail Sales, General	—	—	—	—	R	
Retail Sales, Local	—	—	—	—	R	
Retail Sales, Outdoor	—	—	—	—	U	
Retail Sales, Regional	—	—	—	—	U	
Secondhand Dealers	—	—	—	—	R	Section 17.62.170
Smoke Shops	—	—	—	—	U	Section 17.62.180
Tattoo Parlors	—	—	—	—	—	Section 17.62.190
Wholesaling	—	—	—	—	—	
Automobile and Vehicle Uses						
Automotive, Major Repair	—	—	—	—	—	Section 17.62.040
Automotive, Minor Repair	—	—	—	—	U	Section 17.62.040
Automotive, New Car Sales	—	—	—	—	—	
Automotive, Parts Sales	—	—	—	—	U	
Automotive, Gas Stations	—	—	—	—	U	

Land Use/Zoning District	R-1	R-2	R-3	R-4	RMU	Special Provisions
Automotive, Used Car Sales	—	—	—	—	—	
Automotive, Washing	—	—	—	—	—	
Boat and RV Sales	—	—	—	—	—	
Taxicab Companies	—	—	—	—	—	
Truck Repair and Sales	—	—	—	—	—	
Industrial, Manufacturing, and Processing Uses						
Building Materials Yard	—	—	—	—	—	
Industry, General	—	—	—	—	—	
Industry, Limited	—	—	—	—	—	
Junkyards	—	—	—	—	—	Section 17.62.110
Maintenance Yards	—	—	—	—	—	
Recycling Services, Consumer	—	—	—	—	—	
Recycling Services, Donation/Collection Boxes	—	—	—	—	U	Section 17.58.030
Recycling Services, General	—	—	—	—	—	
Research and Development	—	—	—	—	—	
Storage, Personal	—	—	—	—	—	
Warehousing and Storage, Enclosed	—	—	—	—	—	
Warehousing and Storage, Outdoors	—	—	—	—	—	

1. Only permitted in conjunction with single-family dwellings.
2. Six or fewer persons does not require a use permit and is permitted by right.
3. “Large-family day care” means a home that provides family day care for 7 to 14 children, including children under the age of 10 who reside in the home, for periods of less than 24 hours per day (Health and Safety Code section 1596.78).
4. “Small-family day care” means a home that provides family day care for 8 or fewer children, including children under the age of 10 who reside in the home, for periods of less than 24 hours per day (Health and Safety Code section 1596.78).
5. In all cases, supportive housing and transitional housing are and shall be treated as residential uses, subject only to the permitting requirements that apply to residential uses of the same housing type location in the same zone.
6. Unless the use is exempt, it requires a special event permit.

Section 7. Table 17.32-B, Residential Districts: Development Standards Table, of the San Pablo Municipal Code is amended to read as follows:

Table 17.32-B—Residential Districts: Development Standards

Land Use/Zoning District	R-1 (and Substandard Parcels in R-2, R-3, and R-4 Districts) ¹	R-2	R-3	R-4	RMU
Parcel Dimensions¹					
<u>Parcel Area, min</u>					
Interior Parcels	5,000 sf	7,000 sf	10,000 sf	10,000 sf	10,000 sf
Corner Parcels	6,000 sf	7,000 sf	10,000 sf	10,000 sf	10,000 sf

Land Use/Zoning District	R-1 (and Substandard Parcels in R-2, R-3, and R-4 Districts) ¹	R-2	R-3	R-4	RMU
<u>Parcel Frontage, min</u>					
Interior Parcels	50 feet	70 feet	100 feet	100 feet	100 feet
Corner Parcels	60 feet	70 feet	100 feet	100 feet	100 feet
Coverage, Density, and Intensity					
Parcel Coverage, max	45% ²	50%	70%	75%	75%
Density, max ³	12 du/ac	18 du/ac	24 du/ac	48 du/ac ¹²	50 du/ac ¹³
Floor Area Ratio (FAR), max	—	—	—	—	1.5
Setbacks⁴					
Front, min	20 feet	20 feet	15 feet ⁵	15 feet ^{5,7}	0 ^{5,6,7}
Side, max	10 feet/20% of parcel width for both sides	—	25 feet/20% of parcel width for both sides	25 feet/20% of parcel width for both sides	25 feet/20% of parcel width for both sides
<u>Side, min</u>					
1st Story	4 feet per side	5 feet per side	—	—	0 feet; 10 feet when abutting a conforming residential use
2nd Story	8 feet per side/18 feet total	5 feet per side	—	—	—
1- to 2-Story Building	—	—	5 feet per side	5 feet per side	5 feet per side
3-Story Building	—	—	8 feet per side	8 feet per side	8 feet per side
4+ Story Building	—	—	12 feet per side	12 feet per side	12 feet per side ⁷
Single-Row Dwelling Access ⁸	—	—	12 feet	12 feet	12 feet
Rear, min	15 feet	15 feet	15 feet	15 feet	0 feet; 10 feet when abutting a conforming residential use
Site Development Measurements					
<u>Height, max</u>					
At Eave	20 feet	20 feet	40 feet ¹¹	60 feet ^{9, 11}	60 feet ^{9, 11}
At Roof Peak	27 feet	27 feet	48 feet ¹¹	75 feet ^{9, 11}	50 feet
Stories, max	2	2	6 ¹¹	6 ¹¹	3
Building Separation, min	Building Code	Building Code	Building Code	Building Code	Building Code
<u>Width of Driveways and Driveway Cuts at Curb</u>					
Single Driveway	12 feet	n/a	n/a	n/a	10 feet
Double Driveway	22 feet or 40% of the lot frontage, whichever is less	22 feet or 40% of the lot frontage, whichever is less	22 feet or 40% of the lot frontage, whichever is less	22 feet or 40% of the lot frontage, whichever is less	22 feet or 40% of the lot frontage, whichever is less

Land Use/Zoning District	R-1 (and Substandard Parcels in R-2, R-3, and R-4 Districts) ¹	R-2	R-3	R-4	RMU
Width of Inner Court Providing Access to Double-Row Dwelling Group	—	—	22 feet	22 feet	22 feet
Required Open Space Per Unit, min	—	350 sf	300 sf	300 sf	150 sf of publicly accessible and 60 sf of privately accessible
Secondary Dwelling Units and Accessory Structures					
<u>Accessory Dwelling Units</u>					
Per Parcel, max	1	1	1	1	1
Size, max	See Section 17.60.070				
<u>Accessory Structures</u>					
Per Parcel, max	1	2	3	3	3
Height, max	12 feet	12 feet	12 feet	12 feet	12 feet

1. Parcels not meeting the minimum parcel area or parcel frontage requirements are subject to the provisions of Section 17.08.050, Nonconforming parking.
2. Parcel coverage may be increased to fifty percent if two R-1 lots of five thousand square feet or less are consolidated.
3. Maximum densities shown in this table may be increased pursuant to the state density bonus law for affordable housing and the city's density bonus ordinance.
4. Additional setbacks may be required for development adjacent to creeks or steep slopes to meet the requirements in Chapter 17.08, Nonconformities, and other applicable laws and to ensure safety of development from unstable soils.
5. For residential mixed uses, there is no minimum setback, and maximum setback is twenty feet.
6. Portions of the building facade that exceed twice the height of adjoining buildings shall be set back from the adjoining property line a minimum of ten feet.
7. Twenty-foot setback is required if covered parking is located in the front of the building.
8. Second story not allowed except by use permit.
9. The planning commission shall determine if the placement of side yard windows would jeopardize the privacy of adjacent neighbors. The planning commission may impose greater setbacks or require other design features to protect privacy. The planning commission may also allow a minimum three-foot side yard at the second story if such setback would not jeopardize the privacy of adjacent neighbors. This reduced setback shall apply to one side of the dwelling only.
10. Single-row dwelling groups with side yard access are discouraged and allowed only with a use permit.
11. Within seventy-five feet of an R-1 or R-2 district, the height shall be limited to forty feet eave height, fifty feet roof peak height, and four stories.
12. Average assumed general plan build-out: thirty du/ac with a range between twenty-five to sixty du/ac.
13. Average assumed general plan build-out: fourteen du/ac in a mixed-use project. Consistent with GP—does not trip CEQA unless cumulative average (over time) exceeds average.

Section 8. Table 17.34-A, Commercial and Industrial Districts: Use Regulations, of the San Pablo Municipal Code is amended to read as follows:

Table 17.34-A—Commercial and Industrial Districts: Use Regulations

Land Use/Zoning District	NC	CR	CMU	IMU	Special Provisions
Residential Uses					
Assisted Living Facilities	—	U	U	—	
Accessory Dwelling Units	—	—	—	—	Section 17.60.070
Boarding Houses	—	—	U	—	
Community Care Facilities (7+)	U	U	U	—	

Land Use/Zoning District	NC	CR	CMU	IMU	Special Provisions
Day Care, Large Family ¹	U	U	R	–	
Day Care, Small Family	–	–	R	–	
Dwellings, Multiple-Family ²	U	R	R	U	
Dwellings, Single-Family Attached ²	–	–	R	–	
Dwellings, Single-Family Detached ²	–	–	R	–	Section 17.32.050
Dwellings, Two-Family (Duplexes) ²	–	–	R	–	Section 17.32.050
Emergency Shelter	–	U	–	–	Section 17.60.080
Home Occupations	–	–	–	–	Section 17.60.030
Incidental/Caretaker Residences	U	U	U	U	
Live-Work Facility	–	–	U	U	Section 17.60.040
Mobile Home Parks	–	U	–	U	Section 17.60.050
Residential Care Facilities (≤6)	–	–	R	–	
Single-Room Occupancy	–	U	–	–	Section 17.60.090
Supportive Housing	–	–	–	–	
Transitional Housing	–	–	–	–	
Recreation, Resource Preservation, Open Space, Education and Public Assembly Uses					
Cemeteries	–	–	–	–	
Community and Religious Assembly	U	U	U	U	
Community Facilities	U	U	U	U	
Community Gardens	A	A	A	–	
Day Care Centers	U	U	U	–	
Hospitals and Clinics	U	U	U	–	
Medical and Dental Offices	R	R	R	A	
Public Services	R	R	R	R	
Recreation, Amusements	U	U	R	U	
Recreation, Indoor	R	R	R	R	
Recreation, Major Arcades	U	U	U	U	Section 17.62.030
Recreation, Minor Arcades	R	R	R	R	Section 17.62.030
Recreation, Outdoor Passive	R	R	–	R	
Recreation, Parks and Playgrounds	R	R	R	R	
Religious Institutions	U	U	U	U	
Schools, Private	U	U	U	–	
Schools, Public	U	U	U	–	

Land Use/Zoning District	NC	CR	CMU	IMU	Special Provisions
Schools, Vocational Schools	U	U	U	U	
Utility, Transportation, Public Facility, and Communication Uses					
Wireless Facilities	–	–	–	–	Sections 17.62.200 and 17.62.300
Utilities, Major	U	U	U	U	
Utilities, Minor	A	R	R	R	
Retail, Service, and Office Uses					
Adult-Oriented Businesses	–	U	–	–	Section 17.62.010
Alcoholic Beverage Sales	U	U	U	U	Section 17.62.020
Animal Boarding	U	R	U	R	Section 17.60.010
Animal Care	A	R	A	R	Section 17.60.010
Artist Studios	R	R	R	R	
Banks and Financial Institutions, Credit Unions	R	R	R	R	
Bed and Breakfast	–	–	R	–	
Building Materials—Indoor Sales	U	U	–	R	
Business and Professional Services	R	R	R	R	
Cannabis, Commercial Facilities and Activities	–	–	–	–	Section 17.62.130
Cannabis, Delivery	–	–	–	–	Section 17.62.130
Cannabis, Limited Personal Cultivation	P	P	P	P	Section 17.62.130
Cannabis, Outdoor Cultivation	–	–	–	–	Section 17.62.130
Farmers Markets	U	A	A	U	
Food and Beverage Sales, Catering Services	A	R	A	A	
Food and Beverage Sales, Convenience ³	A	R	U	U	
Food and Beverage Sales, General	R	R	R	R	
Funeral and Interment Services	U	–	R	R	
Health and Exercise Clubs	A	R	R	R	
Healthy Food Stores	R	R	R	R	Section 17.62.090
Live Entertainment	U	U	U	U	
Lodging, Hotels and Motels	–	R	A	U	
Massage Establishments	U	U	U	–	Section 17.62.120
Medical Cannabis Facility	–	–	–	–	Section 17.62.130
Mobile Vending ³	–	–	U	U	Section 17.62.140
Nightclubs and Bars	U	U	U	U	
Nurseries	U	R	R	R	

Land Use/Zoning District	NC	CR	CMU	IMU	Special Provisions
Offices	R	R	R	R	
Pawnshops or Pawnbrokers	U	U	U	U	Section 17.62.150
Personal Services	R	R	R	R	
Repair Services, General	–	–	–	R	
Repair Services, Limited	U	R	U	R	
Restaurants, Coffee Shops/Cafes	R	R	R	R	
Restaurants, Fast Service	U	U	U	U	Section 17.62.160
Restaurants, Full Service	R	R	R	R	
Restaurants, Outdoor Dining	A	A	A	A	
Retail Sales, General	R	R	R	R	
Retail Sales, Local	R	R	R	R	
Retail Sales, Outdoor	U	U	U	R	Chapter 17.52
Retail Sales, Regional ⁴	–	R	R	R	
Secondhand Dealers	A	A	A	A	Section 17.62.170
Smoke Shops	U	U	U	U	Section 17.62.180
Specialty Food Retail	R	R	R	R	
Specialty Goods Retail	R	R	R	R	
Tattoo Parlors	U	U	U	U	Section 17.62.190
Wholesaling	–	U	–	R	
Automobile and Vehicle Uses					
Automotive, Major Repair	–	U	–	R	Section 17.62.040
Automotive, Minor Repair	U	U	U	R	Section 17.62.040
Automotive, New Car Sales	–	R	–	R	
Automotive, Parts Sales	R	R	R	R	Section 17.52.040, Outdoor storage
Automotive, Gas Stations	U	R	–	R	
Automotive, Used Car Sales	–	–	–	R	
Automotive, Washing	U	A	–	R	
Boat and RV Sales	U	R	–	R	
Taxicab Companies	–	–	–	U	
Truck Repair and Sales	–	–	–	R	Chapter 17.52
Industrial, Manufacturing, and Processing Uses					
Building Materials Yard	–	U	–	R	Chapter 17.52
Industry, General	–	–	–	R	

Land Use/Zoning District	NC	CR	CMU	IMU	Special Provisions
Industry, Limited	–	–	–	R	
Junkyards	–	–	–	–	Section 17.62.110
Maintenance Yards	–	–	–	R	Chapter 17.52
Recycling Services, Consumer	–	–	–	A	Section 17.58.020
Recycling Services, Donation/Collection Boxes	U	U	U	U	Section 17.58.030
Recycling Services, General	–	–	–	A	Section 17.52.030
Research and Development	–	U	U	R	
Storage, Personal	–	U	–	R	
Warehousing and Storage, Enclosed	–	–	–	R	
Warehousing and Storage, Outdoors	–	–	–	U	Chapter 17.52

1. A use permit is required if located in other than a single-family dwelling.
2. In all cases, supportive housing and transitional housing are and shall be treated as residential uses, subject only to the permitting requirements that apply to residential uses of the same housing type location in the same zone.
3. Food truck festivals require a temporary use permit.
4. Home improvement centers may be approved under retail sales, regional.

Section 9. Section 17.34.040, Development Standards [for Commercial and Industrial Districts], of the San Pablo Municipal Code is amended as follows:

- A. General. Table 17.34-B establishes property development standards for commercial districts. Standards shown in the table are subject to the rules of measurement set forth in Chapter 17.46, Height and Yard Requirements.

Table 17.34-B—Commercial and Industrial Districts: Development Standards

	NC	CR	CMU ²	IMU
Minimum parcel area (sf)	2,000	10,000	5,000	No minimum
Maximum building height (feet)	30	50	50	65
Minimum floor area ratio (FAR)	0.3	0.3	0.50	–
Maximum floor area ratio (FAR)	–	–	–	–
Office	1.0	0.75	1.5	0.6
Non-office	1.0	0.5	1.5	0.6
Maximum density (du/ac)	–	–	50 ¹	–
Minimum setbacks (feet)	See Section 17.34.040 (B)			

No side yard setback is required except where the side of a parcel abuts the side of a parcel in a residential district or a parcel on which a conforming residential use is located, in which case the side yard shall be not less than ten feet.

No rear yard setback is required except where the rear of a parcel abuts a residential district or on a parcel on which a residential use is located, in which case the rear yard shall not be less than ten feet.

¹Residential uses are only allowed when the commercial FAR is 0.5 or greater.

²For properties within SP1 and SP2 please refer to each specific plan for development and other design standards.

B. Setbacks. The following setbacks are required:

1. No front yard setback is required.
2. No side yard setback is required except where the side of a parcel abuts the side of a parcel in a residential district or a parcel on which a conforming residential use is located, in which case the side yard shall be not less than ten feet.
3. No rear yard setback is required except where the rear of a parcel abuts a residential district or a parcel on which a residential use is located, in which case the rear yard shall not be less than ten feet.

