

**PREPARED BY:** GRIFFEN DEMPSEY

**DATE OF MEETING:** 6/27/2023

**SUBJECT:**

**..TITLE**

RESOLUTION APPROVING MAJOR DESIGN REVIEW AND DENSITY BONUS WITH CONCESSIONS/INCENTIVES TO ALLOW AN INCREASE IN THE NUMBER OF UNITS, AN INCREASE IN FLOOR AREA RATIO, A DECREASE IN COMMERCIAL FLOOR AREA RATIO, A DECREASE IN MINIMUM OFF-STREET PARKING REQUIREMENTS, AND A DECREASE IN COMMON OPEN SPACE REQUIREMENTS; AND WITH WAIVERS TO ALLOW AN INCREASE IN THE NUMBER OF STORIES AND TO ALLOW NO COMMERCIAL FLOOR AREA, FOR A PROJECT CONTAINING 40 AFFORDABLE MULTIFAMILY HOUSING UNITS AND 1,470 SQUARE FEET OF COMMUNITY/AMENITY SPACE, TO BE LOCATED ON A 21,750-SQUARE-FOOT PARCEL AT 1820 RUMRILL BOULEVARD, IN THE COMMERCIAL MIXED USE (CMU) ZONING DISTRICT WITH A PRIORITY DEVELOPMENT AREA (PDA) OVERLAY, SAN PABLO, APN: 411-041-009.

CEQA: This project is categorically exempt under the California Environmental Quality Act, Section 15332, In-Fill Development Projects.

**..Label**

**Location:** 1820 Rumrill Boulevard  
**APN:** 411-041-009  
**Zoning:** CMU – Commercial Mixed Use w/ Priority Development Overlay  
**CEQA:** Categorically exempt pursuant to Section 15332, In-Fill Development Projects.  
**Owner:** City of San Pablo  
**Applicant:** Novin Development  
**Agent for Applicant:** Nithya Vemireddy  
**Staff Contact:** Sandra Castaneda, Associate Planner

**..Recommendation**

Conduct public hearing; adopt Resolution

**..BODY**

**REQUESTED ACTION**

Request to approve a Major Design Review and Density Bonus with Concessions/Incentives to allow an increase in the number of units, an increase in floor area ratio, a decrease in commercial floor area ratio, a decrease in the minimum off-street parking requirement, and a decrease in open space requirements; and waivers to allow an increase in the number of stories and to allow the project to have no commercial floor area, for a 42,174 square foot project containing 40 affordable multifamily units and 1,470 square feet of community/amenity space on a 21,750-square foot parcel located at 1820 Rumrill Boulevard, at the northeast corner of the intersection of Rumrill Boulevard with Market Avenue, in the CMU – Commercial Mixed Use district.

According to the San Pablo Zoning Ordinance, Major Design Review by the Planning Commission is required for all multifamily residential developments with five or more units (San Pablo Municipal Code Section 17.20.030)

<https://www.codepublishing.com/CA/SanPablo/>.

The project is also requesting Density Bonus provisions and Concessions/Incentives to allow an increase in the allowable number of units (from 30 to 40), pursuant to California Density Bonus Law, as amended (California Government Code Sections 65915-65918). The subject site lies within the Priority Development Area (PDA) overlay zone along Rumrill Boulevard which allows a maximum density of 60 units per acre. At 21,750 square feet or one-half acre, this is equivalent to a maximum density at the site of 30 units. Because the development would consist of 100% affordable units for low income households, a density bonus of up to 80% would be allowed (i.e., 24 additional units), which would permit up to 54 units on the 0.5-acre site. The project proposes a total of 40 units, all of which would be affordable to low income households.

For 100% affordable projects, the developer is also entitled to four incentives/concessions to development standards for the site under the Density Bonus Law and the City's Zoning Code. Possible concessions are identified in Section 17.60.020(F) of the Zoning Code; state law additionally creates the potential for different concessions outside of those enumerated in the Zoning Code. The developer proposes concessions to: (1) accommodate the requested increase in floor area ratio (FAR) from 1.50 to 1.95, (2) reduce the required commercial FAR from 0.5 to 0.0, (3) decrease required parking from 46 to 17 off-street spaces, and (4) decrease the common open space required from 6,000 square feet to 2,355 square feet.

