

RESOLUTION PC 25-10

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN PABLO APPROVING A MINOR DESIGN REVIEW FOR A NEW TWO-STORY, FOUR UNIT RESIDENTIAL DEVELOPMENT; AN ADMINISTRATIVE USE PERMIT FOR DEVELOPMENT WITHIN 50 FEET OF A CREEK; AND A VARIANCE TO ALLOW CONSTRUCTION OF A BUILDING WITHIN THE 15-FOOT FRONT YARD SETBACK AND A CARPORT AND TRASH ENCLOSURE WITHIN THE 25-FOOT CREEK SETBACK AT 2834 EL PORTAL DRIVE, SAN PABLO, (APN: 416-041-014)

WHEREAS, the project site at 2834 El Portal Drive consists of a vacant parcel with a General Plan land use designation of Neighborhood Commercial; and

WHEREAS, the project site is currently owned by Magdaleno Magana and is proposed to be developed with a multifamily residential building containing four units; and

WHEREAS, the 25,918 square foot project site extends alongside a portion of the north bank of San Pablo Creek, and the proposed development would be within 50 feet of said creek; and

WHEREAS, an application has been submitted by Deilly Echeverri of Sinbordes Design, on behalf of the owner Magdaleno Magana, on February 19, 2025 in PLAN case 2410-0012 for approval of a Minor Design Review along with an Administrative Use Permit to allow construction within 50 feet of a creek, and a Variance to allow encroachments into the 25-foot setback from the top of a creek bank and the 15-foot front yard setback; and

WHEREAS, the proposed development is located within the NC – Neighborhood Commercial zoning district of the San Pablo General Plan, which is governed by the Municipal Zoning Code; and

WHEREAS, Municipal Code Section 17.34.050 states that “Residential dwelling units in a commercial district shall comply with the development standards set forth in Chapter 17.32, Residential Districts, Allowed Uses, and Development Standards, or Section 17.34.040, Development standards, whichever are more restrictive”; and

WHEREAS, for a four-plex residential development, development standards from the R-3 zoning district are most restrictive for application to residential development on the site; and

WHEREAS, Section 17.18.090 of the Zoning Code requires minor design review by the Planning Commission, rather than by the Zoning Administrator, for multiple family developments with four or fewer units where other approvals are also required by the Planning Commission; 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, section 17.32.030. B.2. of the Zoning Code requires an Administrative Use Permit for development within 50 feet of any stream to ensure that the development adequately avoids impacts to wetland features or woodlands, reduces impacts to the creek, and prevents degradation of riparian and wetland features from urban pollutants, pursuant to the relevant policies and actions related to creeks within the General Plan, and such Administrative Use Permit has been referred to the Planning Commission for review with the other entitlements required for this project pursuant to San Pablo Municipal Code 17.16.070; and

WHEREAS, to approve the Administrative 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 Zoning Code allows for variances to provide relief to applicants where practical difficulties, unnecessary hardships, and results inconsistent with the general purpose of the Zoning Code may result from the strict application of its provisions; and

WHEREAS, to approve the Variance, the Planning Commission shall make a finding of fact showing that there are exceptional or extraordinary conditions applying to the land referred to in the application, which circumstances or conditions do not apply generally to land and/or uses in the same district; that because of these exceptional or extraordinary circumstances or conditions, the strict application of the Zoning Code deprives the property of privileges enjoyed by other properties in the vicinity and within the same zoning district; that granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner; that the granting of the Variance will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant 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; 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 value as habitat for endangered, rare, or threatened species according to a Biological Habitat Evaluation Report, is adequately served by all required utilities and public services, and would not result in any significant effects on traffic, noise or air quality, 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, this notice 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 June 24, 2025, 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 hereby determines that no further environmental review is necessary pursuant to the categorical exemption for the project and further hereby grants approval of the permit for Minor Design Review, Administrative Use Permit, and Variance for PLAN2410-0012, 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 would be categorically exempt from the provisions of the California Environmental Quality Act (CEQA), in accordance with CEQA Guidelines pursuant to 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 value as habitat for endangered, rare, or threatened species, 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.

Pursuant to CEQA Guidelines Section 15332, the City finds as follows: (a) the project is consistent with the applicable general 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; and (e) the site can be adequately served by all required utilities and public services.

The applicant has submitted a Biological Habitat Evaluation Report stating that no special-status species identified at the site are listed as threatened or endangered at either the federal or state level.

