

## RESOLUTION PC23-07

### RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN PABLO APPROVING A MAJOR DESIGN REVIEW, CONDITIONAL USE PERMIT AND MINOR ADJUSTMENT FOR FENCE HEIGHT TO ALLOW THE CONSTRUCTION OF A NEW POLICE HEADQUARTERS AND TRAINING FACILITY FOR THE CITY OF SAN PABLO IN THE SP-2 MIXED USE CENTER SOUTH DISTRICT AT 1050 FATEWAY AVENUE, SAN PABLO, (APN: 417-310-012)

**WHEREAS**, the project site at 1050 Gateway Avenue (designated as portion of “Block F” in the Mixed Use Center South Regulating Code) consists of a vacant parcel located in the Mixed Use Center South District of the San Pablo Avenue Specific Plan (SP-2) area with a General Plan land use designation of Mixed Use Center; and

**WHEREAS**, the 2.27-acre project site extends alongside and adjacent to a portion of the east bank of Wildcat Creek and the Wildcat Creek Trail; and

**WHEREAS**, an application has been submitted by Darrell Stelling, on behalf of DLR Group Architects and with the consent of the owner, the City of San Pablo, on May 30, 2023 in PLAN case 2305-0011 for approval of a Major Design Review, Conditional Use Permit for location within 50 feet of a creek, and Minor Adjustment for fence height from the Mixed Use Center South Regulating Plan to allow for the construction of a 42,000 square feet new two-story building in a 2.27-acre site, to serve as the city’s Police Department Headquarters and Training Facility; and

**WHEREAS**, approval of the Minor Adjustment is a Zoning Administrator decision, but the Planning Commission is the approving authority for Major Design Review and Conditional Use Permit, and in accordance with section 17.16.070.B. of the Zoning Code, when a project requires more than one permit with more than one approving authority, all project permits shall be processed concurrently and final action shall be taken by the highest-level designated approving authority for all such requested permit, and for the purpose of this project, all three requested permits will be considered by the Planning Commission as the highest-level designated approving authority; and

**WHEREAS**, the proposed development is located within the San Pablo Avenue Specific Plan area and is required to conform to the Development Regulations of this plan and to consider its Design Guidelines; and

**WHEREAS**, the proposed development is located within the SP-2 Mixed Use Center South zoning district of the San Pablo Avenue Specific Plan, which is governed by the Mixed Use Center South Regulating Code; and

**WHEREAS**, Section 17.20.030(B) of the Zoning Code requires major design review by the Planning Commission for Public and Quasi-Public development as well as for commercial development in all zoning districts; and

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

**WHEREAS**, section 17.32.030. B.2. of the Zoning Code requires a Use Permit for development within 50 feet of any stream to ensure that the development adequately avoids impacts to wetland features or woodlands, reduces impacts to the creek, and prevents degradation of riparian and wetland features from urban pollutants, pursuant to the relevant policies and actions related to creeks within the general plan; and

**WHEREAS**, to approve the Conditional Use Permit, the Planning Commission shall make findings that the establishment, maintenance or operation of the proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City; and

**WHEREAS**, the Zoning Code allows for Minor Adjustments for an increase in the height of a fence by up to two (2) feet to allow creative design solutions and to accommodate unique site conditions; and

**WHEREAS**, the potential environmental effects of development of the site have been previously evaluated in Environmental Impact Reports (EIRs) prepared for the San Pablo General Plan 2030 (adopted on April 18, 2011 by Resolution 2011-045) and San Pablo Avenue Specific Plan (adopted on September 19, 2011 by Resolution 2011-104), as well as in an Initial Study/Mitigated Negative Declaration (IS/MND) adopted by the City on October 17, 2011 (Resolution 2011-115) for the Mixed Use Center South Regulating Code and the city has prepared Addenda to the two EIRs and the IS/MND for the project consistent with the requirements of CEQA Guidelines Section 15164 to identify the proposed land use of single-family detached development at the subject site. The proposed development would continue to be consistent with the land use and zoning designations for the site and would not result in an increase in the severity of impacts identified in the prior EIRs or IS/MND or any new impacts not previously considered in the prior EIRs and IS/MND. The circumstances under which the project would be undertaken have not substantially changed such that new or substantially increased impacts would occur; and,

