

RESOLUTION PC22-07

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN PABLO APPROVING MAJOR DESIGN REVIEW AND A CONDITIONAL USE PERMIT FOR REDUCED RESIDENTIAL DENSITY FOR A THREE-STORY 11,541 SQUARE FOOT ADDITION WITH SEVEN ADDITIONAL MULTI-FAMILY RESIDENTIAL UNITS AND 4,462 SQUARE FEET OF NEW COMMERCIAL SPACE ALONGSIDE AN EXISTING TWO-STORY 4,406 SQUARE FOOT MIXED-USE BUILDING CONTAINING TWO MULTI-FAMILY RESIDENTIAL UNITS AND 3,370 SQUARE FEET OF COMMERCIAL SPACE, TO BE LOCATED ON THREE ADJOINING LOTS CONTAINING A TOTAL OF 20,300 SQUARE FEET IN THE SP-1, 23RD STREET SPECIFIC PLAN, COMMERCIAL MIXED-USE DISTRICT, ALONG WITH A FINDING THAT THE PROJECT IS EXEMPT UNDER CEQA GUIDELINES SECTION 15332 AS INFILL DEVELOPMENT, AT 1982-1988/1992 23RD STREET, SAN PABLO, (APNS: 411-190-047, 411-190-024, AND 411-190-025.)

WHEREAS, an application has been submitted by Cesar and Samuel Martinez for approval of Major Design Review and a Conditional Use Permit for reduced residential density for a three-story mixed-use addition containing seven additional multi-family residential units and 4,462 square feet of new commercial space alongside an existing mixed-use building containing two multi-family residential units and 3,370 square feet of commercial space, on three lots totaling 20,300 square feet and located at 1982-1988/1992 23rd Street; and

WHEREAS, the project site at 1982-1988/1992 23rd Street consists of two vacant parcels and one parcel containing an existing two-story mixed-use building with two multi-family residential units and a grocery store, with all three parcels located within the Commercial Mixed Use district of the 23rd Street Specific Plan (SP-1), with a General Plan designation of Commercial Mixed Use; and

WHEREAS, the 20,300-square foot project site extends along the east side of 23rd street between Dover Avenue and University Avenue; and

WHEREAS, the project site is privately owned and is proposed to be developed with seven new multi-family residential units and 4,462 square feet of new commercial space, in addition to an existing two multi-family residential units and 3,370 square feet of commercial space, and

WHEREAS, the proposed development is located within the 23rd Street Specific Plan area and is required to conform to the Land Use Designations and Development Regulations of this plan and to consider its Design Guidelines; and

WHEREAS, Section 17.20.030.B of the Zoning Code requires major design review by the Planning Commission for multiple-family residential development with five or more residences; and

WHEREAS, in recommending approval, the Planning Commission shall determine that the project under consideration adequately meets the requirement of the applicable design guidelines; and

WHEREAS, Chapter 6 of the 23rd Street Specific Plan requires a Use Permit for development with a density of at least 15 dwelling units per acre that does not meet the minimum required density of 30 dwelling units per acre because site constraints prevent development at densities at the minimum level; and

WHEREAS, to approve the Conditional Use Permit, the Planning Commission shall make findings that the establishment, maintenance or operation of the proposed use 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; and

WHEREAS, the City staff analysis shows the project to be categorically exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15332, In-Fill Development Projects, as it involves development on a site that is five acres or less, is surrounded by urban uses, has no habitat value, is adequately served by all required utilities and public services, and would not result in any significant effects on traffic, noise or air quality, due to the limited extent of the development and as it would be within the development levels previously evaluated by the 23rd Street Specific Plan Initial Study/Mitigated Negative Declaration, and would be consistent with general plan and zoning regulations; and,

WHEREAS, a public hearing notice has been provided by mail to the applicant, local affected agencies and to all property owners within 300 feet of the subject property, and has been published in the West County Times newspaper (West Contra Costa edition of the East Bay Times) in accordance with the requirements of Government Code Section 65091, and a public hearing was held on October 25, 2022, at which public testimony was considered.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of San Pablo has reviewed the proposed project and does hereby determine that no further environmental review is necessary pursuant to categorical exemption for the project and does further hereby grant approval of the Major Design Review and Conditional Use Permit for PLAN2110-0001, based on the above recitals which are true and correct and incorporated herein, all information contained in the staff report and administrative record for this project, and the following findings:

California Environmental Quality Act exemption

- A. The proposed project is determined to be categorically exempt from the provisions of the California Environmental Quality Act, in accordance with CEQA Guidelines Section 15332, In-Fill Development Projects, as it involves development on a site

that is five acres or less, is surrounded by urban uses, has no habitat value, is adequately served by all required utilities and public services, would not result in any significant effects on traffic, noise or air quality, and would be consistent with general plan and zoning regulations. It should be further noted that CEQA does not apply to design review of a permitted use because the City's design review discretion is limited to architectural and design-related matters. (See *McCorkle Eastside Neighborhood Group, et al. v. City of St. Helena, et al* (2019) 31 Cal.App.5th 80).