C. Storm Water Management. For rules on storm water management, see Chapter 8.40.

Section 10. Table 17.36-A, Public and Semi-Public Districts: Use Regulations, of the San Pablo Municipal Code is amended as follows:

Table 17.36-A—Public and Semi-Public Districts: Use Regulations

Land Use/Zoning District	I	OS	Special Provisions
Residential Uses			
Accessory Dwelling Unit	–	–	Section 17.60.070
Assisted Living Facilities	–	–	
Boarding Houses	U	–	
Community Care Facilities	U	–	
Day Care, Small Family	–	–	
Day Care, Large Family	–	–	
Dwellings, Multiple-Family	–	–	
Dwellings, Single-Family Attached	–	–	Section 17.32.040
Dwellings, Single-Family Detached	–	–	Section 17.32.040
Dwellings, Two-Family (Duplexes)	–	–	Section 17.32.040
Home Occupations	–	–	Section 17.60.030
Incidental Residences	U	U	
Live-Work Facility	–	–	Section 17.60.040
Mobile Home Parks	–	–	Section 17.60.060
Residential Care Facilities	U	–	
Recreation, Resource Preservation, Open Space, Education, and Public Assembly Uses			
Cemeteries	U	U	
Community Facilities	U	–	
Community Gardens	A	A	

Land Use/Zoning District	I	OS	Special Provisions
Day Care Centers	U	–	
Hospitals and Clinics	U	–	
Public Services	A	–	
Recreation, Amusements	–	–	
Recreation, Indoor	U	–	
Recreation, Major Arcades	–	–	
Recreation, Minor Arcades	–	–	
Recreation, Outdoor Passive	U	R	
Recreation, Parks and Playgrounds	U	R	
Religious Institutions	U	–	
Schools, Private	U	–	
Schools, Public	U	–	
Utility, Transportation, Public Facility, and Communication Uses			
Wireless Facilities	–	–	Sections 17.62.200 and 17.62.300
Utilities, Major	U	U	
Utilities, Minor	R	U	
Retail, Service, and Office Uses			
Adult-Oriented Businesses	–	–	Section 17.62.010
Alcoholic Beverage Sales	–	–	Section 17.62.020
Animal Boarding	–	–	
Animal Care	–	–	
Bed and Breakfast	–	–	
Business and Professional Services	–	–	
Cannabis, Commercial Facilities and Activities	–	–	Section 17.62.130
Cannabis, Delivery	–	–	Section 17.62.130
Cannabis, Limited Personal Cultivation	–	–	Section 17.62.130
Cannabis, Outdoor Cultivation	–	–	Section 17.62.130
Check Cashing Businesses	–	–	Section 17.62.050
Dance and Fitness Studios	–	–	
Escort Services	–	–	Section 17.62.120
Farmers Markets	A	A	
Food and Beverage Sales, Convenience	–	–	
Food and Beverage Sales, General	–	–	

Land Use/Zoning District	I	OS	Special Provisions
Funeral and Interment Services	U	–	
Health Food Stores	–	–	Section 17.62.090
Hotels and Motels	–	–	
Massage Establishments	–	–	Section 17.62.120
Medical Cannabis Facility	–	–	Section 17.62.130
Mobile Vending	–	–	Section 17.62.140
Nurseries	–	–	
Offices	–	–	
Personal Services	–	–	
Repair Services, General	–	–	
Repair Services, Limited	–	–	
Restaurants, Fast Service	–	–	Section 17.62.160
Restaurants, Full Service	–	–	
Retail Sales, General	–	–	
Retail Sales, Local	–	–	
Retail Sales, Outdoor	–	–	
Retail Sales, Regional	–	–	
Secondhand Dealers	–	–	Section 17.62.170
Smoke Shops	–	–	Section 17.62.180
Tattoo Parlors	–	–	Section 17.62.190
Wholesaling	–	–	
Automobile and Vehicle Uses			
Automotive, General Repair	–	–	Section 17.62.040
Automotive, Limited Repair	–	–	Section 17.62.040
Automotive, New Car Sales	–	–	
Automotive, Parking	–	–	
Automotive, Parts Sales	–	–	
Automotive, Service Stations	–	–	
Automotive, Used Car Sales	–	–	
Automotive, Washing	–	–	
Boat and RV Sales	–	–	
Taxicab Companies	–	–	
Truck Repair and Sales	–	–	

Land Use/Zoning District	I	OS	Special Provisions
Industrial, Manufacturing, and Processing Uses			
Building Materials	–	–	
Industry, General	–	–	
Industry, Limited	–	–	
Junkyards	–	–	Section 17.62.110
Maintenance Yards	–	–	
Recycling Services, Consumer	U	–	
Recycling Services, Donation/Collection Boxes	U	–	
Recycling Services, General	U	–	
Research and Development	U	–	
Storage, Personal	U	–	
Warehousing and Storage, Enclosed	U	–	
Warehousing and Storage, Outdoors	–	–	

Section 11. Chapter 17.40, Municipal Regional Stormwater Permit/Green Infrastructure Plan is added in its entirety as a new Chapter of the San Pablo Municipal Code as follows:

Chapter 17.40 Municipal Regional Stormwater Permit/Green Infrastructure Plan Sections:

- 17.40.010 Purpose
- 17.40.020 Applicability
- 17.40.030 Green Infrastructure Plan
- 17.40.040 Green Infrastructure Zones

17.40.010 Purpose

The purpose of this chapter is to protect and enhance the water quality in the City of San Pablo's watercourses through the implementation of the Municipal Regional Stormwater Permit (MRP), as issued by the California Regional Water Quality Control Board (RWQCB) for the San Francisco Bay Region in order to comply with the National Pollutant Discharge Elimination System (NPDES) program under the Federal Clean Water Act.

17.40.020 Applicability

The MRP is applicable in all areas of the City on all projects that meet or surpass the development thresholds identified in the most recent iteration of the MRP and detailed in the most recent edition of the Contra Costa Clean Water Program *Stormwater C.3 Guidebook*. All development within the City must comply with Chapter 8.40 of the City of San Pablo Municipal Code (Stormwater Management and Discharge Control).

17.40.030 Green Infrastructure Plan

The City of San Pablo Green Infrastructure (GI) Plan was adopted in May 2019 by resolution of the City Council, as required by the MRP 2.0 (RWQCB San Francisco Bay Region MRP Order No. R2-2015-0049, NPDES Permit No. CAS612008). Development of GI facilities within the City of San Pablo, either as a voluntary project feature or as required for projects regulated by Chapter 3 (New Development and Redevelopment) of the MRP, shall refer to the City's GI Plan for guidelines and specifications for GI facilities.

17.40.040 Green Infrastructure Zones

- A. City Feasibility Review Zone. The "City Feasibility Review" zones in the City of San Pablo GI Plan identify areas within the City in which a City feasibility review is required for the development of GI facilities. Projects located in a City Feasibility Review zone that are regulated under Chapter 3 (C.3) of the MRP are not exempt from C.3 requirements. On-site compliance with C.3 requirements for projects located in a City Feasibility Review zone may be required by the City to incorporate special structural elements in order to address local geotechnical conditions and ensure integrity of GI construction. Approval by City Engineer is required for on-site development of GI or for an off-site compliance alternative.
- B. Geotechnically Sensitive Zone. The "Geotechnically Sensitive" zone identified in the City of San Pablo GI Plan identifies areas within the City in which projects may be prohibited from installing on-site GI due to geotechnical concerns. Projects located in a Geotechnically Sensitive zone that are regulated under Chapter 3 (C.3) of the MRP are not exempt from C.3 requirements. On-site compliance with C.3 requirements for projects located in a Geotechnically Sensitive zone may be required by the City to incorporate special structural elements in order to address local geotechnical conditions and ensure integrity of GI construction. Approval by the City Engineer is required for on-site development of GI or for an off-site compliance alternative.

Section 12. Section 17.42.040, Accessory structure development standards, of the San Pablo Municipal Code is amended as follows:

17.42.040 Accessory structure development standards.

- A. Development Standards for All Accessory Structures. Accessory structures containing full indoor cooking facilities (combination of a sink, cooking apparatus, and refrigeration appliance) and a full bath are considered accessory dwelling units and additionally shall follow Section 17.60.070. Pool houses that conform to the requirements of this chapter are permitted.
 - 1. Setback. Except as otherwise provided in this section, accessory buildings and structures shall not be located in any required setback space.
 - 2. Setback Measurement. Minimum setback distances for accessory structures from property lines and between accessory structures shall be measured to the vertical wall plane. For encroachments into setbacks with overhangs, projections, etc., see Chapter 17.46, Figure 17.46-E.

3. Location. Accessory structures shall not be located in the front yard of a single- or two-family residential use.
4. Construction Phasing. Accessory structures may be constructed in conjunction with or after construction of the primary building(s) on the site.
5. Primary Use. An accessory structure shall only be allowed for a residential use when there is an existing or concurrently proposed primary use of the parcel as a residence.
6. Ingress/Egress into Backyard. A minimum three-foot ingress/egress pathway into a backyard shall be maintained for fire access.
7. Parcel Coverage. All accessory buildings and structures shall be included in the maximum parcel coverage calculation.
8. Maximum Residential Lot Coverage. Maximum aggregate lot coverage by primary and accessory structures is not to exceed forty-five percent of the net lot area.
9. Floor Area. The total floor area of all accessory buildings shall not exceed fifty percent of the floor area of the main building, except as provided by an approved use permit.
10. Maintenance. All on-site accessory structures shall be kept in a serviceable, well-maintained, and presentable manner that makes a positive contribution to the surrounding area.
11. Compatibility. Accessory buildings located in established neighborhoods shall be of compatible size, scale, and appearance, so as to be in harmony with the character and quality of the primary building and surrounding development within the zone.

Section 13. Table 17.42-A, Development Standards for Residential Accessory Structures, of the San Pablo Municipal Code is amended as follows:

Table 17.42-A—Development Standards for Residential Accessory Structures

Minimum Setback Distance (from Property Line) ¹				Minimum Distance between Structures	Maximum Height	Other
Residential Accessory Structure	Front/Street Side	Interior Side	Rear			
Closed-Roof Structure (including but not limited to sheds, pool houses, detached garages, second units, gazebos, etc.)	Same as primary structure	3 feet; increase to 5 feet for high-density residential	3 feet rear; 5 feet alley	6 feet	12 feet (one story) ²	Located on rear half of lot
Open-Roof Structure	Same as primary structure	3 feet	3 feet	6 feet	12 feet	Located on rear half of lot
Pool/Spa ^{3, 4, 5, 6}	Same as primary structure	5 feet ⁸	5 feet ⁸	6 feet	2 feet	Located on rear half of lot
Deck (detached)	No minimum	No minimum	No minimum	No minimum	2 feet	
Carpports ⁷	Same as primary structure	5 feet	5 feet	6 feet	12 feet	Located on rear half of lot and meets setbacks (See

Minimum Setback Distance (from Property Line) ¹				Minimum Distance between Structures	Maximum Height	Other
Residential Accessory Structure	Front/Street Side	Interior Side	Rear			
						Section 17.54.020(E).

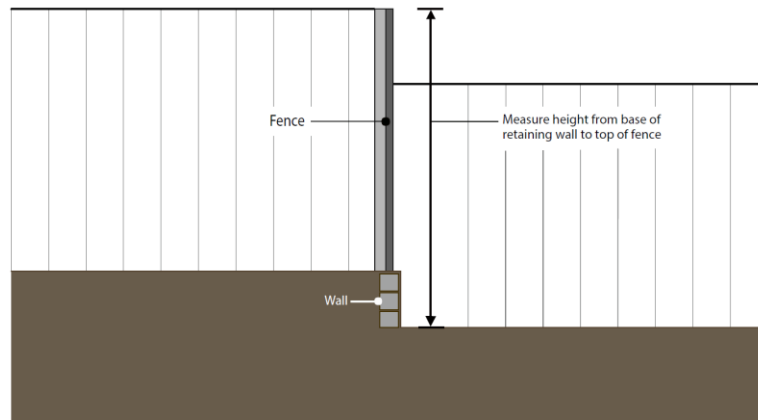
1. No accessory structure shall be permitted within an established easement unless a waiver is granted from holder of easement, which is recorded as an easement amendment on the properties.
2. Conditional use permit required for height between twelve feet and sixteen feet. Accessory dwelling units meeting the requirements of Section 17.60.070 are permitted with a maximum height of sixteen feet to the roof peak, or the height of the existing primary dwelling, whichever is less.
3. Single-family residences must comply with the Pool Safety Act (Health and Safety Code Section 115920 through 115929).
4. Setback measured to edge of water.
5. All mechanical equipment must be behind the setback.
6. Noise ordinance applicable to equipment (Chapter 17.50).
7. No temporary carports permitted. See Section 17.54.020, for additional Carport requirements.
8. Measured at edge of water.

Section 14. Section 17.45.030, Measurement of fence and wall height, of the San Pablo Municipal Code is amended as follows:

17.45.030 Measurement of fence and wall height.

- A. Fence and wall height shall be measured as the vertical distance between the lowest finished grade at the base of the fence and the top edge of the fence. The finished grade shall be that as shown on the approved plan for the site at the time of initial development or existing conditions and/or as determined by the zoning administrator.
- B. Landscape Walls. When a fence or wall is placed atop a landscape wall, the height of the landscape wall shall be considered as part of the fence or wall for purposes of determining the height of the fence or wall.
- C. Retaining Walls. When a fence or wall is placed atop a retaining wall, the height shall be measured from the base of the retaining wall (see Figure 17.45-A).

Figure 17-45-A. Measurement of Fence and Wall Height



Section 15. Section 17.45.040, Location, height, and transparency, of the San Pablo Municipal Code is amended as follows:

17.45.040 Location, height, and transparency.

- A. Fence Location. Fences may be located anywhere within the residential parcel. The height is limited as specified in Figure 17.45-B, Fence Location.

Figure 17.45-B Fence Location



- B. Residential Areas. Fences and walls located on a residentially zoned parcel shall comply with the following provisions and the dimensional requirements in Table 17-45 A—Residential Fence Standards:

1. Wood fences in the rear yard and the portion of the side yard behind the front yard may include a durable wood latticework above a six-foot-high fence that extends the total height to no greater than eight feet, subject to

administrative approval. Such added open latticework shall be allowed to prevent views to unattractive storage, improve privacy, and security.

2. Fence and wall material shall comply with Table 17.44-C ~~17.45 C~~—Fence, Wall, and Gate Materials.
3. Landscaping shall not grow over the heights of the fences or walls, or reduce the required transparency.

Table 17.45 A—Residential Fence Standards

Location of Fence, Hedge, or Wall	Maximum Height	Minimum Transparency
Front Yard	3 feet ^{1, 2}	0%
Rear or Interior Side Yard	6 feet ⁴	0% ⁵
Corner Side Yard	6 feet ³	0%
Corner Lot Vision Triangle ⁵	3 feet	50%

1. Fences permitted to be solid (not open view up to three feet in height).
2. Gated archways over front yard walkways may exceed height limit, but not to exceed a height of six feet.
3. Fences may be permitted above six feet with administrative approval, not to exceed a total height of eight feet. Only permitted where needed to block storage, recycling, or other service areas on neighboring properties or when needed to address privacy concerns.
4. See Figure 17.45 B.
5. Between commercial and residential zoned properties, see nonresidential requirements.

C. Nonresidential Areas. Fences or walls on parcels zoned for nonresidential uses shall comply with the following provisions and the dimension standards of Table 17.45 B—Fence Height in Multifamily and Nonresidential Areas:

1. For a commercial or industrial project adjacent to a residential parcel, a six-foot-high residential masonry screen wall, finished on both sides, shall be required as a buffer between the project and the residential parcel.
2. Fence and wall material shall comply with Table 17.45 C—Fence, Wall, and Gate Materials.
3. Landscaping shall not grow over the heights of the fences or walls, or reduce the required transparency.

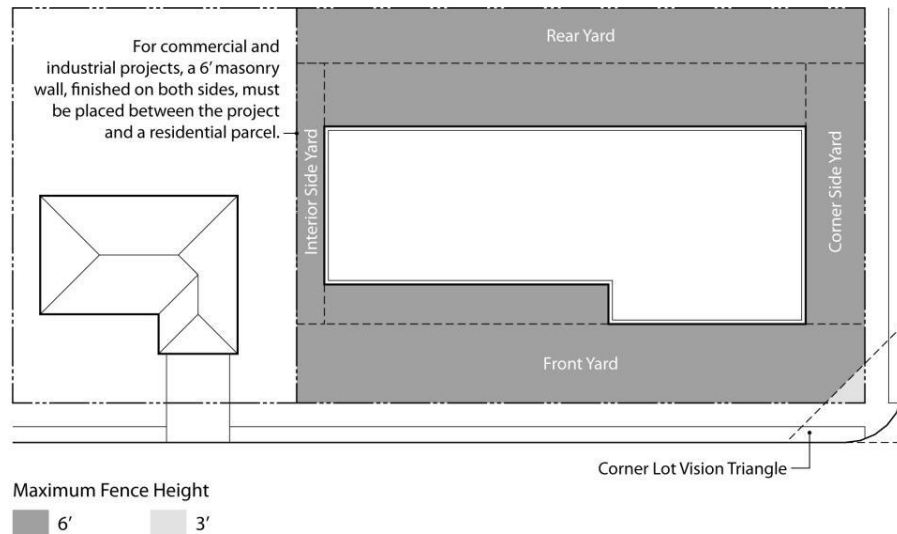
Table 17.45 B—Fence Height in Multifamily and Nonresidential Areas

Location of Fence, Hedge, or Wall	Maximum Height	Minimum Transparency
Front Yard ¹	6 feet	50%/90% ²
Interior Side Yard	6 feet	0%
Corner Side Yard ¹	6 feet	50%/90% ²
Rear Yard	6 feet	0%
Signaled or Signed Corner Lot Vision Triangle ³	3 feet	50%
Required Masonry Residential Screen Wall	6 feet	100%

1. An administrative permit is required for all front yard and corner side yard fences.

2. For all commercial and industrial properties, the front yard and corner side yard fence may be built to a minimum of ninety percent transparency if necessary to block objectionable views.
3. See Section 17.46.070, Corner lot vision triangle, for corner lot dimensions.

Figure 17.45-C Fence Height in Multifamily and Nonresidential Areas



Section 16. Section 17.45.060, Design and materials, of the San Pablo Municipal Code is amended as follows:

17.45.060 Design and materials.

- A. The design of residential fences and walls should take into account the residential, commercial, and industrial design guidelines, as maintained by the development services department.
- B. The entire surface of the fence in any one direction shall be consistent in its use of materials and styles.
- C. Acceptable, discouraged, and prohibited fence and wall materials are described in Table 17.45-C—Fence, Wall, and Gate Materials.

