

## **PLANNING COMMISSION RESOLUTION PC22-08**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN PABLO APPROVING PLAN 2206-0005 FOR MAJOR DESIGN REVIEW AND A VARIANCE TO INCREASE THE MAXIMUM ALLOWABLE WALL SIGN AREA FROM 150 SQUARE FEET TO 457 SQUARE FEET (205% INCREASE), FOR A NEW 10,000- SQUARE FOOT COMMERCIAL BUILDING TO BE LOCATED IN THE SP-2, SAN PABLO AVENUE SPECIFIC PLAN, REGIONAL COMMERCIAL DISTRICT, ALONG WITH AN FINDING THAT THE PROJECT IS EXEMPT UNDER CEQA GUIDELINES SECTION 15332 AS INFILL DEVELOPMENT, AT 13220 SAN PABLO AVENUE, SAN PABLO, APN:417-211-012**

**WHEREAS**, the project site at 13220 San Pablo Avenue is currently occupied by a strip shopping center containing a FoodMaxx store, a Planet Fitness operation, and a currently vacant tenant space, and contains more than 500 surface parking spaces, which is more than enough to satisfy the current parking requirement of 275 spaces and allow the proposed commercial building to be constructed on the property along San Pablo Avenue; and,

**WHEREAS**, an application has been submitted by Tri State General Contractors on behalf of WSS Shoes for Major Design Review on June 15, 2022, in PLAN case 2206-0005, for a proposed 10,000 square foot commercial retail building for a stand-alone shoe store to be located on a portion of an 8.34-acre parcel within the San Pablo Avenue Specific Plan (SP-2) in the Regional Commercial (CR) area; and,

**WHEREAS**, Zoning Code section 17.20.030(B) requires Major Design Review by the Planning Commission for commercial development including any additions over 15 feet in height or involving more than 250 square feet of ground area, except that commercial development within a Specific Plan area may be subject to minor design review only; and,

**WHEREAS**, although the proposed development is located within the San Pablo Avenue Specific Plan site and was referred to the Planning Commission for Major Design Review by the Zoning Administrator due to the significance and visibility of the proposed commercial building and because additional discretionary approval requiring Planning Commission approval was requested; and,

**WHEREAS**, in order to approve any Major Design Review within this site, the Planning Commission shall make findings that the design of the commercial building is compatible with the Commercial Design Guidelines and conforms to the applicable provisions of the San Pablo Avenue Specific Plan, Zoning Ordinance, and the General Plan; and,

**WHEREAS**, an application has been submitted by Tri State General Contractors on behalf of WSS Shoes for a Variance on November 2, 2022, in case PLAN2206-0005, to increase the maximum allowable wall sign area from 150 square feet to 457 square feet (205% increase), in order to allow for adequate visibility and security for the proposed tenant given the circumstances of the site and surrounding conditions; and,

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

**WHEREAS**, in considering the Variance, the Planning Commission shall make findings that there are exceptional or extraordinary circumstances or conditions applying to the land referred to in the application, which circumstances or conditions do not apply generally to land, buildings and/or uses in the same district; that the strict application of the zoning regulation to be varied deprives the property of privileges enjoyed by other properties in the vicinity and within the same zoning district because of these exceptional or extraordinary circumstances or conditions; that the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner; and that the granting of the application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood; and,

**WHEREAS**, the requested Variance reflects the unique circumstances pertaining to the project regarding its need to provide security to address the unique risks associated with athletic shoe merchandise by constructing display windows with images of the merchandise, rather than visual displays of the actual merchandise, and that because the images are set back more than three feet from the window surface they could be considered a form of Indoor Sign, which is exempt from the sign permit, and that the variance would allow for improved articulation of the building to break up an otherwise blank wall space; and,

**WHEREAS**, the City adopted Ordinance 2020-002 on February 18, 2020 which amended the maximum wall signage allowance to no more than 150 square feet, and a Variance request was granted by Resolution PC20-05 on June 23, 2020 to allow an increase in wall signage for the Planet Fitness center directly north of the subject site, indicating that revision of the Code to further amend the wall signage allowance should be considered in the future to reflect typical commercial wall signage needs and expectations; 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 as it would be within the development levels previously evaluated by the Environmental Impact Reports for the San Pablo General Plan and San Pablo Avenue, 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 November 22, 2022, 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 does hereby determine that the project is categorically exemption from CEQA, does further hereby grant approval of the Major Design Review and Variance for PLAN2206-0005, 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 is determined to be categorically exempt from the provisions of the California Environmental Quality Act, 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, 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 Planning Commission 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; and (e) the site can be adequately served by all required utilities and public services. A Traffic Study was prepared for the project and determined that it would not have an impact on the Level of Service of the San Pablo Avenue/San Pablo*

*Dam Road intersection and would not result in unacceptable increases in delay at this location. Furthermore, development of the site as Regional Commercial was evaluated as part of the Environmental Impact Reports for the San Pablo General Plan and San Pablo Avenue Specific Plan, prepared in 2011.*

### **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, and encouraging new commercial development in a manner which fosters both day and appropriate night time activity, as well as visual presence on the street level, appropriate lighting, and minimally obstructed view areas.