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 four new apartment units on a site that will be well-integrated into its surroundings, and in close proximity to amenities, such as the College Center Shopping Plaza, the Community Center, Helms Middle School, San Pablo Avenue, San Pablo Dam Road, and the I-80 on-ramp. As noted above, the project would also offer on-site amenities for its residents to take advantage of its proximity to San Pablo Creek.

- 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.

In terms of housing, the project would add a 4-unit multifamily residential building, a housing choice that has not been available in San Pablo in recent years.

Minor Design Review

- D. The proposed project is consistent with the San Pablo General Plan.

The proposed project would be responsive to general plan policies from the Land Use & Physical Design, Open Space & Conservation, and Housing Elements by developing four new apartment units on a site that will be well-integrated into its surroundings, and in close proximity to amenities, such as the College Center Shopping Plaza, the Community Center, Helms Middle School, San Pablo Avenue, San Pablo Dam Road, and the I-80 on-ramp. The project would also offer on-site amenities for its residents to take advantage of its proximity to the Creek.

The Craftsman-style design of the project would be compatible with the surrounding neighborhood. In terms of housing, the project would add new "missing middle" housing options for rent, a housing choice that has not been available in San Pablo in recent years. In addition, the project would provide progress in meeting the City's Regional Housing Needs Allocation (RHNA) numbers which are to be implemented by the Housing Element during the sixth cycle of 2023 to 2031.

- E. The proposed use is in accord with the objective of the zoning ordinance and the purposes of the district in which the site is located.

The project is located in the NC – Neighborhood Commercial Zoning District and the proposed residential use is allowed in this zoning district. Section 17.34.050 of the Municipal Code states that “Residential dwelling units in a commercial district shall comply with the development standards set forth in Chapter 17.32, Residential Districts, Allowed Uses, and Development Standards, or Section 17.34.040, Development standards, whichever are more restrictive.

The project complies with the development standards of the Zoning Ordinance for the R-3 Multifamily Residential district, with the exception of encroachments into the 15-foot front yard setback and the 25-foot setback from the top of creekbank of the adjoining San Pablo Creek, for which a Variance is requested as part of this application and recommended for approval as discussed below.

In terms of off-street parking requirements, Section 17.54.020 of the Zoning Code requires that two covered parking spaces be provided for multiple-family residential uses. The project would provide two carport spaces for each apartment.

- F. The proposed use is in compliance with each of the applicable provisions of the zoning ordinance, general plan, and/or applicable specific plan.

As noted above, the proposed use is in compliance with each of the applicable provisions of the zoning ordinance and general plan. The site is not located within the boundaries of a specific plan.

- G. The proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

The site is in an urban area surrounded by other residential and commercial developments and is physically suitable for the type and density of development proposed. Due to the placement of the project alongside El Portal Drive with little surrounding development and the buffer provided by the rear yards and fences of the single-family homes across the street, the proposed use will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

Administrative Use Permit

- H. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this zoning ordinance, municipal code, general plan, and any applicable specific plans or city regulations/standards.

The project complies with the development standards of the Zoning Ordinance for the R-3 Multifamily Residential district, with the exception of encroachments into the 15-foot front yard setback and the 25-foot setback from the top of creekbank of the adjoining San Pablo Creek, for which a Variance is requested

as part of this application and recommended for approval as discussed below. The proposed use complies with all other applicable provisions of the zoning ordinance and municipal code.

The proposed project would be responsive to general plan policies from the Land Use & Physical Design, Open Space & Conservation, and Housing Elements by developing four new apartment units on a site that will be well-integrated into its surroundings, and in close proximity to amenities, such as the College Center Shopping Plaza, the Community Center, Helms Middle School, San Pablo Avenue, San Pablo Dam Road, and the I-80 on-ramp. As noted above, the project would also offer on-site amenities for its residents to take advantage of its proximity to the Creek. The proposed use does not fall within the boundaries of any specific plan.

- I. The site is physically suited for the type, density, and intensity of the proposed use, including access, utilities, and the absence of physical constraints, and can be conditioned to meet all related performance criteria and development standards.

The applicant has submitted a Soil and Foundation Investigation Report stating that the subject site is suitable for the type, density, and intensity of the proposed use and setting forth a number of conditions to be adhered to during design and construction to ensure project safety from a geotechnical standpoint. Those conditions are incorporated into the proposed conditions of approval for the project.