Pursuant to CEQA Guidelines Section 15332, the City finds as follows: (a) the project is consistent with the applicable general plan, specific plan, and zoning designations, policies, and regulations; (b) the project occurs within City limits on a site that is less than five acres which is substantially surrounded by urban uses; (c) the project is located on a site that has no value as habitat for endangered, rare, or threatened species; (d) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality in that it would involve the addition of just seven apartments and 4,462 square feet of commercial space in an already developed area; and (e) the site can be adequately served by all required utilities and public services. Furthermore, development of the site as Commercial Mixed Use was evaluated as part of the Initial Study/Mitigated Negative Declaration prepared for the 23rd Street Specific Plan and adopted in 2007.

General Plan Conformance

- B. The proposed project is responsive to General Plan policies calling for planned land uses that are compatible with existing uses, the creation of safe, walkable and attractive urban environments, encouragement of new residential development in a manner which fosters day and nighttime activity and visual presence on the street level, protecting and enhancing the quality of life in the City's residential neighborhoods, and promoting a variety of housing types and prices within neighborhoods that offer a range of amenities, including public and private open space, landscaping, and direct access to commercial services, public transit, and community gathering areas.

The proposed project would be responsive to these policies by developing seven new residential units and 4,462 square feet of new commercial space with 24 total parking spaces in a surface lot, garage and carport spaces, and on-street parking. This mixed-use multi-family development is located on a site that will be well-integrated into its surroundings, and in close proximity to amenities, such as transit, the Wildcat Creek Trail, Davis Park, San Pablo Community Center, and a variety of commercial uses. The design of the project promotes a pedestrian-scale street front with multiple commercial spaces. Outdoor open spaces and private balconies provide quality-of-life amenities for the residents.

- C. The proposed project would also be responsive to Housing Element policies calling for the provision of a diversity of housing types to meet the needs of all economic segments and family types in San Pablo, and to promote mixed commercial/residential development.

The project would add new urban-scale market rental apartments, a housing choice that has not been developed in San Pablo in recent years. It would also add the first new mixed commercial and residential uses in recent years to one of the city's mixed-use corridors. In addition, the project would provide for progress in meeting the City's Regional Housing Needs Allocation (RHNA) numbers which are to be implemented by the Housing Element.

Specific Plan and Zoning Conformance

- D. The proposed project is located within the 23rd Street Specific Plan. The project would be consistent with the 23rd Street Specific Plan Specific Plan goals and policies promoting a land use mix that encourages pedestrian activity and a lively mixed-use corridor, increased housing opportunities, consolidation of parcels, a well-defined pedestrian street front, adequate parking that does not compromise the pedestrian experience, and new jobs and housing opportunities within the plan area.

The proposed project would be consistent with the guiding goals and implementing policies of the 23rd Street Specific Plan. The development would be well integrated into the established pedestrian-oriented context by creating a solid street wall with multiple pedestrian-scale storefronts along 23rd street. The project proposes to expand existing retail along the corridor and to add new retail space, enhancing the corridor as a lively pedestrian area. The project would introduce new market-rate housing choices into the area, where minimal new multifamily housing has been built in recent years. Adequate parking is provided, primarily behind the structure where it would not detract from the pedestrian experience.

- E. The project complies with the development standards of the 23rd Street Specific Plan and Zoning Code, and has submitted a Conditional use Permit request for a residential density lower than 30 units per acre, as allowed by the 23rd Street Specific Plan.
- F. The project complies with the parking requirements of the Specific Plan by providing a total of 24 spaces, including eight new covered spaces, five new uncovered spaces, five on-street spaces, and six existing spaces.

Major Design Review

- G. The project is consistent with the applicable Design Guidelines for 23rd Street Specific Plan and with the land use, physical design, economic development element and open space elements of the General Plan.

The project would fit well within the 23rd Street Specific Plan by offering new housing choices in an attractive setting with high-quality design and lifestyle features. The architectural design of the structure and its colors and material choices would be visually harmonious with the surrounding contemporary development patterns. This mixed-use development is located on a site that will be well-integrated into its surroundings, and in close proximity to amenities, such as transit, the Wildcat Creek trail, Davis Park, San Pablo Community Center, and a variety of commercial uses.

- H. The location and design of the proposed development gives particular consideration to privacy, views, and sunlight to adjoining properties and fosters the orderly and harmonious development and preservation of the public health and welfare of the city neighborhoods.

As shown in the building elevations, the front elevation of the building would be articulated and broken up using multiple façade materials and colors, rather than presenting as a continuous façade with repetitive fenestration. The third story and fourth-floor elevator and stairwell shafts are set back from the street and from rear properties to reduce the overall bulk and mass of the building. Façade materials and colors are visually harmonious and create a detailed and interesting streetscape, breaking up the street wall to enhance the pedestrian experience. The unusual curved forms that make up the second story add visual interest to the structure and fit in well with the playful geometric designs that can be found on many of the buildings on 23rd street. Landscaped areas adjacent to the driveway provide permeable green spaces and enhance the streetscape. Private balconies and a common roof deck provide ample amenity space for residents. The project would have minimal impact on privacy and views.

- I. The architectural design, materials and colors of the proposed building are visually harmonious with surrounding development, landforms, and vegetation.

