

Appendix C

Constraints Analysis

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Appendix C – Housing Constraints

State law requires housing elements to identify and evaluate potential and actual governmental and non-governmental constraints that affect a jurisdiction’s ability to maintain and improve existing housing and develop housing to meet its housing needs. Governmental constraints can include land use regulations, fees and exactions, and processing and permitting times, among others. Non-governmental constraints can be infrastructural, environmental, or market-based. This appendix provides an assessment of these constraints to help identify any approaches San Pablo could use to reduce or overcome the constraints and improve its ability to meet the community’s housing needs.

C.I Governmental Constraints

San Pablo regulates the use and development of land through the General Plan, Zoning Ordinance, Subdivision Ordinance, and a variety of building and site development standards. These requirements are intended to protect the health, safety, and general welfare of the community but such regulations, associated procedures, and processing fees can also reduce the City’s ability to meet its housing objectives by increasing the feasibility and cost of developing housing.

LAND USE AND HOUSING POLICIES

San Pablo’s housing stock is comprised largely of single-family homes and medium-density residential development (8 to 16 dwelling units per acre). Low Density residential development occupies almost a third of the acreage within the incorporated area and another 8 percent is Medium Density residential. More than half of the unincorporated acreage within the Planning Area is also occupied by Low Density residential uses.

The San Pablo General Plan 2030, which guides long-range physical development in the city, was adopted on April 18, 2011. Key themes of the General Plan revolve around economic development, creating a pedestrian and bicycle-friendly community, and promoting residential development. The Plan’s guiding policies for residential neighborhoods propose to both “protect and enhance quality of life” and “promote a variety of housing types and prices within neighborhoods to serve the economic needs of all segments of the community.”¹ Additionally, a major emphasis of the General Plan was to introduce the concept of mixed-use development to bring jobs and shopping areas close to where residents live to improve convenience and reduce reliance on auto use.² Providing for the development of residential and mixed-use projects in mixed-use areas made it possible to allow for more residential development without significantly changing the character of existing residential neighborhoods. As

¹ San Pablo General Plan 2030, April 2011, pp. 1-15-1-163-20.

² Ibid, pp. 3-7 and 3-8.

discussed below, the State's elimination of municipal redevelopment in 2012, along with a variety of other economic changes, now require re-examination of the Plan's use classifications and other policies to achieve the desired levels of residential production.

The Land Use & Physical Design Element of the General Plan provides the foundation for San Pablo's land use regulations, which are implemented through the zoning ordinance. The Plan established three residential classifications, four mixed-use, and two commercial land use classifications as shown in Table C-1: San Pablo General Plan Land Use Density and Intensity Standards. Residential uses are permitted in the mixed-use districts subject to restrictions that constrain development to varying degrees but are not permitted under either of the commercial designations. The use restrictions, density and intensity standards provide the framework under which both residential and non-residential development can occur (Table C-1).

- a. **Low Density Residential.** Located at infill sites in Old Town and central San Pablo, the Low Density Residential designation allows for family detached development with a density range of up to 12.0 and an average expected density of 8.0 units per acre.
- b. **Medium Density Residential.** Located at sites along a major road, the Medium Density Residential designation allows for residential development at a density of 13.0 to 24.0 units per acre (with an average expected density of 18.0 units per acre). The designation is primarily intended for attached housing, duplexes, townhomes or apartments.
- c. **High Density Residential.** Located at sites along a major road, the High Density Residential designation allows for residential development at a density of 25.0 to 60.0 units per acre (with an average expected density of 30.0 units per acre). The designation is primarily intended for townhomes or apartments or condominiums with 4 stories and above.
- d. **Mixed Use Center North.** Located around the intersection of San Pablo Avenue and El Portal Drive, this designation allows for residential development at a density of 40.0 to 80.0 units per acre (with an average expected density of 60.0 units per acre). This designation is intended for multifamily apartment buildings.
- e. **Mixed Use Center South.** Located around the intersection of San Pablo Avenue and Church Lane, this designation allows for residential development at a density of 20.0 to 40.0 units per acre (with an average expected density of 32.0 units per acre) for the whole site. This designation is intended mostly for townhomes.
- f. **Commercial Mixed Use.** Located at sites all over the city, this designation allows for residential development at a density of 12.0 to 24.0 units per acre (with an average expected density of 20 units per acre). This designation is intended for townhomes and multifamily apartment buildings.
- g. **Residential Mixed Use.** Located primarily along San Pablo Avenue between Brookside Drive and El Portal Drive, this designation allows for residential development at a density of 10.0 to 18.0 units per acre (with an average expected density of 14 units per acre). This designation is intended for townhomes and multifamily apartment buildings.

The 2015 Housing Element (Program H-3.2.1) called for the City's Zoning Ordinance to be updated in 2015 to reflect the residential densities in the City's General Plan 2030, San Pablo Avenue Specific Plan and the 23rd Street Specific Plan. The amendments to the Zoning Ordinance established several new zoning districts to implement the 2030 Plan's proposed mixed-use designations—Mixed Use Center North, Mixed Use Center South, Commercial Mixed Use, and Residential Mixed Use—all of which accommodate residential development.

Table C-1: San Pablo General Plan Land Use Density and Intensity Standards

Land Use Classification	Opportunity Sites Gross Acreage	Floor Area Ratio (FAR; includes all uses—non-residential and residential)		Density (units per gross acre)
		Minimum	Maximum	
Low Density Residential	4.8	-	-	Up to 12
Medium Density Residential	3.2	-	-	12.1 – 24
High Density Residential	17.3	-	-	24.1 – 60
Mixed Use Center North	2.7	0.30 ²	2.5	Up to 80 ¹
Mixed Use Center South	16.1	0.50 ²	2.5	Up to 60 ¹
Commercial Mixed Use	28.6	0.40 ²	1.5	Up to 50 ^{1,4}
Residential Mixed Use	25.6	- ⁵	1.5	Up to 50 ¹
Neighborhood Commercial	13.3	0.30	1.0	-
Regional Commercial	25.6	0.30	0.75	-
Entertainment District Overlay	10.1		0.5 above base district maximum ³	-
Industrial Mixed Use	23.7	0.30	0.60	-

1. Included within the FAR limit.
2. The frontage of a site along San Pablo Avenue is required to be devoted to active uses. Residential is not permitted at the ground level along San Pablo Avenue.
3. Additional FAR available for entertainment uses only.
4. Residential uses only allowed when commercial FAR is 0.5 or greater.
5. While no minimum FAR is specified, development along San Pablo Avenue must have active uses on the ground floor.

Source: City of San Pablo, 2010; Dyett & Bhatia, 2010

The General Plan estimated that the Planning Area’s population would increase to about 34,950 by 2030, an increase of about 8.5 percent over 2010, driven primarily by regional economic growth and migration. This growth was anticipated to include close to 1,000 new housing units much of it in the Circle S, Mission Plaza, South San Pablo Avenue, Town Center, and West San Pablo Avenue sub-areas, all of which were expected to be completely built out by 2030. Four other sub-areas (Rumrill Boulevard, Giant Road, Church Lane, and San Pablo Dam Road) were assumed to be 70 percent developed by 2030.

Current estimates are less robust and data show that San Pablo’s population grew by only 3.8 percent from 2000 to 2020, which is lower than the Bay Area’s growth rate. This slowdown is due in part to the Covid pandemic but, as discussed below, there are also other factors that dampened the city’s growth. In 2020 the population was estimated to be 31,413. Moreover, the number of housing units actually decreased by .03 percent during the same period due in part to the closing of the Circle S mobile home park.⁴ The Plan classified the Circle S site as Mixed Use Center South and called for a wide range of uses including residential as well as retail, commercial, office,

public/institutional, and hotels. Due in large part to the State’s elimination of municipal redevelopment programs in 2012, the only project that has been completed to date has been the new civic center.

To meet San Pablo’s changing circumstances and needs, the City is embarking on a targeted General Plan update in parallel with the adoption of this Housing Element. The City has received a grant from the State to help support this effort, which will focus on designing a land use pattern and formulating policies that will help to accelerate housing production. Data show that the housing type that experienced the most growth between 2010 and 2020 was multi-family with five or more units.³ The City hopes to continue this trend by developing and implementing strategies that promote higher density infill development as well as “missing middle”⁴ housing options, and ADUs in single-family areas.

Although the General Plan is, for the most part, serving the community well, the City is using this opportunity for a targeted update to also reflect changing conditions in the community and respond to emerging trends and new State law. As part of the update, a new Environmental Justice Element will be prepared, building on the Health Element for the 2030 General Plan that was recognized with a national American Planning Association award, and density, intensity, use mix requirements will be revisited. This will create an opportunity to address a number of the constraints this analysis identifies. The horizon of the General Plan will also be extended to 2040.

Rumrill Boulevard Corridor Plan

Rumrill Boulevard is a major four-lane community corridor that extends north from San Pablo’s southwestern City limit to connect with Broadway and San Pablo Avenue. The southern portion of the corridor between Brookside and Costa is designated as a Priority Development Area (PDA), currently identified as an Employment Focus Area in Plan Bay Area 2040 and projected to see 22 new households and 194 jobs added by 2040. The corridor is a predominantly Latinx area with major existing uses including industrial yards, the Rumrill Sports Park, an older mobile home park, and the Rumrill Garden Apartments, together with a variety of auto-related uses, grocery stores, churches, restaurants, commercial services, and several underused and abandoned properties. A Complete Streets Study for the corridor was completed in 2015, and complete street improvements are slated for construction in 2021-22.

In tandem with the General Plan and Housing Element updates, a Corridor Plan for the segment of Rumrill Boulevard between Brookside and Costa is being drafted with a view to establishing a coherent vision, land use and development strategy, and revitalization plan for the area. A citywide survey conducted in early 2022 found strong community support for higher density housing development along the Rumrill Corridor. With additional community and stakeholder input, the Corridor Plan is being developed to articulate a clear vision to guide revitalization of the corridor

³ Association of Bay Area Governments, Housing Needs Data Report: San Pablo, April 4, 2021, pp. 6 and 11.

⁴ Missing middle housing refers to a “range of house-scale buildings with multiple units—compatible in scale and form with detached single-family homes—located in a walkable neighborhood.” These housing typologies are typically more affordable than single-family homes, especially for moderate-income households. See more at <https://missingmiddlehousing.com/>.

and incorporate strategies to foster transit-oriented development, enhance regional equity, and bring mobility, housing, and economic development opportunities to a diverse community in need. The Corridor Plan will be adopted as an element or component of the General Plan.

Specific Plans

To implement General Plan policies for two other key corridors, the City adopted the San Pablo Avenue Specific Plan (SPSP) and the 23rd Street Specific Plan (23rd Street SP) in 2007 and 2011 respectively. These specific plans provided detailed guidance for future development and to further enhance the appearance and character of an area and replace the zoning provisions of the underlying districts within the Specific Plan areas (San Pablo Zoning Ordinance, Section 17.38.020.B). Section 17.38.040, Priority development area (PDA) overlay district (D2) also establishes alternate development standards for properties in the 23rd Street SP and SPSP plan areas and on Rumrill Road that are within a quarter mile radius of any existing or planned light rail, streetcar, or bus rapid transit station to promote higher density and pedestrian-oriented uses consistent with ABAG's Sustainable Community Strategy. These standards supersede requirements otherwise applicable to mixed-use projects that include residential uses and residential projects with four or more units. The Specific Plans could be amended to incorporate or cross-reference these standards, which allow densities up to 60 units per acre, maximum FAR of 2.5 and a maximum height of 60 feet.

23rd Street Specific Plan

The 23rd Street SP, adopted by the City in October 2007, provides a long-term strategy to revitalize and increase the development potential of the 23rd Street Corridor, a 22-acre half-mile stretch of 23rd Street between San Pablo Avenue and Pine Avenue. The Plan was intended to implement the 1996 General Plan by focusing on the creation of an identifiable neighborhood-serving commercial district. Goal LU-2 aims to promote a “land use mix that contributes to an increase in housing opportunities and jobs and fosters a more viable economy,” while Goal ED-2 seeks to provide “new jobs and housing opportunities in the Plan Area.”

The Plan establishes specific standards for development within the Plan area including a requirement for vertical mixed-use development along 23rd Street. Multi-family units are only allowed on the second floor or behind a permitted retail use on the ground floor. Live-Work living spaces are allowed with approval of a use permit. Residential development must have a minimum density of 30 units per acre unless the Planning Commission approves development as low as 15 units per acre or higher than 30 is needed due to unique site constraints or to avoid detriment to adjacent residential or commercial uses. The Plan also requires that residential development provide publicly accessible as well as private open space.

Almost the entire plan area has been zoned Commercial Mixed-Use (CMU) designation, which allows neighborhood-serving retail with residential use primarily on upper levels. Office use and stand-alone residential uses are also allowed. The maximum FAR is 2.5 for parcels that front on 23rd Street, the allowable development intensity is 55 dwelling units per acre (du/ac), and the building height limit is 50 feet for parcels that front on 23rd Street. Properties designated SP1 and SP2 are also subject to additional development and design standards included in the Specific Plan.

The 23rd Street SP estimated that 282 dwelling units would result from new development and the General Plan anticipated that 50 percent of the potential development would occur by 2030. Current data show that only 2 new units have been developed in the plan area since 2007, a single family home and an ADU.

Staff has found the 23rd Street SP difficult to implement and often confusing. The requirement for ground floor commercial uses appears to be an impediment to development especially on mid-block properties. Although the City has been able to permit completely residential buildings as a conditional use according to Staff, neither the Plan nor the existing Code appear to allow such deviations. Moreover, the minimum standards for both residential and commercial development are overly strict for both residential and commercial development. In addition to the minimum density and restrictions for housing (e.g. only above the ground floor or behind ground floor retail) are often infeasible. The Plan's parking requirements are also an impediment, requiring covered parking and not reducing parking standards reductions (including for mixed-uses), although the area is significantly denser than the rest of the city. Live-work units also require a CUP, which discourages a type of development that would likely be appropriate for this planning area.

Under the State Density bonus law, the City could approve exclusively residential buildings as a waiver of requirements for eligible projects and could also modify other standards based on a determination that they make affordable housing infeasible. In order to encourage development to revitalize the area as well as build needed housing, the Housing Action Plan could propose to amend the Zoning Ordinance to specifically allow the Director or Planning Commission to approve this deviation as well as allow modification of other standards that may be constraining residential development.

San Pablo Avenue Specific Plan

The San Pablo Avenue Specific Plan (SPSP) was adopted by the City in September 2011 in response to the corridor's designation as a Priority Development Area (PDA) by the Metropolitan Transportation Commission and the Association of Bay Area Governments. In 2007. The broad objective of the Plan is to foster revitalization of San Pablo Avenue into a pedestrian- and transit-oriented boulevard integrating new development with key activity centers like Contra Costa College, City Hall, Doctors Medical Center, and the San Pablo Lytton Casino. The Specific Plan was written to implement General Plan proposals to:

- Initiate planning, rezoning, and marketing of the City Hall site if the City Hall moves to an alternative location,
- Use the San Pablo Avenue Specific Plan to guide future development in the Circle-S site focus area; and
- Use design guidelines established by the San Pablo Avenue Specific Plan for development review in the San Pablo Avenue corridor.

The SPSP outlines a vision for an economically viable and healthy corridor with a neighborhood and community scale and focus, and a safe and pedestrian-friendly street environment provides a vision and policies for San Pablo Avenue to become a vibrant, accessible, and sustainable mixed-use corridor. The SP Planning Area encompasses 261 acres occupying about 15 percent of San Pablo's total area extending 2.25 miles along San Pablo Avenue from the unincorporated area north

of the City through the tribal lands occupied by the San Pablo Lytton Casino to Road 20 along the City's southern boundary.

A key component of the plan is its Affordable Housing Strategy⁵, which sets forth a suite of affordable housing goals and policies. The Strategy was designed to meet the requirements of the MTC/ABAG Station Area Planning Manual to create opportunities for affordable and accessible Housing including:

- Affordable housing goals to be achieved through inclusionary requirements or other policies and financing mechanisms;
- Analysis of inclusionary housing requirements;
- Providing a range of housing options;
- Minimizing displacement of existing residents;
- Accessibility/visitability policies that go beyond the scope of ADA and State requirement to ensure that some development is fully accessible for residents and visitors with disabilities.

A Market Study completed for the Specific Plan in 2010, concluded that:

- Prospective buyers and renters in the Study Area will include many first-time homebuyers; young and multigenerational families; students and others affiliated with Contra Costa College, the Doctors Medical Center, and the San Pablo Lytton Casino; and the elderly.
- In the short-term demand in the Study Area was projected to be 390 units, or 65 units per year of market-rate housing from income-qualified households, which would be an absorption level of three to four units per month across the entire Study with 60 percent of demand for ownership housing and 40 percent for rental housing.
- Based on residential demand projections and ABAG population projections, the Study area would have a demand for 900 to 1,300 new market-rate units by 2030;
- Based on San Pablo residents' income levels, there is a notable demand for affordable housing, some of which could be met by the turnover of about 430 existing subsidized units with a need for about 18 to 25 affordable units annually through 2015; and
- Supportable product types include a combination of ownership townhomes, rental apartment units and multi-family housing appropriate for students.

The SPSP estimated that a total of 739 residential units could be built in the planning area by 2030 including a range of housing types with fewer than 200 units in residential only projects. Only 48 units (6.5 percent) were expected to be affordable to low-income households. While several large projects have been entitled in the Specific Plan Area since adoption in 2011, as yet no developments have been constructed.

The SPSP Land Use Diagram includes the following land uses classifications, organized into four categories: Residential, Mixed Use, Commercial, and Public. The development standards of

⁵ City of San Pablo, San Pablo Avenue Specific Plan, 2011, Chapter 7.

designations that permit residential uses are summarized below, and Table C-3 provides permitted uses by land use designation. Generally, the SPSP provides a predictable path towards development and contains helpful development standards and incentives.

- **Residential – Low Density Residential.** This designation is intended for single-family detached residential development of up to 12 units per gross acre, accommodating existing development in the northern-most end of the Planning Area, adjacent to Wanlass Park. New development within this classification is not expected. The minimum lot size is 5,000 square feet (6,000 square feet for a corner lot).
- **Residential – Medium Density Residential.** This designation is intended for a mix of housing types, with density ranging from 12.1 to 24 units per gross acre. Housing types may include single-family attached or multifamily dwellings. Medium Density Residential development will remain primarily along the central portion of the corridor. This designation is also applied to serve as a transition to higher intensity or commercial development (for example, south of Wanlass Park).
- **Residential – High Density Residential.** This designation is intended for multifamily buildings and townhomes between 24.1 and 60 units per gross acre. The higher densities of this designation may provide more affordable rental and ownership housing opportunities, while its location near active commercial centers may provide more lifestyle options. Developments in this classification would typically stand two to four stories high. Common open space and shared amenities are required within High Density Residential developments.
- **Mixed Use – Mixed Use Center North.** The Mixed Use Center North designation aims to establish an active destination that caters to a student population and allows high-intensity mixed-use development at or near the 1.6-acre Mission Plaza site, adjacent to Contra Costa College. Stores, restaurants/café or other active uses are required on the ground floor to promote an active pedestrian environment. (See Chapter 4: Urban Design and Building Development Standards for a detailed description of the desired active pedestrian environment.) Typical heights are expected to be four stories, with portions of buildings reaching 60 feet. The maximum FAR (for residential and non-residential uses combined) is 2.5; no separate residential maximum density is specified, to enable maximum use of FAR by smaller housing units geared to students. The minimum required commercial FAR is 0.3.
- **Mixed Use – Mixed Use Center South.** The Mixed-Use Center South designation is limited to the former Circle-S site. Like Mixed Use Center North, this designation describes a new high-intensity mixed-use destination in an area with high growth potential. The Mixed-Use Center South designation aims to establish a major new activity center and new citywide and regional destination for the City of San Pablo. Uses may include commercial, office (including medical offices), residential, institutional, and hotel. Typical heights are expected to reach three to five stories, with a maximum height of 60 feet. The maximum FAR is 2.5 and the maximum

residential density allowed is 60 units per gross acre (included within the FAR limit). As noted above, the State's elimination of redevelopment agencies in 2012 has required significant revision to plans for the Circle S site and except for the new City Hall, which was completed in 2020, no other new development has been completed. The City has approved plans for three projects including a new Police Headquarters and Training Facility, a mixed-use development with 91 units and 9,175 square feet of commercial space, and a 20-lot townhouse development on a site previously approved for high-density mixed-use development.