- J. 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.

Granting of the requested Administrative 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.

Variance

- K. There are exceptional or extraordinary circumstances or conditions applying to the land or building referred to in the application, including size, shape, topography, location or surroundings, which circumstances or conditions do not apply generally to land, buildings and/or uses in the same district.

Due to special and unique concerns related to the irregular site configuration and the relative shallowness of the site, these encroachments are requested to allow for the building to encroach into the front yard setback, and the carport and trash enclosure to encroach into the creek setback. Placement of the carport and trash enclosure is constrained by the shape and topography of the parcel and the proximity to the creek, as well as circulation requirements for the parking spaces. Placement of the apartment building itself is also constrained by both the creek setback on its south side and the front yard setback on its north side. These conditions reflect exceptional or extraordinary circumstances which impact the use and developability of the site and are not found in other locations.

- L. Because of these exceptional or extraordinary circumstances or conditions, the strict application of this title deprives the property of privileges enjoyed by other properties in the vicinity and within the same zoning district.

Due to the shape and shallowness of the site, and its proximity to the creek, the property is deprived of privileges enjoyed by other properties in the vicinity and in the NC – Neighborhood Commercial zoning district.

- M. The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner.

The applicant believes that the granting of the Variance is necessary for the preservation and enjoyment of substantial property rights, related to their expectation to build on the site to provide housing in accordance with City plans.

- N. The granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant 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.

None of the encroachments would impact the creek or its enjoyment by the public as that the segment of the creek is not currently accessible to the public. According to the Soil and Foundation Investigation Report provided by the applicant, the site is suitable for the proposed 4-unit apartment building, provided the recommendations outlined in the report are incorporated into the design considerations, project plans, and specifications. Those conditions are incorporated into the proposed conditions of approval for the project. With respect to the front yard variance, other properties along El Portal in the vicinity of the site are also located within the front yard setback as they are similarly constrained by the shallowness of the lots and the presence of the creek to the rear of their properties. Granting the Variance would not adversely affect the health or safety of persons residing or working in the neighborhood and will not be detrimental to the public or injurious to property or improvements in the neighborhood.

- O. 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 hereby grants approval of the Minor Design Review, Administrative Use Permit, and Variance for PLAN2410-0012 along with and 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, and landscape plan that were submitted to Planning Staff on February 19, 2025, as revised on April 24, 2025, May 13, 2025, and June 11, 2025, which are on file with the Community Development Department, under PLAN 2410-0012.
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 Administrative Use Permit is discontinued for a period of six consecutive months, the Use Permit shall automatically expire.
6. The applicant shall obtain any permits and licenses needed for the proposed use.
7. Plans submitted to the City measure 36" x 24" with a scale noted on the plan. However, when viewing the plans with the provided scale, the dimensions do not appear to match the written dimensions. Written dimensions are assumed to be correct during this review but they will need to be reviewed again during Plan Check. Any dimensions that do not comply with current codes shall be revised.
8. 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.

9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. All abandoned pipes and other abandoned miscellaneous improvements shall be removed.
15. 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.
16. 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.
17. 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.
18. 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.

19. 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.
20. 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.
21. 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.

Building Division Conditions

22. Section 150.1(c)14 of the 2019 California Energy Codes states that all new low-rise residential buildings must have a photovoltaic (PV) system.
23. If the proposed project is located within Flood Zone A, the proposed design shall comply with the requirements of the California Building Codes for structures located in the flood hazard area.
24. Noise and construction hours shall be observed as required by Chapter 17 of the San Pablo Municipal Code.
25. All construction documents shall be prepared in accordance with the applicable 2019 California Building Codes.
26. Special inspectors shall be registered with the city for the specific job to be undertaken.
27. Special inspection reports shall be required for all applicable items that are part of the design in accordance to Chapter 17 of the 2019 California Building Code.
28. Structural observations shall be required in accordance to the engineer's design and applicable risk category
29. The applicant shall 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, and Stormwater Control plan. Landscape plans shall be compliant with the San Pablo MWELo requirements and approved prior to the issuance of any Building Permits.