The project's overall compliance with the San Pablo General Plan and the 23rd Street Specific Plan are addressed above. Several of the policies within these plans are aimed at fostering the orderly and harmonious development and preservation of the public health and welfare of the city and its neighborhoods. The project would fit well within the 23rd Street corridor by offering a new housing choice in an attractive setting with high-quality design and lifestyle features. The architectural design of the structures and their colors and materials would be visually harmonious with the surrounding contemporary development patterns. The development is in close proximity to a range of commercial, recreational, cultural, and institutional amenities, and does not negatively impact any of these resources.

- J. The project would require the removal of four or more trees and would replace eligible trees on site and in an on-street bulb-out to be relocated due to a proposed driveway change.

Development of the project would require the removal of one large, seven medium, and three small trees along the perimeter and center of the site and the replacement of two mature palm trees into a new street bulb-out in order to accommodate a relocated driveway. Other eligible medium to large trees would be replaced as part of the proposed landscape plan, which proposes eight Lagerstromia Tuscarora (Hybrid Crape Myrtle) trees to be located onsite. However, C3 requirements will limit the number of trees that can be located on site due to bio-retention requirements. These areas will be planted with a variety of native and other drought-resistant species that are consistent with stormwater drainage requirements.

Conditional Use Permit

- K. The proposed mixed-use project is allowed by right in the Commercial Mixed Use district of the SP-1, 23rd Street Specific Plan.
- L. The project complies with the development regulations of the Zoning Code and 23rd Street Specific Plan, and has requested a conditional use permit to allow a density 19.15 units per acre, which would be below 30 units per acre.
- M. The site is physically suited for the type, density, and intensity of the proposed use, with adequate roadway and utility access and the absence of any physical constraints to development.
- N. According to Section 3.2 (B) of Chapter 6 of the 23rd Street Specific Plan, a minimum residential density of 30 dwelling units per acre is required in the plan area. Where unique site constraints prevent this density, and in locations where the Planning Commission finds that providing residential at a higher density would have a detrimental effect on existing adjacent residential and or commercial uses, residential development may occur at a minimum density of 15 dwelling units per acre, subject to the granting of a Conditional Use Permit.
- O. The site has multiple constraints that would prevent the development of a higher density of housing units. The preservation of the existing neighborhood-serving market and two apartment units on site limits the area that can be used for new construction. Parking requirements and landscaping and bioretention requirements further reduce the buildable area of the site. To meet the parking requirements for additional units, structured parking would be required, which would be prohibitively costly for a project of this scale.
- P. Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or

improvements in the vicinity in which the project is located. The site has long been planned for redevelopment with Commercial Mixed Use development.

- Q. Granting of the requested Conditional Use Permit will not materially adversely affect the health or safety of persons residing or working in the neighborhood of the property and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood. The site fits well into the context of its surrounding and would not create a visual or safety impediment to any surrounding uses.

Legal and Public Notice

- R. Public notice of the hearing has been provided by mail to the applicants, local affected agencies, and all property owners within 300 feet of the subject property and has been published in the West County Times newspaper (West Contra Costa edition of the East Bay Times), in accordance with the requirements of Government Code Section 65905.

BE IT FURTHER RESOLVED that the Planning Commission of the City of San Pablo does hereby further make the approval of the Major Design Review and Conditional Use Permit, for PLAN2110-0001 contingent upon the following Conditions of Approval:

General Conditions

1. The proposed use and project construction shall be conducted in substantial compliance with the planning submittal, including the site plans, floor plans; elevations, renderings, details/rendering and landscape plan submitted to Planning Staff on August 25th, 2022, as revised on September 29th, 2022, which are on file with the Community Development Department, under PLAN 2110-0001.
2. Minor amendments to this approval and modifications to the design review may be approved by the Zoning Administrator, if the proposed changes generally comply with the overall intent of the permit and/or are in response to revisions required by other approving agencies.
3. The applicant shall obtain all necessary City of San Pablo Building and Public Works permits as well as any outside agency permits for water, waste, fire and any proposed work and shall submit payment of fees and agency permits and approval from relevant agencies for any proposed work.
4. The design review approval shall expire if building permits have not been issued within one year from the date of final approval. A time extension not exceeding one year beyond the initial one-year period may be granted by the Zoning Administrator.
5. If the use granted by this Conditional Use Permit is discontinued for a period of six

consecutive months, the Use Permit shall automatically expire.

6. The applicant shall prepare a Voluntary Lot Merger plat for the two properties contained within the site and shall submit it for approval by the Planning Manager pursuant to Chapter 16.26 of the Municipal Code. The plat shall be approved and recorded prior to project completion.
7. The applicant shall designate the required residential parking spaces on-site, but shall allow the commercial parking to be available to the general public in accordance with the 23rd Street Specific Plan.
8. The development shall pay any applicable Subregional Transportation Mitigation Program (STMP) and School District Impact Fees.
9. The applicant shall obtain any permits and licenses needed for the proposed use.
10. All roof-mounted and other mechanical equipment, if any, shall be screened from view from adjacent public rights-of-way as well as from adjoining properties, subject to the review and approval during the Plan Check review process.
11. The site shall be kept clean of all debris (boxes, junk, garbage, etc.) at all times. All scrap materials shall be stored in a container and shall be removed regularly.
12. All construction improvements shall be designed by the appropriately licensed design professional. The standards imposed by the City for the private improvements shall be considered as minimum requirements and the standards may be increased by the design professional where judgment and prudence dictate.
13. Applicant shall submit joint trench and/or utility undergrounding plans to City's Public Works Engineering Division for review prior to the work. Plans shall be prepared and signed by the appropriate professional.
14. After construction is complete, Applicant shall provide City with bound copies of grading, improvement, joint trench, and landscaping plans. Plans must be the final approved versions, with red lines denoting any as-built deviations from the plans. Additionally, CADD files of said plans shall be provided to City.
15. Prior to construction, Applicant shall submit to City's Public Works Engineering Division, product and material cut sheets for key components, including storm drain pipes, manholes, inlets, street lights and pull boxes, if applicable.
16. All abandoned pipes and other abandoned miscellaneous improvements shall be removed.
17. All equipment such as backflow prevention devices, meters and transformers shall be screened with landscaping or other means, and not visible from the public right of way.