Table 17.45-C—Fence, Wall, and Gate Materials

Acceptable (unless otherwise prohibited)	Allowed only by an administrative approval	Prohibited
<ul style="list-style-type: none"> Masonry walls, plaster, or smooth stucco both sides Decorative masonry Finished reinforced concrete and concrete block Gated and walled residential communities and gated single-family houses with wrought iron or tube-steel picket rolling gates Pressure-treated wood and timber Wood latticework above solid wood fence White wooden pickets for single-family and duplex residential Low fences and walls set into berms in commercial and industrial development Wrought iron or tube-steel pickets for gates and infill between masonry columns 	<ul style="list-style-type: none"> Chain link with slats around commercial and industrial projects where the fence is visible from public areas Chain link with vinyl coating Synthetic stone Bare concrete masonry walls 	<ul style="list-style-type: none"> Chain link in residential zones Razor or concertina wire, electrical wire, or other security wire Barbed wire Plywood or other opaque wooden panels Fabric and/or plastic sheeting, as mounted on chain-link fencing Other fencing deemed inappropriate by the zoning administrator

Acceptable (unless otherwise prohibited)	Allowed only by an administrative approval	Prohibited
<ul style="list-style-type: none"> • Wrought iron or tube-steel pickets with 1-inch pickets up to 6 inches apart • Stone • Hedges and other screening vegetation 		

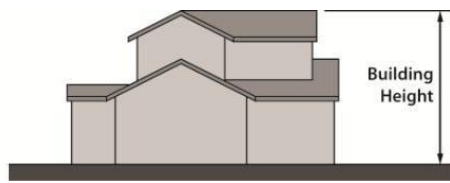
Section 17. Section 17.46.060, Height measurements, of the San Pablo Municipal Code is amended as follows:

17.46.020 Height measurements.

The following rules apply to the calculation and determination of height of structures in the city. The intent of these regulations is to provide for compatibility in the measurement of structure or building height under a variety of circumstances (e.g., sloped site).

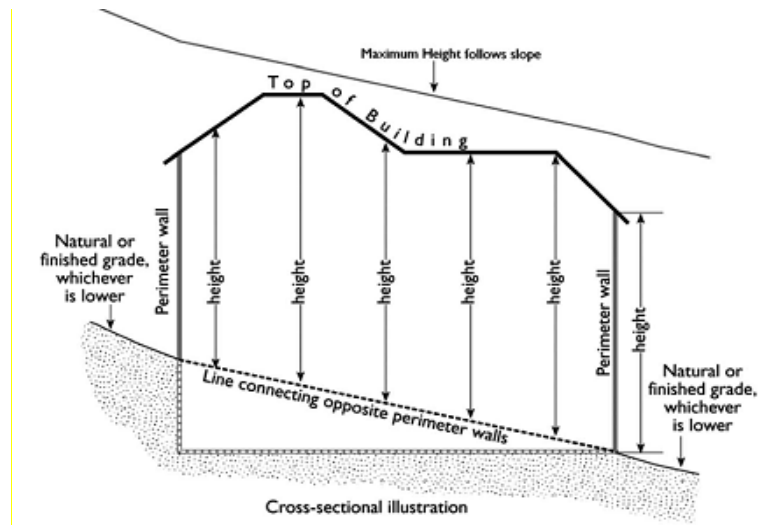
- A. General. Height shall be considered the vertical distance from the highest point of any structure to the ground level directly below, except as otherwise provided in this Section and shown in Figure 17.46-A.

Figure 17.46-A Height Measurement



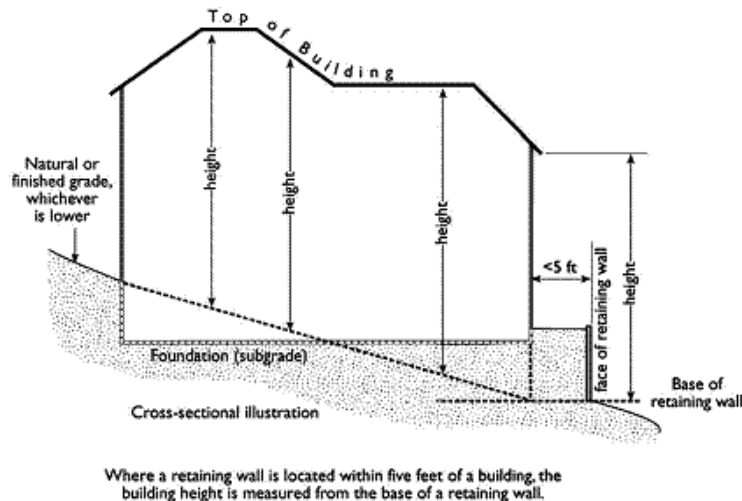
- B. Measuring Structure Height on Sloped Lots. Height shall be measured from any point on top of the structure to a line directly below which connects to the opposite perimeter walls, or other perimeter support systems, at the lower of natural or finished grade. All parts of a structure, except for allowed projections specifically listed in this Zoning Ordinance, shall comply with maximum height limits. See Figure 17.46-B.

Figure 17.46-B. Measuring Structure Height on Sloped Lots



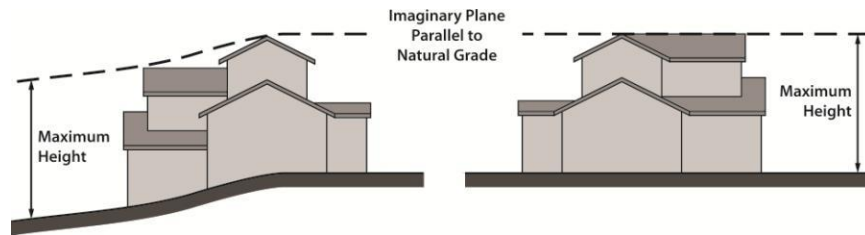
- C. Measuring the Height of Structures Located Near Retaining Walls. If any portion of a structure lies within the setback area of a lot and the base of the nearby retaining wall is at a lower elevation than the structure, the height of the structure shall be calculated from the base of the retaining wall (at the lower of natural or finished grade) rather than from the base of the structure wall. See Figure 17-46-C.

Figure 17-46-C. Measuring the Height of Structures Near Retaining Walls



- D. Height Limits. Height limits are established throughout this title. Primarily, height limits are listed in Division III, Zoning Districts, Allowed Uses, and Development Standards, where they are listed by zoning district. Additional height limits are established for accessory structures (Chapter 17.42) and fences and walls (Chapter 17.45).

Figure 17.46-D Height Limit Measurement



Section 18. Chapter 17.48, Landscaping, of the San Pablo Municipal Code is replaced in its entirety by the following:

17.48.010 Findings.

The Council of the City finds and determines that:

- A. Water is a limited resource, particularly in dry years, and must be managed and used efficiently;
- B. Precipitation in California fluctuates annually causing yearly variations in the water supply as demonstrated by water supply shortages experienced in the East Bay Municipal Utility District service area;
- C. State and local standards for water use have been established in regard to other water uses, including indoor plumbing fixtures;
- D. In addition to these water-conserving efforts, landscapes should be designed based on the functional use of the landscape and appropriate horticulture, by including plants best suited for the climate. Use of native California plants shall be encouraged wherever possible;
- E. Cities as water users can provide leadership in water-conserving landscape and irrigation practices, and more comprehensive water savings can be achieved if the city adopts landscape requirements for use in its own landscape irrigation activities;
- F. Such landscape requirements do not increase the cost of landscaping when computed over the life of the development and do not diminish the aesthetic quality of the landscaping; and
- G. Outdoor landscaping can consume up to half of the water used by households and it is well established that frequent overwatering of landscaping can be avoided through appropriate use of plant materials, efficient irrigation systems and good landscape management practices.
- H. In 2015, the California Department of Water Resources revised its Model Water Efficiency Landscape Ordinance to increase water efficiency standards for new and retrofitted landscapes through encouraging the use of more efficient

irrigation systems, graywater usage, and onsite storm water capture, and by limiting the portion of landscapes that can be covered in turf and this update is contained in California Government Code of Regulations, Title 23, Division 2, Chapter 2.7, “water efficient landscape ordinance”.

17.48.020 Definitions.

The following words and phrases have the meanings ascribed to them in this section:

“Anti-drain valve” or “check valve” means a valve located under a sprinkler head to hold water in the system so it minimizes drainage from the lower elevation sprinkler heads.

“Application rate” means the depth of water applied to a given area, usually measured in inches per hour.

“Applied water” means the portion of water supplied by the irrigation system to the landscape.

“Automatic controller” means a mechanical or solid-state timer, capable of operating valve stations to set the days and length of time of a water application.

“Backflow prevention device” means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

“Ecological restoration project” means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

“Flow rate” means the rate at which water flows through pipes and valves (gallons per minute or cubic feet per second).

“Hydrozone” means a portion of the landscaped area having plants with similar water needs that are served by a valve or set of valves with the same schedule. A hydrozone may be irrigated or non-irrigated. For example, a naturalized area planted with native vegetation that will not need supplemental irrigation once established is a non-irrigated hydrozone.

“Infiltration rate” means the rate of water entry into the soil expressed as a depth of water per unit of time (inches per hour).

“Landscaped area” means the entire parcel less the building footprint, driveways, non-irrigated portions of parking lots, hardscapes (such as decks and patios), and other nonporous areas. Water features are included in the calculation of the landscaped areas. Areas dedicated to edible plants, such as orchards or vegetable gardens are not included.

“Mulch” means any material such as leaves, bark, straw or other materials left loose and applied to the soil surface to reduce evaporation.

“Overspray” means the water which is delivered beyond the landscaped area, wetting pavements, walks, structures or other non-landscaped areas.

“Rain-sensing device” means a system which automatically shuts off the irrigation system when it rains.

“Recreational area” means areas of active play or recreation such as sports fields, school yards, picnic grounds, or other areas with intense foot traffic.

“Recycled water,” “reclaimed water,” or “treated sewage effluent water” means treated or recycled waste water of a quality suitable for nonpotable uses such as landscape irrigation; that is not intended for human consumption.

“Rehabilitated landscape” means any relandscaping project that requires a permit.

“Runoff” means water which is not absorbed by the soil or landscape to which it is applied and flows from the area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a severe slope.

“Soil moisture sensing device” means a device that measures the amount of water in the soil.

“Soil texture” means the classification of soil based on the percentage of sand, silt and clay in the soil.

“Sprinkler head” means a device which sprays water through a nozzle.

“Turf” means a surface layer of earth containing mowed grass with its roots. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermudagrass, Kikuyugrass, Seashore paspalum, St. Augustine grass, Zoysiagrass, and Buffalo grass are warm-season grasses.

“Valve” means a device used to control the flow of water in the irrigation system.

17.48.030 Purpose.

In recognition of the findings set forth in Section 17.48.010 of this chapter, the council of the city does establish a landscaping chapter for the following purposes:

- A. Promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible;
- B. Establish a structure for designing, installing, and maintaining water-efficient landscapes in new projects;
- C. Establish provisions for water management practices and water waste prevention for established landscapes;
- D. Promote the control of stormwater pollutants and manage increases in stormwater runoff and volume; and
- E. Provide landscaping development standards, in the context of water as a limited resource and the need to promote the conservation and efficient use of water particularly in terms of irrigation and water conservation measures, and storm water management techniques while enhancing the aesthetic appearance of the city, consistent with the policy direction of the City of San Pablo General Plan.

Landscaping requirements described below shall be coordinated with storm water pollution control measures of Chapter 8.40, Storm Water Management and Discharge Control, and Chapter 12.16, Tree, Shrubs and Plants in Public Places. These regulations are intended to comply with the requirements of California Government Code of Regulations, Title 23, Division 2, Chapter 2.7 for a “water efficient landscape

ordinance". Compliance with this chapter does not guarantee compliance with other state and federal law, including but not limited to Fish and Wildlife Department requirements.

17.48.040 Applicability.

- A. Except as provided in subsections B and D of this section and Section 17.48.120 (Tree Protection), this chapter shall apply to any of the following developments requiring a building permit, administrative use permit, conditional use permit, or design review:
 - 1. All new and rehabilitated landscaping for public agency projects and private commercial, mixed-use or industrial development projects.
 - 2. Landscaping installed in a new residential project with one or more single-family or two-family units.
 - 3. Landscaping installed in a multifamily project or a condominium project.
- B. Additionally, in conformance with the Model Water Efficient Landscape Ordinance (California Government Code of Regulations, Title 23, Division 2, Chapter 2.7), the water efficiency standards contained in Section 17.48.070 shall apply only to any:
 - 1. New landscape installations with an aggregate area of 500 square feet or more;
 - 2. Rehabilitated landscapes with an aggregate area of 2,500 square feet or more;
 - 3. New construction and rehabilitated landscapes that are developer-installed in single-family and multi-family projects with a landscape area equal to or greater than 2,500 square feet requiring a building permit, design, review, or other discretionary permit; and
 - 4. New construction landscapes that are homeowner-provided and/or homeowner-hired in single-family and multi-family residential projects with a total project landscape area equal to or greater than 5,000 square feet requiring a building permit, design review, or other discretionary permit.
- C. All landscaping projects shall comply with the applicable design guidelines in the appendices to this title.
- D. Exemptions. This Chapter, or portions of this Chapter as specified, shall not apply to the following:
 - 1. Landscaping installed by a homeowner of an existing single-family or two-family residence, where the new landscape will have an aggregate area of less than 500 square feet, or where there is rehabilitation of a landscape with an aggregate area of less than 2,500 square feet.
 - 2. Registered local, state, or federal historical sites.
 - 3. Ecological restoration projects that do not require a permanent irrigation system.
 - 4. Plant collections, as part of botanical gardens or arboretums open to the public.

5. With the exception of parking areas, Cemeteries shall not be subject to Sections 17.48.090 and 17.48.100, post-irrigation scheduling and maintenance and irrigation audit scheduling.

17.48.050 Landscape plan and standards.

- A. Landscaping Locations. A detailed landscape plan shall be submitted for all projects subject to the provisions of this chapter pursuant to Section 17.48.040, Applicability. Landscaping shall be required in the following locations:
 1. In the public right-of-way and along the street frontage(s) of a site subject to the provisions of the master landscape plan, as set forth in Chapter 12.16.060, and as approved by the public works director or designee.
 2. Along the perimeters of parking areas in public right-of-way as set forth in Chapter 12.16 and as approved by the public works director or designee.
 3. Within the interior of a parking area as set forth in subsection C of this section.
 4. At appropriate areas adjacent to buildings in a manner that breaks up building walls.
 5. Within the front yard area, and corner side yard area of a corner lot for all residential projects.
 6. Surrounding ground-floor patio private open space required in multifamily projects, with dense hedges no less than two feet in width adjacent to a fence or wall to reinforce privacy.
 7. At pedestrian and vehicle entrance(s) to commercial buildings, in accordance with city-adopted commercial design guidelines.
 8. Where existing heritage trees can be saved and incorporated into a project, subject to an arborist's report provided by the applicant. See Section 17.48.120, Tree protection, for requirements regarding the protection of existing trees.
 9. In accordance with the Stormwater Management provisions contained in Chapter 8.40.
- B. Perimeter Landscaping. Landscaping along the frontage(s) of project sites and the perimeter of parking areas shall include the following:
 1. Trees planted no farther apart than thirty feet on center.
 2. A planting strip no less than three feet in width on a nonresidential development parcel adjacent to a side or rear property line when the nonresidential use abuts a residential use. A six-foot-high wall or fence shall be required, with shrubs or vines planted against the wall and/or planting in pockets or offsets in the wall. See also the city-adopted commercial design guidelines.
 3. Street trees placed in accordance with master landscape plan in or adjacent to sidewalks, unless existing street trees on an adjacent parcel(s) have established a greater or lesser spacing that should be maintained on the subject property as approved by public works director or designee.
 4. A three-foot-high wall or fence with an adjacent three-foot-high hedge, to screen parking near the front property line of an industrial or commercial

project, as discussed and illustrated in the city-adopted industrial design guidelines, or parking adjacent to the sidewalk.

5. The height of perimeter landscaping on corner lots and within the corner lot vision triangle shall be consistent with the fence and wall provisions of Section 17.45.040 (Location, height, and transparency) or comply with sight distance requirements of the American Association of State Highway and Transportation Officials (AASHTO), whichever is most restrictive.

C. Interior Parking Lot Landscaping. The amount and type of landscaped areas required within parking lots are as follows:

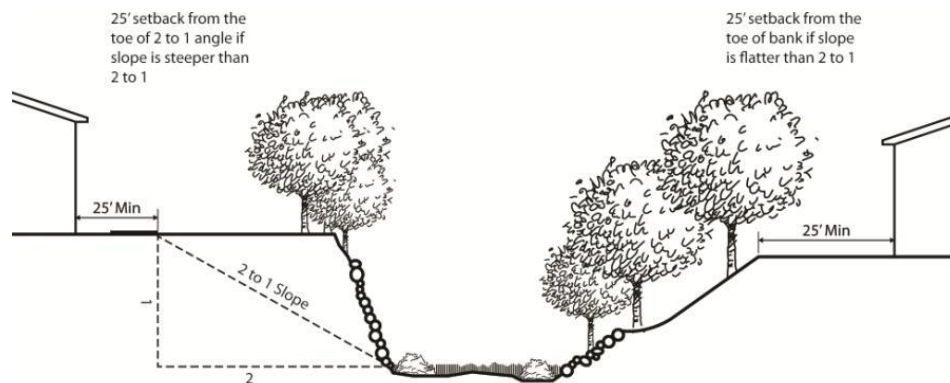
1. For uncovered parking and driveway areas containing parking spaces for at least ten and not more than twenty-one vehicles, a minimum of five percent of the interior of such areas shall be landscaped.
2. For uncovered parking and driveway areas containing parking spaces for more than twenty-one vehicles, a minimum of ten percent of the interior of such areas shall be landscaped.
3. Concrete curbs, a minimum of six inches above the grade of abutting sidewalks and parking areas, may be required for all landscaped areas so located. These landscaped islands shall have no dimension less than three feet. See Section 17.34.120, Industrial design guidelines, regarding landscaping screening and landscaping islands.
4. The discretionary spacing of trees in parking lots to create "orchard" planting that will shade the parking area is discussed and illustrated in Section 17.34.080, Commercial design guidelines, trees and landscaping.
5. Varieties of parking lot trees shall be specified that lend themselves to trimming to ten feet above ground level and that do not drop fruit or sap.
6. No impervious surface or parking shall be located within the dripline of trees except when using tree varieties that are minimally susceptible to root damage from parked vehicles.
7. Landscaped areas within commercial and industrial parking lots are subject to Section 17.34.080, Commercial design guidelines, and Section 17.34.120, Industrial design guidelines.

D. Appropriate Plant Materials. To conserve irrigation water and to ensure that landscapes are durable, plants should be selected that are based on the functional use of the site, appropriate horticulture, local climate, drought tolerance, and species native to California, wherever possible. Planting practices are as follows:

1. Street trees shall be selected from the city's master landscape plan for street tree planting and planted per the city's master landscape plan and as approved by public works director.
2. All trees shall be a minimum fifteen-gallon size, all shrubs shall be a minimum five-gallon size, and all street trees, shrubs and ground cover public right-of-way shall be per the master landscape plan.