**WHEREAS**, a public hearing notice has been provided by mail to the applicant, local affected agencies and to all property owners within 300 feet of the subject property, this notice has been published in the West County Times newspaper (West Contra Costa edition of the East Bay Times) in accordance with the requirements of Government Code Section 65091, and a public hearing was held on June 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 approves the Major Design

Review, Conditional Use Permit, and Minor Adjustment for PLAN2305-0011 based on the following findings:

### **Addenda to the Existing Environmental Documents**

- A. The City of San Pablo adopted EIRs for the General Plan and San Pablo Avenue Specific Plan and an Initial Study/Mitigated Negative Declaration (IS/MND) for the Regulating Code and these documents anticipated that the site would be developed with a mix of uses, potentially including commercial, office, residential, institutional, and/or hotel uses. The City has prepared Addenda to the two EIRs and the IS/MND for the project, which would continue to be consistent with the land use and zoning designations for the site and would not result in an increase in the severity of impacts identified in the prior EIRs or IS/MND or any new impacts not previously considered in the prior EIRs and IS/MND. The circumstances under which the project would be undertaken have not substantially changed such that new or substantially increased impacts would occur. Further, there is nothing peculiar about the project or the project site that would result in impacts substantially greater than discussed in the prior EIRs or negative declaration. Therefore, no further environmental analysis is required for the project.

*The proposed use would be consistent with the anticipated public/institutional use. Based on review of the anticipated project and of the previous analysis in the Addendum, the City of San Pablo has determined that the potential environmental impacts associated with developing a Police Headquarters and Public Safety Training Facility on the "Block F" site have been fully analyzed and addressed in the previously prepared EIRs and IS/MND and will not result in conditions outlined in State CEQA Guidelines Section 15162 that would require preparation of a subsequent EIR. Existing General Plan and Specific Plan policies and implementation measures identified in the General Plan EIR, San Pablo Avenue Specific Plan, and IS/MND for the Mixed Use Center South Regulating Code will continue to reduce the potential effects of development of the Block "F" site to less-than-significant levels.*

### **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, the preservation and strengthening of the City's overall image, and insurance of both access and ecological functionality of the creek system in San Pablo.

*The proposed project would be responsive to these policies by developing a new Civic/Institutional Building, a Police Headquarters and Training Facility, on a site that will be well-integrated into its surroundings, and in close proximity to amenities, such as transit, the San Pablo City Hall, the San Pablo Library, the*

*Wildcat Creek Trail, health services, senior center, and a variety of commercial uses. The project would also offer on-site landscaped bio-retention facilities and public parking. The design of the project would be compatible with the contemporary and Spanish style found in the nearby City Hall, County Health Clinics, and future townhome development to the north. The new Police Headquarters will create a Civic Center design by aligning the main public entrance to the building with the City Hall entrance with a shared entry plaza across the shared entry drive. The project would also add to the mix of uses envisioned by the General Plan for the Plaza San Pablo ("Circle S") area.*

### **Specific Plan Zoning Conformance**

- C. The proposed project is located within the San Pablo Avenue Specific Plan and is designated as Mixed Use Center South in an opportunity site and focus area identified as the "Circle S" area. The project would be consistent with the San Pablo Avenue Specific Plan guiding and implementing policies promoting pedestrian- and transit-friendly development, providing ample open spaces and recreational facilities, integrating pedestrian and bicycle connections to transit, open space, and key destinations, and designing building facades at a pedestrian scale with building heights of three to four stories.

*The proposed project would be consistent with the guiding goals and implementing policies of the San Pablo Avenue Specific Plan. The development would be well integrated into the established pedestrian-oriented context by providing a central connectivity to the newly built City Hall and Wildcat Creek Trail. The new building would be located opposite the existing City Hall forming a Civic Center with shared entry plaza across the shared entry drive. The development would also provide safe and direct pedestrian connections to the closest AC Transit stops on San Pablo Avenue just south of Church and in front of the Walgreens Pharmacy. In conformance with the policies, the project would incorporate parking that would be hidden from the public streets while still providing sufficient parking for staff, police vehicle fleet, and residents. Finally, the project would maintain an appropriate density, scale and building façade that is in harmony with the surrounding structures.*

- D. The project complies with the development standards of the San Pablo Avenue Specific Plan and Zoning Ordinance for the SP-2 Mixed Use Center South Mixed Use district.