18. In the event of the encounter of subsurface materials suspected to be an archaeological or paleontological nature, all grading or excavation shall cease in the immediate area and the find left untouched. Applicant shall select and provide a qualified professional archaeologist certified by the Register of Professional Archaeologists or paleontologist with a degree in paleontology or geology, to evaluate. The recommendation of the qualified professional shall be implemented before work may proceed. The applicant shall be liable for all costs associated therewith.
19. The applicant shall obtain any necessary permits from the Contra Costa County Flood Control District for any work conducted in or near the District's Wildcat Creek flood control easement area.
20. All applicable ordinances, regulations and requirements of Federal, State and local governments shall be met, including all the requirements of the City of San Pablo Municipal Code. All noise, building permit and grading permit requirements shall be met as applicable.
21. Failure to comply with any of the terms or conditions of this Use Permit is considered to be a violation of the City of San Pablo Municipal Code and is subject to the enforcement provisions prescribed by Chapter 17.10, Enforcement, and any and all other penalties and remedies that may be provided by law.
22. Any Use Permit granted in accordance with the terms of the City of San Pablo Municipal Code may be revoked if any of the conditions or terms of such permit are violated, the use is discontinued, or if any law or ordinance is violated in connection therewith.
23. Indemnification: Pursuant to Government Code Section 66474.9, the applicant (including any agent thereof) shall defend, indemnify, and hold harmless the City of San Pablo and its agents, officers, or employees from any claim to attack, set aside, void or annul, the City's approval concerning this planning application, which action is brought within the time period provided for in Section 66499.37. The City will promptly notify the applicant of any such claim, action, or proceeding and cooperate fully in the defense.

Police Department Conditions

24. The Owner/Manager shall install Knox-box entry for emergency response personnel on exterior doors leading to stairs and the second/third floor and roof access (per San Pablo Municipal Code Section 15.40.070).
25. The Owner/Manager shall abide with prohibited smoking requirements in and around rental multi-unit housing ordinance. This includes posting of signage for the enforcement of the City's multi-unit smoking ban; lease agreement language mandating adherence of rental unit smoke-free ordinance; and identification of designated smoking area if mandates of the Municipal Code are met (SPMC 8.36.045).

26. Lighting: This location shall provide appropriate levels of lighting for streets, paths, parking lot, and alley ways. Parking lot lighting requirements are set forth in Section 17.56 of the Zoning Code.

27. Video surveillance:

- a. The developer shall place a video surveillance system around the exterior and interior of the location that covers all entrances/exits, driveways, parking structure, stairwells, hallways, in front of, on the side, and to the rear of the location.
- b. Provide a compatible surveillance system into existing City of San Pablo camera system.
- c. Use a surveillance system that is easily compatible and accessible by law enforcement personnel.

28. Provide an alarm system/monitoring company for businesses, as well as residential units.

29. Garbage enclosures:

- a. Should remain locked in order to discourage illegal dumping, as well as theft and vandalism.
- b. Master key or lock combination should be provided to residents, property manager, and sanitation company.
- c. Signage and cameras should be placed to discourage illegal dumping and prevent possible encampments.

30. Landscaping/Fencing:

- a. Project landscaping shall be in compliance with SPMC 17.48.
- b. Consider using transparent, rather than opaque fencing (i.e. tubular steel, wrought iron, or galvanized or powder coated chain link) when not being used as required screening. Fencing shall be compliant with Section 17.45 of SPMC.
- c. Maintain continuous upkeep by maintenance crew.

Building Division Conditions

31. All construction documents shall be prepared in accordance with the applicable California Building Codes.

32. The project plans shall comply with accessibility requirements for persons with disabilities, as applicable.

33. All electrical equipment needs to be listed and labeled by an approved laboratory. The listing information shall be approved by the Building Official.