In addition to the concessions, the project is requesting a waiver/reduction to allow for an increase in the number of stories in a residential development from 3 to 4 and to allow no commercial space to be provided as part of the project. The reduction in required commercial FAR would constitute a waiver/reduction in that it would not be possible for the project to provide any commercial space and also realize the requested affordable housing density, given the constraints of the site. State law prohibits the City from applying any development standard that will physically preclude construction of the project at the requested density and with the requested concessions (see Government Code section 65915(e)(1)). Due to the constraints of the project site, the proposed density would not be possible without the requested waivers.

The proposed development has been determined to be categorically exempt from the provisions of the California Environmental Quality Act pursuant to Section 15332, In-Fill Development, as staff analysis shows that (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 40 apartments in an already developed area and a traffic study has been prepared and shows no significant effect in vehicles miles travelled or traffic impact as a result of the project; and (e) the site can be adequately served by all required utilities and public services.

Staff's recommendation is for Planning Commission to conduct a public hearing, approve the Major Design Review and Density Bonus with Concessions/Incentives and Waivers, and determine that the project is exempt from CEQA pursuant to Section 15332, In-Fill Development Projects, subject to the conditions of approval included in the resolution.

**Surrounding Zoning and Land Uses:**

The subject parcel is zoned Commercial Mixed Use (CMU) and is located within the Rumrill Boulevard Priority Development Area, as described in Section 17.38.040 of the Zoning Ordinance. Zoning designations and land uses surrounding the site are as follows:

- North: NC – Neighborhood Commercial; Mixed-use church and apartment building
  
- South: CMU - Commercial Mixed Use; Mixed-use grocery store and apartment building
  
- East: CMU – Commercial Mixed Use and R-2 – Two-Family Residential; vacant lot, multifamily apartment building, and single-family homes
  
- West: CMU -Commercial Mixed Use and CR – Regional Commercial; commercial building and parking

**PUBLIC HEARING NOTICE**

Notices regarding this public hearing were mailed to owners of properties within a 300-foot radius of the site on June 14, 2023. In addition, a Public Hearing Notice was published in the West County Times newspaper (West Contra Costa edition of the East Bay Times) on Saturday, June 17, 2023.

**SITE LOCATION AND PROJECT DESCRIPTION**

The 21,750-square foot project site is located near the western edge of San Pablo at the northeast corner of the intersection of Rumrill Boulevard and Market Avenue. Across Rumrill Boulevard to the West is a large commercial lot containing the Food Barn grocery store, a laundromat, a beauty salon, a boxing club, a wholesaler, and surface parking, as well as a smaller parcel with surface parking and a food truck. To the north is a parcel containing a storefront church with an attached two-unit apartment building. To the south across Market Avenue is a mixed-use building containing the Evergreen Produce market and four apartments, as well as surface parking. To the east of the property are two single family homes and a small vacant lot. A seven-unit apartment complex lies beyond the vacant lot.

The topography of the site is generally flat. The surrounding neighborhood consists of existing commercial, industrial, and mixed-use structures along Rumrill Boulevard, and smaller multifamily and single-family residential structures in the neighborhoods to the east of the site. The project is located near the Food Barn grocery store and the Rumrill Sports Park.

Along with the application form, the applicant has submitted a Project Description; legal description; and a detailed plan set including project data, site plan, floor plans, renderings, elevations, color/material board, and landscape and irrigation plan (see Attachments C and D). The applicant also submitted a Vehicle Miles Traveled (VMT) Analysis, and a Phase 1 Environmental Assessment was prepared in conjunction with the Request for Proposals to develop the site (Attachments E and F)

The proposed project would consist of 17 studio, 11 two-bedroom, and 12 three-bedroom units, totaling 40 units, along with 1,470 square feet of community/amenity space. All of the

units will be designated affordable to low-income residents earning no more than 60% of the Area Median Income. Studio units are proposed to be 366 square feet each, two-bedroom units are 745 square feet each, and three-bedroom units are 1,105 square feet each.

The proposed building would be 49 feet-9 ½ inches high and would consist of four stories. The ground level would include four studio units, one two-bedroom unit, mechanical and storage rooms, a leasing office, 1,470 square feet of community/amenity space, and nine tuck-under garage parking spaces. The three upper levels would include the remaining residential apartments. Eight surface parking spaces will be included in the rear of the building, in addition to the nine tuck-under spaces. The front of the building would be slightly set back and landscaped to enhance the building massing and pedestrian experience.