- **Mixed Use – Commercial Mixed Use.** This is a mixed-use designation that includes office, retail, commercial, residential, and public uses. Active uses are required for frontage along San Pablo Avenue, and residential uses are allowed only when the commercial FAR is 0.5 or greater. This designation applies primarily to the gateway area at the southern end of the corridor, and near the intersection with Church Lane in the central portion of the corridor. Typical height is expected to be two to three stories, with a maximum allowable height of 40 feet. The maximum FAR is 1.5 and the maximum density is 50 units per gross acre.
- **Mixed Use – Residential Mixed Use.** The Residential Mixed-Use designation applies primarily to the northern segment of the San Pablo Avenue corridor, north of Road 20. Located near Contra Costa College and recent commercial development, this area is characterized by small parcels and high pedestrian traffic. This designation is intended for a variety of residential and non-residential uses on infill sites and promotes pedestrian activity in a mixed-use environment. Residential Mixed-Use development that fronts onto San Pablo Avenue must have active commercial uses at the ground floor; elsewhere, residential uses are permitted on the ground floor. Non-residential uses may include administrative, financial, business, professional, medical, dental, and public uses. The typical height is expected to be two to three stories, with a maximum allowable height of 40 feet. The maximum FAR is 1.5 and the maximum residential density (included within the overall FAR limits) is 50 units per gross acre.

The San Pablo Specific Plan does not identify Accessory Dwelling Units (ADUs) or Single-Room Occupancy (SRO) Hotels among the permitted uses and should be amended to do so. Since the Plan's adoption, the State law was amended to allow ADUs with multi-family residential development subject to certain requirements. SRO Hotels should be allowed in districts where hotels, motels, multi-family development, community care facilities, and other use types and other facilities with similar performance characteristics subject to conditions to ensure they are a good fit with nearby development.

Table C-2: San Pablo Specific Plan Permitted Residential Uses

Permitted Uses ¹	Residential (Medium and High Density)	Residential Mixed Use	Mixed Use Center (North and South)	Commercial Mixed Use	Commercial (Neighborhood and Regional)
Residential Use Classes					
Dwellings	See sub-classifications below				
Single-Family Attached	R	R ²	-	-	-
Two-Family (Duplexes)	U	-	-	-	-
Multiple Family	R	R ²	R ²	R ^{2, 3}	-
Residential Care Facilities	R	U	-	-	-
Non-Residential Use Classes					
Community Care Facilities	U	U	U	U	U
Live-Work Units	A	R	R	R	U

1. R designates classes of uses permitted by right; A designates classes of uses that require an administrative review; U designates classes of uses permitted with a use permit; and – designates classes of uses that are prohibited.
2. Residential use types not permitted on the ground floor along San Pablo Avenue except in the Mixed Use Center South District where residential use types are permitted on the ground floor with a use permit.
3. Allowed if minimum FAR of 0.5 is met.

Source: City of San Pablo, San Pablo Avenue Specific Plan (2011)

Zoning Ordinance

Land uses within San Pablo are regulated by the City’s Zoning Ordinance, Title 17 of the San Pablo Municipal Code. The current Zoning Ordinance was adopted on May 18, 2015, and has since been amended several times for compliance with State law. The stated purpose of the Zoning Ordinance is to promote growth of the city in an orderly manner and to promote and protect the public health, safety, peace, comfort, and general welfare in conformance with the general plan. However, some restrictions and procedures may hinder the San Pablo’s ability to meet its housing objectives by unreasonably increasing the cost of development and the time required to produce new units.

As noted in Table C-4 below, the Ordinance establishes 11 base districts and five overlay districts and designates two areas regulated by the 23rd Street and San Pablo Avenue Specific Plans. The four base districts are strictly residential with varying levels of permitted density. The residential use types permitted in the residential base districts as well as other mixed-use and non-residential districts are outlined in Table C-5. Residential uses are permitted by right in the appropriate residential zones, as well as in the RMU and CMU districts. Multifamily development is also permitted by right in the CR district. The NC and IMU districts are more limiting in terms of residential uses permitted – both districts require a use permit for multifamily development. Specific development standards in each district, some of which do constrain residential development, are discussed in greater detail below.

Table C-3: San Pablo Base Districts, Overlay Districts, and Specific Plans

<i>General Plan Land Use</i>	<i>ID</i>	<i>District Name</i>
Base Districts		
Low Density Residential	R-1	Single-Family Residential District
Low Density Residential	R-2	Two-Family Residential District
Medium Density Residential	R-3	Multifamily Residential District
High Density Residential	R-4	High-Density Multifamily Residential District
Residential Mixed-Use	RMU	Residential Mixed-Use District
Neighborhood Commercial	NC	Neighborhood Commercial District
Regional Commercial	CR	Regional Commercial District
Commercial Mixed-Use	CMU	Commercial Mixed-Use District
Industrial Mixed-Use	IMU	Industrial Mixed-Use District
Public/Institutional	I	Institutional District
Parks/Recreation	OS	Open Space District
Overlay Districts		
-	D1	Hillside Area Overlay District
-	D2	Priority Development Area Overlay District
-	D3	Air Quality Health Risk District
-	MF	Multifamily Overlay District
-	CP	Creekside Protection Overlay District
Specific Plans		
-	SP1	23rd Street Specific Plan
-	SP2	San Pablo Avenue Specific Plan

Source: City of San Pablo, Zoning Ordinance, Section 17.26.030 Establishment of zoning districts

Table C-4 below identifies the extent of land in San Pablo where residential development is permitted by residential use type.

<i>Residential Type</i>	<i>Zoning Districts²</i>	<i>Acreage</i>	<i>Percent of Citywide Area</i>
Single-Family	R-1 through R-4; RMU; CMU; SP2-RMU; SP2-LDR	745.4	57.3%
Multifamily	R-3; R-4; RMU; CMU; CR; SP2-MDR; SP2-HDR	258.2	19.9%
Mixed-Use	RMU; CMU; CR; SP1-CMU; SP2-RMU; SP2-MUCS; SP2-MUCN; SP2-CMU	140.6	10.8%

1. Includes zoning districts that do not require a use permit for residential development.

2. Residential uses are restricted on the ground floor in SP1-CMU, SP2-RMU, SP2-MUCN, SP2-MUCS, and SP2-CMU districts.

Source: City of San Pablo, 2022; Dyett & Bhatia, 2022

DEVELOPMENT STANDARDS AND REGULATIONS

Restrictive development standards can constrain the feasibility of development within a jurisdiction and, therefore, limit the overall supply of housing – including affordable housing. In San Pablo, regulations in the 23rd Street and San Pablo Specific Plans along with those the zoning ordinance stipulates for some commercial districts are overly strict with respect to residential projects. Together with the extent of land now developed with single-family housing, the relatively small parcel size, and the scarcity of vacant land, these regulations limit the potential for providing higher-density housing outside of designated corridors.

While rents and sales prices for housing remain relatively low compared to other Bay Area jurisdictions, San Pablo's progress toward its 5th cycle Regional Housing Needs Allocation (RHNA) has lagged behind other cities in Contra Costa County (Table C-6.) For instance, in West County, while San Pablo has a slightly higher rate of permitting for low-income housing than similarly sized Hercules and a much higher rate of permitting for moderate-income housing than Pinole, no permits at all were issued for very low-income units between 2015 and 2020 and the permitting for above-moderate-income units lags significantly behind every other city in the County. The short-fall in higher-end housing is a likely result of negative perceptions about San Pablo discussed below. Currently, there are several higher-density and mixed-use projects in the City's development pipeline that will increase San Pablo's available housing stock at all income levels.

The following sections identify the potential housing constraints posed by San Pablo's current coverage, density, setback, parking, and other development standards and identify actions the City will take to remove such constraints. Development of new housing is also constrained by the availability of larger lots as the section on non-governmental constraints discusses.

Table C-5: Permitted Residential Uses in Residential, Commercial, and Industrial Districts

<i>Residential Land Use¹</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>RMU</i>	<i>NC</i>	<i>CR</i>	<i>CMU</i>	<i>IMU</i>
Accessory Dwelling Units ²	R	R	R	R	R	R	R	R	R
Assisted Living Facilities	-	-	U	U	U	-	U	U	-
Boarding Houses	-	-	U	U	U	-	-	U	-
Community Care Facilities (7+) ³	U	U	U	U	U	U	U	U	-
Dwellings, Multiple-Family ⁶	-	-	R	R	R	U	R	R	U
Dwellings, Single-Family Attached ⁶	-	R	R	R	R	-	-	R	-
Dwellings, Single-Family Detached ⁶	R	R	R	-	-	-	-	R	-
Dwellings, Two-Family (Duplexes) ⁶	-	R	R	-	-	-	-	R	-
Emergency Shelter	-	-	-	-	R	-	U	-	-
Live-Work Facility	-	-	-	-	U	-	-	U	U
Mobile Home Parks	-	-	-	-	-	-	U	-	U
Residential Care Facilities ³	R	R	R	R	R	-	-	R	-
Single-Room Occupancy	-	-	-	-	R	-	U	-	-
Supportive Housing	R	R	R	R	R	-	-	-	-
Transitional Housing	R	R	R	R	R	-	-	-	-

1. “R” designates classes of uses permitted by right; “A” designates classes of uses that require an administrative review pursuant to Section 17.18.020, Plan check/zoning clearance; “U” designates classes of uses permitted with a use permit pursuant to Section 17.20.040, Conditional use permit; and “-” designates classes of uses that are prohibited. Any class of use not listed is prohibited.

2. Permitted in conjunction with existing and proposed single-family and multiple-family dwellings. Junior accessory dwelling units also allowed in existing and proposed single-family dwellings. See Section 17.60.070.

3. Six or fewer persons do not require a use permit and are permitted by right.

4. Supportive and transitional housing 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.

Source: City of San Pablo, San Pablo Municipal Code, Section 17.32.030 Uses allowed and Section 17.34.030 Uses allowed

Table C-6: Approved Building Permits in Contra Costa County Jurisdictions, 2015-2021

Jurisdiction ¹	2020 Population	Percent of RHNA Met			
		Very-Low-Income	Low-Income	Moderate-Income	Above-Moderate-Income
West County					
Richmond	110,051	98.4%	52.5%	0.0%	57.7%
San Pablo	30,959	0.0%	22.6%	60.0%	15.8%
Hercules	26,090	0.0%	13.6%	217.0%	210.2%
El Cerrito	25,280	118.0%	9.5%	37.7%	379.5%
Pinole	19,343	0.0%	0.0%	2.3%	20.6%
East County					
Antioch	111,468	59.3%	155.6%	43.0%	231.5%
Pittsburg	71,723	8.2%	127.6%	137.7%	97.5%
Brentwood*	63,013	1.3%	10.5%	39.0%	1,010.4%
Oakley	41,656	2.5%	98.9%	133.7%	352.4%
Central County					
Concord	129,227	2.4%	0.7%	1.6%	32.1%
San Ramon	81,344	6.8%	34.1%	125.5%	622.1%
Walnut Creek	69,836	16.4%	8.5%	19.4%	200.9%
Danville*	44,933	5.1%	24.3%	37.9%	319.8%
Martinez*	38,397	0.0%	0.0%	1.3%	35.4%
Pleasant Hill	34,903	0.0%	0.0%	57.1%	61.6%
Lafayette	25,949	5.1%	7.7%	120.0%	509.1%
Orinda*	19,461	0.0%	0.0%	79.6%	721.4%
Moraga	16,896	0.0%	2.3%	14.0%	206.7%
Clayton	11,585	0.0%	28.0%	0.0%	23.5%

* = Only includes permits approved between 2015 and 2020. As of May 2022, 2021 Annual Progress Report data is not available.

Source: HCD, Annual Progress Reports, 2015-2021; U.S. Census Bureau, American Community Survey 2015-2020 (Table ID: S0101)

Site Development Standards

In addition to identifying allowable uses, the Zoning Ordinance establishes standards for minimum lot size, maximum residential density, building coverage, maximum building height, and minimum front yard depth, all of which constrain development to some extent. Residential district development standards are provided in Table C-7, while standards applicable to residential projects in commercial and industrial districts are provided in Table C-9.

Site development standards in residential zones are generally comparable to those in neighboring jurisdictions. (See Table C-8 below for a comparison of regional development standards). San Pablo's R-4 and RMU districts both permit densities above 30 du/ac, and permitted densities are comparable to other jurisdictions – although mixed-use districts in Richmond do permit higher densities. Building height limits are also on par or higher in San Pablo than neighboring jurisdictions. Required open space in multifamily districts is higher than in some places like Richmond but is generally comparable to those standards in other similarly sized communities. Maximum FAR in mixed-use districts is also somewhat low compared to other cities. Notably, minimum parcel size requirements for multifamily zones are substantially larger in San Pablo than in other jurisdictions.

The San Pablo Zoning Code establishes provisions to facilitate development on substandard lots including parcels in the R3 and RMU zones but no such provisions for substandard R4 or CMU parcels. Because this could present a challenge for redevelopment within these zones, the Housing Action Plan proposes code revisions to address this constraint.

Table C-7: Residential Development Standards in Residential Districts

<i>District</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>RMU</i>
Parcel Dimensions¹					
Area, min (sq. ft.)					
Interior Parcel	5,000	7,000	10,000	10,000	10,000
Corner Parcels	6,000	7,000	10,000	10,000	10,000
Frontage, min (feet)					
Interior Parcel	50	70	100	100	100
Corner Parcels	60	70	100	100	100
Coverage, Density, and Intensity					
Parcel Coverage, max	45% ²	50%	70%	75%	75%
Density, max (du/ac) ³	12	18	24	48 ¹²	50 ¹²
Floor Area Ratio (FAR), max	-	-	-	-	1.5
Setbacks⁴					
Front, min (feet)	20	20	15 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
Side, min					
1st Story	4 feet per side	5 feet per side	-	-	0 feet; 10 feet when abutting conforming 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

Table C-7: Residential Development Standards in Residential Districts

District	R-1	R-2	R-3	R-4	RMU
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 (feet)⁸					
Rear, min (feet)	15	15	15	15	0-10 when abutting conforming residential use
Site Development Measurements					
Height, max (feet)					
At Eave	20	20	40 ¹¹	60 ^{9, 11}	60 ^{9, 11}
At Roof Peak	27	27	48 ¹¹	75 ^{9, 11}	50
Stories, max	2	2	6 ¹¹	6 ¹¹	3
Building Separation, min			Per Building Code		
Width of Driveways and Driveway Cuts at Curb					
Single Driveway (feet)	12	-	-	-	10
Double Driveway	22 feet or 40% of the lot frontage, whichever is less				
Width of Inner Court Access to Double-Row Dwelling Group (feet)			22		
Required Open Space per Unit, min (sq. ft.)	-	350	300	300	150 sq. ft. of publicly accessible and 60 sq. ft. of privately accessible
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 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. Mixed use residential and residential projects with 4 units or more within quarter mile radius of transit subject to alternate standards per Section 17.38.040, Priority Development Area overlay district.

Source: City of San Pablo, San Pablo Municipal Code, Section 17.32.040 Development standards

Table C-8: San Pablo and Nearby Cities Development Standards Comparison

<i>Jurisdiction</i>	<i>Minimum Lot Size (sq. ft.)</i>	<i>Maximum Building Height (feet)</i>	<i>Maximum Density (du/ac)</i>	<i>Minimum Total Open Space (sq. ft. per unit)</i>	<i>Maximum FAR</i>
San Pablo	SFR ¹ : 5,000-7,000 MFR ¹ : 10,000 MU ¹ : 5,000-10,000	SFR ¹ : 27 MFR ¹ : 48-75 MU ¹ : 50-60	SFR ¹ : 12-18 MFR ¹ : 24-48 MU ¹ : 50	SFR ¹ : 350 MFR ¹ : 300 MU ¹ : 210	MU ¹ : 1.5
Richmond	SFR ² : 3,750-11,000 MFR ² : 5,000 MU ² : 5,000	SFR ² : 30-35 MFR ² : 35 MU ² : 35-135	SFR ² : 5-15 MFR ² : 27-40 MU ² : 30-135	SFR ² : - MFR ² : 120-150 MU ² : 260-275	MU ² : 0.5-5.0
Pinole	SFR ³ : 6,000-43,560 MFR ³ : None-3,000 MU ³ : None	SFR ³ : 35 MFR ³ : 35-50 MU ³ : 50	SFR ³ : 1-10 MFR ³ : 20-50 MU ³ : 30-35	SFR ³ : - MFR ³ : 380 MU ³ : 380	N/A
El Cerrito	SFR ⁴ : 5,000-20,000 MFR ⁴ : 5,000-6,000 MU ⁴ : 5,000	SFR ⁴ : 25-35 MFR ⁴ : 25-35 MU ⁴ : 35-50	SFR ⁴ : 1 unit per lot, plus an ADU MFR ⁴ : 2 units per lot-34.8 MU ⁴ : 35	SFR ⁴ : - MFR ⁴ : 200-250 MU ⁴ : 100	MU ⁴ : 2.0-3.0
Hercules	SFR ⁵ : 6,000-21,780 MFR ⁵ : 3,000 MU ⁵ : Per approved planned development plan	SFR ⁵ : 35 MFR ⁵ : 45-90 MU ⁵ : 40-65	SFR ⁵ : 2-7 MFR ⁵ : 12-55 MU ⁵ : 40	SFR ⁵ : - MFR ⁵ : 300-1,000 MU ⁵ : 100	MU ⁵ : 4.0

1. Single-family residential (SFR) refers to R-1 and R-2 zoning districts, multifamily residential (MFR) refers to the R-3 and R-4 zoning districts, and mixed-use (MU) refers to the RMU and CMU zoning districts in San Pablo.
2. SFR refers to the RH, RLI, and RL2 zoning districts, MFR refers to the RMI and RM2 zoning districts, and MU refers to the CM-1 through CM-5 zoning districts in Richmond.
3. SFR refers to the LDR and R-1 zoning districts, MFR refers to the R-2, R-3, and R-4 zoning districts, and MU refers to the RMU and CMU zoning districts in Pinole.
4. SFR refers to the RS zoning district, MFR refers to the RD and RM zoning districts, and MU refers to the TOM zoning districts in El Cerrito. Increased density is permitted pursuant to the Incentives Program. Additional public open space is required for building over 25,000 sq. ft.
5. SFR refers to the RS zoning districts, MFR refers to RM zoning districts, and MU refers to the PC-R zoning district in Hercules.

Source: City of San Pablo, San Pablo Municipal Code; City of Richmond, Richmond Municipal Code; City of Pinole, Pinole Municipal Code; City of El Cerrito, El Cerrito Municipal Code; City of Hercules, Hercules Municipal Code

Residential development standards in non-residential districts are generally more restrictive than those in residential zones. Sections 17.34.040 and 17.34.050 of the San Pablo Zoning Ordinance establish overall development standards and residential requirements, respectively. See Table C-9 below for a summary of development standards in commercial and industrial zones.