34. Noise and construction hours shall be observed as required by Chapter 17 of the San Pablo Municipal Code.

35. Special inspectors need to be registered with the City for the specific job to be undertaken.
36. Special inspection reports will be required for all applicable items that are part of this design in accordance with Chapter 17 of the California Building Code (CBC).
37. Structural observations will be required in accordance to the engineer's design and applicable risk category.
38. Submit complete sets of electronic plans including the following: Plot Plan; Foundation Plan; Floor Plan; Ceiling and roof framing plan; Electrical Plans, including size of main switch, number and size of service entrance conductors, circuit schedule, and demand load; Plumbing and sewer plan and isometric, including underground diagram, water piping diagram, sewer location, fixture units, gas piping and vents, and heating and air conditioning diagram; Landscape and Irrigation plans.
39. Landscape plans shall be compliant with the San Pablo MWELO requirements and approved prior to the issuance of any Building Permits.
40. The applicant shall submit electronic sets of structural calculations, energy conservation calculations and soils reports. Architects/Engineers electronic stamp and signature are acceptable at the time of plan check submittal.
41. All contractors shall be licensed by the State of California and shall obtain City of San Pablo business licenses.
42. No work shall be performed until the required permits are obtained.
43. All fees shall be paid before the permit is issued.
44. No structure shall be occupied until a Certificate of Occupancy issued by the Building Official has been granted.
45. It is the responsibility of the person doing the work to call for the required inspections.
46. Changes or deviations from the approved set of plans shall be resubmitted for Plan Check.
47. All work shall remain accessible until inspected and approved by the Building Official.
48. Best management practices shall be observed during construction to avoid pollutants to enter the storm drain system.

49. At the time of Plan Check, the applicant shall incorporate the required California Green Code Mandatory Measures such as E.V. Ready, clean air vehicle parking, bicycle parking, best management practices and storm water pollution prevention, light pollution reduction, energy efficiency, indoor and outdoor water usage efficiency etc.
50. Cal green mandatory measures shall be observed during construction, for example:
- a. water efficiency and conservation
 - b. construction waste reduction, disposal and recycling
 - c. All other applicable codes for the efficient construction and operation of the new structure.
51. Applicable deferred submittals must be clearly identified on the building plans. This includes submittals such as; Photovoltaic, fire sprinklers, fire alarms, trusses, etc.
52. All building permits shall expire by limitation 12 months after the issuance date. One or more extensions may be granted by the building official. Extensions shall be requested in writing prior to the expiration of the building permit.

Fire Protection

53. Provide emergency apparatus roadways with all-weather (paved) driving surfaces of not less than 20-feet unobstructed width, and not less than 13 feet 6 inches of vertical clearance, to within 150 feet of travel distance to all portions of the exterior walls of every building. Access shall have a minimum outside turning radius of 45 feet and must be capable of supporting the imposed fire apparatus loading of 37 tons. Access roadways shall not exceed 20% grade. Grades exceeding 16% shall be constructed of grooved concrete per Fire District standard. (503) Californian Fire Code (CFC).
54. Aerial Fire Apparatus Access is required where the vertical distance between grade plane and highest roof surface exceeds 30 feet and measured in accordance with Appendix D, Section 105 of the 2019 CFC. Aerial access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of the building or portion thereof. At least one of the required routes shall be positioned parallel to one entire side of the building. Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and building.
55. Access roadways of less than 28-feet unobstructed width shall have signs posted or curbs painted red with the words "NO PARKING - FIRE LANE" clearly marked. (22500.1) California Vehicle Code (CVC), (503.3) CFC
56. Access roadways of 28 feet or greater, but less than 36-feet unobstructed width

shall have "NO PARKING - FIRE LANE" signs posted, allowing for parking on one side only or curbs painted red with the words "NO PARKING - FIRE LANE" clearly marked. (22500.1) eve, (503.3) CFC

57. Access gates for Fire District apparatus shall be a minimum of 20-feet wide. Access gates shall slide horizontally or swing inward and shall be located a minimum of 30 feet from the street. Electrically operated gates shall be equipped with a Knox Company key-operated switch. Manually operated gates shall be equipped with a non-casehardened lock or approved Fire District lock. Contact the Fire District for information on ordering the key operated switch. (0103.5) CFC.
58. The developer shall provide an adequate and reliable water supply for fire protection as set forth in the California Fire Code. (507.1) CFC
59. The developer shall provide hydrants of the East Bay type in compliance with Chapter 5 and Appendix B and C of the California Fire Code. (C103.1) CFC
60. Ground ladder access to rear of building not provided if type V construction. Provide emergency escape and rescue openings in Group R occupancies of type V construction. Basements and sleeping rooms below the fourth story above grade plane shall have at least one exterior emergency escape and rescue opening. Such openings shall open directly into a public way or to a yard or court that opens to a public way. Landscaping, signage and other obstructions must not hinder the positioning of firefighting ground ladders from apparatus access to the rescue windows.
61. A land development permit is required for access and water supply review and approval prior to submitting building construction plans. The developer shall submit a minimum of two (2) copies of full size, scaled site improvement plans indicating:
 - a. All existing or proposed hydrant locations,
 - b. Fire apparatus access,
 - c. Aerial fire apparatus access,
 - d. Elevations of building,
 - e. Size of building and type of construction,
 - f. Striping and signage plan
 - g. Provide drawings for paths from the public way to under emergency escape and rescue openings showing a proposed clear path and clear space under these openings that allow for the placement of ground ladders at a climbing angle of 70 to 75 degrees and a minimum of 18-inch clearance from the base of the ladder to any obstruction (see attached ground ladder access standard) for review and approval prior to obtaining a building permit.