3. Landscape materials such as shrubs shall be chosen that will not grow over the height of an adjacent fence or wall, or can be readily trimmed to such height.
4. Landscape materials adjacent to creeks shall be native riparian vegetation and subject to city and California Department of Fish and Wildlife approval. For the purposes of this subsection, "adjacent" means creek banks and an additional twenty-five feet measured from either of the following points:
 - a. If the slope of the creek bank is less than one vertical unit to two horizontal units, the measurement shall begin at the top of the creek bank.
 - b. If the slope of the creek bank is more than one vertical unit to two horizontal units, the measurement shall begin at the point where an imaginary slope of one vertical unit and two horizontal units is projected from the edge of the creek bed to the level of the top of the bank (see Figure 17.48-A).

Figure 17.48-A Creek Setbacks



5. At least ninety percent of the plants selected in non-turf areas shall be well suited to the climate of the region and require minimal water, once established. Up to ten percent of the plants may be of a non-drought-tolerant variety as long as they are grouped together into "hydrozones" (i.e., areas containing plant materials with similar water use), with the exception of hydrozones with plants of mixed water use as specified in Section 17.48.070.
 6. The combined turf and/or water area (i.e., pools, ponds, and fountains) shall be limited to twenty-five percent of the irrigated areas. Turf area limitation is excluded for public parks, golf courses, cemeteries, and school recreation areas.
 7. Turf shall be used that has a water requirement less than or equal to tall fescue. Exceptions may be granted where functional use requires another turf grass species.
 8. No turf shall be allowed in median strips or within the public right-of-way.
- E. Soil Conditioning and Mulching.
1. A minimum of six cubic yards of nitrified soil conditioner per one thousand square feet shall be incorporated into the top six inches of soil.

2. A minimum of three inches of mulch shall be added in non-turf areas to the soil surface after planting. Nonporous material shall not be placed under the mulch.
 3. Grading shall be minimized to avoid disturbance. Topsoil shall be stockpiled and shall be reapplied during final grading.
 4. Soil tests showing soil type, soil depth, uniformity, and pH shall be required and submitted with landscape plans. Soil will be amended according to report recommendations.
 5. Street trees shall be planted per the master landscape plan.
- F. Root Barrier. A root barrier at least eighteen inches deep shall be used for any trees planted within four feet of sidewalks, paved areas, and other structures potentially subject to root damage. There is no root barrier requirement for street trees.
- G. All ornamental uses of water in the common areas of a development project, such as ponds, lakes and fountains shall be supplied, operated, and maintained with alternative sources of water if they are available.

17.48.060 Review procedures.

- A. Landscape plans shall be submitted by the applicant for review of conformance with these requirements. The applicant shall allow a minimum of thirty days for each review of landscaping plans and each re-review in the case of nonconformance with these requirements. Landscaping shall not be installed until the applicant receives acceptance of the landscape plans. Changes to the approved landscape that affect the character of the plant material or the irrigation system design are required to be submitted for review approval.
- B. Landscape Plan Approval. A Landscape Documentation Package, including a landscape design plan and irrigation design plan, as described in Section 17.48.070 and prepared by a licensed landscape architect or other qualified professional; a project information sheet and water-efficient landscape worksheet; and a Soil Management Report and Grading Design Plan, as applicable, shall be submitted for approval prior to issuance of a building permit. The package will be reviewed pursuant to the procedure in Section 17.18.020, Plan check/zoning clearance. In addition to review by the development services department, other departments, including public works, may review the submittal for approval.
- C. Review. The applicant shall allow a minimum of thirty days for each review of landscaping plans and each re-review in the case of nonconformance with the requirements of this chapter. Landscaping and irrigation shall not be installed until the plans are approved. Changes to the approved landscape plan that would affect the character of the chosen plant material or the irrigation system design are required to be submitted for administrative approval.

- D. EBMUD Review. The city may require review by the East Bay Municipal Utility District (EBMUD) of certain proposed projects for compliance with applicable water conservation guidelines and requirements of EBMUD.
- E. Certificate of Compliance. A Certificate of Compliance, in the form specified by the Zoning Administrator shall be submitted to the Zoning Administrator upon completion of the installation.

17.48.070 Landscape design and irrigation plan submittal.

- A. General Requirements. The section establishes the required documentation to be provided for all non-exempt landscape projects in accordance with City standards and with the Model Water Efficiency Code.
- B. Landscape Documentation Package. A Landscape Documentation Package shall be submitted by the project applicant for review and approval prior to start of construction. The Landscape Documentation Package shall include the following elements, shown on either plan sheets or supplemental pages:
 - 1. Project Information Sheet. The plan information shall include, but is not limited to, the following: date; project name; project address, parcel, and/or lot number(s); total landscape area (square feet) and rehabilitated landscape area (if applicable); project type (e.g., new, rehabilitated, public, private, public, private, cemetery, homeowner-installed); water supply type (e.g., potable, recycled, well) and identification of the local retail water purveyor if the project applicant is not served by a private well; checklist or index of all documents in the Landscape Documentation Package; project contacts information for the project applicant and property owner.
 - 2. Landscape Design Plan: see subsection I, below.
 - 3. Water-Efficient Landscape Worksheet: see subsection (D), below.
 - 4. Soil Management Plan: see subsection I, below.
 - 5. Irrigation Design Plan: see subsection (F), below.
 - 6. Grading Design Plan: see subsection (G), below.
- C. Landscape Design Plan.
 - 1. Legend. The landscape design plan shall contain a separate legend with corresponding symbols found throughout the submitted landscape design plan. The legend shall include landscape materials; the number, botanical name, common name, and container size of trees, vines, ground covers, and shrubs; type and amount of ground cover; and areas of turf and other additional vegetation.
 - 2. The Landscape Design Plan shall be drawn on project base sheets at a scale that accurately and clearly identifies the following, to the extent they apply:
 - a. Proposed plant locations, species, and sizes.
 - b. Planting symbols corresponding to the legend, showing spacing and quantities of each group of plants indicated.
 - c. Calculation of total landscaped area.
 - d. Property lines and street names.

- e. Pools, ponds, water features, fences, and retaining walls.
- f. Recreational areas.
- g. Existing and proposed buildings and structures, parking areas, site and building entrance points, type of site paving, structural signage, perimeter fencing, trash receptacle locations, and any additional site amenities.
- h. Natural features including but not limited to rock outcroppings, existing trees, and shrubs to remain.
- i. Location of any existing trees over six inches in diameter at breast height (DBH), each tree's diameter at breast height, and whether such tree is proposed for retention or removal.
- j. Representation or description of type of tree staking, planting notes identifying methods for soil preparation including depth, fertilizer, protective methods for landscaping, paving considerations, contractor guarantee, and other applicable planting and installation details.
- k. Landscaping and irrigation protection measures (i.e., bollards, tire stops, curbs).
- l. Areas permanently and solely dedicated to edible plants.
- m. Each hydrozone, labeled or identified by number, letter or other method and noted as low, moderate, high water or mixed water use. Temporarily irrigated areas of the landscape must be included in the low water use hydrozone of the water budget calculation. Each hydrozone must have plant materials with similar water use, with the exception of hydrozones with plants of mixed water use.
- n. Areas irrigated with recycled water.
- o. Type of mulch and application depth and proposed soil amendments by type and quantity.
- p. Type and surface area of water features.
- q. Hardscapes (pervious and non-pervious).
- r. Location, installation details, and 24-hour retention or infiltration capacity of on-site stormwater retention areas.
- s. Any applicable rain harvesting or catchment technologies and their 24-hour retention or infiltration capacity.
- t. Any applicable graywater discharge piping, system components and area(s) of distribution.
- u. Sight Distance. Sight distance and traffic visibility calculations and determinations per American Association of State Highway and Transportation Offices (AASHTO), unless waived by the director of public works.
- v. Landscaping in the public right-of-way or publicly owned property shall be per the City's Master Landscape Plan.
- w. In Fire-Prone Areas. A Landscape Design Plan for projects in fire-prone areas must address fire safety and prevention. A defensible space or zone around a building or structure is required by the Public Resources Code Section 4291(a) and (b).

D. Water Efficient Landscape Calculations and Alternatives. A Water Efficient Landscape Worksheet shall be completed and contain information on the plant factors, irrigation method, irrigation efficiency and area associated with each hydrozone and show (Note an example work sheet is contained at Appendix B of Chapter 2.7, Model Water Efficient Landscape Ordinance.):

1. The Estimated Total Water Use (ETWU) allowable for the landscape area (LA) does not exceed the Maximum Applied Water Allowance (MAWA); and
2. The Evapotranspiration Adjustment Factor (ETAF) for the landscape project does not, on average, exceed a factor of 0.55 for residential areas and 0.45 for non-residential areas, exclusive of Special Landscape Areas (SLA), within the landscape project, which are calculated using an ETAF of 1.0.
3. Maximum Allowed Water Allowance (MAWA) is the annual gallons allowed based on Reference Evapotranspiration (Eto); a conversion factor that converts acre-inches per acre per year to gallons per square foot per year (i.e., 0.62); total landscape area in square feet (LA), and the ETAF.
4. Variables Used in Water Efficiency Calculations.
 - a. Plant Factors (PF). The plant factors range from 0 to 0.1 for very low water using plants, 0.1 to 0.3 for low water use plants, from 0.4 to 0.6 for moderate water use plants, and from 0.7 to 1.0 for high water use plants. Any and all water features shall be included in the high water use hydrozone. Any and all temporarily irrigated areas shall be included in the low water use hydrozone.
 - b. Landscape Areas (LA). Total Landscape Area, expressed in square feet, include all areas dedicated to planting, turf, and water features, excluding footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, pervious or non- pervious hardscapes, or other non-irrigated areas designated for non- development (e.g., open spaces and existing native vegetation).
 - c. Special Landscape Areas (SLA). Special Landscape Areas are areas of the landscape dedicated solely to edible plants, recreational areas, areas irrigated with recycled water, or water features using recycled water.
 - d. Irrigation Efficiency (IE). For the purpose of determining Estimated Total Water Use, the average IE is assumed to be 0.75 for overhead spray devices and 0.81 for drip system devices.
 - e. Hydrozone Area (HA). The square feet in the hydrozone.
5. Evapotranspiration Adjustment Factor (ETAF). The ETAF for a landscape project is calculated based on the plant factors and irrigation methods selected. The Water Efficient Landscape Worksheet must show that the average ETAF for Regular Landscape Areas is no greater than 0.55 for residential areas and 0.45 for non-residential areas. The ETAF for Special Landscape Areas can be up to 1.0.

E. Soil Management Report. A Soil Management Report shall be submitted and shall include:

1. Analysis of Soil Samples. Soil samples shall be submitted to a laboratory for analysis and recommendations.
 - a. Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.
 - b. The soil analysis shall include:
 - i. Soil texture;
 - ii. Infiltration rate determined by laboratory test or soil texture infiltration rate table;
 - iii. pH;
 - iv. Total soluble salts;
 - v. Sodium;
 - vi. Percent organic matter; and
 - vii. Recommendations
 - c. In residential projects with multiple landscape installations, a soil sampling rate of one in seven lots or approximately 15 percent will satisfy this requirement. Large landscape projects shall sample at a rate equivalent to one in seven lots.
 2. Timing of Submittal. The Soil Management Report shall be submitted as part of the Landscape Documentation Package.
 3. Availability of Report to Landscape Professionals. The Soil Management Report shall be made available, in a timely manner, to the professionals preparing the landscape design and irrigation design plans.
 4. Implementation Verification. Verification of implementation of the Soil Management Report recommendations shall be submitted with the Certificate of Completion.
- F. Irrigation Design Plan. The irrigation plan shall be drawn on the project base map or plan. It should be separate from, but use the same format and scale as, the landscape plan described in subsection C above and per the master landscape plan for trees, shrubs and ground cover in the public right-of-way or on public facilities. The irrigation design plan shall accurately and clearly identify and include the following information:
1. An irrigation legend describing each symbol found on the irrigation site plan. Different types of valves need to be listed indicating make, radius, gallons per minute, pounds per square inch, and other applicable notes. Descriptions of lines need to include size, schedule, and minimum cover (depth).
 2. The location and size of separate water meters for the landscape (if applicable);
 3. The location, type and size of all components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices;
 4. Static water pressure at the point of connection to the public water supply; and

5. Flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station.
6. Design Criteria for Hydrozones.
 - a. Each valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.
 - b. Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydrozone.
 - c. Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and turf to facilitate the appropriate irrigation of trees. The mature size and extent of the root zone shall be considered when designing irrigation for the tree.
 - d. Individual hydrozones that mix plants of moderate and low water use, or moderate and high-water use, may be allowed if:
 - i. The plant factor calculation is based on the proportions of the respective plant water uses and their plant factor; or
 - ii. The plant factor of the higher water using plant is used for calculations.
 - e. Individual hydrozones that mix high and low water use plants are not permitted.
7. The installation of the water irrigation systems shall allow for the current and future use of recycled water where feasible. All recycled water irrigation systems shall be designed and operated in accordance with all applicable City regulations and State laws.
8. An annual irrigation program with monthly irrigation schedules shall be required for the plant establishment period, for the established landscape, and for any temporarily irrigated areas. The irrigation schedule shall:
 - a. Include run time (in minutes per cycle), suggested number of cycles per day, and frequency of irrigation for each station.
 - b. Provide the amount of applied water (in hundreds of cubic feet, gallons, or in whatever billing units the local water supplier uses) recommended on a monthly and annual basis.
9. System Components.
 - a. Landscape Water Meters. Separate landscape water meters, defined as either a dedicated water service meter or private submeter, shall be installed for all non-residential irrigated landscapes of 1,000 square feet or more and residential irrigated landscapes of 5,000 square feet or more. A landscape water meter may be either:
 - i. A customer service meter dedicated to landscape use provided by the local water purveyor; or
 - ii. A privately-owned meter or submeter.
 - b. Soil Moisture or Evapotranspiration-Based Irrigation Controllers. Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data utilizing non-volatile memory are required for irrigation scheduling in all irrigation systems.
 - c. Pressure Regulating Devices. If the water pressure is below or exceeds the recommended pressure of the specified irrigation devices, the installation of a pressure regulating device is required to ensure that the

dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.

- i. If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulating devices such as inline pressure regulators, booster pumps, or other devices shall be installed to meet the required dynamic pressure of the irrigation system.
- ii. Static water pressure, dynamic or operating pressure, and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.
- d. Weather-Based Irrigation Controllers. Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions are required on all irrigation systems, as appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather or during rain.
- e. Manual Shut-Off Valves. Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) are required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency (such as a main line break) or routine repair.
- f. Anti-Drain Valves. Anti-drain (check) valves shall be installed in strategic points to minimize or prevent low head drainage.
- g. Check Valves. Check valves are required where elevation differences may cause low head drainage.
- h. Master Shut-Off Valves. Master shut-off valves are required on all projects except landscapes that make use of technologies that allow for the individual control of sprinklers that are individually pressurized in a system equipped with low pressure shut down features.
- i. Backflow Prevention Devices. Backflow prevention devices are required to protect the water supply from contamination by the irrigation system.
- j. Flow Sensors. Flow sensors that detect high flow conditions created by system damage or malfunction are required for all non-residential landscapes and residential landscapes of 5,000 square feet or more.
- k. Controllers. All automatic irrigation systems shall be equipped with a controller capable of dual or multiple programming. Controllers must have multiple-cycle start capacity and a flexible calendar program.
- l. Enclosure of Controllers and Valves. Aboveground irrigation controllers and valves shall be enclosed in a protective and locked steel cage.
- m. Application Rates. Heads and emitters shall have consistent application rates within each control valve circuit. Sprinkler heads shall be selected for proper area coverage, application rate, operating pressure, adjustment capability, and ease of maintenance.
- n. Prevent Water Waste. The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.

- o. Irrigation Efficiency (IE). The irrigation system shall be designed and installed to meet, at a minimum, the irrigation efficiency criteria regarding the Maximum Applied Water Allowance defined in Section D.4. above.
- p. Meet ASABE/ICC Standard. All irrigation emission devices shall meet the requirements of the American National Standards Institute (ANSI) and the American Society of Agricultural and Biological Engineers'/International Code Council's (ASABE/ICC) 802-2014 "Landscape Irrigation Sprinkler and Emitter Standard." All sprinkler heads shall have a documented distribution uniformity low quarter of 0.65 or higher using protocols in ASABE/ICC 802-2014.
- q. Peak Water Operating Demands or Restrictions. It is recommended that the project applicant inquire with the local water purveyor about peak water operating demands (on the water supply system) or water restrictions that may impact the effectiveness of the irrigation system.
- r. Mulched Planting Areas. In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.
- s. Matched Precipitation Rates. Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.
- t. Head to Head Coverage. Head to head coverage is recommended. However, sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations.
- u. Riser-Protection Components. Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to hardscapes or in high traffic areas of turf.
- v. Low Point Drainage. Check valves or anti-drain valves are required on all sprinkler heads where low point drainage could occur.
- w. Tree Irrigation. Drip or bubbler irrigation systems are required for trees. Bubblers shall be used that do not exceed one and one-half gallons per minute per device.
- x. Sprinkler Heads. Sprinkler heads must have matched precipitation rates within each control valve circuit.
- y. Pop-up Sprinklers. Pop-up sprinklers in lawn areas shall have at least a four-inch pop-up height.
- z. Areas Less Than Ten Feet Wide. Areas less than 10 feet in width in any direction must be irrigated with subsurface irrigation or other means that produces no runoff or overspray.
- aa. Adjacent to Non-Permeable Surfaces. Overhead irrigation is not permitted within 24 inches of any non-permeable surface. Allowable irrigation within the setback from non-permeable surfaces may include drip, drip line, or other low flow non-spray technology. The surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:
 - i. The landscape area is adjacent to permeable surfacing and no runoff occurs;

- ii. The adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping; or
 - iii. The irrigation designer specifies an alternative design or technology and clearly demonstrates strict adherence to irrigation system design criteria. Prevention of overspray and runoff shall be confirmed during the irrigation audit.
 - bb. Slopes Between 15 and 25 percent: Sprinkler heads with a precipitation rate of 0.85 inches per hour or less shall be used on slopes between 15 and 25 percent or on slopes exceeding 15 percent within ten feet of hardscapes to minimize runoff.
 - cc. Slopes Greater Than 25 Percent. Slopes greater than 25 percent shall not be irrigated with an irrigation system with an application rate exceeding 0.75 inches per hour. This restriction may be modified by the Zoning Administrator if the landscape designer specifies an alternative design or technology, and clearly demonstrates no runoff or erosion will occur. Prevention of runoff and erosion shall be confirmed during the irrigation audit.
10. Soil Types and Infiltration Rate. Soil types and infiltration rate shall be considered when designing irrigation systems. All irrigation systems shall be designed to avoid runoff, low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, or structures. Proper irrigation equipment and schedules, including features such as repeat cycles, shall be used to closely match application rates to infiltration rates, therefore minimizing runoff.
11. Median Strip Irrigation. No overhead sprinkler irrigation systems shall be installed in median strips less than eight feet wide.
12. Public Areas. Drip or bubbler sprinkler systems shall be installed in public right-of-way and on public facilities for tree, shrubs, ground cover per the master landscape plan as approved by public works director or designee.
13. Nighttime Irrigation. Whenever possible, landscape irrigation shall be scheduled between two a.m. and ten a.m. to avoid irrigating during times of high wind or high temperature.
12. Alternative Water Sources. All ornamental uses of water in the common areas of a development project, such as ponds, lakes, and fountains, shall be supplied, operated, and maintained with alternative sources of water if they are available.
13. Water Budget. Irrigation plans shall include a water budget that includes the following:
- a. Estimated annual water use (in gallons).
 - b. Irrigated (landscaped) area (in square feet).
 - c. A monthly irrigation schedule for the plant establishment period and the following year. This irrigation schedule will include the following information for each valve:
 - i. Plant type.
 - ii. Precipitation rate.
 - iii. Flow rate in gallons per minute.