*The proposed project would be in conformance with the development standards for the SP2 - Mixed Use Center South district. In terms of off-street parking requirements, Parking Section 2.4.3 of the Mixed-Use Center North Regulating Code requires a minimum of zero (0) and a maximum of six (6) parking spaces per one-thousand (1000 sq. ft.). The proposed project provides a total of 112 parking spaces, including 21 public parking spaces.*

## Mixed Use Center South Regulating Code Conformance

- E. The project is consistent with the requirements of the Mixed Use Center South Regulating Code and the Police Department Headquarters and Training Facility fits in with the intent of Block F and it is identified as a permitted use within the Regulating Code.

## Major Design Review

- F. The project is consistent with the applicable Design Guidelines for the Mixed Use Center South district of the San Pablo Avenue Specific Plan and with the land use, physical design, economic development element and open space elements of the General Plan.

*The project would fit well within the highly planned Plaza San Pablo area by offering a new Civic building that incorporates the look and feel of a Civic Center to this area. The architectural design of the structures and their colors and material would be visually harmonious with the surrounding contemporary and Spanish-style development patterns and with the natural areas along the Wildcat Creek corridor. The proposed project appears to be responsive to the recommended design guidelines and incorporates a number of the contextual elements of the surrounding neighborhood. The architectural design, colors and materials would be visually harmonious with surrounding development.*

- 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.

*The proposed project will to be responsive to the recommended design guidelines and incorporates a number of the contextual elements of the surrounding neighborhood. The architectural design, colors and materials would be visually harmonious with surrounding development.*

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

*As shown in the building elevations and sections, the exterior design of the building is a contemporary design that incorporates elements such as large arches and plaster finishes that respond to the adjacent City Hall, the West County Health Facilities, and the new proposed townhomes in Block E. The massing of the building is low-slung and horizontally oriented along the entry driveway, with alternating colored bands breaking up the structure vertically. Warm earth tones of beige and terracotta are dominant, with accents in light olive and matte black window frames. The proposed shared entry plaza with City Hall is designed to*

*provide a clear approach to the building and foster public interaction. A prominent design element is the tower at the southwest corner of the structure. The tower is visible from all elevations and it would be finished with large windows with matte black frames and dark spandrel glazing, bringing a recognizable contemporary design to the building. In addition, the arches included in the south and east elevations would incorporate a similar design as the City Hall across the shared driveway.*

*In addition to perimeter and roadside landscaping, several landscaped bioretention areas throughout the parking lot and a small outdoor plaza in the front of the building. The landscaping materials would consist of appropriate drought-resistant plantings meeting Water Efficiency standards. The alignment of the front public entrance along the shared driveway with City Hall allows for an easily accessible pedestrian access between both facilities and connectivity to Gateway Avenue, Chittleton Lane, San Pablo Avenue and Church Lane.*

- I. The establishment, maintenance, or operation of the use of the buildings applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the city.
- J. Through its proposed landscape improvements and bioretention areas, the development will adequately avoid impacts to wetland features or woodlands, reduce impacts to the adjoining Wildcat Creek, prevent degradation of riparian and protect wetland features from potential urban pollutants.
- K. The proposed Civic/Cultural use is allowed in the Mixed Use Center South district of the SP-2 San Pablo Avenue Specific Plan.
- L. The project complies with the development regulations of the Zoning Code, San Pablo Avenue Specific Plan, and the Mixed Use Center South Regulating Code.
- M. The site is physically suited for the type, density, and intensity of the proposed use, with adequate roadway and utility access and the absence of any physical constraints to development.

### **Conditional Use Permit**

- N. The project site is buffered from the Wildcat Creek corridor by the recently constructed Wildcat Creek Trail which extends along the entire length of its western frontage and therefore would not physically impact the creek corridor.
- O. Sufficient buffering distance and intervening landscaping would prevent any impact upon the adjoining Wildcat Creek Trail.

- P. The applicant has submitted topography and grading plans stating that the subject site is suitable for the proposed project. Conditions of approval will be incorporated to ensure that all structural measures are adhered to during construction of the project.
- Q. Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity in which the project is located. The site has long been planned for redevelopment with a variety of urban scale uses, including residential development.
- R. Granting of the requested Conditional Use Permit will not materially adversely affect the health or safety of persons residing or working in the neighborhood of the property and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood. The site fits well into the context of its surrounding and would not create a visual or safety impediment to any surrounding uses.
- S. The proposed development is of sufficient size and is designed so as to provide a desirable environment within its own boundaries.
- T. The proposed development is compatible with existing and proposed land uses in the surrounding area.