## **BACKGROUND**

The site is currently owned by the City of San Pablo, and has been vacant for several years. According to City records, a Chevron gas station on the site was demolished in 1978 after operating for an unknown period of time. In 2007, the site was acquired by the Redevelopment Agency of San Pablo. In 2015, it was transferred to the City of San Pablo following the end of Redevelopment. The site is entirely vacant and has been used recently for temporary stockpiling of materials for the Rumrill Boulevard street improvement project.

On August 2, 2021, the City of San Pablo issued a Request for Proposals for the development and management of new affordable housing on the subject property. On February 7, 2022, the City Council of the City of San Pablo approved and executed an Exclusive Negotiations Agreement with Novin Development Corporation for the property. On April 4, 2022, the City Council approved and authorized a Disposition and Development Agreement for the sale and development of the property to provide for a 44±-unit multifamily 100% affordable housing development with rents that do not exceed 60% of the Area Median Income. The proposed project is being developed pursuant to this Disposition and Development Agreement (DDA).

## **GENERAL PLAN CONFORMANCE**

The General Plan designation for the site is Commercial Mixed Use. According to the General Plan, Mixed Use areas incorporate complementary non-residential and residential uses in the same area. The overall intent is to accommodate growth while helping to reduce auto dependence, preserve open space; promote economic development; and increase housing opportunities. General Plan goals for mixed use areas support complementary uses, mitigate potential conflict, and promote pedestrian-oriented amenities.

The following General Plan Guiding (G) and Implementing (I) policies apply to this request:

### **Urban Form:**

#### **LU-G-1**

*Promote a sustainable, balanced land use pattern that responds to the existing and future needs of the City, as well as physical and natural constraints.*

#### **LU-I-5**

*Ensure that land use development occurs in an orderly fashion and in pace with the expansion of public facilities and services.*

**Community Design:**

**LU-G-3**

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

**LU-I-9**

*Encourage new residential, commercial and related forms of development in a manner which fosters both day and appropriate night time activity; visual presence on the street level; appropriate lighting; and minimally obstructed view areas.*

**Residential Neighborhoods:**

**LU-G-5**

*Promote a variety of housing types and prices within neighborhoods to serve the economic needs of all segments of the community.*

**LU-I-13**

*Ensure that new development in or adjacent to established neighborhoods is compatible in scale and character with the surrounding area by:*

- *Promoting a transition in scale and architecture character between new buildings and established neighborhoods; and*
- *Requiring pedestrian circulation and vehicular routes to be well integrated.*

**LU-I-14**

*Support housing that offers residents a range of amenities, including public and private open space, landscaping, and recreation facilities with direct access to commercial services, public transit, and community gathering spaces.*

**LU-I-16**

*Support residential infill on vacant lots within existing neighborhoods.*

**Mixed Use:**

**LU-G-6**

*Promote site sensitive design and pedestrian-oriented activities in mixed-use developments.*

**Special Planning Subareas:**

**LU-G-11**

*Recognize the importance of the mixed-use areas along San Pablo Avenue, San Pablo Dam Road, 23<sup>rd</sup> Street, and Rumrill Boulevard to the vitality and quality of life in San Pablo.*

The following relevant Housing Element Goals, Policies, and Programs pertain to the project:

**Goal H-3 Affordability and the Adequate Provision of Housing**

*Provide a diversity of housing types to meet the needs of all economic segments and family types in San Pablo.*

**Policy H-3.1 Affordable Housing**

*Affordable Housing. Continue to encourage and assist with the development of affordable housing units for lower income households and strive for the provision of housing that is affordable to, and meets the needs of, current and future residents of San Pablo.*

**Program H-3.1.1. Provide Density Bonuses and Incentives for Affordable and Special Needs Housing**

*Continue to offer density bonuses and other incentives to affordable housing and other qualified housing development, consistent with State law. In addition to the density bonus, the City offers at least 1-3 incentives to increase the financial feasibility of developing affordable housing, based on the percentage of affordable units in a development, consistent with State law. It should be noted that developers granted a density bonus enter into an Affordable Housing Contract with the City to ensure the continued affordability of the units. Affordable rent units are subject to annual rent adjustments based upon changes in the elderly tenant's monthly income.*

**Policy H-3.3 Housing Variety, Choice and Innovation**

*Continue to encourage the provision of a variety of housing choices and types in the community, including innovative forms of housing.*

The proposed project would be responsive to these policies by developing 40 studio, two, and three-bedroom residential units and 1,470 square feet of community/amenity space with parking for 17 cars. This development is located on a site that will be well-integrated into its surroundings, and will place residents in close proximity to amenities, such as transit, Davis Park, the Rumrill Sports Park, the Food Barn grocery store, and a variety of commercial uses. The project is of an appropriate density and mass for the location's prominence at the intersection of two major arterial streets and enhances the public realm with a high-quality visual presence and landscaping.