Commercial districts place overly strict restrictions on residential and mixed-use development. Although the CMU district permits up to 50 du/ac and does not require a use permit for multifamily projects, both the CR and NC districts only permit up to about 17.4 du/ac or up to about 21.8 du/ac when in combination with non-residential uses. Further, the NC district requires a use permit for

multifamily development. There is also a FAR penalty in the CMU district and projects may be required to provide ground floor commercial, depending on specific plan area. While the City has successfully used density bonus provisions to promote development in light of these restrictions, they unnecessarily limit the ability of developers to provide residential and mixed-use projects in commercial districts. The City should reform residential development standards in commercial districts to promote additional flexibility.

Table C-9: Residential Development Standards in Commercial and Mixed Use Districts⁴

	NC	CR	CMU ¹	IMU
Minimum parcel area (sq. ft.)	2,000	10,000	5,000	No minimum
Maximum building height (feet)	30	50	50	65
Minimum FAR	0.3	0.3	0.5	-
Maximum FAR				
Office	1.0	0.75	1.5	0.6
Non-Office	1.0	0.5	1.5	0.6
Maximum density (du/ac) ²	-	-	50 ³	-

1. For properties within SP1 and SP2 refer to each specific plan for development and other design standards.
2. Residential dwelling units in a commercial district shall not exceed one dwelling unit per 2,500 square feet of parcel size (about 17.4 du/ac) unless otherwise permitted in a specific plan. Residential dwelling units in combination with non-residential uses shall not exceed one dwelling unit per 2,000 square (about 21.8 du/ac).
3. Residential uses are only allowed when the commercial FAR is 0.5 or greater.
4. Mixed use residential and residential projects with 4 units or more within quarter mile radius of transit subject to alternate standards per Section 17.38.040, Priority Development Area overlay district.

Source: City of San Pablo, San Pablo Municipal Code, Section 17.34.040 Development standards

Overlay Districts

The City has five overlay districts that supplement the development standards of underlying districts to protect unique site features or implement location-specific regulations. Where the provisions of the overlay district conflict with the provisions of the underlying zoning district, the provisions of the overlay district prevail. The purpose of each overlay district and their respective development standards are summarized in Table C-10 below.

Additional restrictions on residential development in overlay districts are intended to protect sensitive uses from environmental conditions that may pose a health or safety risk and are generally appropriate to protect public health. Some provisions, such as the Air Quality Health Risk Overlay District (D3) and Creek Protection Overlay District (CP), implement requirements imposed by regional, State or federal agencies. In such instances it would be preferable to make specific reference to best practices or mitigation measure and require that projects incorporate such measures or alternate approaches subject to City review and approval.

The current wording of Section 17.38.050 Air quality health risk overlay district (D3) states that residential development “shall not be located” within 500 feet of the I-80 but also says that such new development shall “provide project-level mitigation measures to reduce vulnerability to toxic air emissions from the freeway.” This provision presumably refers to the Planning Healthy Places

guidelines published by the Bay Area Air Quality Management District (BAAQMD), which recommend several best practices to reduce exposure to air pollution that allow residential development with appropriate mitigation measures – including air filters, project phasing, and barriers, among others.⁶ Zoning amendments and other steps can be taken to review and revise overlay district requirements.

Table C-10: Overlay Districts Development Standards

<i>Overlay District</i>	<i>Purpose</i>	<i>Summary of Development Standards</i>
Hillside area overlay district (D1)	Protect public safety in generally unstable hillside areas.	Structures above one story require zoning administrator review. A geotechnical report, increased design standards, and additional fire protection is also required.
Priority development area (PDA) overlay district (D2)	Promote and provide for higher density and pedestrian oriented uses as part of, or in proximity to, transit stations in line with Plan Bay Area’s Sustainable Community Strategy. PDAs include Rumrill Road, 23rd Street Specific Plan, and San Pablo Avenue Specific Plan.	Permits a density between 20 du/ac and 60 du/ac (only applicable to mixed-use and integrated developments – residential projects must include a minimum of four units). Permits FAR between 0.5 and 2.5, and a maximum height of 60 feet.
Air quality health risk overlay district (D3)	Protect sensitive receptors from toxic air emissions, consistent with Bay Area Air Quality Management District guidelines, along the Interstate 80 corridor.	The following uses are restricted within 500 feet on both side of Interstate 80: residential development, parks and other open spaces, schools, child care facilities, senior centers, hospitals, and medical facilities. New development must provide project-level mitigation measures.
Multifamily overlay district (MF)	Recognize and protect existing multifamily development located on parcel(s) with an underlying zoning district that no longer allows multifamily development.	Multifamily uses are permitted in addition to the allowed uses of the underlying zoning district. Requests to expand or rebuild existing multifamily developments must be consistent with either R-3 or R-4, depending on corresponding density.
Creek protection overlay district (CP)	Protect creeks, as they play an important role in groundwater recharge, surface water distribution, and flood management	No structures are allowed in floodways, and any structure in a floodplain shall have its finished floor at or above the one-hundred-foot floodline. Additional setbacks may be required.

Source: City of San Pablo, San Pablo Municipal Code, Chapter 17.38 Overlay and Special Districts

⁶ Bay Area Air Quality Management District, “Planning Healthy Places”, May 2016. Download at https://www.baaqmd.gov/~/_media/files/planning-and-research/planning-healthy-places/php_may20_2016-pdf.pdf?la=en

Typical Project Densities

San Pablo has not experienced high development activity until relatively recently; therefore, there are few projects by which to gauge “typical” project densities in the city. However, there are several projects currently in the City’s development pipeline that take advantage of the higher densities permitted along corridors and in mixed-use districts. Table C-11 summarizes the residential densities achieved in both recent projects (i.e., projects completed between 2018 and 2021) and pipeline projects. As can be seen, projects in the R-1 district—both recent and pipeline—tend to approach the maximum density. Further, pipeline projects in the CMU district and specific plan areas will also come close to or exceed the maximum permitted density of the applicable base zone. Maximum densities are more difficult to achieve in the R-2 and R-3 zones where available lots are too small to take advantage of the economies of scale that are available in other communities. Examples include a long and narrow lot in the R-3 zone that was recently developed with a small single-family detached unit and an R-3 parcel with more than two acres and already developed as a mobile home park where the City approved six additional units.

Table C-11: Typical Residential Densities, 2018-2022

Base Zone ¹	Permitted Density (du/lac)	Recent Development		Pipeline Development	
		Average Density	Percent of Permitted Density	Average Density	Percent of Permitted Density
R-1	12.0	11.2	93.0%	9.9	82.6%
R-2	18.0	-	-	6.7	37.2%
R-3	24.0	9.5	39.7%	7.4	30.7%
R-4	48.0	-	-	-	-
CMU	50.0	-	-	45.6	91.1%
RMU	50.0	-	-	-	-
SP1 (CMU)	55.0	12.5	22.7%	62.3	113.3%
SP2 (LDR)	12.0	-	-	-	-
SP2 (MDR)	24.0	-	-	-	-
SP2 (HDR)	60.0	-	-	62.1	103.6%
SP2 (MUCS)	60.0	-	-	68.8	114.6%
SP2 (MUCN)	-	-	-	-	-
SP2 (CMU)	50.0	-	-	-	-
SP2 (RMU)	50.0	-	-	36.4	72.7%

1. SP1 refers to 23rd Street Specific Plan; SP2 refers to San Pablo Avenue Specific Plan.

Source: HCD, Annual Progress Reports, 2018-2021; City of San Pablo, 2022

Parking Standards

Required parking can significantly add to project development costs and reduce the feasibility of residential development. Chapter 17.54 of the San Pablo Zoning Ordinance requires residential off-street parking in all zoning districts.

According to a recent study by the Victoria Transportation Institute, the annualized total cost of parking ranges from \$1,500 per space for surface parking to more than \$5,000 for structured or underground parking. Because lower-income households tend to have lower vehicle ownership rates, regulations force them to spend a larger portion of their household budgets on parking than more affluent households. For example, the annual cost of two parking spaces would represent about 12 percent of a \$29,000 annual income compared to about 4 percent of an annual income of \$115,000.⁷ The cost of providing even one parking space per unit typically increases moderate-priced housing costs approximately 12 percent, and two parking spaces increases lower-priced housing costs by 25 percent. A 2021 study by the Turner Center reported similar results from other studies including one from 2020, which found that structured parking added nearly \$36,000 per unit to the cost of Low-Income Housing Tax Credit projects built in California between 2008 and 2019.⁸

See Table C-12 below for a summary of off-street parking standards for a variety of residential uses. ADU parking standards are discussed separately below. San Pablo's multifamily parking standards may constrain residential development. For instance, the number of spaces required is not tied to the number of bedrooms in a unit – a project is required to provide two spaces per unit whether the unit consists of one bedroom or three bedrooms. Further, the requirement to provide covered parking—including garage parking—can interfere with the financial feasibility of multifamily projects.

Alternatives to covered parking, including open landscaped parking, could reduce development costs. As listed in Table C-12, Residential Care Facilities are required to provide two covered spaces plus one additional space for each employee. This requirement, which appears in Section 17.54.020 is unusually onerous and an obstacle to the development of this important type of accommodation. Moreover, it conflicts with Table 17.54-A of the Ordinance, which states that Community Care Facilities shall provide one space for every six beds plus one per employee. The Richmond Zoning Ordinance, for example, requires only .25 spaces per bed for all times of Supportive Housing including Residential Care Facilities serving seven or more persons including necessary employees. Accordingly, through Program 1-G in Chapter 4, the Housing Action Plan, the City will review and revise all parking standards to ensure they are appropriate in light of anticipated parking demand and location relative to transit.

⁷ Todd Litman, Victoria Transport Policy Institute, "Parking Requirement Impacts on Housing Affordability: The Costs of Residential Parking Mandates and Benefits of Reforms", pp. 14-16. November 16, 2023 <https://www.vtpi.org/park-hou.pdf>

⁸ David Garcia and Julian Tucker, Turner Center for Housing Innovation, "How AB 1401 May Impact Residential Parking Requirements", April 13, 2021 <https://turnercenter.berkeley.edu/research-and-policy/ab-1401-residential-parking-requirements/>

Sections 17.54.040 and Section 17.54.050 of the Zoning Ordinance provide for common parking facilities, shared parking, and waivers or reductions in parking standards subject to approval by the zoning administrator. Waivers for adjacent public parking facilities and on-street parking are available, as are reductions for senior housing, mixed-use projects, and projects in proximity to transit. Projects that conduct a Transportation Demand Management (TDM) study or include an agreement for shared off-site parking are also eligible for further reductions with a use permit – this provides a lower threshold than would typically be required under a variance for similar parking reductions. Given that most of San Pablo is close to transit, the 10 percent reduction in parking is widely available – as is the one space waiver upon provision of a bike rack. Increased credits for bicycle use, transit, and a healthier mixed-use reduction could further increase the feasibility of residential development in the city – especially within the San Pablo Avenue Specific Plan.

Table C-12: Residential Off-Street Parking Requirements

<i>Residential Use</i>	<i>Parking Requirements</i>
Caretaker Residence	Two covered spaces are required for a caretaker residence.
Day Care, Large Family	Two covered spaces plus one space, covered or uncovered, for each employee are required for a large family day care.
Day Care, Small Family	Two covered spaces plus one space, covered or uncovered, for each employee are required for a small family day care.
Dwellings, Multiple-Family and Mixed-Use	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. Required parking for buildings within one-quarter mile of a transit stop may be reduced by 10 percent.
Dwellings, Single-Family	<p>The following provisions apply to attached and detached single-family dwellings:</p> <ol style="list-style-type: none"> 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 eighteen 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 eighteen 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.
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 eighteen feet long. Carports are not allowed in the front half of the property.
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 the Residential Design Guidelines.

<i>Residential Use</i>	<i>Parking Requirements</i>
Mobile Home Parks	One space is required for each mobile home. The space shall be adjacent to the mobile home.
Community Care Facilities	One space for every six beds plus one per employee.
Accessory Dwelling Units	A lot containing an accessory dwelling unit must provide at least one additional off-street parking space to serve the accessory dwelling unit, except as otherwise provided in Section 17.60.070.

Source: City of San Pablo, San Pablo Municipal Code, Section 17.54.020 Residential offstreet parking requirements and Section 17.60.070 Accessory dwelling units

The 2023 Housing Element proposed amending the Zoning Code to allow reduced parking by right for all new residential projects located on San Pablo Avenue close to transit service. The Housing Element also proposed to reduce parking standards for multi-family development on San Pablo Avenue.⁹ The Code was amended in 2015 to allow a 10 percent reduction for buildings located within a quarter mile of transit but no reduction is available for the residential development in mixed-use buildings where housing is the primary use. (Section 17.54.050.F and Section 17.54.050.H). Moreover, the approval of parking reductions based on transit accessibility appears to remain a discretionary decision subject to approval by the Director.

The most recent amendments to the Government Code, which including amendments to comply with AB 2097 (Friedman), prohibit cities from imposing any minimum parking requirements on residential, commercial, or other development if the project is within one-half mile of a major transit stop unless it makes certain findings supported by evidence in the record. “Major transit stop,” as defined by Public Resources Code Section 21064.3, means an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and evening peak periods.

While San Pablo is served by seven AC Transit bus routes providing local connections and two Transbay Transit bus routes that provide connections to BART stations in El Cerrito and Richmond as well as numerous major destinations in the East Bay, there is only one route that operates at peak hour frequencies of less than 15 minutes. Therefore, the requirements of AB 2097 do not apply.

San Pablo's PDAs, in particular, are well served by transit, but because of the impact of parking requirements on housing construction and housing cost, especially to lower-income households, Program 1-G has been added to Chapter 4, the Housing Action Plan, committing the City to reduce parking requirements to an average of one space per unit based on the unit size and proximity to transit. Other proposed actions will require additional unbundled parking, building on the provisions in AB 1317 that are applicable to buildings with 16 or more rental units,

⁹ City of San Pablo, 2015-2023 Housing Element, pp. 38-39.

Building Code and Enforcement

San Pablo implements the California Building Code; Chapter 15.04 of the San Pablo Municipal Code adopts California Code of Regulations, Title 24, 2019 Edition by reference. While the City has not amended the California Building Code, it has adopted the California Fire Code as amended by the Contra Costa County Fire Protection District per Fire District Ordinance No. 2019-37. These amendments apply to the entire county and are generally related to public health and safety; as such they do not pose a constraint to housing in San Pablo.

The Building Division is responsible for issuing building permits and providing detailed inspections of electrical, mechanical, and plumbing projects. Building Inspection also investigates and responds to all citizen complaints concerning construction or safety issues of structures throughout the city. Further, the Code Enforcement Unit under the San Pablo Police Department works with absentee landlords and homeowners to reduce hazardous conditions. The Code Enforcement team also works with other departments within City government such as the Public Works Department and City Attorney's Office.

The Building Code Board of Appeals was established in to hear and decide appeals of orders, decisions or determinations made by the San Pablo Building Official relative to the application and interpretation of the California Building Codes. The Building Official's decision may be appealed by filing with the city clerk, within ten days from the date of service of such decision, a written, dated appeal. Any person, firm or corporation violating any of the provisions of Chapter 15.04, or any of the provisions of the codes adopted by reference, shall be guilty of a misdemeanor.

The Residential Health and Safety Ordinance (Chapter 15.52 of the San Pablo Municipal Code) establishes the procedures for the inspection of all single- and multifamily residential rental units, and for inspection of all dwellings sold within the San Pablo city limits. This program assures that the City's residential units comply with existing State and local building, electrical, fire and plumbing code standards, to ensure the structures are safe for occupancy, and housing stock is maintained to acceptable standards. A Residential Health and Safety (RH&S) inspection is required for properties that are for sale or non-owner occupied. RH&S inspections are conducted following fee payment, and certificate of compliance is issued within 60 days after the inspection. If the owner fails to correct all such deficiencies within six months after the original application was filed, a new application should be completed and the application fee must be repaid. Failure to obtain a certificate of compliance for properties that are for sale or non-owner occupied constitutes a violation of local codes dealing with health, safety or building within the meaning of Revenue and Taxation Code Sections 17274 and 2436.5.

Subdivision On- and Off-Site Improvements

On- and off-site improvements required as part of the subdivision process are detailed in Chapter 16.22 of the San Pablo Municipal Code. The following improvements are required:

- A. **General.** All improvements as may be required as conditions of approval of the tentative map or by city ordinance or resolution, together with, but not limited to, the required improvements set forth in this chapter shall be required of all subdivisions. Requirements for construction of on-site and off-site improvements for subdivisions of four or fewer parcels shall be noted on the parcel map, or waiver of parcel map or the subdivision

improvement agreement recorded prior to or concurrent with the parcel map. Completion of improvements shall be in accordance with Section 16.22.100.

- B. **Frontage Improvements.** The frontage of each lot shall be improved to its ultimate adopted geometric section, including street structural section, curbs, sidewalks, driveway approaches and transitions.
- C. **Storm Drainage.** Stormwater runoff from the subdivision shall be collected and conveyed by an approved stormdrain system. The stormdrain system shall be designed for ultimate development of the watershed, shall be capable of collecting and conveying runoff generated by a ten-year flood, and shall be capable of providing overland release of one hundred-year flood waters to the main drainage channel or corridor. The stormdrain system shall provide for the protection of abutting and off-site properties that would be adversely affected by any increase in runoff attributed to the development. Off-site storm drain improvements may be required to satisfy this requirement.
- D. **Sanitary Sewers.** Each unit or lot within the subdivision shall be served by the sanitary sewer system that serves the city.
- E. **Water Supply.** Each unit or lot within the subdivision shall be served by the domestic water system that serves the city.
- F. **Other Utilities.** Each unit or lot within the subdivision shall be served by natural gas, electric, telephone and cablevision facilities.
- G. **Fencing.** Each parcel or lot within the subdivision that is adjacent to property containing a public facility shall have an approved fence adequate to prevent unauthorized access between the properties.
- H. **Other Improvements.** Other improvements including, but not limited to, grading, street lights, fire hydrants, signs, street lines and markings, street trees and shrubs, landscaping, monuments, bicycle facilities, fences, and smoke detectors, any other best management practices or requirements imposed by the city engineer in order to comply with current national pollutant discharge elimination system municipal storm water permit, or fees in lieu of any of the foregoing, shall also be required as determined by the city engineer in accordance with this title, the general plan and city standards and specifications.
- I. **Off-site Improvements.** If the subdivider is required to construct off-site improvements on land in which neither the subdivider nor the city has sufficient title or interest to allow construction, the city shall, within one hundred twenty days of recording the final map, acquire by negotiation or commence condemnation of the land. If the city fails to meet the one hundred twenty-day time limit, the condition for the construction shall be waived. Prior to approval of the final map, the city may require the subdivider to enter into an agreement to complete the off-site improvements at the time the city acquires title or an interest in the land. The subdivider shall pay the cost of acquiring off-site land or an interest in the land required to construct the off-site improvements.

The above requirements are typical for Contra Costa communities and, therefore, are not a constraint that disadvantages San Pablo relative to other parts of the county.

Street design standards, provided in the Circulation Element of the General Plan, establish typical street sections for each roadway classification. These standards are summarized in Table C-13 below. San Pablo is a fully urbanized city and the likelihood that new streets will be created is very low.

