

## RESOLUTION PC23-06

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN PABLO 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.**

**WHEREAS**, an application has been submitted by Nithya Vemireddy, on behalf of Novin Development, for approval of Major Design Review and a Density Bonus with concessions/incentives to allow an increase in density, an increase in maximum floor-area ratio (FAR), a decrease in minimum commercial FAR, a decrease in common open space, and a reduced parking requirement, and waivers to allow for an increase in the number of stories and to allow no commercial floor area, for a 42,174 square-foot four-story building with 40 multi-family residential units and 1,470 square feet of community/amenity space on a 21,750 square foot lot at 1820 Rumrill Boulevard; and

**WHEREAS**, the applicant has requested Density Bonus Concessions to increase the project floor area ratio from 1.50 to 1.95, to reduce the commercial floor area ratio from 0.5 to 0.0, to reduce the required common open space from 6,000 square feet to 2,355 square feet, and to reduce the required off-street parking spaces from 46 spaces to 17 spaces; and

**WHEREAS**, the applicant has requested Density Bonus Waivers to increase the maximum number of stories from 3 to 4 and to allow no commercial floor area; and

**WHEREAS**, the project site at 1820 Rumrill Boulevard currently consists of a vacant parcel located in the Commercial Mixed-Use zoning district with a Priority Development Area (PDA) Overlay district and a General Plan land use designation of Commercial Mixed Use; and

**WHEREAS**, the 21,750-square foot project site sits at the northeast corner of Rumrill Boulevard and Market Avenue; and

**WHEREAS**, the project site is owned by the City of San Pablo, and under the terms of a Disposition and Development Agreement (DDA) is proposed to be developed with 40 multi-family residential units and 1,470 square feet of community space within a

42,174 square foot three-story building. All 40 units would be reserved for low-income residents; and

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

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

**WHEREAS**, pursuant to California Density Bonus Law, incentives or concessions are offered to developments that are eligible for a Density Bonus, including reductions in site development standards or a modification of zoning code requirements or architectural design requirements, such as setback or square footage reductions, reduced parking, reduced outdoor living area, increased height, etc.; and

**WHEREAS**, recent amendments to Government Code Section 65915(d)(1) require the City to grant a concession or incentive requested by a developer who qualifies for a density bonus unless the City makes specific findings that the concession or incentive results in no identifiable cost reductions to provide affordable housing or there is a specific adverse impact on public health and safety, or on real property designated as a historical resource; and

**WHEREAS**, Density Bonus Law now also requires waivers or reductions of development standards for projects that qualify for a density bonus if the standards would physically prevent the project from being built at the permitted density and with the granted concessions/incentives; provided, however, that 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 otherwise be contrary to law; and

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

**WHEREAS**, a public hearing notice has been provided by mail to the applicant, local affected agencies and to all property owners within 300 feet of the subject property, and has been published in the West County Times newspaper (West Contra Costa edition of the East Bay Times) in accordance with the requirements of Government Code Section 65091, and a public hearing was held on June 27, 2023, 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 Major Design Review and Density Bonus with the requested Concessions/Incentives and Waivers for PLAN2306-0001, based on the above recitals which are true and correct and incorporated herein, all information contained in the staff report and administrative record for this project, and the following findings:

### **California Environmental Quality Act exemption**

- A. The proposed project 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, the City finds as follows: (a) the project is consistent with the applicable general plan, specific plan, and zoning designations, policies, and regulations; (b) the project occurs within City limits on a site that is less than five acres which is substantially surrounded by urban uses; (c) the project is located on a site that has no value as habitat for endangered, rare, or threatened species; (d) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality in that it would involve the addition of 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.*

### **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 40 affordable studio, two-, and three-bedroom residential units and 1,470 square feet of community/amenity space with off-street parking for 17 cars, and provision of enclosed bicycle parking rooms. This multi-family development is located on a site that will be well-integrated into its surroundings, and in close proximity to amenities, such as transit, the Rumrill Sports Park, Davis Park, Food Barn, and a variety of commercial uses. The design of the project promotes a pedestrian-scale street front and enhances the quality of the Rumrill corridor. Outdoor open spaces and private balconies provide quality-of-life amenities for the residents.*

- C. The proposed project would also be responsive to Housing Element policies calling for the provision of a diversity of housing types to meet the needs of all economic segments and family types in San Pablo, to encourage and assist with the development of affordable housing units for lower income households.