*The proposed project would be responsive to these policies by developing a new commercial development that will serve the region and provide employment opportunities. WSS is a national chain and will offer retail apparel choices that are not currently available in San Pablo. The project would fit well into its surroundings and would provide infill of a currently unused portion of a surface parking lot. The project would add to the urban vitality of this portion of San Pablo Avenue by providing for a pedestrian-oriented commercial frontage that is accessible to pedestrians and transit, as well as to motorists. The project would be appropriately landscaped and would help to modernize and improve this location. The proposed project will foster appropriate day time activities, providing more shopping opportunities to City residents and a visual presence on the street level. It would provide appropriate lighting, and will not obstruct view areas or access to the existing retail uses. The developer has received development review comments from the Police Department focused on security, safety and Crime Prevention through Environmental Design (CPED) recommendations.*

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

- C. The proposed project is located within the San Pablo Avenue Specific Plan. The project would be consistent with the San Pablo Avenue Specific Plan guiding and implementing policies promoting pedestrian- and transit-friendly development, intensification of existing uses at the site, and locating commercial uses at the street edge along San Pablo Avenue with parking located at the side and rear of the parcel.

*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 commercial retail space along the street edge of San Pablo Avenue, promoting a more vibrant street life and connectivity between commercial spaces and the public realm. The main entrance to the proposed building is facing San Pablo Avenue*

*and will be in keeping with the Development Standards included within the San Pablo Avenue Specific Plan. The project is also in close proximity to AC Transit stops on San Pablo Avenue at the corner of Tulare Avenue and just south of San Pablo Dam Road.*

- D. The project complies with the development standards of the San Pablo Avenue Specific Plan and Zoning Code, and has submitted a Variance request to allow for an increase in wall signage.
- E. The project complies with the parking requirements of the Specific Plan and Zoning Code by designating a total of 33 spaces to the north and east of the building for WSS use, with reciprocal access for the remainder of the shopping center. This designated parking area will be more than sufficient to accommodate the requirement for 25 spaces for a regional commercial use of this size, especially considering the excess parking that exists on the larger shopping center property and the close proximity of transit.

### **Major Design Review**

- F. The project is consistent with the applicable Design Guidelines for 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 San Pablo Avenue Specific Plan area by offering an additional regional retail opportunity and intensifying an existing commercial development consistent with the Specific Plan vision. The architectural design of the structure, the colors, and proposed materials to be used would be visually harmonious with the surrounding development patterns.*

- 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 building orientation locates the building entrance closest to San Pablo Avenue. The proposed building utilizes a variety of exterior materials that enhance the building façade and physical character of the building and its connectivity to the street and pedestrian access. The proposed 10,000 square foot development will incorporate 33 parking spaces within the lease area, which will more than fulfill the parking requirements of the San Pablo Zoning Ordinance. The existing businesses contained within the strip center on the subject property will continue to have sufficient parking to accommodate their needs. Reciprocal use agreements will pertain to these spaces under the terms of the Lease.*

- 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, San Pablo Avenue Specific Plan, and Zoning Ordinance are 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 San Pablo Avenue Specific Plan by offering a building design that is visually harmonious with the surrounding developments. At 26 feet, the proposed building complies with the maximum building height of 30 feet and would contain a single story where up to two stories are allowed. The building offers a prominent front entrance in a building corner facing San Pablo Avenue, as well as articulation in the building walls facing public streets. A landscaping plan was provided as part of the development application. This landscaping plan provides additional trees and bushes along Kirk Lane and within the parking lot that surrounds the proposed building.*

## **Variance**

- I. The applicant has requested a Variance for an increase in allowable square footage of wall signage in order to seek relief where practical difficulties, and results inconsistent with the general purpose of the General Plan may result from the strict application of certain provisions of the Zoning Code.