This is a separate submittal from the building construction plans. These plans shall be approved prior to submitting building plans for review. (501.3) CFC

62. Emergency apparatus access roadways and hydrants shall be installed, in

service, and inspected by the Fire District prior to construction or combustible storage on site. (501.4) CFC [Note: A temporary aggregate base or asphalt grindings roadway is not considered an all-weather surface for emergency apparatus access. The first lift of asphalt concrete paving shall be installed as the minimum roadway material and must be engineered to support the designated gross vehicle weight of 37 tons.]

63. New buildings shall have approved radio coverage for emergency responders. An emergency responder radio coverage system shall be installed when the conditions of CFC 510.4.1 are not met. Testing shall be conducted and the results submitted to the Fire District prior to the building final. (510.1) CFC
64. The developer shall provide traffic signal pre-emption systems (Opticom) on any new or modified traffic signals installed with this development. (21351) CVC
65. Flammable or combustible liquid storage tanks shall not be located on the site without obtaining approval and necessary permits from the Fire District. (3401.4) CFC
66. The owner shall cut down and remove all weeds, grass, vines, or other growth that is capable of being ignited and endangering property. (304.1.2) CFC
67. The owner or the owner's authorized agent shall be responsible for the development, implementation and maintenance of a written plan establishing a fire prevention program at the project site applicable throughout all phases of the construction. The plan shall be made available for review by the fire code official upon request. (Ch.33) CFC
68. The fire prevention program superintendent shall develop and maintain an approved pre-fire plan in cooperation with the fire chief. The fire chief and fire code official shall be notified of changes affecting the utilization of information contained in such pre-fire plans. (Ch.33) CFC
69. The developer shall submit a minimum of two (2) complete sets of building construction plans and specifications for the subject project to the Fire District. After the new construction I tenant improvement plans are approved, plans and specifications for all deferred submittals shall be submitted, including, but not limited to the following.
 - Private underground fire service water mains
 - Fire sprinklers
 - Standpipe
 - Fire alarm
 - Fire pump if required
 - Emergency generator if required (PG&E is not considered reliable power)
 - Emergency Responder Radio Coverage System (ERRCS)Plans shall be submitted to the Fire District for review and approval prior to

construction of the building or installation of the systems to ensure compliance with minimum requirements related to fire and life safety. Plan review and inspection fees shall be submitted at the time of plan review submittal. (105.4.1) CFC, (901.2) CFC, (107) CBC

Garbage and Recycling Area

70. The project shall comply with the requirements of the Republic Services, and shall place containers within the areas set forth on the approved plans.
71. The project must provide equal space for recyclables as for garbage containers which are adequate, accessible and convenient areas for collecting and loading of both recyclable and garbage materials. Driveways and/or travel aisles shall, at a minimum, conform to local building-code requirements for garbage collection access and clearance. The driveways and/or travel aisles must provide unobstructed access for collection vehicles and personnel. Areas for collecting and loading recyclable materials must be adjacent to the solid waste collection areas. The builder should make their "best effort" to use recycled materials wherever possible.

Drainage and Stormwater

72. The applicant shall be required to comply with all rules, regulations, and procedures of the National Pollutant Discharge Elimination System (NPDES) permit for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board or any of its Regional Water Quality Control Boards (San Francisco Bay-Regional II). If applicable, the project shall comply with requirements of the NPDES *Municipal Regional Permit* Section C.3, and the Contra Costa Clean Water Program *Stormwater C.3 Guidebook* (*Stormwater C.3 Guidebook*), current versions.
73. A Stormwater Control Plan, and Operations & Maintenance Plan and Agreement shall be required for the parcel; the Agreement must be recorded prior to a certificate of occupancy.
74. A hydrology or hydraulics report to show whether the existing and proposed storm drain system can accommodate runoff from the subject site after the improvement. This report typically includes drainage design, system capacity, and other relevant information related to hydrology or hydraulic study.
75. The applicant shall submit grading, drainage improvement plans, sediment and erosion control plans and to the Public Works Engineering Division for approval. All of these plans shall be prepared by a California-registered Civil Engineer and approved by the City prior to submission for a building permit.
76. All improvement plans, landscaping plans and joint trench and/or utility undergrounding plans shall include a separate section with a copy of the City Standard Notes, without alteration of the numbers or content, as presented in the Appendix, and a full-size plan sheet with the "Pollution Prevention" plan sheet

developed by the NPDES/Clean Water program (electronic copies are available from the City).

77. The applicant shall agree to provide repairs, upgrades or connection to public storm drain facilities which will be necessary to accommodate the proposed storm water generated by the project as required by the City Engineer.

Signs

78. No illegal signs, pennants, banners, balloons, flags, or streamers are to be used on this site at any time.
79. Prior to the installation of any signs, the applicant shall obtain design review approval from the Planning Division and building permits from the Building Division. The design, color, and location of any project sign at the entrance to the property shall be reviewed and approved by the Community Development Department.

Lighting

80. A lighting site plan and contour plan shall be submitted for approval of the Zoning Administrator consistent with required standards. All lighting on the property shall be oriented or screened so as to prevent glare and direct light from reaching adjacent properties.