### **Minor Adjustment**

- U. Granting the minor adjustment will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the premises in question.
- V. The minor adjustment is consistent with the general plan or any applicable specific plan or development agreement.
- W. The exception is the minimum required in that it allows the specified improvement or development to occur but does not provide additional development rights.

### **Legal and Public Notice**

- X. 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 approves the Major Design Review, Conditional Use Permit, and Minor Adjustment for PLAN2305-0011 along with and contingent upon the following Conditions of Approval:

### **General Conditions**

1. The proposed use and project construction shall be conducted in substantial compliance with the planning submittal, including the site plans, floor plans, elevations, renderings, details/rendering, landscape plan, and park/tot lot plan that were submitted to Planning Staff on May 30, 2023, as revised on June ##, 2023, which are on file with the Community Development Department, under PLAN 2305-0011.
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 applicant shall prepare necessary documents and complete a Lot Line Adjustment to facilitate site drainage requirements between the subject site and the adjacent City Hall property. The Lot Line Adjustment shall be prepared in accordance with Section 16.30 of the San Pablo Municipal Code and shall be completed prior to before issuance of Building Permits. Per Section 16.30.030 of the San Pablo Municipal Code, the Planning Manager has the authority to approve lot line adjustments.
5. 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.
6. If the use granted by this Conditional Use Permit is discontinued for a period of six consecutive months, the Use Permit shall automatically expire.
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 issuance of a Building Permit. 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 issuance of a Building Permit, the 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.
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 Wildcat 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. 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**

23. The designer shall verify if the property is in full or partially located in the flood hazard zone and prepare the design accordingly. If the property is located in the flood zone, the design shall be in accordance with the requirements in the California Building Code for structures located in the flood hazard zone.
24. Noise and construction hours shall be observed as required by Chapter 17 of the San Pablo Municipal Code.
25. All construction documents shall be prepared in accordance with the applicable 2019 California Building Codes.
26. The building design shall be in accordance with all the requirements for essential facilities.
27. The project plans shall comply with accessibility requirements for people with disabilities as applicable.
28. Building inspection hours are performed Monday through Thursday between 9 AM and 4 PM excluding City observed holidays. Request for inspections outside of business hours need to be requested in advance, charged as additional overtime fees and approved by the Building Official prior to being scheduled.
29. Special inspectors shall be registered with the city for the specific job to be undertaken.
30. Special inspection reports shall be required for all applicable items that are part of the design in accordance to Chapter 17 of the 2019 California Building Code.

31. Structural observations shall be required in accordance to the engineer's design and applicable risk category
32. The applicant shall submit complete sets of electronic plans, including the following: Plot Plan; Foundation Plan; Floor Plan; Ceiling and roof framing plan; Electrical Plans including size of main switch, number and size of service entrance conductors, circuit schedule and demand load; Plumbing and sewer plan and isometric, including underground diagram, water piping diagram, sewer location, fixture units, gas piping and vents, and heating and air conditioning diagram; Landscape and Irrigation plans. Landscape plans shall be compliant with the San Pablo MWELo requirements and approved prior to the issuance of any Building Permits.
33. The applicant shall submit electronic sets of structural calculations, energy conservation calculations and soils reports. Architects/Engineers stamp and wet signature is required prior to submittal of plan check.
34. All contractors shall be licensed by the State of California and shall obtain City of San Pablo business licenses.
35. No work shall be performed until the required permits are obtained.
36. All fees shall be paid before the permit is issued
37. No structure shall be occupied until a Certificate of Occupancy issued by the Building Official has been granted.
38. It is the responsibility of the person doing the work to call for the required inspections.
39. Changes or deviation from the approved set of plans shall be resubmitted for plan check.
40. All work shall remain accessible until inspected and approved by the Building Official.
41. Best management practices shall be observed during construction to avoid pollutants to enter the storm drain system.
42. At the time of plan check, the applicant shall incorporate the required California Green Code Mandatory Measures such as E.V. Ready, clean air vehicle parking, bicycle parking, best management practices and storm water pollution prevention, light pollution reduction, energy efficiency, indoor and outdoor water usage efficiency, etc.
43. Cal Green mandatory measures shall be observed during construction, for example:
  - water efficiency and conservation