- iv. Run times in minutes per day.
 - v. Number of watering days per week (turf grasses should be irrigated a maximum of once every three days).
14. Monthly Schedule. When establishing the monthly irrigation schedule required by subsection B of this section, the certified professional described in Section 17.48.080, Certification of substantial completion, shall take into account and modify the increments of irrigation according to soil type, slope of the landscaped area, time of day, and number of cycles (minutes throughout the day) to ensure minimal runoff.
15. Watering Guidelines. Table 17.48-A—Watering Guide shows how many inches of water tall fescue needs monthly, based on climatic data for inland and coastal areas. Water-conserving plants will require about half the water required by tall fescue. This table should be used as a guide but amounts can be adjusted by the applicant if more specific information is available.

Table 17.48-A—Watering Guide

Date	Inches/Month
January	0.5
February	0.75
March	1.5
April	2.0
May	3.5
June	4.0
July	5.0
August	4.5
September	3.0
October	1.5
November	0.75
December	0.5

G. The Grading Design Plan.

1. The Grading Design Plan shall indicate finished configurations and elevations of the landscape area, including:
 - a. Height of graded slopes;
 - b. Drainage patterns;
 - c. Pad elevations;
 - d. Finish grade; and
 - e. Stormwater retention improvements, if applicable.
2. To prevent excessive erosion and runoff, applicants may be required to:
 - a. Grade so that all irrigation and normal rainfall remains on-site and does not drain on to non-permeable hardscapes;
 - b. Avoid disruption of natural drainage patterns and undisturbed soil; and

- c. Avoid soil compaction in landscape areas.

H. Prescriptive Compliance Option for Smaller Sites. Landscape projects that involve 2,500 square feet or less of landscape area may be approved through a Zoning Compliance review if the applicant meets all of the following requirements. Under this procedure, no landscape design plan would need to be prepared, and requirements for a water-efficient landscape worksheet, a soil management plan, an irrigation design plan, and a grading design plan are waived.

1. Submit a Prescriptive Compliance Landscape Documentation Package that includes the following elements:
 - a. Date;
 - b. Project applicant;
 - c. Project address (if available, parcel and/or lot number(s));
 - d. Total landscape area (square feet), including a breakdown of turf and plant material;
 - e. Project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed);
 - f. Water supply type (e.g., potable, recycled, well) and identification of the local retail water purveyor if the applicant is not served by a private well;
 - g. Contact information for the project applicant and property owner; and
 - h. Applicant signature and date with statement, "I agree to comply with the requirements of the prescriptive compliance option of the City of San Pablo's Landscape Regulations."
2. Incorporate compost at a rate of at least four cubic yards per 1,000 square feet to a depth of six inches into landscape area (unless contraindicated by a soil test);
3. Use plant material as follows:
 - a. For residential areas, install climate adapted plants that require occasional, little or no summer water (average Water Use Classification of Landscape Species (WUCOLS) plant factor 0.3) for 75 percent of the plant area, excluding edibles and areas using recycled water;
 - b. For non-residential areas, install climate adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 100 percent of the plant area, excluding edibles and areas using recycled water;
4. Apply a minimum three-inch layer of mulch on all exposed soil surfaces of planting areas except in turf areas, areas receiving closely spaced plugs as a lawn alternative, or direct seeding applications where mulch is contraindicated.
5. Turf shall comply with all of the following:
 - a. Turf shall not exceed 25 percent of the landscape area in residential and mixed-use areas with residential dwellings;
 - b. Turf is prohibited in non-residential areas;

- c. Turf shall not be planted on sloped areas that exceed a slope of one-foot vertical elevation change for every four feet of horizontal length; and
 - d. Turf is prohibited in parkways (i.e., the area between the street and the sidewalk) less than 10 feet wide, unless the parkway is adjacent to a parking strip and used to enter and exit vehicles. Any turf in parkways must be irrigated by sub-surface irrigation or by other technology that creates no overspray or runoff.
6. Irrigation systems shall comply with all of the following:
- a. Automatic irrigation controllers are required and shall use evapotranspiration or soil moisture sensor data and a rain sensor.
 - b. Irrigation controllers shall be of a type that does not lose programming data in the event the primary power source is interrupted.
 - c. Pressure regulators shall be installed on the irrigation system to ensure the dynamic pressure of the system is within the manufacturer's recommended pressure range.
 - d. Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be installed as close as possible to the point of connection of the water supply.
 - e. All irrigation emission devices shall meet the requirements set in the American National Standards Institute standard, American Society of Agricultural and Biological Engineers'/International Code Council's (ASABE/ICC) 802-2014 "Landscape Irrigation Sprinkler and Emitter Standard." All sprinkler heads installed in the landscape shall document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.
 - f. Areas less than 10 feet in width in any direction shall be irrigated with subsurface irrigation or other means that produces no runoff or overspray.
7. For non-residential projects with landscape areas of 1,000 square feet or more, a private submeter(s) to measure landscape water use shall be installed.
8. At the time of final inspection, the applicant shall provide the owner of the property with a certificate of completion, certificate of installation, irrigation schedule, and a schedule of landscape and irrigation maintenance.

17.48.080 Certificate of Completion

A licensed landscape architect or contractor, certified irrigation designer, or other licensed or certified professional in a related field shall conduct a final field observation for all landscape projects subject to this Chapter and shall provide a certificate of substantial completion to the city prior to issuance of a Certificate of Occupancy. A Certificate of Completion, consistent with the form contained in Appendix C of the Model Water Efficient Landscape Ordinance, shall be submitted to the Zoning Administrator upon completion of the installation. The certificate shall specifically indicate that plants were installed as specified and that the irrigation system was installed as designed,

along with a list of any observed deficiencies. The Certificate of Completion shall include the following six elements:

1. Project information sheet that contains:
 - a. Date;
 - b. Project name;
 - c. Project applicant name, telephone, and mailing address;
 - d. Project address and location; and
 - e. Property owner name, telephone, and mailing address;
 2. A Landscape Installation Certification of Completion that includes certification by a landscape professional that the project was installed per the approved Landscape Documentation Package. Where there have been significant changes made in the field during construction, "as-built" or record drawings shall be included with the Certificate;
 3. Irrigation scheduling parameters used to set the controller;
 4. Landscape and irrigation maintenance schedule;
 5. Irrigation Audit Report; After completion of the installation, a landscape irrigation audit, prepared consistent with Section 17.48.100, shall be conducted by a City landscape irrigation auditor or a third-party certified landscape irrigation auditor; and
 6. Soil Management report, if not submitted with the Landscape Documentation Package, and documentation verifying implementation of soil report recommendations.
- B. The project applicant shall submit the signed Certificate of Completion to the Zoning Administrator for review; and ensure that copies of the approved Certificate of Completion are submitted to the local water purveyor and to the property owner or his or her designee.
- C. The Zoning Administrator shall approve or deny the Certificate of Completion within fourteen days of receipt. If the Certificate of Completion is denied, the Zoning Administrator shall provide information to the project applicant regarding deficiencies noted and appeal procedures.

17.48.090 Post-Installation Irrigation Scheduling

For the efficient use of water, all irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation schedules shall meet the following criteria:

- A. Irrigation scheduling shall be regulated by automatic irrigation controllers.
- B. Overhead irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m. unless weather conditions prevent it. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance or if required by the water purveyor.

- C. Attention must be paid to irrigation run times, emission device, flow rate, and current reference evapotranspiration, so that the applied water meets the Estimated Total Water Use (ETWU). Total annual applied water shall be less than or equal to the Maximum Applied Water Allowance (MAWA).
- D. Parameters used to set the automatic irrigation controller shall be developed and submitted with the Certificate of Completion for each of the following:
 - 1. The plant establishment period;
 - 2. The established landscape; and
 - 3. Temporarily irrigated areas.
- E. A diagram of the irrigation plan showing hydrozones shall be kept with the irrigation controller.

17.48.100 Maintenance and Irrigation Audit Reporting

- A. Landscape and Irrigation Maintenance.
 - 1. A regular maintenance schedule shall be submitted with the Certificate of Completion. This schedule shall address routine inspections; auditing, adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; topdressing with compost, replenishing mulch; fertilizing; pruning; weeding in all landscape areas, and removing obstructions to emission devices.
 - 2. Repair of all irrigation equipment shall be done with the originally installed components or their equivalents or with components with greater efficiency.
- B. Maintenance Agreement. A landscape maintenance agreement shall be executed between the city and the applicant and duly recorded with the office of the County Recorder, prior to issuance of a certificate of occupancy or operation of business. The agreement shall include provisions for the continued maintenance of the landscaping and shall include provisions for the city to administer such maintenance if necessary. Cost of city maintenance shall be charged to the applicant.
- C. Replanting. Ongoing replanting and replacement of dead, diseased or dieback planting is required.
- D. Irrigation Audit Report.
 - 1. The landscape irrigation audit shall be conducted by a City landscape irrigation auditor or a third-party certified landscape irrigation auditor and submitted with the Certificate of Completion.
 - 2. Landscape audits shall not be conducted by the person who designed the landscape or installed the landscape.
 - 3. In large projects or projects with multiple landscape installations, an auditing rate of one in seven lots or approximately 15 percent will satisfy this requirement.

4. The irrigation audit report shall include inspection, system tune-up, system test with distribution uniformity, reporting overspray or run off that causes overland flow, and preparation of an irrigation schedule, including configuring irrigation controllers with application rate, soil types, plant factors, slope, exposure, and any other factors necessary for accurate programming.

17.48.110 Model Homes

All model homes that are landscaped shall incorporate signs and written information to demonstrate the principles of water efficient landscapes described in this Article.

- A. Signs shall be used to identify the model home as an example of water efficient landscaping, featuring elements such as hydrozones, irrigation equipment, and other elements that contribute to the overall water efficient theme. Signage shall include information about the site water use as designed per this Article; specify who designed and installed the water efficient landscape; and demonstrate low water use approaches to landscaping, such as using native plants, graywater systems, and rainwater catchment systems.
- B. Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.

17.48.120 Tree protection.

- A. Applicability. This section applies to:
 1. Commercial or industrial properties with an approved landscape plan.
 2. Residential properties removing native trees at least six inches in diameter measured three feet above natural grade.
- B. Exemptions. The following trees are exempt from the regulations of this section:
 1. Trees that are prohibited on the city's plant list (these may be removed regardless of size).
 2. Trees that are unsafe, in poor health, structurally distressed, or dead.
 3. Trees where the primary trunk is partially located in the right-of-way or on an adjoining site that is not part of the land division site.
 4. Trees that are less than six inches in diameter.
- C. Tree Evaluation. Prior to approval of any new residential or commercial development, the applicant is required to retain a certified arborist to evaluate protected tree resources on a project site and to identify trees that will be retained and appropriate tree protection measures. The arborist is required to prepare the following analyses:
 1. Reasons for removal.
 2. Landscape plan indicating size, quantity, species, and location of the trees to be removed and replaced.
 3. The condition of the tree with respect to disease, general health, damage, and structural integrity.
 4. The number of existing trees on the subject property, on adjacent property, and immediately proximate to the subject tree(s) and the effect of the tree

- removal upon public health, safety, prosperity of surrounding trees, visual impact, and general welfare of the area.
5. Age of tree, specifically with regard to whether or not removal of the tree would encourage healthier, more vigorous growth of other trees in the area.
 6. The number of healthy trees that a given parcel of land will support, with and without the proposed development.
 7. The effect of tree removal on soil stability/erosion, particularly near watercourses or drainage ditches, or on steep slopes, or the effect on runoff interception.
 8. The potential for the tree to be a public nuisance or interfere with utility service, as well as its proximity to existing buildings and structures.
 9. Identification of alternatives that would allow for the preservation of the tree(s) proposed for removal.
 10. Any other information the arborist finds pertinent (e.g., site conditions, other vegetation).
- D. Protection. Trees identified in the tree evaluation shall be protected on site for the life of the project or until deemed exempt per the list of exemptions identified in subsection B of this section.
- E. Removal or Relocation. Removal or relocation of any trees (other than those in the public right-of-way or on public facilities) identified in the tree evaluation for protection requires approval and/or replanting as follows:
1. For the removal of three or fewer trees, the Zoning Addministrator's approval is required.
 2. For the removal of four or more trees, a minor design review before the planning commission is required.
 3. See Table 17.48-B for replacement requirements.
- F. Replacement Trees. Replacement trees shall be required for trees removed with or without zoning administrator approval. Trees removed or severely and improperly trimmed shall be replaced according to Table 17.48-B—Tree Replacement Schedule.

Table 17.48-B—Tree Replacement Schedule

Size of Damaged/Removed Tree	Replacement Tree Required
2 inches (diameter at 5-foot height)	15-inch box
4 inches (diameter at 5-foot height)	24-inch box
6 inches or greater (diameter at 5-foot height)	36-inch box

17.48.130 Chemical use.

- A. Pesticide Application. Only licensed applicators shall apply pesticides on landscaped areas other than for single-family homes.

- B. Quantities of Chemicals. Quantities of pesticides, herbicides, and fertilizers used in the maintenance and establishment of all landscaped areas shall be minimized.
- C. Storm Water Drainage. Pesticides, herbicides, and fertilizers shall not be applied during wet weather or in areas where they can wash into the creeks and storm drain system.
- D. Alternatives. Nontoxic, environmentally friendly alternatives to pesticides, herbicides, and fertilizers shall be used where feasible. Integrated pest management practices are encouraged.
- E. Stormwater C.3 Guidebook for development applications has been modified for the City of San Pablo per the master landscape plan.

17.48.140 Sustainable storm water management.

- A. Applicability. New development shall consider the provisions of this section and as well as complying with those set forward in Chapter 8.40, Storm Water Management and Discharge Control.
- B. Sustainable Storm Water Strategies. Best management practices shall be employed to allow rainwater to soak into the ground, evaporate into the air, or collect in storage receptacles for irrigation or other beneficial uses. Sustainable storm water management strategies include but are not limited to:
 - 1. Bioretention facilities such as rain gardens to collect and filter water as it soaks into the ground.
 - 2. Integrated or subsurface water detention facilities, such as cisterns and rain barrels, to capture and store rainwater for use in landscape irrigation and other nonpotable uses.
 - 3. Biofiltration facilities such as vegetative swales and green roofs to allow water to soak in while slowly flowing. Green roofs must meet the structural requirements of the building code.
 - 4. Roof leader disconnection.
 - 5. Permeable and porous paving for parking areas and driveways, where feasible.
 - 6. Canopy trees, tree preservation, or shrubs beyond the requirements of Section 17.48.120, Tree protection, and Section 17.48.050, Landscape plan and standards, to absorb rainwater.
 - 7. Grading that lengthens flow paths and increases runoff travel time to reduce the peak-hour flow rate.
 - 8. Removing curbs and gutters from parking areas where appropriate to allow storm water to flow into vegetated areas.
- C. Implementation. If applicable, sustainable storm water management projects shall be coordinated with the local Regional Water Quality Control Board, which

may issue a permit or otherwise require sustainable storm water management strategies.

17.48.150 Landscape design guidelines.

This section references landscape design guidelines that are found in other sections of this title. Compliance with these design guidelines is not a mandatory requirement of the zoning ordinance. The guidelines may, however, be imposed as conditions of approval, provided the approval process allows for conditions to be imposed.

- A. Residential Design Guidelines. City-adopted guidelines provide guidance for multiple-family site planning and landscaping.
- B. Commercial Design Guidelines. City-adopted guidelines provide guidance for trees and parking and for walls and fences.
- C. Industrial Design Guidelines. City-adopted guidelines provide guidance for landscaping and screening.

Section 19. Section 17.54.020, Residential off-street parking requirements, of the San Pablo Municipal Code is amended as follows:

17.54.020 Residential off-street parking requirements.

Residential off-street parking requirements for automobiles and similar vehicles shall be regulated by the type of use associated with the land. The following off-street parking requirements shall apply in all zoning districts:

- A. Caretaker Residence. Two spaces are required for a caretaker residence. The spaces shall be covered.
- B. Day Care, Large Family. Two covered spaces plus one space, covered or uncovered, for each employee are required for a large family day care.
- C. Day Care, Small Family. Two covered spaces plus one space, covered or uncovered, for each employee are required for a small family day care.
- D. Dwellings, Multiple-Family. Two covered spaces are required for each dwelling unit in a multiple-family dwelling. Both spaces shall be garage spaces, or one space may be a garage space and one space a carport space. Spaces for an individual unit may be in tandem, subject to approval of an administrative use permit.
- E. Dwellings, Single-Family. The following provisions apply to attached and detached single-family dwellings:
 - 1. For single-family dwellings located on a lot with a width of at least fifty feet, two enclosed parking spaces are required. If the spaces are located on the front half of the property they must be enclosed in a garage with doors. If located on the rear half of the property, the spaces may be either in a

garage or a carport. In either case, tandem spaces may be permitted subject to administrative review, and only if the driveway area in front of the garage or carport is at least 18 feet long. Carports are not allowed in the front half of the property.