30. The applicant shall submit electronic sets of structural calculations, energy conservation calculations and soils reports. Architects/Engineers stamp and wet signature is required prior to submittal of plan check.
31. All contractors shall be licensed by the State of California and shall obtain City of San Pablo business licenses.
32. No work shall be performed until the required permits are obtained.
33. All fees shall be paid before the permit is issued
34. No structure shall be occupied until a Certificate of Occupancy issued by the Building Official has been granted.
35. It is the responsibility of the person doing the work to call for the required inspections.
36. Changes or deviation from the approved set of plans shall be resubmitted for plan check.
37. All work shall remain accessible until inspected and approved by the Building Official.
38. Best management practices shall be observed during construction to avoid pollutants to enter the storm drain system.
39. 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.
40. Cal Green mandatory measures shall be observed during construction, for example:
 - water efficiency and conservation
 - construction waste reduction, disposal and recycling
 - All other applicable codes for the efficient construction and operation of the new structure.
41. Deferred submittals shall be clearly identified on the building plans. This includes submittals such as; Photovoltaic fire sprinklers, fire alarms, trusses, etc.

42. 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

43. The access road loop shall be installed prior to construction or storage of combustible material on site. The applicant shall call for required inspection prior to construction.
44. Access road(s) and hydrant(s) shall be installed, in service, and inspected prior to construction (CFC 501.4).
45. Paint red curbs and mark curbs with white lettering "NO PARKING-FIRE LANE" or provide "NO-PARKING-FIRE LANE" signs in accordance with CCCFPD FPS-020.
46. Submit two (2) copies of automatic fire sprinkler system plans and specifications, as prepared by a C-16 licensed fire sprinkler contractor, which conform to NFPA 13D-2016, for review and approval prior to installation per plan. (CFC 903.2).
47. Provide emergency apparatus access 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. (503) CFC.
48. 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) CVC, (503.3) CFC.
49. 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) CVC, (503.3) CFC.
50. The developer shall provide an adequate and reliable water supply for fire protection with a minimum fire flow of 500 GPM. Required flow must be delivered from not more than 1 hydrant flowing for a duration of 30 minutes while maintaining 20-pounds residual pressure in the main. (507.1), (B105) CFC.
51. 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.

52. A land development permit is required for access and water supply review and approval. The developer shall submit a minimum of two (2) copies of full size, scaled site improvement plans indicating: All existing or proposed hydrant locations; fire apparatus access; elevations of buildings; size of building and type of construction; and striping and signage plan to include "NO PARKING-FIRE LANE" markings. 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" 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. Overlay the landscape plan with the ground ladder plan to confirm vegetation does not hinder operations. 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.
53. Emergency apparatus access roadway shall be installed, in service, and inspected by the Fire District prior to construction or combustible storage on site. (501.4) CFC. Note: 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.
54. The apartment units as proposed shall be protected with an approved automatic fire sprinkler system complying with the 2016 edition of NFPA 13D or Section R313.3 of the 2019 California Residential Code. Submit a minimum of two (2) sets of plans to this office for review and approval prior to installation. (903.2) CFC, (R313.3) CRC, Contra Costa County Ordinance 2019-37.
55. The developer shall provide traffic signal pre-emption systems (Opticom) on any new or modified traffic signals installed with this development. (21351) CVC.
56. 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.
57. 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.
58. The property owner shall maintain an effective firebreak by removing and clearing away flammable vegetation and combustible growth from areas within 30 feet of buildings or structures. (1276.01) P.R.C.
59. Development on the parcel shall be subject to review and approval by the Fire District to ensure compliance with minimum requirements related to fire and life safety. Submit three (3) sets of plans to the Fire District prior to obtaining a building permit. (501.3) CFC.

60. 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.
61. 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

Garbage and Recycling Area

62. 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

63. 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*, current versions.
64. A Stormwater Control Plan and Operations & Maintenance Agreement shall be required for the parcel; the Agreement must be recorded prior to a certificate of occupancy.
65. During Plan Check, the applicant shall provide calculations of all new and replaced impervious area and how the project will meet C.3 stormwater regulations.
66. 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.
67. The Drainage Plan shows a new 6" storm drain and a new outflow to the creek. New outflow to the creek typically requires a permit from the State and requires a significant effort. The City does not have jurisdiction to approve a new outflow to

the creek. Most developments drain to the City's storm drain facility. Drainage and C3 issues should be consulted with a Civil Engineer.

68. The applicant shall submit grading, drainage improvement plans, sediment and erosion control plans and the engineer's estimate 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.
69. 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).
70. On-site storm drains shall be owned, operated and maintained by the property owner.
71. 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

72. No illegal signs, pennants, banners, balloons, flags, or streamers are to be used on this site at any time.
73. 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

74. 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

75. 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 department shall be met, including fees and administrative requirements.