In terms of housing, the project would add new affordable, urban-scale apartments, a housing typology that remains relatively rare in San Pablo. In addition, the project would provide for significant progress in meeting the City's Regional Housing Needs Allocation (RHNA) numbers, as identified by the Housing Element. The City's upcoming 2023-2031 RHNA cycle requires that the city provide 746 new housing units, including 173 at the very low-income level, 100 at the low-income level, 132 at the moderate-income level. The 40 units included in this project would provide a significant start on meeting the housing goals of this new cycle.

For the reasons mentioned above, Planning Staff finds that the proposed use is consistent with the San Pablo General Plan land use and housing-related policies.

**ZONING CODE CONFORMANCE**

The property is in the CMU – Commercial Mixed Use zone and also within the Priority Development Area overlay zone for Rumrill Boulevard. The Commercial Mixed Use zone is intended to implement the commercial mixed-use land use designation in the General Plan by providing opportunities for retail, commercial, office, residential, and public uses. While the predominant development use is commercial, the city encourages the vertical and/or horizontal integration of office, residential, and/or public uses that are compatible with the commercial development. In multiple-story buildings, retail uses should be predominant on the ground floor. While the proposed project will not include retail uses, it will include a 1,470 square foot community/amenity space that will be programmed to serve the needs of project residents as well as community members in the vicinity.

Development standards in the Commercial Mixed Use zone are set forth in Table 17.34-B of the San Pablo Municipal Code. Per Section 17.34.050.B of the San Pablo Zoning Code, residential dwellings in a commercial district shall comply with the development standards set forth in Chapter 17.32, Residential Districts, Allowed Uses and Development Standards, or those in Section 17.34.040, Development Standards, whichever are more restrictive. For this project, staff assessed its compliance with the Commercial Mixed Use district, as well as the Residential Mixed Use district, which is the most analogous residential district for this site. A breakdown of the relevant standards and the project's compliance is provided in the table below:

<b>DEVELOPMENT STANDARDS FOR CMU COMMERCIAL MIXED USE ZONE (and RESIDENTIAL MIXED USE ZONE where applicable)</b>			
<b>Standards</b>	<b>Zoning Code Requires</b>	<b>Proposed</b>	<b>Complies?</b>
Minimum parcel area (sf)	10,000 (RMU)	21,619 sq. ft.	Yes
Maximum building height (feet)	50 ft to roof peak (RMU)	49 ft. 9 ½ in	Yes
Maximum building stories	3 (RMU)	4	Yes (with Density bonus waiver requested)
Maximum floor area ratio (FAR)	1.5 (CMU & RMU)	1.95	Yes (with Density Bonus concession requested)
Minimum commercial FAR	0.5 (CMU)	0.0	Yes (with Density bonus concession & waiver requested)
Density (DU/acre)	Up to 60 units/acre (PDA) (up to 30 units on 0.5-acre site)	Up to 108 units/acre (54 units on a 0.5-acre site; only 40 are proposed)	Yes (with Density Bonus requested)
Maximum Lot Coverage	75% (RMU)	49%	Yes
Open Space	150 sf common open space + 60sf private open space per unit = 6,000 sf common open space, 2,400 sf private open space (RMU)	2,355 sf common space, 3,902 sf private open space	Yes (with Density Bonus concession requested)
Front yard setback (feet)	0 ft (RMU)	2 ft.	Yes

<b>DEVELOPMENT STANDARDS FOR CMU COMMERCIAL MIXED USE ZONE (and RESIDENTIAL MIXED USE ZONE where applicable)</b>			
<b>Standards</b>	<b>Zoning Code Requires</b>	<b>Proposed</b>	<b>Complies?</b>
Rear yard setback (feet)	0 ft; 10 ft when abutting a conforming residential use (RMU)	20 ft.	Yes
Side yard setbacks (feet)	0 ft; 10 ft when abutting a conforming residential use (RMU)	20 ft.	Yes
Parking spaces	46 spaces (Density Bonus law as adjusted by zoning reductions)	17 parking spaces (8 uncovered, 9 covered)	Yes (with Density Bonus concession )

As identified above, the proposed project (with the requested Density Bonus, concessions, and waivers) would be in conformance with the development standards for the CMU – Commercial Mixed Use district, and/or RMU – Residential Mixed Use district.