2. For single-family dwellings located on a lot with a width of less than fifty feet, two enclosed parking spaces are required. Alternatively, subject to administrative use permit, one space in a garage located in the front half of the lot and one uncovered space in the driveway for tandem parking may be provided if the driveway area is at least 18 feet long. Carports are not allowed in the front half of the property.
 3. Each driveway shall lead to a covered parking space.
 4. Paved or unpaved driveways not leading to a required parking space are prohibited. In no case shall driveways or paved areas exceed fifty percent of the front and side street yards.
 5. Only one driveway per parcel shall be allowed, except that a second driveway may be allowed on a corner lot to serve a secondary unit, subject to approval by the zoning administrator.
 6. Carports. Only permanent structures are allowed. Carports are allowed on the rear half of lot and must meet setbacks.
- F. Dwellings, Two Family (Duplexes). Two spaces per unit are required for two-family dwellings. If the spaces are located in the front half of the property, the required spaces must be garage spaces with garage doors. If located on the rear half of the property, the spaces may be either garage spaces or carport spaces. The parking spaces for each unit may be in tandem, subject to an administrative approval, and provided the driveway area is at least 18 feet long. Carports are not allowed in the front half of the property.
- G. Transitional or Supportive Housing. One-half parking space per unit, or based upon a site-specific parking and neighborhood analysis if less than this ratio is proposed. For Supportive Housing, no off-street parking is required where located within one-half mile of a public transit stop. Provided parking may be uncovered and shall use the Multiple Family Site Planning criteria for parking lots in Appendix A of the San Pablo Municipal Code.
- H. Mobile Home Parks. One space is required for each mobile home. The space shall be adjacent to the mobile home.
- I. Residential Care Facilities. Two covered spaces plus one space, covered or uncovered, for each employee are required for a residential care facility.
- J. Accessory Dwelling Units. The following parking spaces are required for accessory dwelling units:
1. Newly Constructed or Expanded Structures.
 - a. In addition to the parking spaces required for the primary residence, at least one off-street parking space shall be provided for each accessory

- dwelling unit, which may be provided as tandem parking in an existing driveway.
- b. If a garage, carport, or covered parking structure is converted or demolished in conjunction with the construction of an accessory dwelling unit, those off-street parking spaces shall be replaced. The replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, covered spaces, uncovered spaces, or tandem spaces. Replacement parking may only occur on driveways leading to a required parking space. In no case shall driveways or paved areas exceed 50 percent of the front and side street yards.
 - c. Additional parking is not required in the following instances:
 - i. Is within a half mile from public transit. Public transit includes bus stops that provide service at fifteen-minute intervals during peak hours operated by the Alameda-Contra Costa Transit District, and any light rail or train stations.
 - ii. Is within an architecturally and historically significant historic district as adopted by the city.
 - iii. Is in an area where on-street parking permits are required, but not offered to the occupant of the ADU.
 - iv. Is located within one block of a car share area.
 - d. Conversions of Existing Space. The applicant shall not be required to provide an off-street parking space for the accessory dwelling unit. However, the applicant shall be required to replace any parking spaces lost as a result of the conversion of the existing space to an accessory dwelling unit. The replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, covered spaces, uncovered spaces, or tandem spaces. Replacement parking may only occur on driveways leading to a required parking space. In no case shall driveways or paved areas exceed fifty percent of the front and side street yards.

Section 20. Section 17.54.030, Nonresidential off-street parking requirements, of the San Pablo Municipal Code is amended as follows:

17.54.030 Nonresidential off-street parking requirements.

Nonresidential off-street parking requirements for vehicles shall be regulated by the type of use (use class) associated with the land. Table 17.54-A stipulates the number of parking spaces for each nonresidential use, regardless of the zoning district in which the use is located.

Table 17.54-A—Nonresidential Parking Requirements

Use Class	Required Spaces
Adult Uses	1 space per 200 square feet, plus 1 per employee
Alcoholic Beverage Sales	1 space per 200 square feet, plus 1 per employee; if combined with another use, such as a restaurant, the use requiring the most spaces shall govern

Use Class	Required Spaces
Animal Boarding	1 space per 250 square feet, plus 1 per employee
Animal Care	1 space per 500 square feet, plus 1 per employee
Assisted Living Facilities	1 space per 4 rooms
Automotive, General Repair	4 spaces per vehicle work station, plus 1 per employee
Automotive, Limited Repair	4 spaces per vehicle work station, plus 1 per employee
Automotive, New Car Sales	1 space per 500 square feet, plus 1 per employee
Automotive, Parking	1 space per employee, plus spaces provided for public or other uses
Automotive, Parts Sales	1 space per 400 square feet, plus 1 per employee
Automotive, Service Stations	3 spaces, plus 1 per employee
Automotive, Used Car Sales	1 space per 500 square feet, plus 1 per employee
Automotive, Washing	2 spaces per 500 square feet, plus 1 per employee
Bed and Breakfast	2 spaces (covered), plus 1 per guest room
Boarding Houses	2 spaces (covered), plus 1 per guest room
Boat and RV Sales	1 space per 500 square feet, plus 1 per employee
Building Materials	1 space per 500 square feet, plus 1 per employee
Business and Professional Services	1 space per 200 square feet for banks; 1 space per 300 square feet, plus 1 per employee, for other uses
Cemeteries	As specified by use permit
Community and Religious Assembly	As specified by use permit; as a guide, 1 space per 4 seats in the primary assembly area; if fixed seats are not provided, 1 space per 40 square feet (net) of primary assembly area
Community Care Facilities	1 space per 6 beds, plus 1 per employee
Dance and Fitness Studios	1 space per 400 square feet
Escort Services	1 space per 200 square feet
Day Care Facilities	1 space per 15 children, plus 1 per employee
Farmers Markets	As specified by use permit
Food and Beverage Sales, Convenience	1 space per 300 square feet, plus 1 per employee
Food and Beverage Sales, General	1 space per 300 square feet, plus 1 per employee
Funeral and Interment Services	As specified by use permit
Hospitals and Clinics	1 space per 4 beds; if the primary use is outpatient care, 1 space per 200 square feet
Hotels and Motels	1 space per guest room, plus 1 per employee
Industry, General	1 space per 600 square feet, except area used exclusively for storage and loading
Industry, Limited	1 space per 600 square feet, except area used exclusively for storage and loading
Junkyards	1 space per 5,000 square feet of lot size, plus 1 per employee
Live-Work Units	2 spaces per unit

Use Class	Required Spaces
Maintenance Yards	2 spaces, plus 1 space per vehicle stored on site
Mobile Vending	1 space for the mobile vending truck
Nurseries	5 spaces, plus 1 space per 1,000 square feet
Offices	1 space per 200 square feet, for less than 2,000 square feet, and for all medical and dental offices 1 space per 250 square feet, for 2,000 to 7,500 square feet 1 space per 300 square feet, for 7,501 to 40,000 square feet 1 space per 350 square feet, for more than 40,000 square feet
Personal Services	1 space per 300 square feet
Public Services	1 space per 400 square feet
Recreation, Amusements	1 space per 200 square feet
Recreation, Indoor	1 space per 3 seats for a theater; 1 space for every 100 square feet for other types of uses
Recreation, Major Arcades	1 space per 3 electronic/mechanical game
Recreation, Minor Arcades	1 space per 3 electronic/mechanical game
Recreation, Outdoor Passive	As specified by use permit
Recreation, Parks and Playgrounds	As specified by use permit
Recycling Services, Consumer	1 space per 500 square feet of collection area
Recycling Services, General	2 spaces, plus 1 per employee
Repair Services, General	1 space per 500 square feet
Repair Services, Limited	1 space per 400 square feet
Research and Development	1 space per 400 square feet
Restaurants, Fast Service	1 space per 50 square feet of public area
Restaurants, General	1 space per 50 square feet of public area
Restaurants, Outdoor Dining	1 space per 50 square feet of public area, indoors and outdoors
Retail Sales, General	1 space per 300 square feet, except that stores that sell appliances, furniture, and other merchandise of a similar size require 1 space per 500 square feet
Retail Sales, Local	1 space per 300 square feet
Retail Sales, Outdoor	1 space per 500 square feet of outdoor area, plus number of spaces required for enclosed area
Retail Sales, Regional	1 space per 400 square feet
Schools, Private	<i>Elementary or Junior High:</i> 1 space per staff, plus 1 per 4 fixed seats in auditorium or gymnasium (or 1 per 6 linear feet of bench) <i>High:</i> 1 space per staff, plus 1 per 7 students, plus 1 per 4 fixed seats in auditorium or gymnasium (or 1 per 6 linear feet of bench) <i>College, Business, or Trade:</i> 1 space per 200 square feet
Schools, Public	<i>Elementary or Junior High:</i> 1 space per staff, plus 1 per 4 fixed seats in auditorium or gymnasium (or 1 per 6 linear feet of bench) <i>High:</i> 1 space per staff, plus 1 per 7 students, plus 1 per 4 fixed seats in auditorium or gymnasium (or 1 per 6 linear feet of bench) <i>College, Business, or Trade:</i> 1 space per 200 square feet
Storage, Personal	1 space per 1,000 square feet, plus 1 per employee

Use Class	Required Spaces
Taxicab Companies	1 space per each employee, plus 1 space for each taxicab
Truck Repair and Sales	1 space per 800 square feet
Utilities, Major	As specified by use permit
Utilities, Minor	1 space per employee
Warehousing and Storage, Enclosed	1 space per 1,000 square feet
Warehousing and Storage, Outdoors	1 space per 5,000 square feet of outdoor storage area
Wholesaling	1 space per 800 square feet

Section 21. Section 17.54.050, Parking waivers and reductions, of the San Pablo Municipal Code is amended to include the following:

17.54.050 Parking waivers and reductions.

The Zoning Administrator may waive or reduce certain parking requirements as follows:

- A. **Parking District Waiver.** Minimum off-street parking requirements may be waived for properties that have access to public parking facilities. The waiver may be granted by the zoning administrator. See Section 17.18.090, Minor design review.
- B. **On-Street Parking.** On-street parking adjacent to the subject property may be counted toward the parking requirement.
- C. **Senior Housing.** For multiple-family dwellings designed and used for senior housing, the number of parking spaces may be reduced based upon factors such as: ongoing bus-resident services, and expectation of resident driving. The project applicant shall submit a report, prepared by a qualified transportation planning or engineering professional, which demonstrates the rationale, and includes data that supports the request for reduced on-site parking. Information in this report shall demonstrate how the project sponsor will ensure the reduced parking will be managed for the life of the project. If this information cannot be demonstrated, one-half parking space per unit shall be required. The parking shall be covered in a carport or garage, and shall use the Multiple Family Site Planning criteria for parking lots contained in Appendix A of the San Pablo Municipal Code.
- D. **Accessory dwelling units.** See Section 17.60.070 for parking and other requirements.
- E. **Credit for Nonexclusive Use by General Public.** Parking lots or garages that are available for nonexclusive public use may be considered for a ten percent reduction in minimum parking requirements.

- F. Proximity to Transit. For buildings located within one-quarter mile of a transit stop, the number of parking spaces may be reduced by ten percent.
- G. If a bicycle rack is provided, one parking space may be waived.
- H. Parking in Mixed-Use Projects. In mixed-use projects with residential, office, and/or commercial components, it is assumed that some parking spaces will be shared due to the difference in peak parking demand.
 - 1. Calculation of the minimum vehicular parking for the portion of the building occupied by the primary use is based on one hundred percent of the floor area.
 - 2. Calculation of the minimum vehicular parking for the portion of the building occupied by secondary or subsequent uses may be calculated at eighty percent of the floor area.
- I. Additional Parking Reductions. The city may consider additional reductions to parking standards in subject to the issuance of a use permit, as follows:
 - 1. The application shall be accompanied by a parking study prepared by a qualified parking or transportation expert.
 - 2. The application can include an agreement for shared off-site parking.

Section 22. Section 17.54.090, Parking lot design, of the San Pablo Municipal Code is amended to include the following:

17.54.090 Parking lot design.

- A. Compact Parking Spaces. Compact parking spaces shall not exceed twenty percent of the total parking spaces provided.
- B. Compact Spaces Designated. Each compact space shall be individually designated as a compact space.
- C. Reduction in Space Depth. The minimum depth of parking spaces set forth in Section 17.54.080, Parking dimensions, may be reduced by one and one-half feet, to sixteen and one-half feet for a full-sized space and to fifteen and one-half feet for a compact space, if the front end of the parking space abuts a landscaped area that is a minimum of four feet wide. This landscaped area shall be enclosed with a minimum six-inch-high concrete curb.
- D. Aisle Width. The aisle width required shall be determined by Table 17.54-B.

Table 17.54-B—Parking Aisle Widths

Angle of Parking Space to Aisle (degrees)	Width of Aisle (feet)	
	One-Way	Two-Way
More than 80	24	24
71—80	22	22

Angle of Parking Space to Aisle (degrees)	Width of Aisle (feet)	
	One-Way	Two-Way
61—70	18	20
56—60	18	20
53—55	16	20
46—52	14	20
45 or Less	14	20

E. Wheel Stops. Wheel stops shall be provided for all parking spaces that face landscaped areas or pedestrian walks in order to protect the landscaping and irrigation systems from damage from the front part of the car and to allow adequate space for pedestrian movement.

F. Interior Landscaping. See Chapter 17.48, Landscaping.

Section 23. Section 17.54.100, Handicapped parking, of the San Pablo Municipal Code is amended as follows:

17.54.100 Accessible parking.

- A. Number of Spaces. In any parking facility serving the public, accessible parking spaces shall be provided in accordance with Table 17.54-C. One of every eight required accessible spaces shall be a van-accessible space with a minimum of one van-accessible space per parking facility.
- B. Accessible Spaces. Accessible parking spaces shall comply with the following provisions:
 1. Accessible parking spaces shall have minimum dimensions as set forth in Section 17.54.080, Parking dimensions, for a full-sized car.
 2. Accessible spaces shall be provided with an adjacent access aisle. Access aisles shall be a minimum of sixty inches in width. Van-accessible aisles shall be a minimum of ninety-six inches in width. Access aisles shall be located on the passenger side of each space unless the aisle is located between and is shared by two designated spaces.

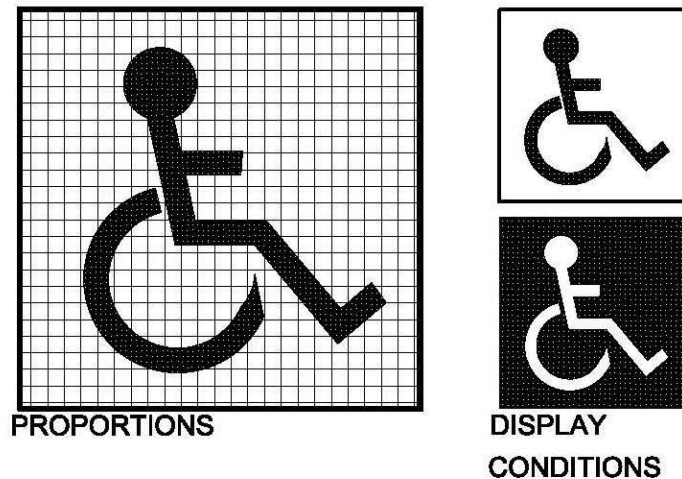
Table 17.54-C—Accessible Spaces

Spaces in Lot	Required Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5

Spaces in Lot	Required Number of Accessible Spaces
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total
1,001 and over	20 plus 1 per 100 above 1,000

3. Accessible parking spaces and access aisles shall be level.
4. Accessible spaces shall be located as near as possible to accessible building or site entrances and shall be located to provide convenient access to curb ramps.
5. Each reserved accessible parking space shall be designated with a stall sign displaying the International Symbol of Accessibility, as illustrated in Figure 17.54-A. Each stall sign shall be at least seventy square inches in size. Spaces that are van-accessible shall be designated as "Van Accessible."
6. Each reserved accessible parking space shall meet one of the following stall-marking requirements:
 - a. Each accessible parking space shall be painted solid blue with a white International Symbol of Accessibility.
 - b. Each accessible parking space shall be outlined in blue with a three-foot-square International Symbol of Accessibility painted in a contrasting color.

Figure 17.54-A International Symbol of Accessibility



7. Each reserved accessible parking space shall be marked with a sign warning drivers of the possibility of towing due to unauthorized use and providing information for recovering towed vehicles. Warning signs shall have minimum dimensions of seventeen inches by twenty-two inches and shall be labeled with lettering at least one inch in height.

8. A minimum of ninety-eight vertical inches of clearance shall be provided for van-accessible spaces and the entire route from parking area ingress and egress points to the parking space.
9. A minimum vehicle overhang allowance of twenty-four inches shall be provided between access routes and accessible parking spaces. Access routes shall, at all times, provide users with a minimum width of thirty-six inches of throughway.

Section 24. Section 17.58.020, Refuse disposal and recycling, of the San Pablo Municipal Code is amended as follows:

17.58.020 Refuse disposal and recycling.

- A. Trash Receptacle. Every parcel with a multifamily, commercial, or industrial structure shall have a trash receptacle (i.e., dumpster) on the premises. The trash receptacle shall meet the requirements of the entity with the responsibility for solid waste collection and shall be of sufficient size to accommodate the trash generated.
- B. Recycling Facilities. In addition to a trash receptacle, every parcel with a multifamily structure and new commercial and industrial projects shall have an area set aside for recycling bins for paper, glass, and cans. The recycling area shall be adjacent to the trash receptacle and shall be a size at least equal to that occupied by the trash receptacle.
- C. Refuse Area. The combined area used for recycling and trash shall be known as the refuse area. The following provisions apply to this area:
 1. The refuse area shall be located away from streets and enclosed or screened by landscaping, fencing, or other architectural means.
 2. The refuse area shall be enclosed on at least three sides by a solid masonry wall or wood fence six feet in height. An administrative use permit may be obtained for enclosures up to eight feet high to ensure adequate operability and lack of visibility of refuse areas from the public right-of-way.
 3. The refuse area shall be enclosed on the fourth side or on any portion of the fourth side by a solid gate at least five feet in height. The gate shall be maintained in good working order and shall remain closed except when in use.
 4. The refuse area shall be covered with a rain canopy.
 5. The refuse area shall be included in the computation of the percentage of allowed building coverage required for the development.
 6. The enclosure and gate of the refuse area shall be designed to be architecturally compatible with nearby structures.
 7. The driveways and aisles serving the refuse area shall provide unobstructed access for collection vehicles and personnel.
 8. The refuse area shall be located such that the maneuvering of collection vehicles does not disrupt automobile movements.