Utilities

81. Water, gas, electrical, telephone, and sanitary sewer utilities shall be constructed to the minimum standards of the respective utility companies. However, the trench details, pipe slope and other details shown the City's Standard Details shall also be met as minimum requirements. All requirements of the applicable utility companies and departments and the fire district shall be met, including fees and administrative requirements.
82. All proposed overhead wires shall be undergrounded.
83. Contractor shall call 811 before construction for the location of any underground services.

Sanitary Sewer

84. A Plot Plan showing the locations of sewer laterals and connections shall be submitted, reviewed and approved by West County Wastewater District (WCWD), along with a related fee estimate. The plot plan shall be drawn to scale and shall show assessor parcel numbers, easements, locations of structures in relation to parcels, location of parcels in relation to streets, locations of rooms/areas drainage fixture units in relation to structures if modification is necessary or proposed, north arrow, sidewalks, and street names.

85. A will-serve letter from the WCWD shall be submitted prior to submission for a building permit.
86. The project shall comply with the conditions of WCWD.
87. Improvement plans shall require WCWD approval.
88. WCWD approval is required prior to finalizing the permit or prior to granting certificate of occupancy.

Water

89. A will-serve letter from EBMUD shall be submitted prior to submission for a building permit.
90. Water conservation measures for both internal and external use must be incorporated into the design and construction of the proposed project. EBMUD encourages the use of equipment, devices, and methodology that furthers water conservation and provides for long-term efficient water use. EBMUD recommends the use of drought-resistant plantings, use of inert materials, and minimum use of turf areas.
91. All private lot landscaping shall consist of non-invasive, drought-tolerant low-water use plant species.
92. Effective January 1, 2018, water service for new multi-unit structures shall be individually metered or sub-metered in compliance with Section 537 of California's Water Code & Section 1954.201-219 of California's Civil Code, which encourages conservation of water in multifamily residential and mixed-use multi-family and commercial buildings by requiring metering infrastructure for each dwelling unit, including appropriate water billing safeguards for both tenants and landlords. EBMUD water services shall be conditioned for all development projects that are subject to these metering requirements and will be released only after the project sponsor has satisfied all requirements and provided evidence of conformance with Section 537 of California's Water Code & Section 1954.201-2019 of California's Civil Code.
93. Because the property is located on a street or road with three or more traffic lanes and curb parking, or with four or more traffic lanes, or which is divided, or which contains a subsurface structure or facility that could interfere with the normal installation of a service lateral; a parallel water main, to be installed at the project sponsor's expense, may be required to serve the property.
94. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine the costs and conditions of providing water service to the development. Engineering and installation of water mains and meters requires substantial lead time, which should be provided for in the project sponsor's development schedule.

95. No water meters are allowed to be located in driveways.
96. The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.
97. Due to EBMUD's limited water supply, all customers should plan for shortages in time of drought.

Biological Resources

98. If any removal of mature trees is required, the applicant shall conduct a pre-construction acoustic survey to determine if bats are present, in accordance with the General Plan Implementing Policy OSC I-9.

Environmental Hazards

99. If applicable, any existing or abandoned monitoring wells shall be destroyed pursuant to Contra Costa Environmental Health requirements. Appropriate permits and inspections for this work shall be obtained.
100. If applicable, prior to commencement of site grading or the issuance of a building permit, the applicant shall have the site inspected by a competent hazardous waste materials expert who shall submit a report for the City's review attesting to the removal of any hazardous waste materials on site.
101. The project shall comply with the requirements of the Health Services Department, Environmental Health Division.
102. Soil analytical results obtained for the project site shall be provided to any waste facilities prior to acceptance of off-haul material and these results should be screened by the facility for acceptance or further testing requirements, as applicable. The results shall be reviewed by a properly certified professional geotechnical or soils engineer to determine whether any additional testing or extraction requirements are warranted.

Geotechnical

103. The applicant shall submit a Geotechnical Report and the project shall follow all conditions set forth in the submitted report, including those pertaining to site preparation and grading, foundation, concrete slabs on grade, post-tensioned slab foundation, trench backfill, driveway, and general construction requirements.
104. The applicable geotechnical report for the project shall be noted on improvement plans. The geotechnical report shall be signed off by a licensed engineer.
105. The applicant shall commission a licensed engineer to inspect all grading operations and submit a report to the City, if applicable.

106. High levels of ground shaking may occur during future large magnitude Bay Area earthquakes, particularly on the Hayward fault. All structures and other improvements on the property will be subjected to this shaking and could be seriously damaged if not properly designed. This potential impact could be reduced to a level of less than significant through ensuring that the structural design of all buildings is performed by knowledgeable structural engineers familiar with conservative seismic design principles. Other on-site improvements should also incorporate conservative elements of good design practice to minimize damage.
107. Prior to issuance of building permits, applicant shall submit an as-graded report of the engineering geologist or the geotechnical engineer to the Community Development Department with an as-graded map showing final plan and grades if required by the City Engineer. The applicant shall submit grading plans for review and approval of the Community Development Department and City Engineer prior to issuance of grading permits.