Table C-13: San Pablo Street Design Standards

Street Type	Subtype	Width (feet)	
		Street ¹	Right-of-Way ²
Auto Arterial	4 lanes	66-70	76-86
	2 lanes	34-40	44-56
Urban Arterial	4 lanes	69-70	84-90
	2 lanes	48	64
Mixed-Use Boulevard	4 lanes	80-84	100-108
	2 lanes	56-64	72-84
Avenue	2 lanes + TWLTL ³	46	56-60
	2 lanes	32-40	44-60
Local	-	30-34	40-50

1. Includes bike lanes, travel lanes, medians, left turn lanes, two-way left turn lanes, and parking.

2. Includes sidewalks.

3. Two-way left turn lanes.

Source: City of San Pablo, 2030 General Plan, Circulation Element

While required improvements do not pose a constraint, the residential subdivision process is generally costly in San Pablo. Pursuant to the Subdivision Map Act (Government Code Section 66410-66499), parcel maps submitted for City approval must be prepared by a licensed land surveyor. Because the City does not have staff qualified to review proposed subdivision and parcel maps for compliance with engineering requirements, applicants are required to pay the cost of a consultant hired by the City in addition to an administrative fee. The City does not receive many subdivision applications but this additional charge also applies to the cost of parcel maps, lot line adjustments and similar map actions, which could hamper implementation SB 9 (Government Code Section 65852.21). The potential for urban lot splits and creating additional residential units on existing lots has generated some interest from San Pablo residents according to City staff. Effective July 1, 2022, the fee for parcel maps, lot line adjustments and lot mergers is \$2,000, plus the consultant fee and a 17 percent administrative fee.¹⁰

Actions the City will take to reduce or mitigate the cost of subdivisions are included in the Housing Action Plan. One approach would be to reduce or waive processing fees if the new lots are designated for the affordable housing development.

¹⁰ City of San Pablo Public Works Fee Schedule, FY 2023.

Density Bonus Provisions and Other Incentives

The San Pablo Zoning Ordinance provides density bonuses and other incentives for the production of childcare and housing facilities for very-low-, low-, and moderate-income and senior households in Section 17.60.020, Density bonus and other incentives. The text in sub-section C, Types of Density Bonus and Other Incentives Allowed, appears consistent with the State requirements at the time the Ordinance was last updated in 2015 but Table 17.60-B erroneously states that the only 1 percent of the Very Low-Income target is required to qualify for the maximum bonus as shown in Table C-14 below. Both the text and the table need to be revised to comply with the most recent State requirements (Chapter 365, Statutes of 2021). The 2021 amendments increased the maximum density bonus of 50 percent for low, very-low, and moderate-income units, and 80 percent for 100 percent affordable projects and made a variety of other changes to the State-mandated requirements. The State law also increased the number of available incentives/concessions to four for 100 percent affordable projects.

Table C-14: San Pablo Density Bonus Summary

Target Group	Minimum Percent Target Units	Bonus Granted	Additional Bonus for Each 1% Increase in Target Units	Percent Target Units Required for Maximum 35% Bonus
Very-Low-Income	5%	20%	2.5%	1%
Low-Income	10%	20%	1.5%	20%
Moderate-Income (condo or planned development only)	10%	5%	1%	40%
Senior Citizen Housing Development	100%	20%	-	-

Source: City of San Pablo, San Pablo Municipal Code, Section 17.60.020 Density bonus and other incentives

Additionally, incentives are available to affordable housing units and other qualifying projects in connection with the application for a density bonus. The number of incentives or concessions granted varies depending on the proportion of affordable housing being incorporated, as summarized in Table C-15. Incentives and concessions can include a reduction in site development standards, approval of mixed-use zoning in conjunction with residential projects, deferred development impact fees, and priority processing of a residential project that includes income-restricted units.

Table C-15: San Pablo Incentives/Concessions Summary

Target Group	Target Units		
Very-Low-Income	5%	10%	15%
Low-Income	10%	20%	30%
Moderate-Income (condo or planned development only)	10%	20%	30%
Maximum Incentive(s)/Concession(s)	1	2	3

Source: City of San Pablo, San Pablo Municipal Code, Section 17.60.020 Density bonus and other incentives

While Section 17.60.020 has not yet been updated to reflect new State law, Section 17.32.040 of the San Pablo Municipal Code states that local maximum densities may be increased pursuant to the State density bonus law for affordable housing and the City's density bonus ordinance. Increased densities and incentives pursuant to State law are available to developers, regardless of local density bonus ordinances. To reduce potential conflict and uncertainty for interested developers, the City will update its density bonus ordinance pursuant to recent State law as part of the Housing Action Plan.

San Pablo does not currently offer any additional bonuses beyond what the State already provides. The feasibility and potential benefit of doing so will be evaluated as part of the process of updating the Ordinance.

Accessory Dwelling Units (ADUs)

Regulations and standards related to the provision of ADUs are provided in Section 17.60.070 of the San Pablo Municipal Code, last updated in 2020. ADUs are permitted ministerially if the project meets the established location requirements, development standards, all applicable building standards, and all applicable sanitary sewer, water, and stormwater requirements. As noted in Table C-5, ADUs are permitted by right in all zoning districts—both residential and non-residential—that allow residential development. A summary of ADU and junior (JADU) development standards is provided in Table C-16.

The City's ADU regulations have not been revised to comply with the most recently enacted minimum standards mandated by State law (California Government Code 65852.2) but do not appear to be a significant constraint on their development. Nevertheless, the number of permits issued has increased annually, from one in 2018 to 14 in 2021. According to Annual Progress Reports (APRs) submitted to HCD between 2018 and 2021, a total of 33 building permits have been issued for ADUs. Necessary changes include updating the parking requirements, revising the height standards, and revising Section 17.60.070 to state that ADUs may be developed accessory to single or multifamily development in any zone where single family or multifamily dwelling units are permitted instead of listing each of the zoning districts by name. This will avoid the need to amend Section 17.60.070 if there are changes to the specific zoning designations.

Table C-16: Accessory Dwelling Unit Standards Summary

<i>Standard Type</i>	<i>Description of Standard</i>
Maximum Units	<ul style="list-style-type: none"> • Single-Family Development: Up to 1 ADU and 1 JADU on each lot. • Multifamily Development: Up to three or more, including up to 25% of the number of existing multifamily units as internal conversions plus up to 2 detached ADUs on each multifamily lot.
Lot Size	No minimum lot size.
Unit Size	<ul style="list-style-type: none"> • Attached: Between 850 sq. ft. to 1,000 sq. ft. (studio/one-bedroom) or between 1,000 sq. ft. to 1,200 sq. ft. (two or more bedrooms)¹ • JADU: Up to 500 sq. ft. • Detached: Up to 1,000 sq. ft. (studio/one-bedroom) or up to 1,200 sq. ft. (two or more bedrooms)
Required Setbacks	Not required for internal conversions. Minimum of 4 feet side and rear; front setbacks depend on the zoning district. Minimum of 6 feet is required between buildings. ²
Permitted Height	16 feet.
Required Parking	At least 1 additional off-street space. Not required within one-half mile walking distance of public transit, within an architecturally and historically significant historic district, an internal conversion, and when a car share vehicle pick-up location is within one block of the ADU.

1. Maximum square footage is limited to 50% of the existing primary dwelling unit size or 800 square feet, whichever is larger.
2. The 6-foot minimum shall not prevent the approval of ADUs less than 800 sq. ft. and up to 16 feet tall with correct setbacks.

Source: City of San Pablo, San Pablo Municipal Code, Section 17.60.070 Accessory dwelling units

Housing for Persons with Disabilities

About 12 percent of San Pablo’s residents have one or more disabilities; close to 6 percent had ambulatory disabilities and more than 5 percent reported that their disabilities were cognitive. Developmental disabilities are defined as severe, chronic, and due to a mental or physical impairment that begin before a person turns 18 years old. These can include Down’s Syndrome, autism, epilepsy, cerebral palsy, and mild to severe mental retardation. Some people with developmental disabilities are unable to work, rely on Supplemental Security Income, and live with family members. In addition to their specific housing needs, they are at increased risk of housing insecurity after an aging parent or family member is no longer able to care for them.¹¹

Persons with developmental disabilities have special housing needs relative to other groups, requiring ease of access to transportation, employment, retail services and medical care. To meet the unique needs of those with disabilities, new housing development must comply with California building standards (Title 24 of the California Code of Regulations) and federal (Americans with Disabilities Act) requirements for accessibility as well as meet other State mandates to accommodate persons with disabilities.

¹¹ ABAG-MTC Housing Needs Data Report, 2021, pp. 53-54.

Reasonable Accommodation

In accordance with federal and State fair housing laws, Section 17.18.100 of the San Pablo Municipal Code establishes standards and regulations to allow for reasonable accommodations in the City's zoning and land use regulations, policies, and practices when needed to provide an individual with a disability an equal opportunity to use and enjoy a dwelling.

Requests for a reasonable accommodation must be made to the zoning administrator. Requests must include documentation of disability status, the specific accommodation request, and the necessity of the accommodation to ensure equal opportunity to use and enjoy the residence. The zoning administrator can approve the reasonable accommodation based on the following findings:

1. The requested accommodation is requested by or on behalf of one or more individuals with a disability protected under the fair housing laws.
2. The requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling.
3. The requested accommodation will not impose an undue financial or administrative burden on the city as "undue financial or administrative burden" is defined in fair housing laws and interpretive case law.
4. The requested accommodation will not result in a fundamental alteration in the nature of the city's zoning program, as "fundamental alteration" is defined in fair housing laws and interpretive case law.
5. The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.

The Housing Action Plan proposes to analyze the impact of sub-sections 17.18.100 H. and I. on the development of licensed residential care facilities and revise these provisions if necessary as discussed below.

Community Care Facilities

Residential Community Care Facilities (CCFs) are licensed by the Community Care Licensing Division of the State Department of Social Services to provide 24-hour non-medical residential care to children and adults with developmental disabilities who need personal services, supervision, and/or assistance essential for self-protection or sustaining the activities of daily living. According to the California Department of Social Services (CDSS), San Pablo has seven licensed residential care facilities as of May 2022, summarized in Table C-17 below. All but two of these facilities serve six or fewer persons and are, therefore, allowed by right.

Table C-17: Community Care Facilities in San Pablo

<i>Facility Name</i>	<i>License First Date</i>	<i>Facility Capacity</i>
Appletree Adult Residential Care Home	3/29/2007	4
Ventura Hills Manor	9/27/2010	14
Via Center	8/31/2012	6
Fitzpatrick Hills Manor LLC	9/26/2017	6
Webster Family Care Home I	6/15/2018	6
A&A Health Services San Pablo	1/5/2021	225
Webster Family Care Home II	10/18/2021	3

Source: California Department of Social Services, Community Care Licensing – Adult Residential Facility Locations, May 2022

The current zoning ordinance uses the term “Residential Care facilities” to describe Community Care Facilities with six or fewer persons, which are distinguished from Community Care Facilities for six or more persons. The existing zoning ordinance includes a separate classification description for Assisted Living that is identical to the description of Community Care Facilities. (Section 17.70.010, Residential use classes). The term “Assisted Living” is typically used to describe establishments that provide 24-hour medical, convalescent, or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves, and are licensed as a skilled nursing facility by the State of California, including but not limited to, rest homes, nursing homes, and convalescent hospitals. Such facilities are distinguished from Residential Care, Hospitals, or Clinics.

The current ordinance lists residential care facilities for six or fewer persons as a single-family use permitted by right in all residential zones and the CMU district. Larger CCFs—those serving more than six persons—require a conditional use permit in all residential zones, as well as the NC, CR, and CMU districts. To grant a CUP, the Planning Commission may impose such conditions in connection with the use permit as it deems necessary, and must make findings that the establishment, maintenance, or operation of the use of the building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.

The current ordinance does not include a definition for convalescent homes but classifies them as an institutional use along with hospitals, fire stations, government administrative offices and a variety of other uses. Assisted living facilities are allowed in the R-3, R-4, and RMU districts and in the CR and CMU subject to approval of a Conditional Use Permit.

Neighboring jurisdictions in the county—including Richmond, Hercules, and El Cerrito—also generally require CUPs for large CCFs. Note that Pinole permits all residential care facilities by right in all residential and some mixed-use districts. However, while none of these peer jurisdictions contain a larger CCF, San Pablo has two – including one licensed in 2021 (see Table C-17). Further, including smaller facilities, San Pablo has a CCF capacity of 0.009 per person where Richmond has a capacity of 0.0005 per person, Pinole has a capacity of 0.0006 per person, Hercules has a capacity

of 0.0009 per person, while El Cerrito has no available CCF capacity.¹² Even though the CUP requirement does not appear to have been a constraint on the development of larger CCFs in San Pablo, the State Department of Housing and Community Development has expressed concern that such discretionary review requirement may be an obstacle to such facilities.

The Housing Action Plan will include a program to evaluate existing impediments to developing residential care facilities and propose necessary amendments to the Zoning Ordinance. These amendments will revise the current definitions for different types of facilities to avoid confusion by more closely following State law. To avoid confusion, the Ordinance will be revised to refer to Community Care Facilities Large for those with seven or more persons and Small (or limited) for those with six or fewer. The term “Residential Care Facilities”, which the State uses to identify a wide range of licensed facilities that provide varying levels of care for persons who require assistance for daily living, should not be used except as a generic term to describe such accommodations.

The Ordinance should be revised to allow facilities serving seven or more persons in districts where hospitals, convalescent homes and similar facilities are permitted. The Action Plan also proposes that the Ordinance be revised to define the scope of review for CCFs so that they are consistent with the features considered for review of facilities with similar development and performance characteristics. The provisions should strive to ensure that decisions are not based on the characteristics of facility occupants. As mentioned above, this program will analyze the impact of sub-sections Zoning Ordinance sub-sections 17.18.100 H. and I. on the development of licensed residential care facilities and revise these provisions if necessary. These sections specifically identify residential care facilities as a use where special consideration is required to grant an accommodation. The analysis should examine the types of accommodations that have been sought by applicants, the type and extent of information the City required to conduct its evaluation, and the City’s decision.

The Ordinance will also be amended to replace the definition of “family” with one demonstrating that the City is complying with statutory and case law. The existing Code defines “Family” as “One or more individuals occupying a dwelling unit and living as a single household unit.” This is the same definition that many cities adopted to replace the antiquated and illegal definition of “family” as those who are related by blood, marriage, or other familial connection. Nevertheless, it would be preferable to amend the Code to incorporate a more contemporary definition as recommended by attorneys and lawyers specializing in fair housing law.¹³ It should be noted that there is no evidence that the City has used the current definition as grounds for denying or impeding the establishment of residential care facilities or other types of housing that accommodate households comprised of persons with disabilities.

¹² Based on 2022 CDSS data on adult residential facilities and 2021 population estimates per the California Department of Finance E-5 Series.

¹³ “Fair Housing Issues in Land Use and Zoning: Definitions of Family and Occupancy Standards”, Mental Health Advocacy Services, Inc., September 1998. Download at <http://www.21elements.com/documents-mainmenu-3/housing-elements/archiving-including-rhna-4/rhna-4-2007-2014/special-topics-best-practices/definition-of-family/441-definition-of-family-supplemental-resource/file>

Emergency Shelters

Section 17.60.080 of the Zoning Ordinance allows permanent year-round emergency shelters by right without discretionary action in the RMU zone, subject to the same development standards applicable to other uses permitted in the same district and subject to a list of conditions, most of which are consistent with State law. Permanent emergency shelters are subject to the following standards, which are within the parameters the State has established (Government Code Section 65583 (a) (4 (A) except for the required 500-foot separation which exceeds the maximum 300-foot separation allowed by the State and the parking standards, which are limited to the number needed based on staffing levels.

1. The maximum number of beds or persons to be served nightly by an emergency shelter shall be thirty-five.
2. Off-street parking shall be based upon demonstrated need; provided, that parking for an emergency shelter shall not be more than that required for other residential or commercial uses permitted in the residential mixed-use (RMU) or regional commercial (CR) district as applicable.
3. Appropriately sized and located exterior and interior on-site waiting and intake areas shall be provided.
4. Appropriate exterior lighting shall be provided.
5. On-site management shall be provided.
6. Security shall be provided during the hours that the emergency shelter is in operation.
7. The maximum length of stay by a homeless person in an emergency shelter shall be six months.
8. An emergency shelter shall not be located within five hundred feet of another emergency shelter.
9. No individual or household shall be denied emergency shelter because of an inability to pay.

The City's 500-foot separation requirement is inconsistent with State law and will be reduced to 300 feet to implement the Housing Action Plan (see Program 3-B). This Program also proposes that the Zoning Ordinance will be revised to eliminate the inconsistencies identified above. Table 17.34-A—Commercial and Industrial Districts: Use Regulations incorrectly states that emergency shelters require a use permit in the CR district.

The Contra Costa Count 2023 Point-in-Time Count identified a 4 percent increase in the total number of persons observed who were experiencing homelessness countywide from the 2020 survey including a 29 percent increase in West County. However, the number of unsheltered persons observed in San Pablo declined from 67 in 2020 to 48 in 2023. The survey was conducted on January 24, 2023.

There are currently no available shelter beds in the city. Even though the number of persons needing emergency shelter has declined, the current need exceeds the 35-bed maximum the current San Pablo Code specifies.

There is approximately 0.15 acres of vacant land between two parcels in the RMU district, and an additional 1.38 acres across two parcels in the CR district. There are also several non-vacant underutilized lots in both zones that would be suitable for an emergency shelter. These sites are sufficient to accommodate the unmet need in zones where emergency housing can be established by right without discretionary action.

Sites with RMU and CR zoning are clustered along San Pablo Avenue, El Portal Drive, and San Pablo Dam Road and have good transit access. These corridors are served by Alameda-Contra Costa Transit District (AC Transit) lines 70, 72, 72R, 74, and 76 as well as by Transbay Transit line L, as shown on Map D-16. These lines link San Pablo transit riders to major retail, institutional, and governmental activity centers located within the service area and to other East Bay cities, as well as to BART stations in El Cerrito and Richmond.

Assembly Bill 101 (AB 101) requires a Low Barrier Navigation Center (LNBC) to be permitted by right in mixed-use districts and nonresidential zones that permit multifamily development. A LNBC is defined as a “housing-first, low-barrier, temporary, services-enriched shelter focused on helping homeless individuals and families to quickly obtain permanent housing.” The Zoning Ordinance does not include a definition or standards for the approval of LBNCs. Accordingly, Program 3-J has been added to the Action Plan to amend the zoning code to permit such facilities pursuant to State law.

Transitional Housing and Supportive Housing

The San Pablo Zoning Ordinance identifies supportive housing and transitional housing are 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. This is true across residential and non-residential zoning districts.

Transitional housing is defined as “residential units operated under program requirements that call for (1) the termination of any assistance to an existing program recipient and (2) the subsequent recirculation of the assisted residential unit to another eligible program recipient at some predetermined future point in time, which point in time shall be no less than six months into the future.”

Supportive housing is defined as “housing with no limit on length of stay and that is occupied by a target population as defined in subdivision (d) of Section 53260 of the California Health and Safety Code, as the same may be amended from time to time, and that provides, directly or indirectly, a significant level of on-site or off-site services that assist supportive housing residents in retaining housing, improving their health status, and maximizing their ability to live and, when possible, work in the residents’ community.”

The Housing Action Plan includes a program (Program 3-E) proposing to amend the Zoning Ordinance to identify both supportive and transitional housing as a permitted use by right in any district where single or multi-family housing and mixed use development is allowed pursuant to Government Code Section 65651. The Ordinance will also be amended to replace the term “family” with a new definition for “household” that complies with statutory and case law as discussed below (see Program 3-M).

Single-Room Occupancy (SRO) Units

Single-room occupancy (SRO) units represent a housing alternative that is typically affordable to extremely-low-income households and formerly homeless persons. SROs are permitted by right in the RMU district and with a CUP in the CR district. Standards for SROs are provided in Section 17.60.090 of the Zoning Ordinance. SROs are subject only to the same development standards that apply to the other permitted uses in these zones, except for the following requirements:

1. Occupancy. An SRO unit shall be occupied by a single person. Occupancy of SRO units may be restricted to seniors or be available to persons of all ages.
2. Special Development. Units in an SRO housing development shall consist of a single room and may have a private or shared bathroom. A shared common kitchen and activity area may also be provided.
3. Management Standard. On-site management shall be provided.