*The project would include 40 units that would be affordable to lower-income residents making less than 60% of the Area Median Income (AMI). The project would also add new urban-scale rental apartments, a housing choice that has not been developed in San Pablo in recent years. In addition, the project would provide for significant progress in meeting the City's Regional Housing Needs Allocation (RHNA) numbers which are to be implemented by the Housing Element.*

### **Specific Plan and Zoning Conformance**

- D. The proposed project is not located within any Specific Plan area.
- E. The project complies with the development standards of the Zoning Code, with the exceptions of the Density Bonus incentives/concessions for increased density, increased floor area ratio, decreased commercial floor area ratio, decreased common open space, and decreased parking ratio, and Density Bonus waivers for increased number of stories and provision of no commercial floor area.

### **Major Design Review**

- F. The project is consistent with the applicable Design Guidelines and with the land use, physical design, economic development and open space elements of the General Plan.

*The project would fit well within its context by offering new housing choices in an attractive setting with high-quality design and lifestyle features. The architectural design of the structure and its colors and material choices would be visually harmonious with the surrounding contemporary development patterns. This residential development is located on a site that will be well-integrated into its surroundings, and in close proximity to amenities, such as transit, the Rumrill Sports Park, Davis Park, Food Barn, and a variety of commercial uses.*

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

*As shown in the building elevations, the front elevation of the building would be articulated to reduce the overall massing, which is further broken up with balconies to create a harmonious and visually pleasing appearance. Façade materials and colors change in vertical bands, further breaking up the massing. The front yard and side open spaces would be extensively landscaped with drought-tolerant plant materials and trees. The corner of the property would be set inwards to emphasize the main entrance and provide room for additional landscaping. The project would have minimal impact on privacy and views.*

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

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

### **Density Bonus**

- I. The request for a Density Bonus in exchange for providing 100% of the proposed units to be affordable at the Lower Income level is approved, and allows the project to be developed with 40 units (80 units per acre), rather than the 30 units (60 units per acre) that would otherwise be allowed in this location. The City further grants the project with four concessions, which will be used to allow for the increase in floor area ratio from 1.50 to 1.95, a decrease in commercial floor

area ratio from 0.5 to 0.0, a decrease in common open space from 6,000 square feet to 2,355 square feet, and a decrease in parking required from 46 spaces to 17 spaces.

- J. Density Bonus Law requires the City to 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, and there is no evidence in the record to support such findings.
- K. In addition to the Density Bonus Concessions, the City grants the requested Waivers to allow an increase in the maximum number of stories from three to four and to allow for no commercial floor area.
- L. Density Bonus Law also requires waivers or reductions of development standards for projects that qualify for a density bonus if those standards would physically prevent the project from being built at the permitted density and with the granted concessions/incentives; provided, however, that the City is not required to waive or reduce development standards if the City finds that doing so would cause a public health or safety problem, harm historical property, or otherwise be contrary to law. Granting of the requested Density Bonus Waivers in this case would not cause a public health or safety problem, environmental problem, harm to historical property, or otherwise be contrary to law

### **Legal and Public Notice**

- M. 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 further makes the approval of the Major Design Review for PLAN2305-0003 contingent upon the following Conditions of Approval:

### **General Conditions**

1. The proposed use and project construction shall be conducted in substantial compliance with the planning submittal, including the site plans, floor plans; elevations, renderings, details/rendering and landscape plan submitted to Planning Staff on May 26, 2023, which are on file with the Community Development Department, under PLAN 2305-0003.
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. The applicant shall install interior and exterior security cameras to enhance on-site security and crime prevention. The applicant shall submit a plan showing security camera locations and details and any other security measures to the San Pablo Police Department for review and approval. The security system shall be monitored by facility staff on a 24-hour daily basis. The system shall be used to enhance project security and to support potential investigations. For any public-facing exterior cameras, the applicant/operator shall utilize a system that is compatible with the Milestone camera platform and shall provide access of this footage, if available, to the San Pablo Police Department. Monitoring of cameras shall be the sole responsibility of the applicant/operator. The San Pablo Police Department does not monitor the cameras 24/7 and should not be relied upon to do so.
6. The owner/operator shall submit evidence to the City of San Pablo that the project complies with the affordable housing provisions of the Density Bonus Law by means of a recorded agreement that restricts the affordable rental units with the allowable maximum incomes and rents for those units. The City shall be added as a party from whom approval will be needed before the Affordable Housing Agreement is modified or terminated.
7. The development shall pay any applicable Subregional Transportation Mitigation Program (STMP) and School District Impact Fees.
8. The applicant shall obtain any permits and licenses needed for the proposed use.
9. 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.
10. 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.
11. 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.

12. 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.
13. 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.
14. 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.
15. All abandoned pipes and other abandoned miscellaneous improvements shall be removed prior to completion of construction.
16. 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.
17. 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.
18. 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 San Pablo Creek flood control easement area.
19. 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.
20. 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.
21. 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.

22. The project shall comply with the provisions of the Disposition and Development Agreement (DDA) with the City of San Pablo, as amended by Resolution 2022-054, including that 100% of the units offered shall be deed restricted for sale to lower-income households (i.e., no more than 60% Area Median Income).
23. Indemnification: Pursuant to Government Code Section 66474.9, the applicant (including any agent thereof) shall defend, indemnify, and hold harmless the City of San Pablo and its agents, officers, or employees from any claim to attack, set aside, void or annul, the City's approval concerning this planning application, which action is brought within the time period provided for in Section 66499.37. The City will promptly notify the applicant of any such claim, action, or proceeding and cooperate fully in the defense.

### **Building Division Conditions**

24. All construction documents shall be prepared in accordance to the latest applicable California Building Codes.
25. The project plans shall comply with accessibility requirements for people with disabilities as applicable.
26. Noise and construction hours shall be observed as required by chapter 17 of the San Pablo Municipal Code
27. Special inspectors need to be registered with the city for the specific job.
28. Special inspection reports will be required for all applicable items that are part of this design in accordance to chapter 17 of the CBC.
29. Structural observations will be required in accordance to the engineer's design and applicable risk category
30. 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, isometric, including underground diagram, water piping diagram, sewer location, fixture units, gas piping and vents, heating and air conditioning diagram. \* Landscape and Irrigation plans. (Landscape plans shall be compliant with the San Pablo MWELO requirements and approved prior to the issuance of any Building Permits.)
31. Submit electronic sets of structural calculations, energy conservation calculations and soils reports. Architects/Engineers electronic stamp and signature are acceptable at the time of plan check submittal.

32. All contractors shall be licensed by the State of California and the City of San Pablo.
33. No work shall be performed until the required permits are obtained.
34. All fees shall be paid before the permit is issued
35. No structure shall be occupied until a Certificate of Occupancy issued by the Building Official has been granted.
36. It is the responsibility of the person doing the work to call for the required inspections.
37. Changes or deviation from the approved set of plans shall be resubmitted for plan check.
38. All work shall remain accessible until inspected and approved by the Building Official.
39. Best management practices shall be observed during construction to avoid pollutants to enter the storm drain system.
40. At the time of plan check please 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.
41. Cal green mandatory measures shall be observed during construction for example:
  - a. water efficiency and conservation
  - b. construction waste reduction, disposal and recycling
  - c. All other applicable codes for the efficient construction and operation of the new structure.
42. Applicable deferred submittals must be clearly identified on the building plans. Submittals such as; Photovoltaic, fire sprinklers, fire alarms, trusses, etc.
43. 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**

44. Provide emergency apparatus roadways with all-weather (paved) driving surfaces of not less than 20-feet unobstructed width, and not less than 13 feet 6

inches of vertical clearance, to within 150 feet of travel distance to all portions of the exterior walls of every building. Access shall have a minimum outside turning radius of 45 feet and must be capable of supporting the imposed fire apparatus loading of 37 tons. Access roadways shall not exceed 20% grade. Grades exceeding 16% shall be constructed of grooved concrete per the attached Fire District standard. (503) CFC.

