

RESOLUTION PC24-14

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN PABLO APPROVING A MINOR DESIGN REVIEW, ADMINISTRATIVE USE PERMIT, AND A CONDITIONAL USE PERMIT TO CONSTRUCT A TWO-STORY SINGLE FAMILY RESIDENCE WITH TANDEM PARKING ON A 2,500 SQUARE-FOOT LOT THAT IS LESS THAN 50 FEET IN WIDTH LOCATED AT 2738 21st STREET, SAN PABLO, CA (APN 413-360-015).

WHEREAS, the applicant has submitted applications for Minor Design Review and Conditional Use Permit approval, in planning case PLAN2410-0004, to allow construction of a new two-story four-bedroom single-family residence on a 2,500 square foot lot that is 25 feet wide and 100 feet deep with tandem parking; and

WHEREAS, Zoning Code Table 17.32-C allows construction of a two-story residence in substandard lots only by approval of the Planning Commission and with a minimum side yard setback no less than three feet; and

WHEREAS, Footnote 3 of table 17.32-C also requires Planning Commission review to determine if the placement of the second-story side yard windows would jeopardize the privacy of adjacent neighbors; and

WHEREAS, Section 17.54.020(E)(2) of the San Pablo Zoning Code requires an Administrative Use Permit for tandem parking (i.e., one parking space in a garage, and one parking space in the driveway) on a property less than 50 feet in width; and

WHEREAS, Zoning Code Section 17.16.070(B) states that all projects with multiple approvals shall be processed concurrently, and final action shall be taken by the highest-level designated approving authority for all such requested permits; and

WHEREAS, the proposed design is consistent with the General Plan, Zoning Ordinance development standards, and parking and landscaping requirements; will help to foster the harmonious development and preservation of the public health and welfare of the City and its neighborhoods; and will feature architectural design and colors that are visually harmonious with the surrounding development, landforms, and vegetation; and additionally the proposed use, together with the conditions applicable hereto, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity; and

WHEREAS, the provision of tandem parking will create two off-street parking spaces in a visually appealing way for the small lot while complying with the two-space requirement for new single-family residential construction; and

WHEREAS, this project is exempt under the California Environmental Quality Act, Section 15303, New Construction, Class 3(a) one single-family residence; and

WHEREAS, a public hearing notice has been given 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 in accordance with the requirements of Government Code Section 65091 and a public hearing was held on October 29th, 2024, 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, including the staff report, any public comments, and the entire administrative record, and makes the following findings:

- A. The foregoing recitals are true and correct and are incorporated herein.
- B. The project is exempt from provisions of CEQA, consistent with CEQA guidelines Section 15303, New Construction, Class 3(a), one single-family residence.
The project has been determined to be exempt under CEQA, Section 15303, New Construction, Class 3(a), one single-family residence. Class 3(a) consists of the construction and location of a limited number of new, small facilities or structures. Examples of this exemption include one single-family residence, or a second dwelling unit in a residential zone.

BE IT FURTHER RESOLVED that the Planning Commission of the City of San Pablo approves a Conditional Use Permit for the project and makes the following findings pursuant to San Pablo Municipal Code Section 17.20.040:

- A. The proposed project is consistent with the General Plan.

The proposal to construct a new, two-story residence on a substandard parcel of 2,500 square feet provides the opportunity for a household to occupy a four-bedroom, three-and-a-half-bathroom home that has an attached one-car garage. The design is complimentary to the existing neighborhood, uses quality materials, and meets the development standards of the R-1 zoning district. One covered parking space and one parking space in the driveway establishes the required two off-street parking spaces for this new residence.

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

The proposed new, two-story residence adheres to the development standards of the R-1 zoning district. The front, side, and rear yard setbacks meet the established setbacks. Additionally, the height of the proposed new unit adheres to the height limit of 27 feet. The proposal to construct an attached one-car garage, creating tandem parking with the second parking space in the driveway, complies with the

parking standard for two off-street parking spaces for a new single-family detached residence.

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

The General Plan land use designation is High Density Residential. The zoning for the site is San Pablo Avenue Specific Plan designated High Density Residential, which implements the General Plan land use designation. The request to construct a new, two-story residence with an attached one-car garage, and allowing tandem parking, is appropriate for the design of the neighborhood. Additionally, the placement of the side windows would not jeopardize the privacy of the adjacent neighbors. For these reasons, granting approval of this site plan and design review will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

- D. A 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, in accordance with the requirements of Government Code Section 65905.

Notices were mailed to owners and residents of properties within a 300-foot radius of the site. The notices were mailed on Wednesday, October 16, 2024. In addition, a Public Hearing Notice was published in the West County Times newspaper on Saturday, October 19th, 2024.

BE IT FURTHER RESOLVED that the Planning Commission of the City of San Pablo approves a Minor Design Review for the project and makes the following findings pursuant to San Pablo Municipal Code Section 17.18.090:

- A. The proposed project is consistent with the General Plan, as described in the findings for the Conditional Use Permit above.
- B. The proposed use is in accord with the objective of the zoning ordinance and the purposes of the district in which the site is located, as described in the findings for the Conditional Use Permit above.
- C. The proposed use is in compliance with each of the applicable provisions of the zoning ordinance, general plan, and/or applicable specific plan, as described in the findings for the Conditional Use Permit above.

- D. The proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare, and would not be materially injurious to properties or improvements in the vicinity, as described in the findings for the Conditional Use Permit above.