- construction waste reduction, disposal and recycling
  - All other applicable codes for the efficient construction and operation of the new structure.
44. Deferred submittals shall be clearly identified on the building plans. This includes submittals such as; Photovoltaic fire sprinklers, fire alarms, trusses, etc.
45. 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.
46. 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**

47. Access as shown appears to comply with Fire District requirements. Provide emergency apparatus access roadways with all-weather (paved) driving surfaces of not less than 20-foot unobstructed width, and not less than 13 feet 6 inches of vertical clearance, to within 150 feet of travel distance to all portions of the exterior walls of every building. Access shall have a minimum outside turning radius of 45 feet, and must be capable of supporting the imposed fire apparatus loading of 37 tons. (503) CFC.
48. Aerial Fire Apparatus Access is required where the vertical distance between grade plane and the highest roof surface exceeds 30 feet as 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 shoulder, in the immediate vicinity of the building or portion thereof. At least one of the required routes shall be located with a minimum of 15 feet and a maximum of 30 feet from the building, and 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.
49. 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.
50. 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.
51. The developer shall provide an adequate and reliable water supply for fire protection as set forth in the California Fire Code (501.1) CFC.

52. The developer shall provide an adequate and reliable water supply for fire protection with a minimum fire flow of 2125 GPM. Required flow must be delivered from not more than 2 hydrants flowing simultaneously for a duration of 120 minutes while maintaining 20-pounds residual pressure in the main. (507.1), (B105) CFC.
53. The developer shall provide hydrants of the East Bay type in compliance with Chapter 5 and Appendix B and C of the California Fire Code. (C103.1) CFC.
54. FDC for building shall not be located further than 150 feet from fire hydrant and on the address side of the building. Approval of location will occur as part of deferred submittal.
55. A land development permit is required for access and water supply review and approval. The developer shall submit a minimum of two (2) copies of full size, scaled site improvement plans indicating: All existing or proposed hydrant locations; fire apparatus access; Aerial fire apparatus access, elevations of buildings; size of building and type of construction; gates, fences, retaining walls, bio-retention basins, any obstructed areas; details showing the lowest level of fire department vehicle access and the floor level of the highest occupied floor; and striping and signage plan to include "NO PARKING-FIRE LANE" markings.
56. Emergency apparatus access roadway shall be installed, in service, and inspected by the Fire District prior to construction or combustible storage on site. (501.4) CFC. Note: temporary aggregate base or asphalt grindings roadway is not considered an all-weather surface for emergency apparatus access. The first lift of asphalt concrete paving shall be installed as the minimum roadway material and must be engineered to support the designated gross vehicle weight of 22/37 tons.
57. The building as proposed shall be protected with an approved automatic fire sprinkler system complying with the 2022 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 Ordinance 2019-37.
58. 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
59. The developer shall provide traffic signal pre-emption systems (Opticom) on any new or modified traffic signals installed with this development. (21351) CVC.
60. 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.
61. 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.

62. The owner of the owner's authorized agent shall be responsible for the development, implementation and maintenance of a written plan in compliance with NFPA 251, 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.
63. Development on any parcel in this subdivision shall be subject to review and approval by the Fire District to ensure compliance with minimum requirements related to fire and life safety. Submit three (3) sets of plans to the Fire District prior to obtaining a building permit. (501.3) CFC.
64. 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.
65. 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.
66. 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 construct 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 required; energy systems; emergency generator if required; photovoltaic; above ground/underground flammable/combustible liquid storage tanks; and 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 the plan review submittal (105.4.1) CFC, (901.2) CFC, (107) CBC.