All of the proposed units would be affordable to individuals earning up to 60% of the Area Median Income, enabling a Density Bonus of 80% to allow up to 108 units per acre (i.e., up to 54 units on the 0.5-acre site). As 100% of the project is reserved for affordable units (as calculated per Density Bonus Law instructions), the developer is allowed four concessions to development standards for the site in addition to the increased allowed density under the Density Bonus Law and the City’s Zoning Code. The developer has requested concessions in the maximum floor area ratio, minimum commercial floor area ratio, minimum common open space, and minimum parking ratios. The City is required to approve the requested concessions unless there is substantial evidence indicating that (1) there are no identifiable and actual cost reductions in affordable housing costs, (2) the concession would have a specific adverse impact on public health and safety or a historic resource, or (3) the concession would be contrary to state or federal law. Staff has not identified any evidence that any of the above conditions exist and notes that the requested concessions will reduce the cost to construct the affordable housing because additional parking and open space is not required.

Additionally, the project exceeds the maximum number of stories by one story and would provide no commercial square footage. A Density Bonus Waiver has been requested to allow for the increase in the number of stories and for the reduction in commercial floor area, as the constraints of the site would preclude the project from being built at the requested density without allowing for an additional story, and inclusion of commercial floor area would also be prohibitive in terms of the site constraints, building size, and added parking requirements. It should be noted that State law prohibits the City from applying any development standard that will physically preclude construction of the project at the requested density and with the requested concessions (see Government Code section 65915(e)(1)). Due to the constraints of the project site, the proposed density would not be possible without the requested waivers.

**Parking Compliance:**

State Density Bonus Law specifies reduced parking ratios for density bonus projects. Upon the developer’s request, the City may not require a higher parking ratio than the ratio specified in this section. These ratios are shown in the table below:

Studio	1 space
1 Bedroom	1 space
2 Bedroom	1.5 spaces
3 Bedroom	1.5 spaces
4 Bedroom	2.5 spaces

Based on the project proposal of 17 studio units, 11 two-bedroom units, and 12 three-bedroom units included in the project, the maximum number of parking spaces that the City could require would be 52 spaces. Section 17.54.050 allows for waivers and reductions to the required number of parking spaces if certain criteria are met. The proposal qualifies for a 10% reduction in number of parking spaces for being located within one-quarter mile of a transit stop and a one-space reduction due to the provision of secure bicycle parking facilities. With these reductions applied, the City’s total parking requirement is 46 spaces (which is within the amount allowed by State Density Bonus Law). The project proposes to provide 17 on-site spaces which would not meet the requirement for 46 spaces. State Density Bonus Law allows for a project applicant to request, as a concession, a reduction in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable and actual cost reductions. The applicant is requesting a reduction in parking spaces required to 17 spaces (i.e., 0.425 spaces per unit) in order to maintain the feasibility of the project due to site constraints.

It should be noted that State Density Bonus Law allows a reduction of off-street parking requirements to no more than 0.5 spaces per unit in location that are nearby a major transit stop. The project is adjacent to a number of AC Transit bus lines. However, because these bus lines have 30-minute, rather than 15-minute peak hour headways, the project site cannot be considered to be proximate to a major transit stop. In addition, the applicant – who has successfully developed several other affordable multi-family developments in the East Bay area - reports that low-income residents do not typically own cars due to the associated expenses, and instead rely on public transit to get around. Novin Development has several fully entitled projects with a similar parking ratio to that proposed, including Sunflower Hill at Lafayette Lane in Lafayette, Park Haven Plaza in Soquel, and 603 A Street in Hayward.

In sum, the proposed project includes 17 off-street parking spaces, including eight surface parking spaces in the rear of the site and nine garage spaces tucked under the building. Using the Density Bonus concession for reduced parking ratios, this project would be compliant with parking requirements.

**MAJOR DESIGN REVIEW**

The proposed project would consist of a multi-family residential rental development with 40 studio, two-, and three- bedroom units, ranging in size from 366 square feet to 1,105 square feet. The ground level would include community/amenity space, a leasing office, five residential units, storage and utility rooms, and nine tuck-under garage spaces.

The proposed building consists of four stories, and will be the tallest building in the immediate area and the first high-density building along the Rumrill Boulevard corridor. The ground level consists of a mix of apartments, amenity and functional spaces, and parking, while the three upper levels will consist of residential apartments. The rear of the property will contain a parking access driveway and eight surface parking spaces. The building frontages along Rumrill Boulevard and Market Avenue will be slightly set back, with a greater landscaped setback at the corner to emphasize the building entrance.