BE IT FURTHER RESOLVED that the Planning Commission of the City of San Pablo approves an Administrative Use Permit for the project and makes the following findings pursuant to San Pablo Municipal Code Section 17.18.080:

- A. The proposed driveway dimensions, are otherwise consistent with parking regulations in the zoning code.
- B. The site is physically suited for the proposed single family residential use and the residence meets all performance criteria and development standards.
- C. Granting the Administrative Use Permit would not be detrimental to the public interest, health, safety, convenience, or welfare and would not be materially injurious to persons, property, or improvements in the vicinity in which the project is located. The single-car garage avoids the need for a double-car garage door and allows for the main entry door to face the street. This presents a residential impression that is complementary with the character of the neighborhood.

BE IT FURTHER RESOLVED that the Planning Commission of the City of San Pablo hereby approves PLAN2410-0004 for Minor Design Review, Administrative Use Permit, and Conditional Use Permit based upon the following Conditions of Approval:

1. The Minor Design Review, Administrative Use Permit, and Conditional Use Permit shall become null and void after one year of the Planning Commission's effective date of approval unless a building permit has been issued and normal construction progress has been made.
2. Minor modifications to this approval may be granted by the Zoning Administrator, if the proposed changes generally comply with the intent of the approval.
3. The applicant shall obtain all necessary City of San Pablo Building and Public Works permits and submit payment of fees and agency permits and approval from water, waste, fire and the school district for any proposed work.
4. Plans submitted for building permits and all subsequent construction shall be in substantial compliance with plans submitted to the City of San Pablo on October 15, 2024, consisting of the Site Plan, Floor Plan and Elevations.
5. Construction activity shall be limited to between the hours of 7:00 A.M and 6:00 P.M Monday through Friday and from 9:00 A.M to 5:00 P.M on Saturday. Construction is not permitted on Sundays.

6. No work shall be performed until the required permits are obtained.
7. All contractors shall be licensed by the State of California and the City of San Pablo.
8. All fees shall be paid before the permit is issued.
9. It is the responsibility of the person doing the work to call for the required inspections.
10. Changes or deviation from the approved set of plans shall be resubmitted for plan check.
11. All work shall remain accessible until inspected and approved by the Building Official.
12. Best management practices shall be observed during construction to avoid pollutants to enter the storm drain system.
13. Deferred submittals must be clearly identified on the building plans. Such submittals may include fire sprinkler modifications, fire alarm modifications, trusses, etc.
14. 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.
15. Any relocation of utilities as a result of this approval shall be at no expense to the City of San Pablo.
16. Property lines must be established by a land surveyor and clearly identified before foundation inspection.
17. When submitting for a building permit, ensure all plans and documents, as required by the city are included in the packet.
18. If fire sprinklers are a deferred submittal, it must be indicated on cover sheet of plan set.
19. The property shall be free of all debris during construction. All scrap materials shall be stored in a container and shall be removed regularly.
20. The plans shall be designed using the 2022 California Building, Mechanical, Electrical, Plumbing, Fire and Energy Codes.
21. Submit a "Stormwater Control Plan for a Small Land Development Project" per Contra Costa County Clean Water Program C.3 Guidebook to show created and replaced

impervious surface (building foot print, concrete walkway and driveway, pavement, etc.).

22. Stormwater: Drainage Plan shall be included or incorporated into the Site Plan when plans are submitted for building permit issuance. Call out any storm water conveyance materials that will be used and show the slope (i.e. piping). Drainage/runoff shall not be conveyed across property lines, including street frontage and driveway, and should be directed to 3-inch deep concaved landscaped areas at a 2:1 ratio (impervious to pervious) on site or piped to the street gutter (per City Standard detail SD-02) through a cross drain, in which case a curb-drain permit is required. Rain gutters and downspouts shall be installed on all subject structures. Downspouts shall be sloping away from the building with splash blocks/energy dissipaters.
23. Driveway location and width shall conform with City Standard Detail SA-02. A residential single driveway shall not exceed 12 feet in width. The driveway shall be constructed per City Standard Detail SA-04.
24. Sidewalk, curb and gutter at the project frontage shall meet the current City Standard Detail SA-03. Unapproved curb cut shall be converted to standard curb and gutter. City inspector may require additional sidewalk repair at the project frontage if there is any hazard and gap present in field.
25. The Contra Costa County pollution prevention plan sheet (City Standard Detail BMP-06) in full size must be included in the construction plan set for plan check submittal and approval.
26. Storm drains must be protected from construction debris and materials. Include any storm drains located in or around your project on plans and call out the use of proper BMPs located on the City of San Pablo's website.
27. The construction of any new structure must comply with CALGreen requirements for construction and demolition (C&D). At least 65% of nonhazardous C&D materials generated must be recycled and/or salvaged for reuse. All forms are found in the attached "San Pablo C&D Form." The "Pre-Construction Waste Management Plan (WMP) Instructions" shall be completed and return to the city when the permit application is submitted. The Building Department will not issue permits unless the form is completed. The "Post Construction Waste Management Report" form and weight receipts must be completed and returned prior to the final inspection for occupancy.
28. A landscaping and drip irrigation plan shall be included on plans that are submitted for building permit issuance, and the plant materials and drip irrigation shall be installed

and operable prior to final occupancy.

29. Exterior fencing shall be at the property line and comply with Section 17.45 of The San Pablo Zoning Ordinance.

30. 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.

Adopted this 29th day of October, 2024, by the following vote:

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

ATTEST:

APPROVED:

Elizabeth H. Tyler, Secretary

Jerome Jackson, Chair