9. If a parcel includes a grease-generating structure, an area shall be set aside for grease collection.
10. If yard waste service is available, every parcel shall have an area set aside for yard and food waste composting.

Section 25. Section 17.62.130, Marijuana facilities, delivery and cultivation, of the San Pablo Municipal Code is amended as follows:

17.62.130 Cannabis facilities, delivery and cultivation.

- A. Purpose. The purpose of this section is to prohibit the establishment, operation, and location of cannabis facilities, delivery, and cultivation, as defined, in the city of San Pablo, but to allow limited personal cultivation and medical cannabis use between a single patient and primary caregiver consistent with state law.
- B. Definitions. For the purposes of this section, the following definitions shall apply:
 1. Cultivation. "Cultivation" shall have the same meaning as that set forth in Business and Professions Code Section 26001, and shall include any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.
 2. Indoors. "Indoors" means within a fully enclosed and secure structure as defined herein.
 3. Cannabis. "Cannabis" shall have the same meaning as "cannabis" in Health and Safety Code Section 11018, and the same meaning as "cannabis" in Business and Professions Code Section 26001(f). This definition includes but is not limited to all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin.
 4. "Cannabis, commercial facilities and activities" includes all commercial cannabis activities as set forth in Business and Professions Code Section 26001, including, but not limited to, the cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, delivery or sale of cannabis or cannabis products.
 5. Cannabis, Delivery. "Delivery" includes: (a) the same meaning as that set forth in Business and Professions Code Section 26001(p) for the commercial transfer of cannabis or cannabis products to a customer; (b) the commercial delivery or transfer of medical cannabis or medical cannabis products; or (c) any technology platform that arranges for or facilitates the commercial transfer of cannabis or medical cannabis.
 6. "Cannabis facility" includes "cannabis, commercial facilities and activities" and a "medical cannabis facility."
 7. Cannabis, Limited Personal Cultivation. The cultivation of "cannabis for personal use" is subject to the definitions and restrictions contained in subsection C of this section.

8. "Cannabis, outdoor cultivation" includes all cultivation of cannabis outdoors at any location that is not within a fully enclosed and secure structure.
 9. "Medical cannabis" means a product containing cannabis, including, but not limited to, its concentrates and extractions, intended to be sold for use by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code.
 10. "Medical cannabis facility" means and includes (a) any facility, building, structure or location, whether fixed or mobile, where medical cannabis is offered for sale; or (b) any not-for-profit site, facility, building, structure or location where two or more qualified patients and/or persons with an identification card associate, meet or congregate in order collectively or cooperatively to distribute, sell, dispense, transmit, process, deliver, exchange or give away medical cannabis pursuant to Health and Safety Code Section 11362.5 et seq. and organized as a cannabis cooperative or collective as set forth in Health and Safety Code Section 11362.775; or (c) a dispensary as defined in California Business and Professions Code Section 19300.
 - a. Exceptions. A medical cannabis facility shall not include the following uses, as long as the locations of such uses are otherwise regulated by this code or applicable law including but not limited to California Health and Safety Code Section 11362.5 et seq. and California Health and Safety Code Section 11362.7 et seq.: (i) a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code; (ii) a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code; (iii) a residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code; (iv) a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code; (v) a residential hospice licensed pursuant to Chapter 8.5 of Division 2 of the Health and Safety Code; or (vi) a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code.
 11. Person with Identification Card. "Person with identification card" is as defined in Health and Safety Code section 11362.7(c).
 12. Primary Caregiver. "Primary caregiver" shall have the meaning set forth in Health and Safety Code Section 11362.7(d).
 13. Private Residence. "Private residence" means a house, an apartment unit, a mobile home, or other similar dwelling, and as provided in Health and Safety Code Section 11362.2(b)(5).
 14. Qualified Patient. "Qualified patient" shall have the meaning set forth in Health and Safety Code section 11362.7(f).
- C. Cultivation.
1. Outdoor cultivation of cannabis is prohibited. Such use is a public nuisance. The city shall not issue, approve or grant any permit, license or other entitlement for outdoor cultivation of cannabis. The prohibition in this section

- includes, without limitation, renting, leasing, or otherwise permitting cultivation to occupy or use a location.
2. Cultivation for commercial use or commercial facilities or activities is prohibited. Such use is a public nuisance. The city shall not issue, approve or grant any permit, license or other entitlement for commercial cultivation of cannabis. The prohibitions in this section include, without limitation, renting, leasing, or otherwise permitting cultivation to occupy or use a location, building, structure or vehicle.
 3. Cannabis, Limited Personal Cultivation. Personal cannabis cultivation for medical or adult use purposes shall be permitted to the extent such cultivation is authorized by state law and in strict compliance with all the requirements set forth below:
 - a. Limited Number of Plants. The personal cultivation of cannabis is limited to no more than six living plants per private residence, regardless of (i) the number of residents, or (ii) how many residents are qualified medical cannabis patients, persons with an identification card or primary caregivers.
 - b. Residency Requirement. Cultivation of cannabis for personal use may occur only on parcels with an existing legal residence occupied by a full-time resident.
 - c. Location. The cultivation occurs either: (i) within a single private residence; or (ii) inside a fully enclosed and secure structure located upon the grounds of a private residence.
 - d. Cultivation Areas. The cultivation areas, including any lighting, plumbing, or electrical components used, comply with Title 15 (Buildings and Construction). The cultivation areas must be properly ventilated so as not to create humidity, mold, or other related problems. Lighting shall not exceed one thousand watts per light.
 - e. Visibility. No visible markers or evidence indicating that cannabis is being cultivated on the site shall be visible from the public right-of-way.
 - f. Security. All enclosures and structures used for cannabis cultivation shall have security measures sufficient to prevent access by children or other unauthorized persons.
 - g. Prohibition of Volatile Solvents. The manufacture of cannabis products for personal noncommercial consumption shall be limited to processes that are solvent-free or that employ only nonflammable, nontoxic solvents that are recognized as safe pursuant to the Federal Food, Drug and Cosmetic Act. The use of volatile solvents to manufacture cannabis products for personal consumption is prohibited.
 - h. Structures. All structures used for personal cannabis cultivation (including accessory structures, greenhouses, and garages) must be legally constructed with all applicable building and fire permits (including grading, building, electrical, mechanical and plumbing) and shall adhere to the development standards within the base zone.

- i. Odor Control. All structures used for cultivation shall be equipped with odor control filtration and ventilation systems such that the odors of cannabis cannot be readily detected from outside of the structure.
 - j. Noise. Use of air conditioning and ventilation equipment shall comply with the Chapter 17.50 (Noise). The use of generators is prohibited, except as short-term temporary emergency back-up systems.
 - k. Primary Use. The primary use of the property remains at all times as a residence, with legal and functioning cooking, sleeping, and sanitation facilities with proper ingress and egress. No room shall be used for cannabis cultivation where such cultivation will impair or prevent the primary uses of cooking of meals, sleeping, and bathing.
 - l. Consent. Consent of the property owner must be obtained prior to any cultivation commencing.
- D. Prohibition of Delivery. Delivery, as defined in this section, of cannabis to or from any location within the jurisdictional limits of the city of San Pablo regardless of zoning district is prohibited. Such use is a public nuisance. The city shall not issue, approve or grant any permit, license or other entitlement for delivery of cannabis. The prohibitions in this section include, without limitation, renting, leasing, or otherwise permitting delivery to occupy or use a location, building, structure or vehicle. Transportation through the city on public streets is allowed consistent with Business and Professions Code Section 26080(b).
- E. Prohibition of Medical Cannabis Facilities. Medical cannabis facilities are prohibited in the city of San Pablo regardless of zoning district. Such use is a public nuisance. No person or entity shall operate, locate, allow or otherwise permit or suffer a medical cannabis facility within the city of San Pablo. The city shall not issue, approve or grant any permit, license or other entitlement for the establishment or operation of a medical cannabis facility. The prohibitions in this section include, without limitation, renting, leasing, or otherwise permitting a medical cannabis facility to occupy or use a location, building, structure or vehicle.
- F. Prohibition of Commercial Cannabis Facilities and Activities. Cannabis commercial facilities and activities are prohibited in the city of San Pablo regardless of zoning district. Such use is a public nuisance. No person or entity shall operate, locate, allow or otherwise permit or suffer a cannabis commercial facility and activities within the city of San Pablo. The city shall not issue, approve or grant any permit, license or other entitlement for the establishment or operation of a cannabis commercial facility or activities. The prohibitions in this section include, without limitation, renting, leasing, or otherwise permitting a cannabis commercial facility and activities to occupy or use a location, building, structure or vehicle.
- G. Enforcement.

1. Violations of this section may be enforced by any applicable law, with criminal penalties limited if inconsistent with the Compassionate Use Act of 1996 or California Health and Safety Code Section 11362.7 et seq.
2. Any person who violates any provision of this section shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes a violation thereof.
3. Violation of any provisions of this chapter is a misdemeanor, unless the city attorney authorizes issuance of an infraction citation or files a complaint charging the offense as an infraction, or the court, upon the prosecutorial recommendation of the city attorney, determines that the offense is an infraction.
4. In addition to the civil remedies and criminal penalties set forth above, any violation of the provision of this chapter may be subject to administrative citations pursuant to Chapter 1.10.

Section 26. Section 17.62.200.E, Wireless facilities – For facilities covered under Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. Section 1455(a)), Permit Applications, of the San Pablo Municipal Code is amended as follows with all other subsections of 17.62.200 remaining as is:

E. Permit Applications.

1. Application Requirement. The city shall not approve any wireless facility subject to this section except upon a duly filed application consistent with the provisions in this subsection E and any other written rules the city or the city manager may establish from time to time in any publicly stated format.
2. Application Content. The city council authorizes the city manager to develop and publish permit application forms, checklists, informational handouts and other related materials that the city manager finds necessary, appropriate or useful for processing requests for Section 6409(a) approvals. Without further authorization from the city council, the city manager may from time to time update and alter any such permit application forms, checklists, informational handouts and other related materials as the city manager deems necessary, appropriate or useful to respond to regulatory, technological or other changes. The materials required under this section are minimum requirements for any application.
 - a. Planning Application Form and Applicable Fee. The applicant must complete, execute and submit the planning application form and tender to the city the applicable fee in the amount established by city council resolution pursuant to Chapter 17.06 (Fees). In the event the city does not require a specific fee for Section 6409(a) approvals, the highest fee applicable to an administrative use permit will be required. In addition, consultant fees to help facilitate expedited technical review may be charged, along with a consultant management fee, as well as public works review fees.
 - b. Title Report and Owner's Authorization. The applicant must provide a title report prepared within the six months prior to the application filing date in

order for the city to verify the property owner's identity. If the applicant does not own the subject property, the application must include a written authorization signed by the property owner that empowers the applicant to file the application and perform all facility construction, installation, operation and maintenance to the extent described in the application.

- c. CPCN. To the extent that the applicant claims any regulatory authorization or other right to use the public rights-of-way, such as a certificate of public convenience and necessity, the applicant must provide a true and correct copy of the certificate, license, notice to proceed or other regulatory authorization that supports the applicant's claim.
- d. Prior Regulatory Approvals. Evidence that the applicant holds all current licenses and registrations from the FCC and any other applicable regulatory bodies where such license(s) or registration(s) are necessary to provide wireless services utilizing the proposed wireless facility. For any prior local regulatory approval(s) associated with the wireless facility, the applicant must submit copies of all such approvals, including any corresponding approved project plans and conditions of approval. Alternatively, the applicant may submit a written justification that sets forth reasons why prior regulatory approvals were not required for the wireless facility at the time it was constructed or modified.
- e. Project Plans. A fully dimensioned, and full color, site plan and elevation drawings prepared and sealed by a California-licensed engineer showing any existing wireless facilities with all existing transmission equipment and other improvements, the proposed facility with all proposed transmission equipment and other improvements and the legal boundaries of the leased or owned area surrounding the proposed facility and any associated access or utility easements. The plans must specifically depict and call out the original overall height of the structure and, if the structure was constructed prior to February 22, 2012, the overall height that existed on February 22, 2012. The plans must contain all other elements and details required for site plans submitted with a permit application pursuant to a conditional use permit.
- f. Site Photos and Photo Simulations. Photographs and photo simulations that show the proposed facility in context of the site from reasonable line-of-sight locations from public streets or other adjacent viewpoints, together with a map that shows the photo location of each view angle.
- g. RF Compliance Demonstration. An RF exposure compliance report prepared and certified by an RF engineer acceptable to the city that certifies that the proposed facility, as well as any collocated facilities, will comply with applicable federal RF exposure standards and exposure limits. The RF report must include the actual frequency and power levels (in watts effective radiated power (ERP)) for all existing and proposed antennas at the site and exhibits that show the location and orientation of all transmitting antennas and the boundaries of areas with RF exposures in excess of the uncontrolled/general population limit (as that term is defined by the FCC) and also the boundaries of areas with RF exposures

h. Acoustic Analysis.

A written report that analyzes acoustic levels for the proposed facility and all associated equipment including without limitation all environmental control units, sump pumps, temporary backup power generators, and permanent backup power generators in order to demonstrate compliance with Chapter 17.50 (Noise). The acoustic analysis must be prepared and certified by an engineer and include an analysis of the manufacturers' specifications for all noise-emitting equipment and a depiction of the proposed equipment relative to all adjacent property lines. In lieu of a written report, the applicant may submit evidence from the equipment manufacturer that the ambient noise emitted from all the proposed equipment will not, both individually and cumulatively, exceed the applicable limits.

i. Section 6409(a) Justification Analysis.

A written statement that explains in plain factual detail whether and why Section 6409(a) and the related FCC regulations at 47 CFR 1.40001 et seq. require approval for the specific project. A complete written narrative analysis will state the applicable standard and all the facts that allow the city to conclude the standard has been met—bare conclusions not factually supported do not constitute a complete written analysis. As part of this written statement the applicant must also include (i) whether and why the support structure qualifies as an existing tower or existing base station; and (ii) whether and why the proposed collocation or modification does not cause a substantial change in height, width, excavation, equipment cabinets, concealment or permit compliance.

Procedures for a Duly Filed Application.

The city shall not review any application unless duly filed in accordance with the provisions in this subsection (E)(3).

a. Pre-Submittal Conference.

Before application submittal, applicants must schedule and attend a pre-application meeting with city staff for all proposed modifications submitted for approval pursuant to Section 6409(a). Applicants must also pay the applicable fee for a pre-submittal conference. The pre-submittal conference is intended to streamline the review process through informal discussion that includes, without limitation, the appropriate project classification, including whether the project qualifies for Section 6409(a); any latent issues in connection with the existing tower or base station; potential concealment issues (if applicable); coordination with other city departments responsible for application review; and application completeness issues. To mitigate unnecessary delays due to application incompleteness, applicants are encouraged (but not required) to bring any draft applications or other materials so that city staff may provide informal feedback about whether such applications or other materials may be incomplete or unacceptable. The zoning administrator may, in the zoning administrator's discretion,

grant a written exemption to the submittal appointment under subsection (E)(3)(b) of this section and/or for a specific requirement for a complete application to any applicant who (i) schedules, attends and fully participates in any pre-submittal conference and (ii) shows to the zoning administrator's satisfaction that such specific requirement duplicates information already provided in other materials to be submitted or is otherwise unnecessary to the city's review under facts and circumstances in that particular case. Any written exemption will be limited to the project discussed at the pre-submittal conference and will not be extended to any other project.

- b. Submittal Appointment. All applications must be filed with the city at a pre-scheduled appointment. Applicants may generally submit one application per appointment, but may schedule successive appointments for multiple applications whenever feasible and not prejudicial to other applicants. Any application received without an appointment, whether delivered in person or through any other means, will not be considered duly filed unless the applicant received a written exemption from the zoning administrator at a pre-submittal conference.
 - c. Appointment Scheduling Procedures. For any event in the submittal process that requires an appointment, applicants must submit a written request to the zoning administrator. The zoning administrator shall endeavor to provide applicants with an appointment as soon as reasonably feasible and within five business days after a written request is received.
4. Applications Deemed Withdrawn. To promote efficient review and timely decisions, and in accordance with Section 17.16.030(D), an application will be automatically deemed withdrawn by the applicant when the applicant fails to tender a substantive response to the city within sixty calendar days after the city deems the application incomplete in a written notice to the applicant. The zoning administrator may, in the zoning administrator's discretion, grant a written extension for up to an additional thirty calendar days when the applicant submits a written request prior to the sixtieth day that shows good cause to grant the extension. Delays due to circumstances outside the applicant's reasonable control will be considered good cause to grant the extension.
5. Departmental Rules. The city council authorizes the city manager to establish other reasonable rules and regulations, which may include without limitation regular hours for appointments with applicants, as the city manager deems necessary or appropriate to organize, document and manage the application intake process. All such rules and regulations must be in written form and publicly stated to provide applicants with prior notice.

Section 27. Section 17.64.040.D, Standards for specific temporary uses, Mobile Hot Food Truck Events, of the San Pablo Municipal Code is amended as follows with all other subsections of 17.64.040 remaining as is:

D. Mobile Hot Food Truck Events. Mobile hot food truck events may be permitted on private property in the commercial/retail areas of the city, including retail/wholesale businesses located in industrial areas, subject to the approval of a temporary use permit. Temporary use permit shall be subject to the following criteria:

1. Each property or contiguous retail center is limited to a maximum of twelve event days per calendar year.
2. No hot food truck event shall be permitted within thirty days of another hot food truck event on the same property or contiguous retail center.
3. The applicant for each hot food truck event must obtain the written authorization of the property owner.
4. The event shall not present a hazard to pedestrians or encroach on a required building exit.
5. Safe vehicle ingress and egress shall be provided at all times.
6. Adequate parking shall be provided and maintained during the course of the event for both the event and all other businesses on the same property of contiguous retail center.
7. Health department permit required.