Landscaping

108. The developer shall submit an Arborist's report detailing the size, condition, and types of trees that are to be removed per Section 17.48.120.C. Replacement trees shall be provided in accordance with SPMC Section 17.48.120.F.
109. The property owner or manager for the development shall be responsible for maintaining site landscaping. Landscaping shall be maintained to professional standards on a regular basis.
110. At the back of sidewalks, where the slope of the planting bed may allow soil, mulch or other materials to migrate onto the walkway, appropriate durable bender boards shall be placed, or concrete curbs shall be used.
111. Landscaping and irrigation shall be part of the final design drawings (improvement plans).
112. Plants and vegetation that are drought tolerant with a minimal use of pesticide and fertilizer (Bay friendly) are required. See C.3 Guidebook Section B-1-1 for a list of approved plants. List all trees that will be cut or remove and check for any disturbances of natural habitat (nests, etc.) before the removal of any trees or vegetation.
113. An on-site inspection shall be made by the Community Development Department (or Public Works Department) to determine compliance with the approved landscape plan.
114. The property owner or manager will be responsible for sidewalk and landscaping strip maintenance. Root barriers needed to be installed in the landscaping area per City Standards.

Streets & Sidewalks

115. All private curb ramps and sidewalks within the property shall meet current Americans with Disabilities Act Title II (ADA Title II) Regulations. Existing public curb ramps along the project frontage which do not meet current ADA Title II requirements shall be upgraded. Tripping hazards and severe cracks in public sidewalks shall be corrected by replacing the offending sections. City inspector may require additional work in the Public Right-of-Way, if deemed necessary for public safety and interest.
116. If unused or altered, existing driveway and curb cut along the project frontage shall be replaced with appropriate sidewalk, curb and gutter. New driveway location(s) shall be reviewed and approved by the Public Works Department.
117. The applicant shall provide for public street improvements as necessitated by the project, including but not limited to median modifications, striping and other pavement markings, curb ramps, sidewalk repairs, monuments, fire hydrants, electroliers/lighting facilities, along the frontage and adjacent properties, if applicable.
118. The applicant shall insure that improvements near intersections do not obstruct the sight distance to oncoming traffic.
119. Circulation aisles shown on the site plan appear to satisfy the minimum 22 feet requirement from the City of San Pablo Municipal Code. The applicant shall perform additional truck turning analysis to confirm a variety of trucks, including garbage trucks and emergency vehicles, can circulate on-site.

TDM & Growth Management

120. The developer shall comply with applicable provisions of Measure J, including any regional traffic improvements that may be required by the Contra Costa County Transportation Authority (Congestion Management Agency) for projects generating more than 100 peak hour trips, if applicable.

Waste Minimization/Energy Conservation

121. Incorporate design features wherever feasible to protect solar access. Inclusion of these measures would not be part of Title 24 compliance, but rather an additional conservation measure.
122. All outdoor lighting shall be LED.

Construction

123. Construction activity shall be limited between the hours of 7:00 am and 6:00 pm Monday through Friday and from 9:00 am to 5:00 pm on Saturday. Construction is not permitted on Sundays.

124. At least 50% of construction waste must be recycled.
125. The project shall be subject to performance bonds for all on-site and off-site improvement, including grading, stormwater facilities including C3, public utility facilities, and all improvements in the Public Right-of-way. The Engineer's estimate for the performance bond shall be approved by Public Works Department.
126. At least one week prior to commencement of grading, the applicant shall post the site and mail to the owners of property within 300 feet of the exterior boundary of the project site notice that construction work will commence. The notice shall include a list of contact persons with name, title, phone number and area of responsibility. The person responsible for maintaining the list shall be included. The list shall be kept current at all times and shall consist of persons with authority to indicate and implement corrective actions in their area of responsibility. The names of individuals responsible for noise and litter control, tree protection, construction traffic and vehicles, erosion control, and the 24-hour emergency number, shall be expressly identified in the notice. The notice shall be re-issued with each phase of major grading and construction activity.
127. A copy of the notice shall be concurrently transmitted to the Building Official in the Community Development. The notice shall be accompanied by a list of the names and addresses of the property owners noticed, and a map identifying the area noticed.
128. A staging plan for construction must be submitted to the Community Development Department during Plan Check. The plan must include a described narrative on how and where construction staging will occur.
129. A dust and litter control program shall be submitted for the review and approval of the City. Any violation of the approved program or applicable ordinances shall require an immediate work stoppage. Construction work shall not be allowed to resume until, if necessary, an appropriate construction bond has been posted.
130. The applicant shall make a good-faith effort to avoid interference with existing neighborhood traffic flows. Prior to issuance of building permits, the proposed roads serving this development shall be constructed to provide access as required by the City Engineer.
131. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.
132. A Site Improvement (and/or Encroachment) Permit will be required from Public Works Department for all on-site and off-site improvement, including grading, stormwater facilities including C3, public utility facilities, and all improvement on Public Right-of-way.
133. Separate permits will be required from Public Works for the following work: grading, joint trench and site improvements.
134. Truck routes for hauling materials shall be submitted for City approval.

BE IT FURTHER RESOLVED that the foregoing recitations are true and correct and are included herein by reference as findings.

Adopted this 25th day of October 2022, by the following vote:

AYES:	COMMISSIONERS:	Jackson, Morris, Gurdian, Feliciano
NOES:	COMMISSIONERS:	
ABSENT:	COMMISSIONERS:	Owens
ABSTAIN:	COMMISSIONERS:	

ATTEST:



Elizabeth Tyler, Secretary

APPROVED:



Roberta Feliciano, Chair