*The applicant has requested a Variance from sign regulations to allow an increase in the maximum allowable wall sign area for the building. Section 18.04.090.D of The Sign Ordinance included in Title 18 of the Municipal Code: Signs, of the San Pablo Municipal Code, provides that the maximum overall sign area for a commercial use shall be no more than 150 square feet for all signs in a single building with multiple street frontages.*

*San Pablo Avenue is considered to be the Primary frontage and would have a sign allowance for one square foot per one lineal feet of frontage. With a lineal length of 91 feet, the allowance for this frontage would be 91 square feet. Kirk Lane is considered the secondary frontage with a lineal length of 126 square feet, for a sign allowance of 63 square feet (one square foot for every two square feet of lineal frontage). In addition, an additional 15 square feet may be counted for the rear or side facing wall on the north and east sides of the building, yielding a total potential sign allowance of 169 square feet. However, because the signage allowance is capped at 150 square feet, the additional 19 square feet may not be counted in the total sign allowance for the project. The requested Variance would include approval of two 96 square foot display signs plus 91 square feet of identification signage along San Pablo Avenue for a total of 283 feet along the primary frontage; one 96 square foot display sign and 63 feet of identification signage, for a total of 159 square feet along the secondary frontage (Kirk Lane); and a 15 square foot identification sign along the north parking lot frontage. In total, the project would*

*provide 457 square feet of signage, 307 square feet more than the 150 square foot maximum, for a variance of 205%.*

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

*According to the applicant, the requested Variance would allow WSS to include graphic display windows depicting images of athletic shoes and its business logo to maintain the branding look that is important for its success in Northern California. The display windows allow the use to avoid displaying the actual footwear, given the unique security risks associated with athletic shoe merchandise. In addition, the display windows that contain the increased signage will provide additional articulation to the building façade, which is a desired policy outlined within the design guidelines set forth by the San Pablo Avenue Specific Plan. Given the unique security risks associated with athletic shoe merchandise, combined with its remedy of building articulation and the appearance of windows, creates an exceptional circumstance applying to the building, which generally does not apply to other buildings in the same district.*

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

*According to the applicant, WSS specifically designs its stores without any window access to the interior of the building from the exterior. This serves as a security measure to protect its athletic shoe inventory from any potential break-in from a window given the high value placed on this particular type of product. To enhance the attractiveness of the building and its articulation, WSS designs display windows made of vision glass to project the look of a more typical retail storefront. However, as the display windows do not access the interior of the building and sales floor, WSS products cannot be seen from the display windows. In order to remedy this situation and convey to the public WSS's offering of merchandise without creating the high security risk associated with displaying actual athletic shoes in the display window, WSS displays photos advertising its products in the windows.*

*The applicant believes that this approach distinguishes its proposed signage from more typical wall signs, as they will not be displayed along the exterior surface of the building or directly on the inside of the window, but instead would be set back from the window by more than three feet, as specified in the definition of an "Indoor Sign". The applicant argues that because of the three-foot, six-inch setback from the window front, the display windows could alternatively be considered a form of "indoor sign", which are exempt from the sign permit requirements (Section 18.04.060.B.11). These concerns reflect extraordinary conditions such that the*

*strict application of the Sign regulations would deprive the property of privileges that would be enjoyed by other properties that do not have the specific security and marketing needs.*

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

*WSS has companywide operating procedure guiding the design of WSS stores for security and merchandizing purposes which includes an approach of building articulation to create the appearance of windows with photographic images without exposing the actual merchandise to view. Not being able to approach even a scaled-down version of this approach, such as proposed, would deprive the applicant of privileges enjoyed by other properties in the vicinity and uses in the same zoning district whose products do not pose the same level of security risk.*

- M. The granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

*The proposed signage is not out of scale with other signage in the area and would not create harm to persons residing or working the neighborhood and would not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.*

- N. The display windows that contain the increased signage will provide additional articulation to the building façade, which is a desired policy outlined within the design guidelines set forth by the San Pablo Avenue Specific Plan.

- O. A similar variance request was made by the nearby Planet Fitness business in 2020 to allow for improved visibility of the wall signage as seen from San Pablo Dam Road and San Pablo Avenue. The 150 square foot limit on the total signage on a large building with multiple frontages was also a factor in that request. The staff analysis of that variance noted that the proposed signage was the first larger-scale building wall signage proposal with multiple frontages that had been proposed under the amended ordinance adopted earlier in 2020, that the proposal reflected a much smaller sign package than usually sought by this particular tenant in order to bring it closer to the City's sign regulations, and that the request may be an indication that the ordinance will need to be further amended to better reflect typical commercial wall signage needs and expectations.