45. Aerial Fire Apparatus Access is required and appears to be met from Rumrill and Dover. Aerial Fire Apparatus Access is required where the vertical distance between grade plan and highest roof surface exceeds 30 feet and measured in accordance with Appendix D, Section 105 of the 2019 CFC. Aerial access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of the building or portion thereof. At least one of the required routes shall be positioned parallel to one entire side of the building. Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and building.
46. Access roadways of less than 28-foot 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
47. Access roadways of 28 feet or greater, but less than 36-foot 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
48. Access gates for Fire District apparatus shall be a minimum of 20-foot wide. Access gates shall slide horizontally or swing inward and shall be located a minimum of 30 feet from the street. Electrically operated gates shall be equipped with a Knox Company key-operated switch. Manually operated gates shall be equipped with a non-casehardened lock or approved Fire District lock. Contact the Fire District for information on ordering the key operated switch. (0103.5) CFC.
49. The developer shall provide an adequate and reliable water supply for fire protection as set forth in the California Fire Code. (507.1) CFC
50. Provide emergency escape and rescue openings in Group R occupancies of type V construction. Basements and sleeping rooms below the fourth story above grade plane shall have at least one exterior emergency escape and rescue opening. Such openings shall open directly into a public way or to a yard or court that opens to a public way. Landscaping, signage and other obstructions must not hinder the positioning of firefighting ground ladders from apparatus access to the rescue windows.
51. Ground ladder access to rear of building not provided if type V construction. Provide emergency escape and rescue openings in Group R occupancies of type V construction. Basements and sleeping rooms below the fourth story above grade

plane shall have at least one exterior emergency escape and rescue opening. Such openings shall open directly into a public way or to a yard or court that opens to a public way. Landscaping, signage and other obstructions must not hinder the positioning of firefighting ground ladders from apparatus access to the rescue windows.

52. A land development permit is required for access and water supply review and approval prior to submitting building construction plans. The developer shall submit a minimum of two (2) copies of full size, scaled site improvement plans indicating:
- a. All existing or proposed hydrant locations,
  - b. Fire apparatus access to include slope and road surface,
  - c. Aerial fire apparatus access,
  - d. Elevations of building,
  - e. Size of building and type of construction,
  - f. Gates, fences, retaining walls, bio-retention basins, any obstructions to access,
  - g. Detail showing the lowest level of fire department vehicle access and the floor level of the highest occupied floor,
  - h. Striping and signage plan to include "NO PARKING- FIRE LANE" markings
  - i. Provide drawings for paths from the public way to under emergency escape and rescue openings showing a proposed clear path and clear space under these openings that allow for the placement of ground ladders at a climbing angle of 70 to 75 degrees and a minimum of 18-inch clearance from the base of the ladder to any obstruction (see attached ground ladder access standard) for review and approval prior to obtaining a building permit.

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

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

54. The building as proposed shall be protected with an approved automatic fire sprinkler system complying with the 2016 edition of NFPA 13. 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 General Plan/ Contra Costa County Ordinance 2019-37.