76. All proposed overhead wires shall be undergrounded.

77. Contractor shall call 811 before construction for the location of any underground services.

Sanitary Sewer

78. A plot plan showing the locations of sewer laterals and connections shall be submitted and be reviewed and approved by West County Wastewater District (WCWD), along with a related fee estimate.

79. A will-serve letter from the WCWD shall be submitted prior to submission for a building permit.

80. The project shall comply with the conditions of WCWD.

81. Improvement plans shall require WCWD approval.

82. WCWD approval is required prior to finalizing permit or prior to granting certificate of occupancy.

Water

83. The Tentative Map for the project shall be approved and signed by the Fire Marshal prior to the East Bay Municipal Utility District (EBMUD) proceeding with design work to provide water main extension to serve the project

84. A will-serve letter from EBMUD shall be submitted prior to submission for a building permit.

85. 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.

86. All private lot landscaping shall consist of non-invasive, drought-tolerant, low-water use plant species.

Environmental Hazards

87. 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.

88. 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.

89. The project shall comply with the requirements of the Health Services Department, Environmental Health Division.

Geotechnical

90. To the review and satisfaction of the City Engineer, the project shall follow all conditions set forth in the submitted Soil and Foundation Investigation Report, prepared by American Soil Testing and Engineering, including those pertaining to site preparation and grading, foundation, concrete slabs on grade, post-tensioned slab foundation, trench backfill, driveway, and general construction requirements
91. The applicable geotechnical report for the project shall be noted on improvement plans. For structures that are within the creek setback zone shown in the preliminary site plan, the geotechnical report shall confirm that the creek bank is stable and will support the said structures. The geotechnical report shall be signed off by a licensed engineer.
92. The applicant shall commission a licensed engineer to inspect all grading operations and submit a report to the City, if applicable.
93. 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.
94. Prior to issuance of building permits, applicant shall submit an as-graded report of the engineering geologist or the geotechnical engineer to 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

95. The property manager for the development shall be responsible for maintaining site landscaping. Landscaping shall be maintained to professional standards on a regular basis.
96. 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.

97. Landscaping and irrigation shall be part of the final design drawings (improvement plans).
98. 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.
99. An on-site inspection shall be made by the Community Development Department (or Public Works Department) to determine compliance with the approved landscape plan.
100. The property manager will be responsible for sidewalk and landscaping strip maintenance and the lease agreements shall include this requirement. Root barriers needed to be installed in the landscaping area per City Standards.

Streets & Sidewalks

101. All private curb ramps and sidewalks within the property shall meet current ADA and Title 12 requirements and guidelines. Existing public curb ramps along the property frontage which do not meet current ADA and Title 12 requirements shall be upgraded, and tripping hazards in public sidewalks shall be corrected by replacing the offending sections. City inspector may require additional work in the Public Right of Way as needed by public safety and interest.
102. 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.
103. The applicant shall insure that improvements near intersections do not obstruct the sight distance to oncoming traffic.
104. All new improvements into the Public Right of Way shall be labelled and called out. This includes but is not limited to any concrete work on the sidewalk, driveway curb cuts, traffic signs, striping changes on the roadway, and utility trenches. A separate encroachment permit will be required for improvements in the Public Right of Way.
105. The driveway configuration is in line with the proposed multi-car port design but may be further reviewed with comments during plan check.

TDM & Growth Management

106. 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

107. 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.

108. All outdoor lighting shall be LED.

Construction

109. 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.

110. At least 50% of construction waste must be recycled.

111. The project shall be subject to performance bonds and labor and material bonds for any public improvements. A 100% performance bond and a 100% labor and materials bond shall be required. All bonds and insurance policies shall be approved by the City Attorney. Bonded work shall include the grading work.

112. Erosion control plans for grading shall be subject to City review.

113. 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.

114. A copy of the notice shall be concurrently transmitted to the Community Development Department and City Engineer. 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.

115. 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.

116. 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.

117. 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.

118. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.

119. Separate permits will be required from Public Works for the following work: grading, joint trench and site improvements.

120. 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 24th day of June 2025, by the following vote:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:

ATTEST:

APPROVED:

Elizabeth Tyler, Secretary

Joana Gurdian, Chair