At the time the current Housing Element was prepared, there were two SRO hotels in San Pablo with a total of 60 rooms—the Sands Motel and the San Pablo Motel, both located on San Pablo Avenue north of Rumrill Boulevard. It is unclear whether these facilities are currently approved as SRO housing under the applicable provisions of the Zoning Code. The Housing Action Plan proposes amending the Zoning Ordinance to allow SRO units to be occupied by two persons to increase the potential for these units to help reduce homelessness and increase housing options for low-income couples.

Manufactured Homes and Mobile Homes

Mobile homes (also referred to as manufactured homes) are considered single-family homes and are treated as such, given that they are certified under the National Mobile Home Construction and Safety Standards Act of 1974, which are installed on a permanent foundation approved by the City.

While mobile homes are treated as single-family residential uses, mobile home parks are not permitted in residential zones. They are permitted with a CUP in the CR and IMU districts. There are eight parks throughout the City with approximately 440 units as of 2020.¹⁴ Mobile homes provide a significant source of housing for lower-income families – according to the California Department of Finance, mobile homes constituted about 4.0 percent of San Pablo’s housing stock in 2020. Owners of mobile home parks are required to comply with the applicable provisions of Sections 66427.4 and 664281.1 of the California Government Code, if they wish to convert mobile home parks into other uses.

The Zoning Ordinance prohibits enlarging or extending mobile home parks to include any additional area. (Section 17.60.060) but does not include any provisions intended to improve or maintain this important type of affordable housing. Similarly, the Subdivision Ordinance has not been updated to reference the most recent State requirements for conversion of a mobile home park to a condominium or other use except for a mandate to comply with the applicable provisions of

¹⁴ City of San Pablo, “Affordable Housing Strategy.” *Strategic Economics*, March 2020. Available at <https://www.sanpabloca.gov/DocumentCenter/View/13386/2020-Affordable-Housing-Strategy>.

the California Government Code as noted above. The Housing Action Plan will include an action to evaluate approaches to preserving the existing parks or protecting the residents' access to comparable affordable units.

Live-Work Facilities

The City defines live-work facilities as a structure or portion of a structure:

1. That combines a commercial or manufacturing activity allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household.
2. Where the resident owner or employee of the business is responsible for the commercial or manufacturing activity performed.
3. Where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises.

Live-work facilities are permitted with a CUP in the RMU, CMU, and IMU districts. Within the San Pablo Specific Plan Area, they are also permitted with administrative review in the MDR and HDR designations, by right in the RMU, MUCN/MUCS, and CMU designations, and with a CUP in the NC and CR designations. Additional standards regulating live-work units are contained in Section 17.60.040 of the Zoning Ordinance. The Housing Action Plan includes a proposal to revise the Ordinance to allow live-work units by right in mixed-use districts where the proposed commercial activity is allowed by right.

The Housing Action Plan also includes Program 1-H, which commits the city to amending the Code to allow shopkeeper units in commercial and mixed-use districts. In contrast to live-work units, which are a commercial use that allows residential occupancy incidental to an approved non-residential use, shopkeeper units are dwelling units that are physically separated from a commercial space used for a business operated by the occupant of the associated residential unit. The commercial spaces are typically ground-floor retail or office spaces below living spaces where commercial spaces can only be leased to occupants of the residential spaces. This approach provides additional housing while creating a walkable mixed-use district.

Employee and Farmworker Housing

According to State law, housing elements must ensure that local zoning, development standards, and permitting processes comply with Health and Safety Code Sections 17021.5 and 17021.6. This generally requires employee housing for six or fewer persons to be treated as a single-family structure and residential use. As noted in Appendix B agriculture is not a major industry in San Pablo and little to no need for housing specific to farmworkers. However, the City does not include a definition for employee or farmworker housing in the San Pablo Municipal Code. This City will amend the Zoning Ordinance to address this as part of the Housing Action Plan.

PERMITS AND PROCESSING PROCEDURES

Generally, the time taken to review and approve a proposal is directly proportional to the magnitude and complexity of the project. Projects subject to a use permit are subject to a "discretionary" review process, which typically requires more time than those projects permitted

by right – i.e., projects subject to a “ministerial” review process. The City maintains an SB 35 Eligibility Checklist for the purpose of identifying qualifying projects and facilitating development consistent with the Permit Streamlining Act. The City makes use of Appendices M and N of the CEQA Guidelines to identify infill projects that qualify for the streamlined review process offered under CEQA Section 15183.3. The City also complies with the Permit Streamlining Act, California Government Code § 65920 et seq, was enacted in 1977.

The following section assesses the typical timelines for residential projects to obtain entitlement and begin development in San Pablo, including the timelines of common discretionary processes. As noted in Table C-5, residential uses generally do not require a use permit in any of San Pablo’s residential districts, although some commercial districts require one. A typical project begins with the developer filing an application for a tentative parcel map and appropriate application forms with a site plan. The application materials are first reviewed for completeness by the Planning Division staff or Zoning Administrator for consistency with City regulations and General Plan guidelines. Certain types of projects, such as multifamily housing projects, must go through design review. Otherwise, the plan is then approved at staff level. Administrative approvals typically take 30 days, and some projects include a 10-day appeal period – although ADUs do not get an appeal. If the project in question requires a use permit or a variance, it is sent to the Planning Commission for review. It typically takes about six weeks from completion to get scheduled for Planning Commission review, and an additional four to five weeks for public notice and review time. All new residential project plans are also copied to the Police Department for comment. The Police Department reviews safety and access issues before Planning Commission review.

The City also offers a pre-application meeting to discuss project requirements and priorities with developers. The meeting helps to inform developers about potential issues with their projects and typically helps to reduce review and approval time by a week or two. Given that permit processing procedures are comparable to other communities in the area, the San Pablo development review process does not represent a significant constraint to development. Table C-18 and C-19 below identifies the typical processing time and approval authority for land use entitlements. It should be noted that each project does not necessarily have to complete all steps in the process (i.e., small scale projects do not require Environmental Impact Reports or rezoning). Also, certain approval procedures may run concurrently. Timelines are provided for a single-family, large multifamily, and small multifamily project.

LENGTH OF TIME BETWEEN APPLICATION APPROVAL AND BUILDING PERMIT ISSUANCE

The Housing Element law was amended in September 2022 by the passage of AB 2234 (Rivas) to require examination of the length of time between receiving approval for a housing development and submittal of an application for building permits. The law amended the housing element requirements to add Section 65913.3 mandating that cities and counties compile a list of information needed to approve or deny a post-entitlement phase permit, post an example of a complete, approved application and an example of a complete set of post-entitlement phase permits for at least five types of housing development projects, as defined, and to make those items available to all applicants for these permits. Once the applicant submits the required plans and other information, the law will allow 15 business days to review the submittal and notify the applicant in writing whether it includes all the required items. If the application is complete, the law gives the

agency an additional 30 days to review the materials and either provide the applicant with a full set of comments with a request for revisions or issue the required approval. The law allows 60 days for review of applications for housing projects with 26 or more units.

The time between application approval and building permit issuance is influenced by several factors, many of which are not within a city's control. These include the time the applicant needs to produce required technical or engineering studies; complete construction drawings and detailed site and landscape design; secure construction and permanent financing; and retain of a building contractor and subcontractors. In San Pablo, this timeline varies greatly. Better resourced developers tend to move forward immediately, while smaller developers can take longer. Planning approvals last for one year, and the City works with developers to provide extensions as needed.

City staff reported that it usually takes from one to three months for applicants to submit a complete set of plans for building permits after entitlement approval. This varies depending on the size of the project. To facilitate the review process, the Building Division reviews plan concurrently with other agencies such as Fire, Wastewater and School District. The Building Division provides applicants with a list of information the City needs to approve post-entitlement phase permits but has not yet prepared the required examples of post-entitlement permits for five housing types. According to City staff, it wasn't until 2022 that the City started receiving applications for project types other than low-density residential and ADUs. The Action Plan includes a program for completing this material.

The new law requires that once those plans and studies have been submitted, cities must review them and notify the applicant of the results of that review without delay. The decision on completeness is subject to appeal.

As described above, the Action Plan proposes several revisions to the Zoning Code to make more projects allowed by right, which will reduce the time it takes to obtain an entitlement. Reducing the time needed to obtain all necessary construction permits may be more difficult. In order to meet the new deadlines, the San Pablo may need to hire more staff or engage consultants to review and approve plans. These remedies will probably create a need to increase fees.

The Housing Action Plan several programs that will require amending the Zoning Code in ways that will reduce the time required to obtain a planning entitlement. The additional requirements imposed by AB 234 will make it necessary to include an additional program to generate the list of information needed to approve or deny a post-entitlement phase permit and complete sets of plans for five housing project types. The Plan also includes a program to project the anticipated effect of the requirements on the need for additional staff or consultant assistance, the cost of increasing staffing or consultants, and the impact of these changes on fees.

Table C-18: Permit Procedure Timelines

Type of Permit or Decision	Typical Timeline ¹			Designated Approving Authority ²		
	Single-Family	Large Multifamily (100 Units)	Small Multifamily (10 Units)	Zoning Administrator	Planning Commission	City Council
Plan Check/Zoning Clearance	2-4 weeks	4-6 weeks	2-4 weeks	F	A	F
Official Code Interpretation	2-4 weeks	2-4 weeks	2-4 weeks	F	A	F
Similar Use Designation	2-4 weeks	2-4 weeks	2-4 weeks	F	A	F
Home Occupation Permit	1-2 weeks	1-2 weeks	1-2 weeks	F	A	F
Temporary Use Permit	*1-2 weeks	*1-2 weeks	*1-2 weeks	F	A	F
Minor Adjustment	2-4 weeks	4-6 weeks	2-4 weeks	F	A	F
Administrative Use Permit	4-6 weeks	4-8 weeks	4-6 weeks	F	A	F
Minor Design Review	4-6 weeks	6-8 weeks	4-6 weeks	F	A	F
Reasonable Accommodation	2-4 weeks	4-6 weeks	24 weeks	F	A	F
Entertainment Permit	*6-8 weeks	*6-8 weeks	*6-8 weeks	R	F	F
Major Design Review	8-12 weeks	12-16 weeks	10-12 weeks	R	F	F
Conditional Use Permit	8-12 weeks	12-16 weeks	10-12 weeks	R	F	F
Variance	12-16 weeks	12-18 weeks	10-12 weeks	R	F	F
Planned Development	12-14 months	12-14 months	22-14 months	R	F	F
Development Agreement	12 months	12 months	12 months	R	R	F
Specific Plan	12-18 months	12-18 months	12-18 months	R	R	F
Specific Plan Amendment	6-8 months	6-8 months	6-8 months	R	R	F
Zoning Amendment	6-12 months	6-12 months	6-12 months	R	R	F
General Plan Amendment	8-12 months	8-12 months	8-12 months	R	R	F
Prezoning	*6-12 months	*6-12 months	*6-12 months	R	R	F

1. * = Permit or approval is not typically required.

2. R = Recommending Authority, F = Final Decision-Making Authority, A = Appeal Authority.

Source: City of San Pablo, 2022

Table C-19: Timelines for Permit Procedures

<i>Type of Approval or Permit</i>	<i>Typical Processing Time (days)</i>	<i>Approval Body</i>
Site Plan Review	14	City Staff
Design Review		-
- Minor	14	Zoning Administrator
- Major	45-60	Zoning Administrator
General Plan Amendment	60-120	City Council
Use Permit		-
- Minor	14	Planning Commission
- Major	45-60	Planning Commission
Rezoning	60-120	City Council
Variances	45-60	Planning Commission
Subdivision Maps	60-120	Planning Commission
Negative Declaration	45-60	Planning Commission
Environmental Impact Report	60-180	City Council

Source: City of San Pablo.

Table C-20: Typical Processing Procedures by Project Type

<i>Single Family Infill</i>	<i>Subdivision</i>	<i>Multifamily Units</i>
Site Plan	Tentative Map	Site Plan
	Final Map	Design Review
	Initial Study	Variance ¹
	Site Plan Review	Negative Declaration
	Design Review	
2-4 months	6 months	2-4 months

1. A variance is not required for multifamily development, however if there are exceptional circumstances on the site, a variance may be requested by the developer.

Source: City of San Pablo.

The City has not received requests to develop at densities below those identified in the inventory. In fact, recent multi-family housing projects have increased density and requested concessions or adjustments for density bonus, height, setback, parking, etc. Examples include 13717 San Pablo Avenue, 2555 El Portal, 2364 Road 20, and 13831 San Pablo Avenue, 2812 Chattleton, 2432 – 2452 22nd (8 plex), 1723 14th Street (3 units mixed use), 1982-1988 23rd St (7 units mixed use). Projects currently in the development pipeline, including 1820 Rumrill and Ujima Permanent Supportive Housing (1910 -1916 Church Lane), similarly seek to maximize available density and have requested density bonuses and or/concessions.

Housing developments have typically been able to submit for Plan Check within one year of planning approval. One recent project requested a time extension (2432-2452 22nd Street) and is now in plan check. Another project is being offered for sale following its planning approval (2364

Road 20). As noted below, fees for all residential types are lower in San Pablo than the regional average, and the City maintains the lowest overall fees for multifamily projects. Local hindrances on the construction of San Pablo's share of the regional housing need are primarily related to a scarcity of "shovel-ready" sites and the overall costs of pursuing development.

The Housing Action Plan includes a program to bring the City into compliance with the State requirements enacted by AB 2234, which added Section 65913.3 to the Government Code. The new provisions require cities and counties to compile a list of information needed to approve or deny a post-entitlement phase permit, as defined by the law, to post an example of a complete, approved application and an example of a complete set of post-entitlement phase permits for at least five types of housing development projects, as defined, in the jurisdiction, as specified, and to make those items available to all applicants for these permits no later than January 1, 2024.

It is difficult to determine the extent to which processing procedures, development fees, and permits have constrained housing development in San Pablo relative to other factors this analysis discusses, including construction and financing costs, the availability of "shovel-ready" sites, and negative perceptions about the community. During the last fiscal year, the Planning Commission reviewed only nine applications including five housing projects. During the first six months of the year the City also issued more than 40 administrative approvals.¹⁵ Most housing permits are approved by right or at the staff level. Moreover, as shown in Table C-22, the fees San Pablo charges are lower than any other jurisdiction in Contra Costa County. That is in part because the City has not established any impact fees.

Conditional Use Permit (CUP)

Conditional use permits (CUPs) are required for multifamily dwellings in the Neighborhood Commercial and Industrial Mixed-Use districts, as well as for ground floor residential development in the Mixed Use Center South District. As noted in Table C-18 above, minor use permits typically take 14 days to receive approval, while major use permits require between 45 and 60 days. General requirements for CUPs are contained within Section 17.20.040 of the San Pablo Municipal Code. Required findings and conditions set forth in the Municipal Code are provided below:

- **Findings.** In order to grant any use permit, the findings of the planning commission shall be that the establishment, maintenance, or operation of the use of the building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.
- **Conditions.** The planning commission may impose such conditions in connection with the use permit as it deems necessary to secure the purposes of this title and may require that such conditions are being or will be complied with.

¹⁵ City of San Pablo, Community Development Department Biennial Budget, Fiscal Year 2022-23. Download at <https://stories.opengov.com/sanpabloca/published/TIdPsmtpl>

Further, the City provides Residential Design Guidelines in Appendix A and Mixed-Use Design Guidelines in Appendix D of Title 17. These design guidelines are intended to assist designers and developers in understanding the City's goals and objectives for high quality residential development and may be imposed as a condition of approval.

While a CUP is appropriate in the IMU district, it unnecessarily restricts residential and mixed-use projects in the NC and MUCS districts. Efforts the City will take to increase flexibility and reduce constraints on residential development are included as part of the Housing Action Plan. To ensure that the review of residential projects is based on objective standards as required by the Housing Accountability Act and other State requirements (e.g. urban lot splits under SB 9 and expedited ministerial review pursuant to SB 35), the Housing Action Plan includes an action to review and revise the existing residential development standards and the design guidelines to comply with mandates for using objective standards for review of residential projects. The action in the Housing Action Plan includes review and revision as necessary of procedures for review and approval of both ministerial zoning actions and CUPs to comply with applicable statutory and case law.

Design Review

The Zoning Ordinance includes residential design guidelines that are not mandatory but may be used as a basis for project review and for conditions imposed by Staff or the Planning Commission (Section 17.32.090, Residential Design Guidelines). The 23rd Street and San Pablo Specific Plans also include design guidelines in addition to design and development standards. The 23rd Street SP specifically states that the SP guidelines replace the guidelines in Appendix D, Mixed-Use Design Guidelines. Although some of the design guidance in the 23rd Street SP is advisory other provisions are mandatory.¹⁶

The Residential Design Guidelines in Appendix A of the Code and the Mixed-Use Design Guidelines in Appendix D are not directive but can provide a good basis for crafting objective design standards as required by the Housing Accountability Act and other State requirements, the Housing Action Plan includes program proposing review and revision of the residential and mixed-use design guidelines in Appendices A and D of the Zoning Ordinance and the guidelines incorporated in the 23rd Street and San Pablo Avenue Specific Plans to comply with applicable statutory and case law. The San Pablo Avenue Specific Plan (SPSP) also includes both standards and guidelines. The SPSP states that its guidelines are “intended to serve as recommendations to guide development projects and the design review process [and] elaborate on the standards presented in Table 4-I as well as the streetscape design concepts discussed in Section 4-I.”¹⁷ The SPSP includes a program proposing development of “standards that apply to all residential care facilities to eliminate the possibility that standards will be imposed on an ad-hoc basis.”¹⁸ This proposal was never implemented.

¹⁶ 23rd Street Specific Plan, p. 7-1.

¹⁷ San Pablo Avenue Specific Plan, p. 4-43.

¹⁸ Ibid., p. 7-16.

Major Design Review

The procedures for conducting Major design review standards are in Section 17.20.030 of the San Pablo Municipal Code. Major design review is required for the following new residential construction and additions (for projects subject to a CUP this review is combined):

- Multi-family with five or more residences in all zoning districts; and
- Residential care facilities in all zoning districts.

The Planning Commission is directed to ensure that these projects are consistent with applicable design guidelines as well as any community design plan or specific plan. Specifically, Section 17.20.030C establishes the following requirements for project subject to major design review:

- Design Guidelines. The proposal is consistent with applicable design guidelines.
- Community Plans. The proposal is consistent with any community design plan or specific plan.
- General Plan. The proposal is consistent with the land use, physical design, and economic development element and the open space element of the general plan.
- Location and Design. The location and design of proposed development gives particular consideration to privacy, views, and sunlight on adjoining properties and fosters the orderly and harmonious development and preservation of the public health and welfare of the city and its neighborhoods.

Design and Colors. The architectural design of structures and their colors and materials are visually harmonious with surrounding development, landforms, and vegetation.

These determinations are then used as a basis for finding that “the project under consideration adequately meets the requirements of this chapter and the applicable design guidelines.” If more than one type of design guideline, such as residential, commercial, industrial, and mixed-use, is applicable to a given project, the zoning administrator determines which provisions apply, based on the use(s), zoning district, and context. The design guidelines are included in Appendices A through D of Title 17 of the San Pablo Municipal Code. These guidelines can be imposed as conditions of approval and are relatively “soft” compared to the more detailed and rigorous specific plan design guidelines. Even though the Planning Commission tends to approve residential projects and the design review process has not been identified as an obstacle, the guidelines are not sufficiently objective to meet State mandates. Therefore, Program I-K has been added to the Housing Action plan.