55. New buildings shall have approved radio coverage for emergency responders. An emergency responder radio coverage system shall be installed when the conditions of CFC 510.4.1 are not met. Testing shall be conducted and the results

submitted to the Fire District prior to the building final. (510.1) CFC

56. The developer shall provide traffic signal pre-emption systems (Opticom) on any new or modified traffic signals installed with this development. (21351) CVC
57. 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
58. 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
59. 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
60. 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
61. The developer shall submit a minimum of two (2) complete sets of building construction plans and specifications for the subject project to the Fire District. After the new construction I tenant improvement plans are approved, plans and specifications for all deferred submittals shall be submitted, including, but not limited to the following.
  - Private underground fire service water mains
  - Fire sprinklers
  - Standpipe
  - Fire alarm
  - Fire pump if required
  - Emergency generator if required (PG&E is not considered reliable power)
  - Emergency Responder Radio Coverage System (ERRCS)Plans shall be submitted to the Fire District for review and approval prior to construction of the building or installation of the systems to ensure compliance with minimum requirements related to fire and life safety. Plan review and inspection fees shall be submitted at the time of plan review submittal. (105.4.1) CFC, (901.2) CFC, (107) CBC

### **Garbage and Recycling Area**

62. The project shall comply with the requirements of the Republic Services, and shall place containers within the areas set forth on the approved plans.

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

### **Drainage and Stormwater**

64. The applicant shall be required to comply with all rules, regulations, and procedures of the National Pollutant Discharge Elimination System (NPDES) permit for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board or any of its Regional Water Quality Control Boards (San Francisco Bay-Regional II). If applicable, the project shall comply with requirements of the NPDES *Municipal Regional Permit Section C.3*, and the Contra Costa Clean Water Program *Stormwater C.3 Guidebook (Stormwater C.3 Guidebook)*, current versions.
65. A Stormwater Control Plan, and Operations & Maintenance Plan and Agreement shall be required for the parcel; the Agreement must be recorded prior to a certificate of occupancy.
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 applicant shall submit grading, drainage improvement plans, sediment and erosion control plans and to the Public Works Engineering Division for approval. All of these plans shall be prepared by a California-registered Civil Engineer and approved by the City prior to submission for a building permit.
68. 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).
69. The applicant shall agree to provide any necessary 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**

70. No illegal signs, pennants, banners, balloons, flags, or streamers are to be used

on this site at any time.

71. 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**

72. 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**

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

### **Sanitary Sewer**

76. A Plot Plan showing the locations of sewer laterals and connections shall be submitted, reviewed and approved by West County Wastewater District (WCWD), along with a related fee estimate. The plot plan shall be drawn to scale and shall show assessor parcel numbers, easements, locations of structures in relation to parcels, location of parcels in relation to streets, locations of rooms/areas drainage fixture units in relation to structures if modification is necessary or proposed, north arrow, sidewalks, and street names.
77. A will-serve letter from the WCWD shall be submitted prior to submission for a building permit.
78. The project shall comply with the conditions of WCWD.
79. Improvement plans shall require WCWD approval.
80. WCWD approval is required prior to finalizing the permit or prior to granting certificate of occupancy.

## **Water**

81. A will-serve letter from EBMUD shall be submitted prior to submission for a building permit.
82. 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.
83. All private lot landscaping shall consist of non-invasive, drought-tolerant low-water use plant species.
84. Effective January 1, 2018, water service for new multi-unit structures shall be individually metered or sub-metered in compliance with Section 537 of California's Water Code & Section 1954.201-219 of California's Civil Code, which encourages conservation of water in multifamily residential and mixed-use multi-family and commercial buildings by requiring metering infrastructure for each dwelling unit, including appropriate water billing safeguards for both tenants and landlords. EBMUD water services shall be conditioned for all development projects that are subject to these metering requirements and will be released only after the project sponsor has satisfied all requirements and provided evidence of conformance with Section 537 of California's Water Code & Section 1954.201-2019 of California's Civil Code.
85. Because the property is located on a street or road with three or more traffic lanes and curb parking, or with four or more traffic lanes, or which is divided, or which contains a subsurface structure or facility that could interfere with the normal installation of a service lateral; a parallel water main, to be installed at the project sponsor's expense, may be required to serve the property.
86. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine the costs and conditions of providing water service to the development. Engineering and installation of water mains and meters requires substantial lead time, which should be provided for in the project sponsor's development schedule.
87. No water meters are allowed to be located in driveways.
88. The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.
89. Due to EBMUD's limited water supply, all customers should plan for shortages in time of drought.