Section 28. Section 17.68.020, Universal definitions, of the San Pablo Municipal Code is amended to include the following [all other definitions of this section remain the same]:

Accessory Dwelling Unit. An attached or detached accessory residential dwelling unit per State law, that provides complete independent living facilities for one or more persons and is located on the same lot as a primary, single-family dwelling. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same lot as the primary dwelling.

Building Height. The vertical distance from the highest point of any structure to the ground level directly below, except as otherwise provided in this Section. On sloped lots, height shall be measured from any point on top of the building to a line directly below which connects to opposite perimeter walls, or other perimeter support systems, at the lower of natural or finished grade.

Days. Unless otherwise specified in this Title, days shall mean calendar days.

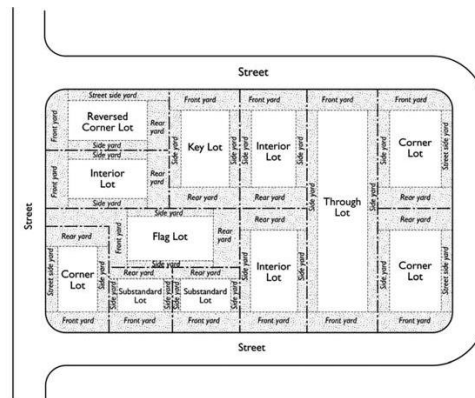
Deck. An open, unroofed porch or platform, either freestanding or attached to a building, that is supported above grade.

Grade, Finished. The final grade of a building site as shown on the survey at the time of issuance of a building permit or in the case of a subdivision, the approved grade shown on the as-built grading plan of the subdivision.

Grade, Natural. The elevation of the ground surface in its natural state before human-caused alterations.

Lot. Any parcel of real property approved by a record of survey, plat, parcel map, subdivision map, or certificate of compliance, or any parcel legally created or established pursuant to the applicable zoning or subdivision regulations in effect prior to the effective date of application of this code to such parcel. See lot types in Figure 17.68-A:

Figure 17.68-A - Lot Types



Lot, Key. The first lot to the rear of a reversed corner lot and not separated therefrom by an alley.

Lot, Reversed Corner. A corner lot where the rear yard abuts the side yard of a key lot.

Structure, Accessory. A subordinate building or structure which is incidental and not attached to the main building or use on the same lot. If an accessory structure is attached to the main building or if the roof is a continuation of the main building roof, the accessory structure shall be considered an addition to the main building.

Includes, but not limited to, enclosed and unenclosed patios, barns, garages, carports, storage buildings/sheds, trellis, gazebos, decks, and real or artificial rockscapes.

Section 29. Section 17.70.010, Residential use classes, of the San Pablo Municipal Code is amended to include the following [all other definitions of this section remain the same]:

- E. Day Care—Small Family. The day care—small family use class consists of a day care facility located in a single-family residence where an occupant of the residence provides care and supervision for eight or fewer children less than eighteen years of age for periods of less than twenty-four hours per day. Children less than ten years of age who reside in the home count as children served by the facility.
- F. Day Care—Large Family. The day care—large family use class consists of a day care facility located in a single-family residence where an occupant of the residence provides care and supervision for more than eight children less than eighteen years of age for periods of less than twenty-four hours per day. Children less than ten years of age who reside in the home count as children served by the facility.

Section 30. Section 17.70.040, Retail, service, and office use classes, of the San Pablo Municipal Code is amended to include the following [all other definitions of this section remain the same]:

- F. Arcades. The arcades use class consists of commercial establishments that provide coin- or token-operated games. See Section 17.70.020, recreation, arcades.
- AA. Medical Cannabis Facility. Any facility or location where a primary caregiver makes available, sells, transmits, gives, or otherwise provides medical marijuana to two or more persons with identification cards or qualified patients. A medical marijuana dispensary shall not include the following uses, as long as the location of such uses are otherwise regulated by this code or applicable law: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code; a healthcare facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code; a residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code; a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code; a residential hospice licensed pursuant to Chapter 8.5 of Division 2 of the Health and Safety Code; or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as any such use complies strictly with applicable law including but not limited to Health and Safety Code Section 11362.5 et seq.
- FF. Outdoor Vending. This use class is defined by any unattended vending machine that offers goods or service kiosks, including movie rentals, water dispensers, snacks, key making, coin-exchange, beverages or bottle returns, and is not a principle use. See also Section 17.52.030, and Section 17.58.030, donation and collection boxes.
- KK. Restaurants, Coffee Shops/Cafes. A retail business selling beverage and, in some cases, food prepared and/or served on the site, for on- or off-premises consumption. Includes establishments where customers are served from a walk-up ordering counter for either on- or off-premises consumption.
- MM. Restaurants—Full Service. A retail business selling food and beverages prepared and/or served on the site, for on- or off-premises consumption. Includes eating establishments where customers are served from a walk-up ordering counter for either on- or off-premises consumption and establishments where most customers are served food at tables for on-premises consumption, but may include providing food for take-out. Establishments may include outdoor dining.
- NN. Retail Sales—General. The retail sales—general use class consists of establishments engaged in retail sale of goods or provision of services not specifically listed under another use classification, and which primarily sell specialized items or that are primarily oriented to a citywide customer base. All sales and storage are conducted completely within an enclosed building. This classification includes stores selling clothing, hardware, books, flowers, jewelry, liquor for off-site consumption, and furniture.
- OO. Retail Sales—Local. The retail sales—local use class consists of establishments engaged in retail sale of goods or provision of services not specifically listed

under another use classification, which primarily serve surrounding neighborhoods, and whose floor area does not exceed one thousand two hundred square feet. All sales and storage are conducted completely within an enclosed building.

- PP. Retail Sales—Outdoor. The retail sales—outdoor use class consists of establishments engaged in retail sale of goods or provision of services that require outdoor display of merchandise. This use class may be applied with another use type that allows sales only within an enclosed building. Typical uses include the sales of gardening tools and materials by a store that sells general merchandise.
- QQ. Retail Sales—Regional. The retail sales—regional use class consists of establishments engaged in retail sale of goods or provision of services not specifically listed under another use classification, and which are primarily oriented toward a regional customer base. The majority of sales and storage are conducted within an enclosed building. Up to twenty-five percent of sales can be conducted outside. Typical uses include large department stores, big box retail stores, big box hardware retail stores with outdoor-oriented retail outside, bulk food and household goods stores, and retail sales from warehouse-type structures.
- RR. Secondhand Dealers. The secondhand dealers use class consists of any person, co-partnership, firm, or corporation whose business includes buying, selling, trading, taking in pawn, accepting for sale on consignment, accepting for auctioning, or auctioning secondhand tangible personal property, subject to the definition and exclusions set forth in Business and Professions Code Section 21626. Secondhand Dealers include but are not limited to pawnshops and pawnbrokers (as defined in Financial Code Section 21000), cash-for-gold or other used jewelry purchases and/or sales, and swap meets, flea markets or open-air markets as defined in Business and Professions Code Section 21661. It does not include garage sales as defined and regulated in Chapter 5.40.
- SS. Smoke Shops. The smoke shops use class consists of establishments that either devote more than twenty percent of its total floor area to smoking, drug, and/or tobacco paraphernalia or devotes more than a two-foot by four-foot (two feet in depth maximum) section of shelf space for display for sale of smoking, drug, and/or tobacco paraphernalia. This use class includes e-cigarettes.
- TT. Specialty Food Retail. The specialty food retail use class consists of the following: groceries/drug stores (under ten thousand square feet), chocolate/candy, general gourmet, ice cream, pastry/desserts, yogurt/dairy, doughnuts/bakery, wine shops and wine tasting and similar specialty foods. This use class is included in the 23rd Street Specific Plan.
- UU. Specialty Goods Retail. The specialty goods retail use class consists of the following, and similar specialty goods uses: cooking supplies/culinary, general housewares, decorator/arts and design centers (including tile, floor, and wall coverings), specialty hardware, antique stores selling high-quality used goods, party supplies, lamps/lighting, household accessories, books/magazines/stationery, music/instruments. This use class is included in the 23rd Street Specific Plan.

- VV. Tattoo Parlors. The tattoo parlors use class includes any establishment that engages in the business of tattooing and/or branding human beings.
- WW. Wholesaling. The wholesaling use class consists of indoor storage and distribution of merchandise, packages, and bulk goods. Retail sales are not included. This classification includes parcel delivery services, mail-order sales, importing and sale of imported goods, and wholesale distribution. Associated activities, such as packaging and crating, and incidental loading facilities and management offices are included.

Section 31. Section 8.02.020.O, Unlawful public nuisance, of Chapter 8.02, Property Maintenance, of the San Pablo Municipal Code, is amended to include the following [all other provisions of this section remain the same]:

- O. Cultivation of Cannabis. No person owning, renting, leasing, occupying, or having charge or possession of any parcel shall cause or allow such parcel to be used for the outdoor cultivation of cannabis, the indoor cultivation of cannabis not in compliance with Section 17.62.130 (C), any commercial cultivation of cannabis as defined in Section 17.63.130, and any medical cannabis facility as defined in Section 17.62.130. Violations of this provision shall be considered a public nuisance, and may be enforced according to the procedures set forth in this chapter and Chapter 1.10, and by the enforcement remedies conferred upon the city by Civil Code Section 3494, Code of Civil Procedure Section 731, Government Code Section 38773, or any other lawful authority, civil, administrative or criminal. Nothing in this provision is intended to impair any viable legal defense to state charges to a person using or in possession of medical cannabis pursuant to the Compassionate Use Act (California Health and Safety Code Section 11362.5 et seq.).

Section 32. Section 8.36.070, Smoking or ingestion of marijuana products, of Chapter 8.36, No-Smoking Regulations, of the San Pablo Municipal Code, is amended to include the following:

8.36.070 Smoking or ingestion of cannabis products.

Smoking and ingestion of cannabis as defined in Section 17.62.130, are limited strictly to locations permitted by Health and Safety Code Section 11362.3 and are prohibited at any location where tobacco smoking is prohibited by the city of San Pablo Municipal Code. Smoking or ingestion of cannabis is prohibited in buildings or property owned, leased, or occupied by the city.

Section 33. Section 9.58, "Fortunetelling," of the San Pablo Municipal Code is deleted.

Section 34. Chapter 15.56, Landscape Design and Development, of the San Pablo Municipal Code, is replaced in its entirety to read as follows:

Landscape Design and Development standards are contained in Chapter 17.48, Landscaping.

Section 35. Section 18.04.090, Nonresidential uses and districts, of Chapter 18.04, Regulatory Sign Ordinance, of the San Pablo Municipal Code, is amended as follows:

18.04.090 Nonresidential uses and districts.

- A. Allowed Signs. Signs allowed in nonresidential districts and for nonresidential uses are limited to those allowed in Section 18.04.060, Exempt signs—Allowed without a permit, and Section 18.04.070, Temporary signs.
- B. Prohibited Signs. Signs that are specifically prohibited in nonresidential districts and for nonresidential uses are listed in Section 18.04.050, Prohibited signs.
- C. Area, Height and Locations. The maximum area, height, and locations for allowed signs in nonresidential districts and for nonresidential uses shall be as follows, subject to the total sign area limits set forth in subsection D of this section:
 - 1. For a commercial building with one building frontage, the maximum wall sign area shall be:
 - a. one (1) square foot of sign area for every ground level linear foot of commercial building frontage; and
 - b. a maximum of fifteen (15) square feet on a rear wall facing a parking lot.
 - 2. For commercial buildings with multiple building frontages, such as a corner parcel or stand-alone building, the maximum wall sign area shall be:
 - a. one (1) square foot of sign area for every ground level lineal foot along the longest building frontage;
 - b. one-half (1/2) square foot of signage for every lineal foot of one additional side frontage of the corner parcel; and
 - c. a maximum of fifteen (15) square feet on a rear wall facing a parking lot, which shall be deducted from the allowable square footage of the building frontage(s).
 - 3. One wall sign or one monument sign is allowed for institutional uses, such as schools, religious institutions, and retirement homes, provided it shall not exceed twenty-five square feet in area, shall not exceed twenty feet in height or the height of the roofline, and shall have a vertical clearance of no less than eight feet from finished grade;
 - 4. One tenant directory sign for commercial, institutional and mixed-use projects is allowed provided it shall not exceed six square feet in area and six feet in height;
 - 5. One freestanding sign (pylon-mounted or monument sign) is allowed on the same parcel as the business to which it refers is located;
 - 6. Notwithstanding the maximum sign areas allowed by subsection D of this section, a single pylon-mounted sign is allowed for the uses listed below on sites that have a public street frontage of a minimum of one hundred fifty lineal feet. Such signs shall not exceed twenty-five feet in height or seventy-

- five square feet in area (single side or both sides if double-sided), or properties with one hundred to one hundred fifty lineal street frontage can have a freestanding sign with a maximum of twelve-foot height and forty square feet with at least a two-square-foot base from grade to the base of the sign and the sign shall not be more than six feet wide, or up to one hundred square feet in area for the following freeway-oriented uses located within a two hundred fifty-foot corridor on either side of Interstate 80 (the corridor shall be measured from and run parallel to the centerline of the freeway). This provision applies to the following uses:
- a. A restaurant or lodging establishment located, designed and operated to serve freeway through traffic;
 - b. Service stations operating to serve freeway through traffic;
 - c. A shopping center having six or more independently operated uses and adjoining the freeway or freeway frontage road;
 - d. Regional serving establishments with a minimum of one hundred thousand square feet gross floor area;
7. Double-sided projecting signs are allowed provided they shall not project from a building more than four feet in distance and shall not exceed ten square feet in sign area and be mounted no more than twelve feet above grade;
 8. Marquee signs may be allowed with dimensions unique to a particular building, subject to Section 17.18.090, Minor design review;
 9. Awning signs are allowed on the vertical valance of an awning provided the letters are within the height of the valance and the awning extends over a sidewalk no more than five feet from the face of the building with a clearance of eight feet above finished grade;
 10. A sign may be placed along the fascia of a covered walkway as long as the sign is within the height of the fascia;
 11. A blade sign no larger than four square feet in area may be hung beneath an awning or covered walkway extending no more than five feet from the face of the building and with a clearance of eight feet above finished grade;
 12. Corporate and institutional flags mounted on a flagpole may be allowed, subject to approval by the planning commission;
 13. Bulletin boards for public, charitable, or religious institutions are allowed provided they are located on the premises of the institutions and do not exceed six square feet in area;
 14. Wall signs shall comply with the following provisions:
 - a. Individual sign lettering shall not exceed twenty-four inches in height and may be reduced pursuant to design review; and
 - b. The signs shall not project more than six inches from the face of the building.
 15. For a freestanding monument sign, the maximum sign area shall be forty square feet per side, the maximum number of sides shall be two, and the maximum height shall be five feet above finished grade.
 - a. Secondary sign shall be maximum four feet high and thirty square feet (for corner properties).

- b. Height of signs located on a slope shall be measured from the average grade of the two sides.
 - c. One website address, phone number, or email address is permitted.
 - d. Maximum three lines for single tenant, four lines for two tenants (two lines per tenant), one line per tenant (three or more tenants);
 - 16. For a freestanding pylon-supported or monument sign, the planning commission may determine that a lesser square footage is appropriate in a particular location where it finds that there are other appropriate means by which the business conducted on the premises can have the same degree of identification to the traveling and shopping public as that available to businesses on neighboring premises; and
 - 17. Notwithstanding the maximum sign height, no freestanding pylon-supported sign shall project above the roofline of the building it identifies, except that freestanding signs may be as high as the highest point of the roof if the planning commission finds it necessary to identify the business to the traveling public.
- D. Maximum Overall Sign Area. Notwithstanding the overall sign area permitted for any individual sign or combination of signs as set forth in subsection C of this section, the maximum permitted square footage of sign area for any building site shall be as follows:
- 1. On building sites with a single street frontage, the maximum sign area permitted shall be one square foot of sign area per one foot of lineal building frontage, or no more than one hundred square feet of sign area for all signs for a single business or organization, with the exception of pylon signs.
 - 2. On building sites with multiple building frontages, the maximum sign area permitted shall be one square foot of sign area per one foot of lineal building frontage, plus one square foot per two feet of lineal building frontage on the secondary frontage(s), or no more than one hundred fifty (150) square feet of sign area for all signs for a single business or organization, whichever is less, with the exception of pylon signs.
 - 3. On building sites with a rear or side wall facing an on-site parking lot or visible from a public right-of-way, a sign no more than fifteen square feet may be permitted, in addition to the sign allowance set forth in D.2 above.
 - 4. Building sites with no exterior wall facing a public right-of-way:
 - a. May have a multi-tenant wall-mounted sign up to thirty square feet on the side of the building, visible from a public street and such sign shall be in lieu of a monument sign.
 - b. Two or more businesses occupying a building with a single entrance may have wall-mounted signs (within the maximum allowed) relative to the percentage of the total building floor area occupied by each tenant.
- E. Calculation of Area. The sign area of wall-mounted and monument-type signs shall be calculated as follows (for other signs, see definition of "Area of a sign"):
- 1. The area of a wall sign comprised of individual channel-type letters, numerals, symbols, or other similar components painted on or attached flat against the

- wall of a building, where such individual components are without integrated background definitions and are not within a circumscribed frame area, the total area of the sign shall be measured by the area enclosed by four vertical and horizontal straight lines outlining each word or symbol; and
2. Where a freestanding monument or pylon-supported sign has two faces, the area of both faces shall be included in determining the area of the sign, except where the sign is double-sided or the two faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area; if two faces are of unequal area, the area of the larger face shall be used.

Section 36. Severability. If any sections, subsections, sentences, clauses, phrases or portions of this ordinance are for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause of this ordinance whether or not any one or more sections, subsections, phrases or clauses may be declared invalid or unconstitutional on their face or as applied.

Section 37. Effective Date. Publication. This ordinance shall become effective thirty (30) days following its adoption.

Section 38. Publication. The City Clerk's Office shall publish and post the ordinance in accordance with California Government Code section 36933.

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First read and introduced at a regular meeting of the City Council of the City of San Pablo on February 3, 2020, and finally passed and adopted at a regular meeting of said City Council held on February 18, 2020 by the following votes:

AYES:	COUNCILMEMBERS:	Pineda, Xavier and Cruz
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Kinney and Pabon-Alvarado
ABSTAIN:	COUNCILMEMBERS:	None

ATTEST:	APPROVED:
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/s/ Patricia Ponce
Patricia Ponce, City Clerk

/s/ Arturo M. Cruz
Arturo M. Cruz, Mayor