The proposed building design is a contemporary style with vertical articulation and horizontal repetition to create a clean and distinct massing for the building that reflects its use as a residential apartment structure. Narrow vertical sections of the façade are inset and treated with a darker material, while the remaining exterior walls are white, creating a contrast that breaks up the massing horizontally. The pattern of fenestration is consistent across the massing, with square windows lined up vertically and horizontally, contributing to the clean, minimalist appearance of the building. Boxy balconies are projected as accent elements with wooden railings, forming a prominent repetitive pattern across each facade. The corner of the building, where two wings come together, is set back further from the street, adding prominence to the building entrance and allowing room for additional landscaping. The front yard and open spaces will be extensively landscaped with drought-tolerant plants, trees, and bushes. The first floor includes a lobby, leasing office, five apartment units, and a community amenity space facing towards the street, while utility and trash rooms, stairwells, bike storage rooms, and nine tuck-under garages are oriented towards the rear of the building, maintaining the structure's clean and attractive appearance from the street.

Primary exterior colors and materials include white and dark gray panels, and two different shades of brown wood. Colors are complementary and appropriate and unobtrusive to the surrounding context of the site.

Section 17.20.030(C) of the San Pablo Zoning Ordinance states that the Planning Commission shall ensure that the proposed development meets the following requirements:

1. *Design Guidelines. The proposal is consistent with applicable design guidelines.*
2. *Community Plans. The proposal is consistent with any community design plan or specific plan.*
3. *General Plan. The proposal is consistent with the land use, physical design, and economic development element and the open space element of the general plan.*
4. *Location and Design. The location and design of proposed development give particular consideration to privacy, views, and sunlight on adjoining properties and fosters the orderly and harmonious development and preservation of the public health and welfare of the city and its neighborhoods.*
5. *Design and Colors. The architectural design of structures and their colors and materials are visually harmonious with surrounding development, landforms, and vegetation.*

There are no applicable community design or specific plans, and the project's overall compliance with the San Pablo General Plan is addressed above. Several of the policies within this plan 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 Rumrill Boulevard corridor as it adds dense new housing to the area while enhancing the public realm through new landscaping and a strong, balanced visual presence. The architectural design of the structure and its colors and materials would be visually harmonious with the surrounding contemporary development patterns.

The San Pablo Municipal Code contains design guidelines for residential projects in Appendix A of Title 17, which are intended to serve as recommendations to guide development projects in the design review process. Below is a discussion of the guidelines that are most pertinent to this development:

**Parking and Drives:**

- *There are three ways of providing parking in multiple-family housing projects: (1) along parking drives, (2) in parking lots (or parking "courts"), and (3) in garages and carports in residential buildings. Projects are discouraged that include long, monotonous perimeter parking drives or large, undivided parking lots. Closed garages or carports are preferred, where feasible.*
- *Parking drives along the perimeter of a project isolate the residential project from its surroundings, and is to be avoided.*

As shown in the building elevations and sections, the proposed building tucks the majority of its parking spaces under the building, with the remaining surface parking areas and drive aisles behind the structure and away from the street.

**Open Space:**

- *Private open spaces should be adjacent to primary indoor living spaces.*
- *Private open spaces should be screened from public view.*
- *Private balconies, porches and patios within multiple-family housing should be integrated to break up large wall masses, offset floor setbacks and add human scale to structures (Figure 16).*
- *Required common open space should be conveniently located for the majority of units.*

Private balconies have high railings to provide for privacy for residents, and are directly attached to each dwelling unit. Balconies are used to effectively to break up large wall masses, providing a visually interesting pattern along each façade. Common open spaces are located on the first floor near the entrance, convenient to all residents.

**Landscaping:**

- *Landscaping should be used to frame, soften and enhance the quality of the environment.*
- *Landscaping should screen undesirable land uses and views, provide privacy and sun protection around buildings and in parking lots, and help to reduce noise.*

The proposed project includes landscaped setback areas around the Rumrill Boulevard and Market Avenue frontages of the building, with particular emphasis on landscaped areas

around the building entrance. A series of trees along the first-floor balconies provides privacy and sun protection for ground floor residents.