Minor Design Review

Minor design review procedures in Section 17.18.090 of the San Pablo Municipal Code apply to less significant projects as an alternative to the major design review process. Minor design review is conducted by the zoning administrator for the following residential developments (does not apply to projects subject to a CUP):

- Design Guidelines. The proposal is consistent with applicable design guidelines.

- **Community Plans.** The proposal is consistent with any community design plan or specific plan.
- **General Plan.** The proposal is consistent with the land use, physical design, and economic development element and the open space element of the general plan.
- **Location and Design.** The location and design of proposed development gives particular consideration to privacy, views, and sunlight on adjoining properties and fosters the orderly and harmonious development and preservation of the public health and welfare of the city and its neighborhoods.

Design and Colors. The architectural design of structures and their colors and materials are visually harmonious with surrounding development, landforms, and vegetation. The zoning administrator is directed to consider the same factors when reviewing the smaller projects that the Commission uses for Major Design Review. Minor design review decisions are subject to appeal to the Planning Commission and both Major and Minor design review decisions can ultimately be appealed to the City Council. Design review is almost always conducted in conjunction with the review of a use permit, and decisions on the underlying project are subject to environmental review as described in the next section.

As noted above, most housing permits are approved by right or at the staff level, and during the first six months of the 2022-3 Financial Year the City issued more than 40 administrative approvals. Therefore, the application of the design guidelines has not been a significant impediment to development. However, as stated above, the Housing Action Plan includes a program (Program 1-K) to review and revise the existing residential development standards and the design guidelines to comply with mandates for using objective standards for review of residential projects to ensure that the review of residential projects is based on objective standards as required by the Housing Accountability Act and other State requirements (e.g. urban lot splits under SB 9 and expedited ministerial review pursuant to SB 35). This action will provide an opportunity to determine which design guidelines could provide a basis for a clear and objective set of standards to meet State requirements.

Environmental Review

San Pablo follows procedures set forth in the California Environmental Quality Act (CEQA) and has not adopted any additional procedures that describe how the City complies with the State requirements or to establish thresholds of significance for identifying projects that will subject to environmental review. The City has a website listing projects with final CEQA determinations, which lists 12 projects since 2017 none of which required an Environmental Impact Report. Four were exempt from CEQA review and the rest required preparation of a Mitigated Negative Declaration.

Many projects are “categorically exempt” from CEQA because of their size or nature, or because there is no reasonable possibility that they will have significant impact on the environment. Article 19 of the CEQA Guidelines lists the types of projects that are normally exempt; they include replacement or rehabilitation of existing facilities, construction or conversion of small structures, and minor alterations to existing land. Additionally, certain residential projects providing affordable urban, agriculture, or urban infill housing that meets specified acreage and unit criteria are also exempt from CEQA. The CEQA exemption for certain types of affordable housing was

introduced by SB 1925 (2002, Sher) to amend Section 21080.10 of, to add Sections 21061.0.5, 21064.3, 21065.3, 21071, and 21072 to the Public Resource Code.

Projects funded with HOME, CDBG or other sources of federal funding and some projects with financing from the City or Contra Costa County may be subject to procedures in the National Environmental Policy Act (NEPA).

Environmental review, in compliance with State and federal requirements, runs concurrent with other aspects of the local development approval process. Pursuant to CEQA, if a project has no significant impacts or the impacts can all be mitigated to a less-than-significant level, an initial study and mitigated negative declaration is adequate. This process usually takes two to three months. If the project has potentially unavoidable significant impacts, it requires an environmental impact report (EIR), which can take four to six months and sometimes longer. Infill projects may qualify for streamlining pursuant to CEQA 15183 and as noted above the use of an exemption for urban infill housing projects is also available to expedite environmental review if there are no identified impacts.

FEES AND EXACTIONS

Typical fees required to develop in San Pablo include entitlement fees, building fees, and impact fees imposed by a regional body. The City does not impose any development impact fees, unlike other cities in the region. To estimate the total typical costs, ABAG developed a draft fee estimator for all jurisdictions in Contra Costa County – including San Pablo. The estimator examined three residential types, summarized below, which are significantly lower than more recent estimates.

- **Single-family:** Single unit home with 3,100 square feet estimated at \$306,900 compared with the more current estimate of \$324,000 for a 2,000 square foot home, and
- **Multifamily – Large:** 100-unit project at 800 square feet per unit with an estimated construction value of \$9,637,600 compared with \$322 per square foot and a total construction value of \$26,372,502 for the 100-unit Alvarado Gardens project, which is now under construction.¹⁹ Based on this project, the construction cost per square foot for the 100-unit and 10-unit projects is estimated at \$330 square feet per unit.

The City Council approved a 2.6 percent increase in Building, Planning and Public Works user fees based on the Bureau of Labor Statistics Employment Cost Index. The methodology for establishing these fees was adopted by the Council in May 2021. The current fee schedule went into effect on July 1, 2023.¹⁵ Total typical fees for single- and multifamily projects are provided in Table C-22 below. Applications that require review by an outside consultant including EIRs and other environmental studies, subdivision maps, and parcel maps are subject to an additional fee equal to 17 percent of the consultant cost.

Planning and permit fees make up less than 50 percent of fees for all project types and are relatively low overall. The highest fees are generally those levied by non-City bodies, including the school district fee. Although not reflected in the typical fees below, additional fees imposed by outside

¹⁹ See Table C-26, from California Tax Credit Allocation Committee, Project Staff Reports 2017-2021; Dyett & Bhatia, 2022

agencies can pose an impediment to development in San Pablo. This includes water, wastewater, and fire mitigation fees that the city has no control over. Further, regional agencies without local review can have unpredictable costs that reduce certainty for developers.

A comparison of San Pablo's typical fees to other cities in Contra Costa County is provided below in Table C-23. Although San Pablo has increased permit fees in the last few years, the city remains on par or below other neighboring jurisdictions. Fees for all residential types are lower in San Pablo than the regional average, and the City maintains the lowest overall fees for multifamily projects.

TRANSPARENCY IN DEVELOPMENT REGULATIONS

Under State Government Code Section 65940.1, the City is obligated to provide transparency in publicizing land use controls and fees. The City provides a variety of resources on the planning process on their website²⁰ including the Master Fee Schedule, building permit information, planning applications, and the Zoning Map. The site has links to a variety of handouts that summarize development standards by district and for different types of projects. Additional information on ADUs and Senate Bill (SB) 9 is also linked to the website. Contact information and hours of operation for the Planning and Zoning Division and links to the Building and Engineering Divisions are also available on this webpage.

²⁰ <https://www.sanpabloca.gov/1177/Planning-Zoning>

Table C-22: San Pablo Fee Estimates

Fee Type	Single-Family (2,000 sq. ft.)		Large Multifamily (100 Units @800 sq. ft.)		Small Multifamily (10 Units @ 800 sq. ft.)	
		Cost		Cost		Cost
Entitlement Fees						
Pre-Application Review		\$909.00		\$909.00		\$909.00
Minor Design Review		\$2,001.00				
Major Design Review				\$4,318.00		\$4,318.00
Conditional Use Permit		\$2,998.00		\$5,098.00		\$5,098.00
Variance		\$5,398.00		\$5,398.00		\$5,398.00
General Plan Amendment		\$12,749.00		\$12,749.00		\$12,749.00
Specific Plan Amendment		\$10,929.00		\$10,929.00		\$10,929.00
Zoning Amendment		\$9,106.00		\$9,106.00		\$9,106.00
Development Agreement		\$12,749.00		\$12,749.00		\$12,749.00
IS/Negative Declaration		\$4,370.00				
IS/Mitigated Negative Declaration				\$5,827.00		\$5,827.00
Total Entitlement Fees		\$61,209.00		\$67,083		\$67,083.00
Building Fees						
Building Permit Plan Check	Based on SF	\$3,490.00	Based on SF	\$34,033.00	Based on SF	\$9,053.00
Building Permit Inspection	Based on SF	\$2,258.00	Based on SF	\$17,356.00	Based on SF	\$4,619.00
Electrical/Plumbing/Mechanical Permits	Est.	\$700	E s t	\$3,500.00		\$3,500.00
State of CA Earthquake Assessment Fee	Based on Valuation	\$30.69	Based on Valuation	\$963.76	Based on Valuation	\$96.38
Fire Protection Fee	\$1,465.00 Set	\$1,465.00	\$1,905 + \$81/10k sf over 10k	\$2,472.00	\$1,905 + \$81/10k sf over 10k	\$1,905.00
Total Building Fees		\$7,943.69		\$58,324.76		\$19,173.38
Impact Fees						
School District Fee	\$4.08 SF	\$8,160.00	\$4.08 S F	\$326,400.00	\$4.08 SF	\$32,640.00
Subregional Transportation Mitigation Program (STMP)	\$5,881.00 Unit	\$5,881.00	\$2,897.00 U n i t	\$289,700.00	\$2,897.00 Unit	\$28,970.00
Total Impact Fees²		\$14,041.00		\$616,100.00		\$61,610.00
Total Project Fees		\$83,193.69		\$741,507.76		\$147,866.38

Cost Per Unit⁴	\$83,193.69	\$7,415.08	\$14,787.38
Planning and Permit %	62.30%	16.9%	58.33%
Impact Fee %	37.70%	83.09%	41.67%

1. "Set" indicates a set fee, "Hr" indicates an hourly fee, "SF" indicates the fees is per square footage, and "Unit" indicates the fee is per unit.
2. City has not established any impact fees but collects school and STMP fees imposed by other agencies.
3. Estimated value assumes 2,000 sq. ft. single family at \$324,000 and 100-unit multi-family with development value of \$26,372,502 (about \$330 per square foot) based on data from Alvarado Gardens project.

Source: City of San Pablo, Planning & Zoning Fees, 7/1/2023-6/30/2024; Building Fees, FY 2024 <https://www.sanpabloca.gov/906/Master-Fee-Schedule>

Table C-23: Contra Costa County Fee Estimates

City	Single-Family	Large Multifamily (100 Units)	Small Multifamily (10 Units)
Antioch	\$22,146.24	\$813,910.78	\$103,950.44
Danville	\$62,489.24	\$3,336,919.50	\$347,075.68
Lafayette	\$68,946.25	\$3,132,049.61	\$370,969.49
Hercules	\$64,064.99	\$2,967,385.44	\$316,813.89
Clayton	\$39,160.00	\$1,669,246.00	\$249,136.00
Pinole	\$56,665.77	\$2,277,370.79	\$216,977.21
Brentwood	\$113,158.84	\$4,766,295.73	\$494,143.76
Concord	\$47,248.07	\$1,765,845.76	\$237,264.81
El Cerrito	\$57,356.24	\$2,927,768.15	\$440,729.35
Moraga	\$85,109.56	\$4,101,720.20	\$434,941.60
Martinez	\$58,701.86	\$2,468,768.76	\$271,214.92
Oakley	\$70,088.22	\$3,572,169.38	\$328,874.26
Orinda	\$64,627.76	\$3,347,953.50	\$376,137.59
Pittsburg	\$60,830.46	\$3,198,202.86	\$331,402.52
Pleasant Hill	\$30,927.67	\$1,670,408.38	\$177,477.61
Richmond	\$45,694.42	\$2,301,117.22	\$238,344.58
San Pablo	\$32,262.69	\$690,576.76	\$96,935.38
San Ramon	\$100,495.59	\$3,318,772.28	\$340,120.27
Walnut Creek	\$31,004.88	\$1,507,627.70	\$168,649.32
Average	\$58,327.09	\$2,621,978.09	\$290,877.67

Source: ABAG, Draft Contra Costa County Development Fee Estimates, April 2022; Dyett & Bhatia, 2023

CUMULATIVE EFFECT OF LAND USE CONTROLS AND SITE CONDITIONS

The cumulative effect of the outdated requirements of the 23rd Street Specific Plan, the high cost of financing, the preponderance of small lots under disparate ownership, and the high cost of construction, which is as high in San Pablo as it is in other parts of the inner Bay Area that are more attractive to investors and command higher rents, present a more significant obstacle than many other cities face. At the same time, the large minimum lot size requirements in the R-3 and R-4 districts and the small size and number of vacant parcels limit the potential for developing much-needed "missing middle" housing, which might otherwise be a good way to increase the housing supply. Chapter 4 of this Housing Element, the Housing Action Plan, incorporates strategies to address these challenges individually and cumulatively in order to facilitate development of the housing element inventory.

The City has not adopted growth control, short-term rental, or other ordinances that affect the cost and supply of residential development.

C.2 Non-Governmental Constraints

Non-governmental constraints range from environmental factors such as seismic hazards and noise to economic conditions including the cost and availability of financing, labor supply, the cost of materials and, more recently, supply chain problems. In the Bay Area particularly, the high cost of land can significantly increase the overall cost of housing development. All of these conditions can hamper residential development and are beyond the ability of local government to control. Nevertheless, there are approaches they can use to help offset the impacts of these constraints through their planning and regulation of land use and development.

In San Pablo, the major constraints to housing development include historic development patterns, environmental conditions, and regional and local market conditions – including regional discrimination in the housing market. The following section assesses the impact of these non-governmental constraints and steps the City can take as part of the Housing Action Plan to mitigate them.

PHYSICAL DEVELOPMENT PATTERN AND LOT SIZE

San Pablo is a largely built out city with relatively few vacant parcels available for development. While there are several larger vacant parcels clustered east of I-80, these are located within an Alquist-Priolo Fault Zone where residential development is prohibited for reasons of seismic safety. Only about 2.7 percent of San Pablo’s land is considered vacant by the Contra Costa County Assessor. Further, while the city features a regular pattern of platting and parcel shape is not a constraint, the average size of a vacant parcel in the city is 0.3 acres, and about 81.6 percent of all vacant parcels are under 0.5 acres in size. San Pablo also has very low vacancy rates and few substandard buildings with high potential for redevelopment – as of March 2020, the City has a lower vacancy rate (4.1 percent) than Richmond (4.7 percent), Pinole (5.7 percent), El Sobrante (4.2 percent), the county (5.1 percent), and the nine-county Bay Area (4.8 percent).²¹ Generally, the average parcel size—including both vacant and non-vacant parcels—is about 0.2 acres. As a result, strategies for promoting and facilitating infill development will continue to be a priority for the City’s long range planning efforts.

In general, neighborhood commercial or mixed-use commercial are designated for areas along corridors such as 23rd Street, Rumrill Boulevard, and some portions of San Pablo Avenue with a regional commercial center designated for the area near San Pablo Avenue and San Pablo Dam Road adjacent to the exit from I-80. Multifamily residential uses are similarly located primarily along major corridors and, in some areas, create a buffer between major corridors or land designated for commercial uses and land designated for low-density residential, such as adjacent to I-80 or abutting commercially designated land along Rumrill Boulevard or 23rd Street. Single-family residential land uses make up the majority of the city’s neighborhoods between these corridors. Significant area within the city is also designated for public/institutional use, such as at Contra Costa College and several local elementary, middle, and high schools.

²¹ City of San Pablo, “Affordable Housing Strategy.” *Strategic Economics*, March 2020. Available at <https://www.sanpabloca.gov/DocumentCenter/View/13386/2020-Affordable-Housing-Strategy>.

Most neighborhoods across San Pablo have densities ranging from eight or fewer units per acre to between nine and 16 units per acre. Due to their small lot sizes, San Pablo's single-family neighborhoods still have many lots that fall in the density ranges of nine to 16 and 17 to 24 units per acre. Additionally, within areas designated as under the City's current General Plan as Low Density Residential and intended for single-family detached residential development, non-conforming multifamily uses frequently fall into the higher density ranges of 24 to 40 and over 40 units per acre. Examples include the fourplexes along Sutter Avenue at its intersection with 17th Street and along 15th Street south of Broadway Avenue. Many of the city's higher density areas are concentrated close to commercial corridors near San Pablo Avenue, 23rd Street, and Rumrill Boulevard, where densities range from eight to over 40 units per acre. Examples include the El Portal Apartment Homes at the intersection of San Pablo Avenue and 23rd Street, the Montevista Senior Apartment complex on San Pablo Avenue, and the Kona Apartments on Church Lane, which all have a density of over 40 units per acre. The introduction of additional high-density housing along these corridors would not be incompatible with existing uses, and adopted Specific Plans for these areas incorporate strategies to integrate these new uses alongside existing non-residential development. There are no easements or other conditions (aside from small parcel size discussed above) within the PDAs that constrain infill development in these locations.

While relatively high densities are possible in the city's single-family neighborhoods, the predominance of this housing type and small lot sizes generally limit the feasibility of affordable housing development. However, corridors like San Pablo Avenue, 23rd Street, and Rumrill Boulevard have high potential for housing development, including mixed-use and higher-density residential projects. Most commercial uses have an FAR that is well below their maximum permitted FAR under the City's existing General Plan Land Use designation – suggesting that many of these commercial sites with low FARs may present opportunities for redevelopment into more intense uses. As shown on Map 3-1 Pipeline Projects, current development activity in San Pablo is primarily concentrated along the city's commercial corridors. Since 2015, the City has approved 422 new units, including 392 multi-family units (93 percent) in mixed-use areas. At the same time, 23 new single-family units were approved on small, sub-standard residential lots. The City anticipates that infill development like this will continue, but future residential and mixed-use projects under the Housing Element may need to consolidate some smaller lots to fully take advantage of this redevelopment potential.

While the lack of development impact fees in San Pablo makes consolidation more feasible for developers, the City does not currently provide specific incentives to do so. Due to limited local resources, however, there is a tradeoff between funds allocated for lot consolidation efforts and those directed towards affordable housing projects. To address that tradeoff, the City's Affordable Housing Strategy recommends several potential actions that can help increase San Pablo's housing stock – including inclusionary zoning, incentive zoning, and other City efforts to facilitate “missing middle” housing and ADUs. Other pre-development activities—including those related to removal of substandard structures and environmental review and remediation—would also help facilitate the consolidation and development of smaller parcels. Actions the City will take over the planning period to incentivize residential development on smaller lots, including affordable housing development, are included in Chapter 4 of this Housing Element, the Housing Action Plan.

ENVIRONMENTAL CONSTRAINTS

Environmental factors such as topography, soils, landslides and seismic hazards, and noise, are constraints to housing development in the City. The San Pablo General Plan 2030 takes these factors into account in establishing policies for residential and mixed-use development in the Land Use Element. Where development is planned, the constraints can be mitigated through appropriate design and environmental planning.

Natural Hazards

The Contra Costa County Local Hazard Mitigation Plan (LHMP) was adopted by the City of San Pablo in April 2018. The LHMP provides a local hazards risk ranking, summarized in Table C-23. The ranking process involves an assessment of the likelihood of occurrence for each hazard, along with its potential impacts on people, property, and the economy. In San Pablo, the hazards of greatest concern are earthquakes and dam failure. Dam failure is also likely a secondary impact of earthquakes. Overall, risk levels for various hazards in San Pablo are about on par with other jurisdictions and unincorporated areas in Contra Costa County. Across all cities in the county, earthquake hazards are the greatest risk. The only hazard that poses a greater threat in San Pablo than other cities or unincorporated areas is dam failure, due to the potential for a large earthquake to critically damage the San Pablo Dam. While hazards exist within the city, there are still many options for increasing housing, promoting economic development, and addressing environmental justice safely.

Table C-23: Local Hazards Risk Ranking

Rank	Hazard Type	Risk Rating Score (Probability x Impact)	Category
1	Earthquake	54	High
2	Dam failure ¹	36	High
3	Severe weather	30	Medium
3	Landslide ²	30	Medium
4	Flood ³	18	Medium
5	Drought	9	Low
6	Wildfire ^{2,4}	6	Low
7	Sea level rise ⁵	0	None
7	Tsunami	0	None

1. Failure is assigned a medium probability of occurrence as a secondary impact from earthquake.
2. Very High and High severity zones were used to assign probability and impacts.
3. One percent annual chance event (100-year flood event) was used to assign probability and impacts.
4. There is no mapped risk within the city, but a score was given due to potential smoke impacts on people and economy.
5. 2100 upper range estimates and extreme tide were used to assign probability and impacts.

