

## Legislation Details (With Text)

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<b>Type:</b>	ORDINANCES	<b>Status:</b>	Passed		
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<b>On agenda:</b>	2/18/2020	<b>Final action:</b>	2/19/2020		
<b>Title:</b>	ADOPTION OF 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				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. ORD 2020-002 Zoning Code Amendment Final Version, 2. Summary Table of Changes, 3. Planning Commission Resolution PC19-09, 4. Proof of Publication of Public Hearing Zoning Code Amendments, 5. Proof of Public Hearing (Zoning Ordinance ) Feb. 12 - File 20-066.pdf				

Date	Ver.	Action By	Action	Result
2/19/2020	1	City Council	waived second reading and adopted	Pass

**PREPARED BY:** LIBBY TYLER

**DATE OF MEETING:** 02/18/20

### **SUBJECT:**

ADOPTION OF 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

### **CITY MANAGER RECOMMENDATION**

Waive second reading; adopt Ordinance

### **COMPLIANCE STATEMENTS**

#### **FY 2019-21 Council Priority Workplan Compliance Statement**

By updating the Zoning Ordinance and other sections of the Municipal Code, the proposed Ordinance would help to promote the Major Policy Goals to Build a Healthy Community, Enhance Community Resilience, Expand Housing Options, and Focus on Economic Development and Diversification contained in the FY 2019-21 Council Priority Workplan, effective March 1, 2019.

#### **CEQA Compliance Statement**

The proposed project has been determined to be categorically exempt from the provisions of the California Environmental Quality Act (CEQA), in accordance with CEQA Guidelines Section 15305 Minor Alterations in Land Use Limitations and 15061(b)(3) General Rule with no potential for causing a significant effect on the environment.

## **PUBLIC HEARING NOTICE**

The City Council held a public hearing on this item at its February 3, 2020 meeting. A public hearing notice was published in the West County Times newspaper on January 24, 2020. The Planning Commission held a public hearing on the proposed amendments on December 17, 2019, which was noticed in the West County Times newspaper on December 7, 2019.

## **REQUESTED ACTION**

The City Council is requested to adopt the attached Ordinance which omits any bold or strikethrough markings that were used to highlight the changes when the Council first reviewed and introduced the Ordinance. There were no revisions requested at the February 3, 2020 City Council meeting, and the City Council concurred with placing this item on the consent calendar for adoption.

## **BACKGROUND**

In June 2015, a revised Zoning Ordinance (Title 17 of the Municipal Code) went into effect for the City of San Pablo. This Zoning Ordinance incorporated the land use changes to the City's General Plan and San Pablo Avenue Specific Plan, which were both adopted in 2011 by the City Council. New zoning designations were established for the City of San Pablo with the adoption of the Zoning Ordinance in 2015.

Over the course of the past few years when using the new Zoning Ordinance, staff has found: 1) internal inconsistencies between sections in the Zoning Ordinance; 2) language that could use further clarification; 3) the need to update certain terms and concepts; 4) duplication of information between sections of the Zoning Ordinance; and 5) minor typographic or formatting errors. Additionally, there are some topic areas in the Zoning Ordinance that can benefit from updated requirements to reflect community goals and current planning practice, such as limits for improvements to nonconforming structures, landscaping requirements for single-family and two-family residences, inclusion of additional water efficient landscape standards, off-street parking requirements for certain uses, and wall signage for properties with multiple frontages.

In order to explore and evaluate potential amendments to the Zoning Ordinance, staff conducted a series of study sessions with the Planning Commission in 2018 and 2019. The purpose of these study sessions was to discuss the more substantive topic areas with the Planning Commission and San Pablo residents in order to help refine and clarify the implementation of the Zoning Ordinance.

Among the topics discussed at Study Sessions conducted in August, September, October and November 2018 and January 2019 were the following:

1. Front Yard Landscaping

*Require landscaping and permeable surfaces in front yard areas*

2. On-site parking requirements for tandem parking for single family residential lots

*Allow administrative review for on-site tandem parking regardless of lot width.*

3. Square footage of wall signage for commercial buildings.

*Revise the formula for calculation of wall signage based on length of building frontage.*

4. Establish Criteria for Smaller Accessory Dwelling Units (ADUs)

*Allow for smaller-size ADUs and facilitate approval for all ADUs per State law*

#### 5. Air Quality Health Risk Overlay District

*Allows analysis of air quality impacts and incorporation of mitigation measures for sensitive uses in the Air Quality Health Risk Overlay District*

The Planning Commission reviewed these materials and provided input regarding the suggested changes. The currently proposed amendments include items 1, 2, and 3 above. Additional analysis of item 4 (Accessory Dwelling Units) is necessary due to more recent changes to State law effective January 1, 2020. Additional environmental review is necessary for item 5, Air Quality Health Risk Overlay District. Other future changes that will require additional analysis include updates to the City's Hillside Overlay District, updates to the Mobile Vending requirements to reflect State law, and amendments to massage therapy regulations per recent legal guidance. It is anticipated that these amendments will be brought to the Planning Commission and to the City Council later in 2020.

On December 17, 2019, the Planning Commission held a public hearing on the proposed amendments. There was one public comment in favor of the proposed changes to the sign regulations and no other public comment. The Planning Commission adopted the attached Resolution recommending approval of the Ordinance, including additional revisions related to the water-efficiency standards of the landscape regulations contained in Chapters 17.48 and 15.56, which have now been incorporated into the Ordinance.

On February 3, 2020, City Council held a public hearing on the proposed amendments. There were no public comments and no changes were recommended to the draft Ordinance.

#### **SUMMARY OF CHANGES**

The summary table attached to this memorandum shows the Section of the Zoning Ordinance or other Code Section to be amended, the topic, and a brief description of the changes.

#### **GENERAL PLAN COMPLIANCE**

The proposed ordinance is consistent with **General Plan Policy LU-I-31** which states:

*“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.”*

Additional relevant policies include the following:

#### **General Plan Policy LU-I-5:**

*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.*

#### **General Plan Guiding Policy LU-G-3:**

*Preserve and strengthen the City's overall image and create a safe, walkable, and attractive urban environment for the current and future generations of residents.*

## **Guiding Policy LU-G-4:**

*Protect and enhance quality of life in the City's residential neighborhoods.*

## **ZONING ORDINANCE COMPLIANCE:**

By addressing inconsistencies in the Zoning Ordinance, updating its regulations, and facilitating its administration, the proposed amendments are 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.*

## **CONCLUSION**

Staff recommends that the City Council adopt the attached Ordinance amending the Zoning Ordinance (Title 17) and Chapters 8.02, 8.36, 9.58, 15.56 and 18.04 for the topics noted above.

## **FISCAL IMPACT**

The proposed amendments will not have a significant fiscal impact on the City of San Pablo, but will assist staff with efficient administration of the Zoning Ordinance. In addition, revision to the Wireless Communication Facilities (Section 17.62.200) includes a provision for fee recovery for technical review by outside experts.

## **ATTACHMENTS**

- A. Proposed Ordinance
- B. Summary Table of Changes
- C. Planning Commission Resolution PC19-06 recommending approval of the Zoning Ordinance amendments to the City Council
- D. Proof of Publication of Summary of Proposed Ordinance