### **Multi-Family Architecture:**

**Approach.** *The city encourages California mission style design, although there is no particular architectural style required for multiple-family residential structures. Elements of the craftsman bungalow and early California mission style may be applicable. However, the primary focus is on creation of a high quality residential environment.*

**Monotonous Facades.** *Long, monotonous facades exceeding approximately forty feet in length should be avoided. Building facades should be broken up to highlight individual dwelling units. This can be achieved with facade projections, recesses and staggered planes and balconies, garage doors and porch entries. Some projections from the face of a building should extend the full height of the structure. Two adjacent units should not have identical wall forms, colors and rooflines or patterns of windows and doors (see Figure 16).*

**Side-Yard Setbacks.** *Multiple-family housing is subject to the stepped side yard setbacks in Section [17.32.060](#). Structures greater than four stories may require additional setbacks so that they do not dominate the character of a neighborhood.*

The project proposes an attractive and modern architectural approach, that, while not fitting into traditional Californian architectural styles, still provides a high-quality residential environment. The façade is broken up vertically to avoid being overly monotonous, and broken up further with projected balcony boxes that further enhance the visual interest of the building. Additionally, the building is sufficiently set back in the side and rear to avoid dominating adjacent uses that are lower in height.

Staff analysis has determined that the project, as proposed, is consistent with the applicable design guidelines of the San Pablo Municipal Code, as well as the land use, physical design, and economic development and open space elements of the General Plan.

The location and design of the project would give consideration to the privacy, views, and sunlight on adjoining properties and would foster the orderly and harmonious development and preservation of the public health and welfare of the city and its neighborhoods. The project site is an underutilized, vacant property at the intersection of two major arterials in a highly urbanized setting. Across Rumrill Boulevard to the west is a commercial center with a major grocery store, and to the south is another smaller grocery store and apartment building. To the north is a mixed-use structure containing a church and two residential units, and to the east is a small vacant lot and a multifamily building, along with two single-family homes. These uses would be adequately buffered from the height and massing of the proposed building due to physical separation from the structure from side and rear setbacks. The architectural design of the structure and its colors and materials would also be visually harmonious with surrounding development, landforms, and vegetation.

### **DENSITY BONUS REQUEST**

**Density Bonus.** Section 17.60.020, Density Bonus and Other Incentives, of the San Pablo Zoning Code addresses the potential for obtaining a density bonus and other incentives for

projects involving affordable housing. These Density Bonus provisions have been augmented and, in some cases superseded, by current state Density Bonus Law, as amended effective January 2023 (Government Code Sections 65915-65918).

The Density Bonus Law now allows a bonus of up to 80% for projects with 100% of its units set aside for lower income households. With a site area of 21,750 square feet (0.5 acres) and a maximum density of 60 units per acre, under the PDA overlay zone, the project would be allowed to build 30 units before application of a density bonus. Since the project is proposed to be 100% affordable to low-income households, it is entitled to a density bonus of 80% which would allow up to 54 units on the site. The project proposes only 40 units, all of which would be affordable to low-income residents.

**Density Bonus Concessions.** In addition to the density bonus, the project would be eligible for up to four density bonus concessions or incentives, in accordance with Government Code Section 65915(d)(2)(B).

According to Section 17.60.020.F of the Zoning Code, the following concession and incentive options are available for developers to consider:

- a. *A reduction in setback and square footage requirements. (Reduction of two percent is considered one incentive.)*
- b. *Reduced minimum lot setbacks. (Reduction of two feet is considered one incentive.)*
- c. *Ratio of vehicle parking spaces that would otherwise be required and that results in identifiable, financially sufficient, and actual cost reductions.*
- d. *Reduced minimum outdoor and/or private outdoor living area. (Reduction of two percent is considered one incentive.)*
- e. *Increased maximum building height and/or stories. (An additional story is considered three incentives.)*
- f. *Reduced minimum building separation.*
- g. *Increased maximum lot coverage. (Increase of two percent is considered one incentive.)*
- h. *Reduced street standards, such as reduced minimum street widths, subject to fire district approval (Government Code Section [65915\(l\)\(1\)](#)).*
- i. *Other regulatory incentives or concessions proposed by the developer which result in identifiable, financially sufficient, and actual cost reduction.*

The findings for approval of density bonuses, incentives, waivers, or modifications are as follows (Zoning Code Section 17.60.020.Q):

1. *If the density bonus is based all or in part on donation of land, the findings included in subsection G of this section, Density Bonus for Donation of Land.*
2. *If the density bonus, incentive, or concession is based all or in part on the inclusion of a child care facility, the findings included in subsection H of this section, Additional Density Bonus and Incentives or Concessions for Development of Child Care Facilities.*
3. *If the incentive or concession includes mixed-use development, the finding included in subsection F of this section, Available Incentives and Concessions.*
4. *If a waiver or modification is requested, the developer has shown by substantial evidence that the waiver or modification is necessary to make the housing units economically feasible (Government Code Section [65915\(f\)](#)).*