Source: Contra Costa County Local Hazard Mitigation Plan, 2018; Dyett & Bhatia, 2021

The impacts of these local hazards and other environmental conditions on housing development are summarized below:

- **Geology/Seismicity.** The Hayward Fault, a major fault line in the San Andreas Fault System, runs directly through the city; it represents a potential threat to safety and places restrictions on future development. In the LHMP’s analysis of risk potential in San Pablo, earthquakes and dam failure—which is often a secondary hazard following an earthquake—were the only hazards rated as “High” risk probability. Due to the potential for surface fault rupture along the Hayward Fault, Alquist-Priolo Zones apply to the area surrounding the fault line and restrict the development of residential buildings. Thus, future development potential is limited within the fault zone.
- **Slope and Hillside Considerations.** Hilly portions of the city, particularly in the hills to the east of I-80, are susceptible to natural hazards. In addition to earthquake risk, the hillsides are susceptible to landsliding and have a soil rating of “very limited” due to their slope and shrink-swell susceptibility. Currently, the Hillside Overlay District regulates the development of any structures over one story tall in this portion of the city. Future residential development, especially higher-density development, is limited in this area and often requires extensive geotechnical studies. The Hillside Area Overlay District (D1) modifies development standards in these areas.
- **Wildfires.** The eastern portion of the city is susceptible to wildfires. In addition to the Hayward Fault running through this portion of the city, it is adjacent to Wildcat Canyon Regional Park, which is identified as a Very High Fire Hazard Zone which may threaten the area, though current roadways in the area allow for sufficient evacuation routes in the case of a wildfire.
- **Hydrology and flooding.** Certain areas of the city fall under the 100- and 500-year flood zones, which restricts future residential development. According to the City’s LHMP, approximately nine percent of the population resides in special flood hazard areas currently. In particular, residential neighborhoods along the city’s western boundary will likely be affected by increased flooding in the future. This restricts the extent of new housing that may go in in these areas. The City has a number of flood hazard response measures in place to respond to the flood hazards presented by its waterways. These include the Flood Damage Prevention Ordinance, the City’s participation in the NFIP Community Rating System, and the Green Infrastructure Plan, along with other measures included in the LHMP. These programs place development restrictions in floodplain areas, while the Green Infrastructure Plan also proactively plans for floodplain management and improved water quality by setting targets for the amount of impervious surface in the city to be retrofitted by 2030 and 2040. Further, the failure of the San Pablo Dam following an earthquake poses a serious risk.
- **Air and noise quality.** While the City of San Pablo enjoys relatively little exposure to some harmful pollutants (according to CalEnviroScreen 3.0), San Pablo is most affected by diesel particulate matter (DPM). DPM is produced by exhaust from cars, trucks, buses, trains, ships, and other equipment with diesel engines. DPM in San Pablo likely comes in large part from cars, trucks, and other traffic passing through or near the city adjacent to I-80. In addition to I-80, city truck routes running along San Pablo Avenue, San Pablo Dam Road, Giant Road between Road 20 and Richmond Parkway, and Evans Avenue likely contribute to DPM exposure in San Pablo. Further, major sources of noise in San Pablo are related to vehicular traffic, particularly in areas along I-80. The railroad corridor along Giant Road also contributes to noise in the city. Future housing development must ensure that measures

are in place to protect the community from air pollution and noise impacts from these sources. The Air Quality Health Risk Overlay District (D3) modifies development standards along the I-80 corridor, and generally restricts residential development.

- **Open Space, Creeks, and Wildlife.** While San Pablo is highly urbanized, it contains and is in close proximity to several important open space and biological resources that provide benefits to human, plant, and animal communities. The Wildcat and Rheem creeks, which run through the city, are important waterways within the greater Bay Area Delta system. The Wildcat Creek Restoration and Greenway Trail Project demonstrates the City's commitment to preserving and enhancing its natural resources. Additionally, Wildcat Canyon Regional Park to the east provides significant open space opportunities and connects to the Bay Area Ridge Trail. To the west, the Bay Trail runs along Richmond Parkway and almost connects into San Pablo via Wildcat Creek Trail. There are also pockets of open space near creek banks and on hillsides along San Pablo Dam Road. These hillsides have remained open space due to safety considerations (the steep slopes are susceptible to seismic activity as well as wildfire risks). St. Joseph Cemetery is 58 acres of open space along Church Lane and El Portal Drive and is not suitable for future residential development. Further, central coast riparian forests running along San Pablo Creek provide a vital resources and movement corridors to flora and fauna. Residential development is limited in and near these resources to preserve existing biodiversity, including required setbacks along the creeks.

Hazardous Materials Sites

Sites where hazardous chemical compounds have been released into the environment can pose threats to health and ecological systems. Historic or current activities most often associated with industrial or commercial uses (including gas stations, car washes, etc.), may result in the release, leak, or disposal of toxic substances on or below the ground surface, where they can then contaminate soil and ground water. Furthermore, disturbance of the ground through grading or excavation can result in exposure of these chemicals to the public. Improper handling of contaminated sites may result in further exposure via airborne dust, surface water runoff, or vapors.

The California Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB) track and identify sites with known or potential contamination and sites that may impact groundwater in accordance with Section 65962.5 of the California Public Resources Code (PRC). The list produced in accordance with this code is also known as the Cortese List.

- **EnviroStor.** The DTSC EnviroStor hazardous waste facility and cleanup sites database identifies sites that have known contamination or potentially contaminated sites requiring further investigation, and facilities permitted to treat, store, or dispose of hazardous waste. The EnviroStor database includes lists of the following site types: federal Superfund sites; State Response, including military facilities and State Superfund; voluntary cleanup; and school sites.
- **GeoTracker.** The SWRCB GeoTracker database tracks sites that impact groundwater or have the potential to impact groundwater. It includes sites that require groundwater cleanup such as Leaking Underground Storage Tanks (LUSTs), Department of Defense, and Site Cleanup Program sites; as well as permitted facilities

that could impact groundwater such as operating Underground Storage Tanks (USTs), irrigated lands, oil and gas production sites, and land disposal sites.

A search of federal, State, and local environmental regulatory agency databases was conducted in order to identify sites within the planning area which may have been historically impacted by hazardous materials or wastes. GeoTracker lists 27 LUST cleanup sites within the Planning Area. All but two of these sites have been remediated and are considered closed. Map C-1 shows the location of these sites within the planning area, based on a database search conducted in July 2023. The two open sites, neither of which is in proximity to a housing opportunity site identified on Map 3-4 in this Housing Element, include:

- 2145 Rumrill Boulevard. Historical dry-cleaning operations at the site involved the use of tetrachloroethylene (PCE). The dry cleaning equipment was replaced and the use of PCE was discontinued in 2009. The Site is subject to RWQCB Order No. R2-2011-0040, pursuant to which monitoring of groundwater conditions, soil vapor extraction, and indoor air quality is ongoing. A low-threat closure request has been submitted.
- 13484 San Pablo Avenue. The site is historically operated as a general storage yard and a trucking company storage yard, but was redeveloped with a single one-story building between 1962 and 1968 and has operated as a skilled nursing facility called Vale Healthcare Center since that time. Soil vapor extraction and sub-slab depressurization activities are ongoing.

Overall, as none of the active hazardous materials sites in the city is located in proximity to a housing opportunity site identified on Map 3-4 in this Housing Element and as the majority of cases are considered closed, the presence of hazardous materials does not represent a constraint to implementation of the Housing Element.

MARKET CONSTRAINTS

Regional demand has a direct impact on the cost of land. A local government can either limit or provide an adequate supply of entitled land for development in order to meet the regional demand. Construction cost is affected by a variety of factors, including the national demand for materials and commodities, and the supply of local construction labor. The availability of financing is affected by factors that the local government cannot control, including capital levels of banks and investors, credit worthiness of borrowers, and the willingness of investors to supply capital for real estate.

Map C-1 Hazardous Materials Sites

SAN PABLO GENERAL PLAN UPDATE

Figure C-1: Hazardous Materials

State Water Resources Control Board (SWRCB)

Cleanup Sites

- LUST Cleanup Site
- Cleanup Program Site
- Closed Sites (Case Closed)

Department of Toxic Substances Control (DTSC)

EnviroStor Status (March 2023)

- Active
- Certified O&M - Land Use Restrictions
- Refer to Another Agency
- No Further Action

- City Limits
- Sphere of Influence
- Major Highway
- Major Roads
- Railroads



SOURCE: Geotracker, State Water Resources Control Board, 2021; Envirostor, Department of Toxic Substances Control, 2023; City of San Pablo, 2021; Contra Costa County GIS, 2021; Dyett & Bhatia, 2023

DYETT & BHATIA
Urban and Regional Planners

Land and Construction Costs

Land costs are often difficult to estimate, and there is no single publicly available database that records urban land prices. A recent study conducted by researchers from the Federal Housing Finance Agency (FHFA) have estimated the price of residential land based on appraisals of single-family parcels conducted between 2012 and 2019.²² From this assessment they have made available land prices for all census tracts and zip codes in the country. As summarized in Table C-22 below, the average land value per acre in the zip codes either partially or wholly contained within the boundaries of San Pablo is about \$1,871,800 or 39.8 percent of the total property value. Median land value in San Pablo is lower than the greater Bay Area region, but higher than the county overall – although it comprises a smaller share of the total property value.

Table C-24: Median Single-Family Land Costs, 2019

<i>Region</i>	<i>Median Land Value Per Acre</i>	<i>Median Land Share of Property Value</i>
San Francisco Bay Area ¹	\$2,047,500	44.2%
Contra Costa County	\$1,529,900	40.2%
San Pablo area ²	\$1,871,800	39.8%

1. Based on the nine-county region.

2. Includes zipcodes that are either wholly or partially contained within the boundaries of San Pablo: 94806, 94801, 94803, 94804, 94805

Source: FHFA, *Land Prices, October 2020*; Dyett & Bhatia, 2022

Land acquisition cost estimates for the development of affordable housing in San Pablo are available from recent California Tax Credit Allocation Committee (TCAC) project tax credit applications. Estimates include projects that applied for a tax credit between 2017 and 2021 and are provided in Table C-25. Land acquisition costs are significantly higher for rehabilitation projects than for new construction projects, with San Pablo’s most recent new construction project estimating about \$85 per square foot or 14.9 percent of total project cost. While this is higher than the estimated cost per square foot provided in the previous Housing Element (\$35 per square foot), it remains in a similar range of total project costs (15 to 20 percent). Land costs have continued to rise in the City, especially for acquisition and rehab projects.

²² William Larson, Jessica Shui, Morris Davis, and Stephen Oliner, “Working Paper 19-01: The Price of Residential Land for Counties, ZIP codes, and Census Tracts in the United States,” *FHFA Staff Working Paper Series* (October, 2020).

Table C-25: Land Costs for Affordable Housing Projects in San Pablo, 2017-2021

Project Year	Project Name	Project Type	Land/Acquisition Cost ¹		
			Total Cost	Cost per Sq. Ft.	Percent of Total Project Cost
2017	Church Lane	Acquisition and Rehab	\$6,093,175	\$206.55	27.9%
2018	Montevista Senior Apartments	Acquisition and Rehab	\$17,600,000	\$340.66	69.4%
2020	Hilltop Commons	Acquisition and Rehab	\$89,872,449	\$349.87	58.9%
2021	Alvarado Gardens	New Construction	\$7,000,000	\$85.47	14.9%
Median Cost			\$12,300,000	\$273.61	43.4%

1. Land/acquisition costs include project costs related to land costs or value, demolition, legal, land lease rent prepayment, existing improvements value, and off-site improvements.

Source: Tax Credit Allocation Committee, Project Staff Reports 2017-2021; Dyett & Bhatia, 2022

Construction costs, including both hard cost (i.e. labor and materials) and soft cost (i.e. development fees, architectural and engineering services, and insurance) are generally high countywide. According to a report published by the Turner Center at UC Berkeley, trends in the prices of both labor and materials have likely contributed to hard cost increases over the 2009 to 2018 period.²³ The Bay Area region was identified as the most expensive region in the state, where average hard costs were \$81 more expensive per square foot than in other parts of the state.

TCAC project tax credit applications provide an estimate of construction costs for affordable housing projects in San Pablo – see Table C-26. The median construction cost per square foot is about \$190.50, or 27.8 percent of the total project cost. However, in new construction these costs increase significantly – to \$322 per square foot and 56.2 percent of the total project cost. Construction costs have also risen over the course of the COVID-19 pandemic, due in part to supply chain disruptions. The lasting impacts of this trend are not yet known, but it is likely to increase the cost of housing in at least the short to medium term.

According to RSMeans, construction costs (including materials and labor but excluding soft costs such as fees) for a small apartment complex in the Richmond area ranged between \$185 to \$215 per square foot in 2022. Construction costs vary depending on the type of development, ranging from more expensive steel-frame Type I construction to more affordable wood-frame Type V. Due to the smaller scale, single-family homes tend to be more expensive to construct on a per square foot

²³ Hayley Raetz, Teddy Forscher, Elizabeth Kneebone, and Carolina Reid, “The Hard Costs of Construction: Recent Trends in Labor and Materials Costs for Apartment Buildings in California,” *Turner Center for Housing Innovation*, 2020.

basis than larger, multi-family developments. The estimated construction costs for new single-family homes in Richmond range from \$323,538 for basic construction up to \$581,836.²⁴

Table C-26: Construction Costs for Affordable Housing Projects in San Pablo, 2017-2021

Project Year	Project Name	Project Type	Construction Cost ¹		
			Total Cost	Cost per Sq. Ft.	Percent of Total Project Cost
2017	Church Lane	Acquisition and Rehab	\$7,552,025	\$256.00	34.6%
2018	Montevista Senior Apartments	Acquisition and Rehab	\$2,428,200	\$47.00	9.6%
2020	Hilltop Commons	Acquisition and Rehab	\$32,108,872	\$125.00	21.0%
2021	Alvarado Gardens	New Construction	\$26,372,502	\$322.00	56.2%
Median Cost			\$16,962,264	\$190.50	27.8%

1. Includes new construction and rehab projects.

Source: Tax Credit Allocation Committee, Project Staff Reports 2017-2021; Dyett & Bhatia, 2022

The high cost of land in San Pablo is a constraint to the development of lower-income housing. Developers will have to construct multifamily housing at higher densities and smaller unit sizes to generate economies of scale for the development to be profitable, or obtain public or private subsidies to offset high land and construction costs. Further, although land values in San Pablo are relatively lower than in the Bay Area, maximum achievable rents are also lower than what can be generated in other Bay Area cities. This helps to maintain affordability, but it also reduces the potential for profit and limits incentives for additional development in the city.

Availability and Cost of Financing

One of the most significant factors related to the provision of adequate housing for all segments of the population is the availability of financing – both for real estate development and homeownership. Because the projected net operating income from affordable housing developments is lower than that from market rate developments, developers generally have to secure financing from a variety of sources. Typically, a project’s sources of funds can be divided into three major categories:

1. Equity;
2. “Senior” debt; and,
3. “Subordinate” debt.

²⁴ “Construction loans by bank or private investors in Richmond, CA” <https://www.lendersa.com/construction-loans/ca/richmond>

Equity, the funds contributed by the developer, typically include some direct investment by the developer but additional funds are secured from tax credit investors. Because the amount of tax credits generated through a typical project far exceed most developers' tax liability, other for-profit entities with large tax liabilities ("investors") or syndicators who act as a broker between the developer and the investors, form a limited partnership with the developer. The partnership then allocates nearly all of the tax credits to the non-developer partners in exchange for equity in the project.

Congress created the Low Income Housing Tax Credit (LIHTC) program in 1986 to help low-income housing developers to raise equity for their projects. Each year, the U.S. Department of the Treasury issues tax credits to states for allocation to low-income housing projects. The California Tax Credit Allocation Committee, the State agency responsible for administering the credit has established additional regulations for allocating the credit. These include giving higher priority to projects near amenities such as public transit, public parks, public libraries, schools, and senior centers.

Because of the high cost of building housing in California and limited availability of federal tax credits, the State legislature also approved a State housing credit to augment the federal tax credits. The State credit is also restricted to projects that are not located in difficult to develop areas (DDAs) or qualified census tracts (QCTs) or, if located in DDAs or QCTs, with projects where 50 percent of the units are for individuals with special needs.²⁵

The Low-Income Housing Fund (LIHF) is the City of San Pablo's only source of funding for affordable housing. The LIHF was previously funded through a 20 percent set aside of tax increment earned in the City's Redevelopment areas. Since the dissolution of redevelopment agencies in 2012, the City no longer receives new tax increment revenues. This fund may be used for a variety of purposes, including: (1) preserving long-term affordability of units, (2) homeless prevention and rapid rehousing, and (3) development of new housing. As of March 2020, the LIHF had a balance of \$5.5 million. Since then, \$500,000 has been appropriated from the LIHF to fund the COVID-19 Housing Assistance Grant Program.

Further, the county issues tax-exempt revenue bonds for affordable housing development financing through the county's Multifamily Mortgage Revenue Bond Program. The County does not offer any set-aside subsidies for the construction or preservation of deed-restricted affordable housing. Although other counties across the Bay Area have approved general obligation bonds for affordable housing (such as Measure A-1 in Alameda County or Measure A in Santa Clara County), Contra Costa has not placed an affordable housing bond measure on the ballot. Measure J, which was on the ballot in March 2020 for transportation and housing improvements, was defeated. Note that the county administers federal and State funding programs that can be used for affordable housing development.

The California Housing Finance Agency offers grants and loans for ADUs through a group of private lenders. Homeowners with annual incomes less than \$300,000 are eligible to apply for up to \$40,000 in assistance for pre-development costs including architectural designs, permits, soil and engineering tests and other expenses. Grants may also be used to buy down the interest rate on financing.²⁶

²⁵ California Housing Consortium, "Resources: Affordable Housing 101: How is it Built?" <https://calhsng.org/resources/affordable-housing-101/how-is-it-built/>

²⁶ Cal HFA, ADU Grant Program, <https://www.calhfa.ca.gov/adu/index.htm> and <https://www.calhfa.ca.gov/adu/homeowner/adu-steps.pdf>

The cost of securing financing to purchase a home also impacts the cost of housing and access to homeownership for lower-income households. At the national level, interest rates have remained relatively low since 2015 and experienced a significant decline during the COVID-19 pandemic. However, rates have started to increase over the course of 2021 – as interest rates continue to rise, the amount of public subsidy needed to bridge the affordability gap for moderate- and lower-income households will also rise. See Chart C-1 for the change in 30-year fixed rate mortgages since 2015.

A new source of funding that may become available during the planning period will be the Bay Area Housing Finance Agency (BAHFA), established by the State under AB 1487 (2019, Chiu), to support the production and preservation of affordable housing by placing new revenue options on the ballot. Although efforts to obtain the necessary approval of voters has been postponed due to the economic disruption caused by the COVID-19 pandemic, the decision was made not to place a revenue measure on the November 2020 ballot.)