## **Environmental Hazards**

90. 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.
91. 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.
92. The project shall comply with the requirements of the Health Services Department, Environmental Health Division.
93. Soil analytical results obtained for the project site shall be provided to any waste facilities prior to acceptance of off-haul material and these results should be screened by the facility for acceptance or further testing requirements, as applicable. The results shall be reviewed by a properly certified professional geotechnical or soils engineer to determine whether any additional testing or extraction requirements are warranted.

### **Geotechnical**

94. The applicant shall submit a Geotechnical Report and the project shall follow all conditions set forth in the submitted report, including those pertaining to site preparation and grading, foundation, concrete slabs on grade, post-tensioned slab foundation, trench backfill, driveway, and general construction requirements.
95. The applicant shall commission a licensed engineer to inspect all grading operations during construction and to submit a report to the City, if applicable.
96. 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.
97. Prior to issuance of building permits, applicant shall submit an as-graded report of the engineering geologist or the geotechnical engineer to the Community Development Department with an as-graded map showing final plan and grades if required by the City Engineer. The applicant shall submit grading plans for review and approval of the Community Development Department and City Engineer prior to issuance of grading permits.

### **Landscaping**

98. The property owner or manager for the development shall be responsible for maintaining site landscaping. Landscaping shall be maintained to professional standards on a regular basis.
99. 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.
100. Landscaping and irrigation shall be part of the final design drawings (improvement plans).
101. 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.
102. An on-site inspection shall be made by the Community Development Department (or Public Works Department) to determine compliance with the approved landscape plan.
103. The property owner or manager will be responsible for sidewalk and landscaping strip maintenance and the CC&R's shall include this requirement. Root barriers needed to be installed in the landscaping area per City Standards.

### **Streets & Sidewalks**

104. All private curb ramps and sidewalks within the property shall meet current Americans with Disabilities Act Title II (ADA Title II) Regulations. Existing public curb ramps along the project frontage which do not meet current ADA Title II requirements shall be upgraded. Tripping hazards and severe cracks in public sidewalks shall be corrected by replacing the offending sections. City inspector may require additional work in the Public Right-of-Way, if deemed necessary for public safety and interest.
105. If unused or altered, existing driveway and curb cut along the project frontage shall be replaced with appropriate sidewalk, curb and gutter. New driveway location(s) shall be reviewed and approved by the Public Works Department.
106. 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.
107. Circulation aisles shown on the site plan appear to satisfy the minimum 22 feet requirement from the City of San Pablo Municipal Code. The applicant shall

perform additional truck turning analysis to confirm a variety of trucks, including garbage trucks and emergency vehicles, can circulate on-site.

### **TDM & Growth Management**

108. 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**

109. 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.

110. All outdoor lighting shall be LED.

### **Construction**

111. 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.

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

113. The project shall be subject to performance bonds for all on-site and off-site improvement, including grading, stormwater facilities including C3, public utility facilities, and all improvements in the Public Right-of-way. The Engineer's estimate for the performance bond shall be approved by Public Works Department.

114. 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.

115. A copy of the notice shall be concurrently transmitted to the Building Official in the Community Development. The notice shall be accompanied by a list of the names and addresses of the property owners noticed, and a map identifying the area noticed.

- 116. 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.
- 117. 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.
- 118. 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.
- 119. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.
- 120. A Site Improvement (and/or Encroachment) Permit will be required from Public Works Department for all on-site and off-site improvement, including grading, stormwater facilities including C3, public utility facilities, and all improvement on Public Right-of-way.
- 121. Separate permits will be required from Public Works for the following work: grading, joint trench and site improvements.
- 122. 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.

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Adopted this 27th day of June 2023, by the following vote:

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

ATTEST:

  
 \_\_\_\_\_  
 Elizabeth Tyler, Secretary

APPROVED:

  
 \_\_\_\_\_  
 Jon Owens, Chairman