However, State Density Bonus Law has changed since the adoption of the Density Bonus Section of the San Pablo Zoning Code, 17.60.020. State Density Bonus Law requires that the City approve and grant the density bonus if the developer complies with the affordability requirements. Moreover, State Density Bonus Law also states that the City *must* grant a requested concession or incentive unless it makes specific findings that the concession or incentive results in no identifiable cost reductions to provide for affordable housing, or there is a specific adverse impact on public health and safety or on real property designated as a historical resource, or there the concession would not comply with the law. Since there is no evidence to support such findings, the City is required to grant the requested concessions.

The applicant is requesting four concessions to: (1) allow an increase in the maximum floor area ratio from 1.50 to 1.95 under Zoning Code Section 17.60.020.F.i; (2) decrease the minimum commercial floor area ratio required for residential development in the Commercial Mixed-Use Zone from 0.5 to 0.0 under Zoning Code Section 17.60.020.F.1; (3) reduce the ratio of vehicle parking spaces that would otherwise be required; and (4) decrease the required common open space under Zoning Code Section 17.60.020.F.1.d.

**Waivers and Reductions.** In addition to concessions, Density Bonus Law now also requires that the City approve unlimited waivers or reductions of development standards under certain circumstances for projects that qualify for a density bonus. Specifically, the City is not permitted to apply any development standard which physically precludes the construction of the project at the proposed density and with the granted concession/incentives. However, the City is not required to waive or reduce development standards that would cause a public health or safety problem, harm historical property, or would be contrary to law.

In addition to the four concessions, the applicant has requested a waiver to increase the number of allowed stories from 3 to 4 in order for the building massing to accommodate the number of units proposed under the Density Bonus. Due to site constraints, the project could not be constructed without 4 stories. In addition, the applicant has requested a waiver to allow the project to provide no commercial square footage, due to site constraints, the need to maximize height and bulk toward the provision of the affordable housing units, and the limitations on space for off-street parking.

### **VEHICLE MILES TRAVELED (VMT) ANALYSIS**

A Vehicle Miles Traveled (VMT)/traffic impact analysis was prepared by Abrams Associates Traffic Engineering, Inc. as part of the planning application. This study provides forecasts of trip generation for development with up to 45 units. This analysis uses trip generation rates based on the Institute of Transportation Engineers (ITE) Trip Generation Manual for apartments that are not close to rail transit. The analysis estimates peak-hour trips in the morning and afternoon, as well as overall daily trips and average VMT per resident. This analysis determined that if it contained up to 45 units, the project would generate 132 daily trips, with 13 morning peak hour trips and 12 afternoon peak hour trips. The average VMT per resident would be 7.1 miles, which is below the County average and is not considered to constitute a significant impact.

### **ENVIRONMENTAL DETERMINATION**

City staff has determined that 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 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, City staff analysis shows that (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 40 apartments in an already developed area; and (e) the site can be adequately served by all required utilities and public services. According to a VMT/Traffic Analysis, trip generation would be no more than 13 total trips in the morning peak hour and 12 trips in the afternoon peak hour, and average VMT per resident would be 7.1 miles, which would not constitute a significant traffic impact.

Furthermore, it should be noted that, according to *Wollmer v. City of Berkeley* (2011), modifications to general plan, specific plan and zoning designations, policies, and regulations pursuant to a Density Bonus request do not disqualify a project from claiming exemption from CEQA pursuant to Section 15332, In-Fill Development.

### **CONCLUSION**

Staff recommends that the Planning Commission determine that the project is exempt from CEQA pursuant to Section 15332, In-Fill Development Projects, and approve the Major Design Review and Density Bonus with Concessions/Incentives and Waivers as requested, along with the conditions of approval identified in the attached proposed Resolution (Attachment A). Any changes to the project or proposed changes to the approvals must first be submitted to the City of San Pablo for review.

### **ATTACHMENTS**

- A. Resolution PC23-06
- B. Site Location
- C. Project Application
- D. Architectural/Engineering Submittal: Project Description, Renderings, Site Plan, Floor Plans, Elevations, Landscape Plan.
- E. Traffic Impact Analysis Report
- F. Phase 1 Environmental Site Assessment
- G. Proof of Publication from West County Times