Any new revenue source to be placed on the ballot would require voter approval by a two-thirds vote. Possible future options include:

- General obligation bond backed by property tax receipts (also known as a GO bond)
- Parcel tax
- Gross receipts tax
- Per-employee corporate “head tax”
- Commercial linkage fee (only authorized after voters approve a GO bond or parcel tax)

The average annual mortgage interest rates for the years 2015 through the fourth quarter of 2021 can be found in the table below. After peaking at close to 5 percent during the 4th quarter of 2018, the weekly rates fell to 3.11 percent by the end of 2021 but climbed back to 5.22 percent in August of 2022. Meanwhile, the typical home value in San Pablo has increased from \$562,000 in July 2021 to \$602,000 in June 2022.²⁷

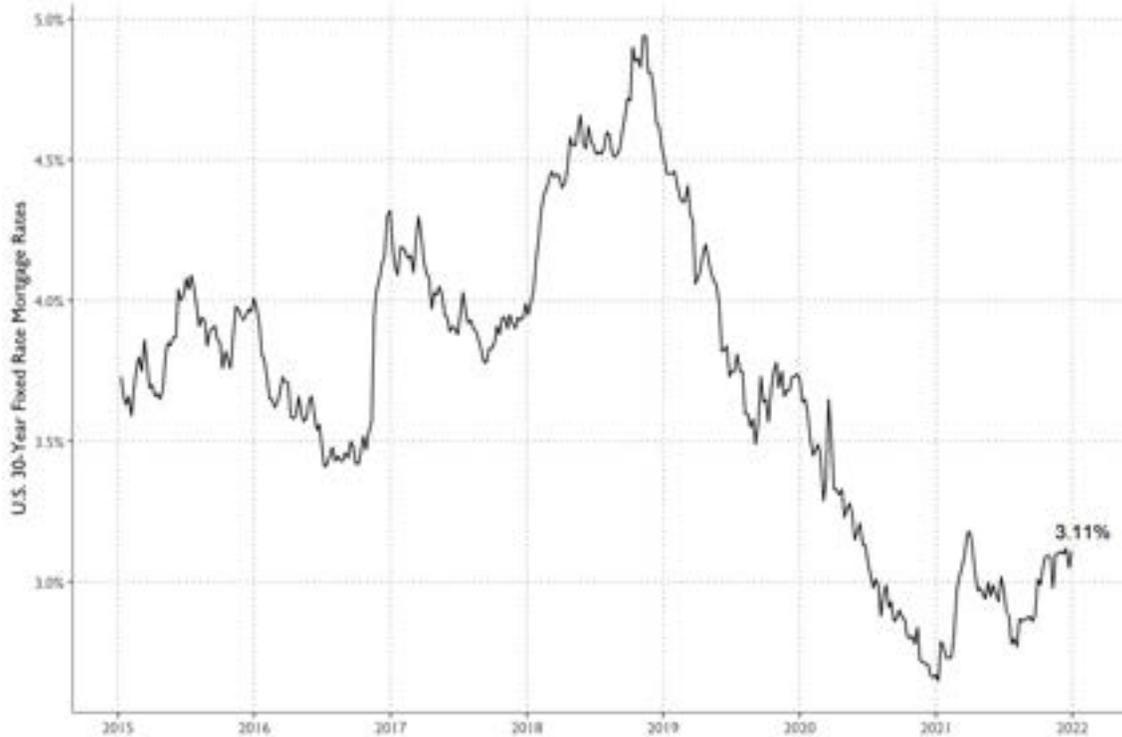
Generally speaking, households can afford to spend 30 percent of their monthly income on housing. This figure assumes that the household does not have an already high debt to income ratio, or other high monthly expenses. A two-person San Pablo household earning the Areawide Median Income (AMI) of \$100,500 would theoretically be able to make a monthly housing payment of \$2,513. With a 10 percent down payment, minor other debts and the highest credit rating this hypothetical two-person family would be able to purchase a home that cost \$602,000. However, fewer options are available to those families unable to come up with a 10 percent down payment or low income households with an income of \$87,700 or less. Contra Costa County’s Mortgage Credit Certificate Program (MCC) is authorized to provide qualified first-time homebuyers with a federal income tax credit equal to 20 percent of the annual interest paid on the borrower’s mortgage. By reducing the borrower’s federal tax liability, the tax credit provides additional income that can be used for mortgage payments. Unfortunately, as of this writing there were no funds for this program.²⁸

²⁷ See https://www.trulia.com/CA/San_Pablo/ and <https://www.trulia.com/mortgage-rates/?auto=true&loantype=purchase&value=602000&zip=94806&cscore=760%2B&down=100000&va=false#request=ZR-FHWPXQY>

²⁸ <https://www.contracosta.ca.gov/4768/Mortgage-Credit-Certificate-Program>

Another possible source is the Cal Home Program in Richmond offers up to \$38,000 in a “silent” down payment assistance loan for low-income households purchasing in Contra Costa. This loan is secured by a Deed of Trust on the property and requires no monthly payments.²⁹

Chart C-1: National 30-Year Fixed Rate Mortgages, 2015-2021



Source: Freddie Mac, Historical Weekly Mortgage Rates Data, 2015-2021

INFRASTRUCTURE AVAILABILITY

Much of San Pablo’s infrastructure is old, however, the systems can still accommodate the existing and projected needs during the planning period, including buildout of the San Pablo 2023031 Housing Element sites inventory. The cost of infrastructure improvement required for residential development is borne by the developers. Whereas for large subdivisions, certain improvements such as frontage improvements like curbs and sidewalks, storm drainage and sanitary sewer improvements, water supply and other improvements to street lighting, fire hydrants, street trees and shrubs may be required as conditions of approval of the tentative map, buildout of the San Pablo Housing Element inventory will involve infill development almost exclusively. Improvements to existing infill parcels are typically not necessary. Further, as buildout of the inventory primarily involves infill sites in PDAs where specific plans have previously been prepared, infrastructure needed to support development in these locations has previously been assessed and programmed into the City’s CIP as well as into the relevant master plans maintained by water and sewer providers, including the East Bay Municipal Utility District (EBMUD) and West

²⁹ <https://communityhdc.org/down-payment-assistance-programs/>

County Wastewater District (WCWD), as described below. The Districts maintain system master plans to identify and prioritize maintenance, upgrade and system expansion needs. The City reports annually to the Districts on development activity to ensure future needs are accounted for in the master plans. Accordingly, all parcels identified in the Housing Element have sufficient infrastructure planned or available for electricity, water and sewer to allow development. As a result, infrastructure does not pose a constraint to development in San Pablo.

Water

EBMUD provides water services for Alameda and Contra Costa counties, including the City of San Pablo. According to EBMUD's 2020 Water Shortage Contingency Plan (WSCP), under base condition assumptions, EBMUD can meet customer demand (including residential demand) out to 2050 during normal years and single dry years. Growth projections in EBMUD's future water demand reflects residential need projections provided by the Association of Bay Area Governments (ABAG), Plan Bay Area, and local land use agencies. Further, per the 2020 Urban Water Management Plan (UWMP), EBMUD's Board of Directors approved Policy 3.07 which ensures that priority for new water service connections during restrictive periods is given to proposed developments within EBMUD's existing service area that include housing units affordable to lower-income households in accordance with California Government Code 65589.7.

EBMUD's water supply system consists of a network of reservoirs, aqueducts (pipelines), water treatment plants (WTP), pumping plants, and other distribution facilities and pipelines that convey Mokelumne River water from Pardee Reservoir to EBMUD Water Treatment Plants and terminal reservoirs. EBMUD has six WTPs in the service area including the San Pablo WTP, which is typically not used except in response to outages at other facilities or other unusual circumstances such as to support EBMUD's drought operations in 2015.

The capacity of the EBMUD water supply system is dependent on seasonal rainfall and collected snowpack in the Sierra Nevada watershed. On an average annual basis, about 90 percent of the water EBMUD uses is from this source. Water The secondary source is runoff from local watersheds at EBMUD's five terminal reservoirs: Briones, Chabot, Lafayette, Upper San Leandro, and San Pablo.

EBMUD's policy is to operate its terminal reservoirs to maintain enough standby storage to meet rationed customer demand for 180 days, in case the Mokelumne River supply is disrupted. After the emergency ends, the Mokelumne River supply is returned to service soon as practicable and within the regulatory framework to refill terminal reservoirs to meet minimum standby storage levels while also supplying inline plants. Emergency supplies through interties with the Contra Costa Water District (CCWD), San Francisco Public Utilities Commission (SFPUC), Dublin San Ramon Services District (DSRSD), and City of Hayward (Hayward) can be used during an emergency to reduce demand on the local reservoirs or used following an emergency to help EBMUD's recovery in re-establishing storage levels. EBMUD also has a water service contract with the US Bureau of Reclamation to receive water from the Central Valley Project in years when EBMUD's projected supply of stored water is forecast to be lower than 500 thousand acre-feet (TAF)³⁰

³⁰ East Bay Municipal Utilities District, Urban Water Management Plan 2020 and Water Shortage Contingency Plan 2020, <https://www.ebmud.com/water/about-your-water/water-supply/urban-water-management-plan>

EBMUD's service area can be separated roughly into two climatic zones relative to the Berkeley-Oakland hills, East-of-Hills and West-of-Hills. In the West-of-Hills area, where San Pablo is located, climate tends to be more moderate due to the marine influence of San Francisco Bay, whereas summer air temperatures in the East-of-Hills area can be considerably higher. West-of-Hills single-family residential water consumption is generally lower than East-of-Hills usage and outdoor water use, which accounts for about 28 percent of the total water use for residential customers, is a large component of total water use for single-family customers.

California Water Code Section 10631.1 requires that UWMPs include an estimate of projected water demand for lower income single-family and multi-family residential housing within EBMUD's service area. The Metropolitan Transportation Commission (MTC) established low-income thresholds in 2016 for Plan Bay Area 2040 to account for the Bay Area's high cost of living. For each census tract, the most recent MTC percentages of low income single-family and multi-family households were applied to single-family and multi-family demand projections from EBMUD's 2050 Demand Study to estimate the projected lower-income residential demand.

EBMUD's Board of Directors approved Policy 3.07 which ensures that priority for new water service connections during restrictive periods is given to proposed developments within EBMUD's existing service area that include housing units affordable to lower income households in accordance with California Government Code 65589.7. Policy 3.07 also states that EBMUD will not deny an application for services to a proposed development that includes affordable housing unless certain specific conditions are met, which could include a water shortage emergency condition, or if EBMUD is subject to a compliance order by the Department of Public Health that prohibits new water connections. Based on the requirement to provide priority to developments that include housing units affordable to lower income households, Policy 3.07 assures that EBMUD can meet the portion of overall water demands for lower-income households.³¹

In accordance with Section 65589.7 of the California Government Code, the adopted Housing Element will be delivered to EBMUD.

Wastewater

WCWD provides wastewater treatment and disposal services to approximately 34,000 residences and 2,450 commercial and industrial businesses in western Contra Costa County including the City of San Pablo and parts of the adjacent unincorporated area. WCWD's collection system is overall performing well overall but the 2021 Sewer System Management Plan identified and recommended assets for replacement or rehabilitation in the near-term (five-year) planning horizon. This included many sewer lines throughout the City of San Pablo.³² Larger pipes may be required to meet the continuing demand if residential areas of the city become more densely developed. WCWD has

³¹ EBMUD Urban Water Management Plan, pp. 34-36.

³² WCWD Sewer System Management Plan, May 2019, p. 8-1 and <https://www.google.com/maps/d/u/0/embed?mid=1hsaWQeJN4CeYExXSGqTCbSAhuTE&ll=37.97296390941711%2C-122.3148609682617&z=13>

installed flow sensors within manholes identified as most likely to experience flows exceeding the capacity of the storm-drain system including one on San Pablo Avenue.

In accordance with Section 65589.7 of the California Government Code, the adopted Housing Element will be delivered to WCWD.

Dry Utilities

Pacific Gas & Electric (PG&E) provides gas and electric service to San Pablo residents and businesses with electricity through Marin Clean Energy (MCE), a public, not-for-profit provider that offers electricity produced primarily by non-polluting, renewable sources such as solar, wind, geothermal, hydroelectric, and bioenergy from projects in California, the Pacific Northwest, and Colorado. The exact proportion of each varies with time, based on demand and availability.³³ energy services, as well as energy efficiency and rebate programs. The San Pablo City Council voted to join MCE in 2014 to reduce climate-changing greenhouse gas (GHG) emissions.

SOCIAL CONSTRAINTS

In addition to physical and market constraints that reduce housing development, there several social constraints—both external and internal—that may hamper the feasibility of development in San Pablo. A common internal social constraint in the Bay Area is the tendency for some current residents to oppose new residential development in their community that they believe might reduce the quality of life in their neighborhoods and reduce property values. Multi-family projects, higher density development and housing planned for lower-income households are the most frequent targets of the so-called NIMBYs (Not In My Backyard). Discrimination based on the perception that neighborhoods and projects with residents who are lower-income and non-white are prone to crime, graffiti, and other adverse conditions. These perceptions may also significantly influence a developer's choice to invest and pursue development opportunities in particular cities.

Although NIMBYism is prevalent in some Bay Area cities, it has not posed a significant constraint in San Pablo. Residents are generally very accepting of new projects, with little opposition during public meetings. While some groups and residents voice concern about development on San Pablo Avenue and along creeks, the City is generally able to work with the community to move new projects forward.

The attitudes and perceptions of potential homebuyers and renters do, however, affect San Pablo's real estate market, which will reduce developer and investor interest. Even though crime rates have improved considerably since a high in 2006 and are lower than several nearby cities including Richmond, El Cerrito and Berkeley, the 2019 crime rate was still 1.3 times greater than the national average.³⁴ Low developer and investor interest is compounded by the fact that San Pablo suffers from the same high cost of construction, labor, and materials as the rest of the Bay Area.

³³ Marin Clean Energy (MCE) <https://www.mcecleanenergy.org/about-us/>

³⁴ City-Data.com, <https://www.city-data.com/crime/crime-San-Pablo-California.html>

C.3 Key Findings

This section is provided for staff review to summarize the key findings of this appendix to inform programs in the Housing Action Plan and narrative language in the body of the draft Housing Element. Key findings related to governmental and non-governmental constraints are provided below.

GOVERNMENTAL CONSTRAINTS

- **23rd Street and San Pablo Specific Plan restrictions.** Specific Plan policies and standards need updating and revision to facilitate residential and mixed-use development in light of current economic and real estate market conditions and to meet current State requirements. There is room for additional streamlining of standards that are overly complex such as restrictions that prohibit or limit residential uses in ground floor spaces fronting on San Pablo Avenue in Mixed Use areas limit the feasibility of residential development. At a minimum, regulations should be reduced in mid-block areas. required ground floor commercial uses, parking, Eliminating CUP requirement for live-work development and allowing for shopkeeper spaces that restrict use of ground floor retail to occupant of related housing unit would allow for alternative housing types to help populate corridors. The Specific Plans should also be amended to incorporate or cross-reference Section 17.38.040, Priority development area (PDA) overlay district (D2) of the Zoning Ordinance, which establishes alternate development standards for properties in the 23rd Street SP and SPSP plan areas and on Rumrill Road that are within a quarter mile radius of any existing or planned light rail, streetcar, or bus rapid transit station to promote higher density and pedestrian-oriented uses consistent with ABAG’s Sustainable Community Strategy. The Zoning Ordinance states that these standards supersede requirements otherwise applicable to mixed-use projects that include residential uses and residential projects with four or more units to allow densities up to 60 units per acre, maximum FAR of 2.5 and a maximum height of 60 feet.
- **Residential development in commercial districts.** In addition to the 23rd Street SP, some commercial districts in the city that would be appropriate for mixed-use or purely residential projects provide overly strict standards. This includes a CUP requirement for multifamily in the NC and MUCS districts, as well as relatively low permitted densities in the CR and NC districts. The FAR penalty in the CMU districts also reduced residential feasibility. Increased flexibility and further streamlining for residential projects in these areas will encourage additional residential development.
- **Minimum lot sizes.** The minimum lot size in the R-3 and R-4 districts (10,000 sq. ft.) is higher than comparable jurisdictions. There are only a few large R-4 parcels, and this standard may be appropriate to maintain. However, the City should consider reducing minimums in the R-3 district, which will help encourage the development of more “missing middle” housing typologies.
- **Parking standards.** There is potential for reform of parking standards, especially multifamily parking standards. At present, the number of required spaces is not tied to the number of bedrooms, and the requirement of covered parking can limit feasibility and

increase costs. Reductions or reforms may be particularly appropriate along corridors, with mixed-use projects, and in Specific Plan areas.

- **Density bonus ordinance.** The City’s density bonus ordinance must be updated pursuant to recent State law. Additional bonuses (including up to 80% for completely affordable projects) are now available.
- **Emergency shelters.** State law permits up to 300 feet separation from other shelters, however the City requires a 500-foot separation. This is a constraint and must be corrected. The City also needs to provide standards for Low-Barrier Navigation Centers pursuant to AB 101.
- **Transitional and supportive housing.** The status of transitional and supportive housing is unclear – both housing types must be permitted equivalently to similar residential buildings. The existing Municipal Code provides conflicting information on the by-right status of these housing types that needs to be corrected. Restrictions on where SRO housing and community care facilities can locate should also be reviewed and modified to permit these housing types in areas where similar uses are allowed.
- **Employee/farmworker housing.** While there is little housing need for farmworkers in San Pablo, pursuant to State law the City must include a definition of “employee housing” that is available to farmworkers. Employee housing for six or less people must be treated the same as a single-family home.
- **D3 Overlay.** The D3 Overlay restricts all residential development within 500 feet of the I-80. Pursuant to BAAQMD guidelines, however, there are mitigation measures that can be implemented to reduce pollution concerns while still allowing some residential development. Prohibiting residential development outright may constrain overall housing supply.
- **Subdivision costs.** The cost of subdividing land is particularly high in San Pablo due to the lack of a City-employed land surveyor. This substantially reduces the ability of property owners to successfully split their lots through SB 9, which may provide an important source of additional missing middle housing in the city.
- **ADU standard reforms.** ADU standards are generally appropriate, however additional flexibility could be provided for larger ADUs. This may include a CUP for two-story ADUs.
- **Objective development standards.** To ensure that the review of residential projects is based on objective standards as required by the Housing Accountability Act and other State requirements (e.g., urban lot splits under SB 9 and expedited ministerial review pursuant to SB 35), Existing residential development standards need to be revised and, as necessary, revised to comply with mandates for using objective standards for review of residential projects. This review should include existing procedures for review and approval of both ministerial zoning actions and CUPs to comply with applicable statutory and case law.

NON-GOVERNMENTAL CONSTRAINTS

- **Small lot sizes and limited vacant land.** Parcels in San Pablo are relatively small, which can make multifamily and higher-density development difficult to achieve. Further, there is limited available vacant land in the city for development. Costs associated with infill development can make affordable housing projects more difficult to complete. The City should consider actions aimed at incentivizing residential development on small lots, small lot consolidation, and other efforts to reduce costs associated with infill development.
- **Environmental constraints.** Major environmental constraints to development include seismic, slope, flooding, and wildfire concerns. Air and noise quality adjacent to the I-80 is also a substantial issue. Some of these constraints can be mitigated, while others provide a barrier to development.
- **Market constraints.** The cost of land and construction is relatively high in San Pablo, although the city commands lower market rents than other Bay Area jurisdictions. This has led to reduced incentives for new market rate residential development in the city. Financing for affordable housing development is limited, especially at the local and county level.
- **Availability of financing.** Financing for affordable housing development is limited, especially at the local and county level. Although housing in San Pablo is relatively affordable compared with other jurisdictions in Contra Costa County, financing options are limited for first-time and low-income home buyers unable to afford the required down payment or qualify for conventional mortgage financing.
- **Social constraints.** General discrimination in development preferences due to San Pablo's status as a majority Latino and lower-income jurisdiction has also limited housing supply in the city. There is limited developer interest in the city due to perceived notions of resident preferences and potential profitability. These barriers might be reduced by City actions to facilitate land assembly, revise regulations to provide developers with greater flexibility and an easier review process as well as programs to improve the appearance of residential and commercial areas.