### **Garbage and Recycling Area**

67. The project shall comply with the requirements of the Republic Services Trash Collection Agency.
68. 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**

69. The required Stormwater Pollution Prevention Plan shall adhere to the current C.3 provisions. A Hydromodification Management (HM) model is required.
70. The applicant shall be required to comply with all rules, regulations and procedures of the National Pollutant Discharge Elimination System (NPDES) permit for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board or any of its Regional Water Quality Control Boards (San Francisco Bay-Regional II). If applicable, the project shall comply with requirements of the NPDES Municipal Regional Permit Section C.3, and the Contra Costa Clean Water Program Stormwater C.3 Guidebook, current versions.
71. A Stormwater Control Plan and Operations & Maintenance Agreement shall be required for the parcel; the Agreement must be recorded prior to a certificate of occupancy.
72. 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. Per San Pablo Plaza Specific Plan, the hydrology report shall include a capacity analysis of the storm drain system on Chattleton accounting for future development. A licensed civil engineer shall furnish this report.
73. The applicant shall submit grading, drainage improvement plans, sediment and erosion control plans and the engineer's estimate to the Public Works Engineering Division for approval. All of these plans shall be prepared by a California-registered Civil Engineer and approved by the City prior to submission for a building permit.
74. 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).
75. The applicant shall agree to provide repairs, upgrades or connection to public storm drain facilities which will be necessary to accommodate the proposed storm water generated by the project as required by the City Engineer.

## **Signs**

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

on this site at any time.

77. 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**

78. All lighting on the property shall be oriented or screened so as to prevent glare and direct light from reaching adjacent properties. The project shall comply with the photometric plan submitted as part of the Planning application on May 30, 223.

### **Utilities**

79. Water, gas, electrical, telephone, and sanitary sewer utilities shall be constructed to the minimum standards of the respective utility companies. However, the trench details, pipe slope and other details shown the City's Standard Details shall also be met as minimum requirements. All requirements of the applicable utility companies and departments and the fire department shall be met, including fees and administrative requirements.

80. All proposed overhead wires shall be undergrounded.

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

### **Sanitary Sewer**

82. A plot plan showing the locations of sewer laterals and connections shall be submitted and be reviewed and approved by West County Wastewater District (WCWD), along with a related fee estimate.
83. A will-serve letter from the WCWD shall be submitted prior to submission for a building permit.
84. The project shall comply with the conditions of WCWD.
85. Improvement plans shall require WCWD approval.
86. WCWD approval is required prior to finalizing permit or prior to granting certificate of occupancy.

### **Water**

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



88. 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.
89. All private lot landscaping shall consist of non-invasive, drought-tolerant, low-water use plant species.

### **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.

### **Geotechnical**

93. The applicable geotechnical report for the project shall be noted on improvement plans. The geotechnical report shall be signed off by a licensed engineer, if required.
94. The applicant shall commission a licensed engineer to inspect all grading operations and submit a report to the City, if applicable.
95. 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.
96. Prior to issuance of building permits, applicant shall submit an as-graded report of the engineering geologist or the geotechnical engineer to Community Development Department with an as-graded map showing final plan and grades if required by the City Engineer. The applicant shall submit grading plans for review and approval of the Community Development Department and City Engineer prior to issuance of grading permits.

## **Landscaping**

97. 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.
98. Landscaping and irrigation shall be part of the final design drawings (improvement plans).
99. Eligible mulch must be derived from organic materials and be produced at a permitted transfer station, landfill, or composting facility.
100. 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.
101. An on-site inspection shall be made by the Community Development Department (or Public Works Department) to determine compliance with the approved landscape plan.

## **Streets & Sidewalks**

102. All private curb ramps and sidewalks within the property shall meet current ADA and Title 12 requirements and guidelines. Existing public curb ramps along the property frontage which do not meet current ADA and Title 12 requirements shall be upgraded, and tripping hazards in public sidewalks shall be corrected by replacing the offending sections. City inspector may require additional work in the Public Right of Way as needed by public safety and interest.
103. 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.
104. The applicant shall ensure that improvements near intersections do not obstruct the sight distance to oncoming traffic to the satisfaction of the City Engineer.

## **TDM & Growth Management**

105. 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**

106. 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.

107. All outdoor lighting shall be LED.

### **Construction**

108. 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.

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

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

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

112. 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.

113. A copy of the notice shall be concurrently transmitted to the Community Development Department and City Engineer. The notice shall be accompanied by a list of the names and addresses of the property owners noticed, and a map identifying the area noticed.

114. 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.

115. 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.

116. 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.

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

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

119. 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:  
NOES:            COMMISSIONERS:  
ABSENT:        COMMISSIONERS:  
ABSTAIN:       COMMISSIONERS:

ATTEST:

APPROVED:

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

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