- P. Other retail uses in the area appear to pre-date more updated signage regulations adopted in San Pablo in 2015 and modified in 2020, include pylon or monument signs to augment their wall signage, and/or are covered under City-approved Shopping Center Sign Programs that pre-date the current regulations.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of San Pablo does hereby further make the approval of the Major Design Review and Sign Variance, for PLAN2206-0005 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 June 15th, 2022, as revised on November 7th, 2022, which are on file with the Community Development Department, under PLAN 2206-0005.
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 Variance shall become null and void within one year of the effective date of approval if not applied.
6. The Variance is only for the signs shown on the sign plan for the new commercial building for WSS at 13220 San Pablo Avenue.
7. The subject signs shall be constructed in substantial compliance with the Site Plans, dated November 7, 2022, on file with the Community Development Department, PLAN 2206-0005. Minor amendments to this Variance may be approved by the Zoning Administrator if it is determined the overall intent of the variance is fulfilled.

8. Wildcat Creek is culverted under the existing parking lot. The applicant shall obtain a lot survey and determine if an easement for the culvert exists under the subject site; if no easement exists, the applicant shall work with the property owner to establish an easement subject to the review and approval of the City Engineer.
9. The development shall pay any applicable Sub-regional Transportation Mitigation Program (STMP) and School District Impact Fees.
10. The applicant shall obtain any permits and licenses needed for the proposed use.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. All abandoned pipes and other abandoned miscellaneous improvements shall be removed.
18. 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.

19. 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.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.

### **Police Department**

25. All exterior site and parking lot lighting should conform to the Illuminating Engineering Society of North America Security Lighting for People, Property and Public Spaces Guidelines, and shall be compliant with the San Pablo Municipal Code provisions contained in Section 17.56.
26. Video surveillance:

- a. The applicant shall place a video surveillance system around the exterior and interior of the location that covers all entrances/exits, parking lot, in front of, to the side of, and to the rear of the location.
- b. The surveillance system shall be tied into existing City of San Pablo camera system if possible.
- c. Use a surveillance system that is easily accessible to and simple to use by law enforcement personnel.

27. Ensure trash receptacles and/or dumpsters are completely secured, enclosed and only accessible to staff.

### **Building Division Conditions**

- 28. All construction documents shall be prepared in accordance with the applicable California Building Codes.
- 29. The project plans shall comply with accessibility requirements for persons with disabilities, as applicable.
- 30. Noise and construction hours shall be observed as required by Chapter 17 of the San Pablo Municipal Code.
- 31. Special inspectors need to be registered with the City for the specific job to be undertaken.
- 32. Special inspection reports will be required for all applicable items that are part of this design in accordance with Chapter 17 of the California Building Code (CBC).
- 33. Structural observations will be required in accordance to the engineer's design and applicable risk category.
- 34. 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.
- 35. Landscape plans shall be compliant with the San Pablo MWELo requirements and approved prior to the issuance of any Building Permits.

36. The applicant shall 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.
37. All contractors shall be licensed by the State of California and shall obtain City of San Pablo business licenses.
38. No work shall be performed until the required permits are obtained.
39. All fees shall be paid before the permit is issued.
40. No structure shall be occupied until a Certificate of Occupancy issued by the Building Official has been granted.
41. It is the responsibility of the person doing the work to call for the required inspections.
42. Changes or deviations from the approved set of plans shall be resubmitted for Plan Check.
43. All work shall remain accessible until inspected and approved by the Building Official.
44. Best management practices shall be observed during construction to avoid pollutants to enter the storm drain system.
45. 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.
46. 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.

47. Applicable deferred submittals must be clearly identified on the building plans. This includes submittals such as; Photovoltaic, fire sprinklers, fire alarms, trusses, etc.
48. 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 District Conditions**

49. 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. (503) Californian Fire Code (CFC).
50. Access roadways of less than 28 feet unobstructed width shall have signs posted or curbs painted red with the words: "*NO PARKING – FIRE LANE*" clearly marked. (22500.1) California Vehicle Code (CVC), (503.3) CFC
51. Access roadways of 28 feet or greater, but less than 36-feet unobstructed width shall have "*NO PARKING – FIRE LANE*" signs posted, allowing for parking on one side only or curbs painted red with the words "*NO PARKING – FIRE LANE*" clearly marked. (22500.1) CVC, (503.3) CFC
52. The project as proposed shall require the installation of an approved Fire District turnaround. Dead-end emergency apparatus access roadways in excess of 150 feet in length shall be provided with approved provisions for the turning around of Fire District apparatus. Contact the Fire District for approved designs. (503.2.5) CFC
53. The project as proposed shall require the installation of a second Fire District access point. (503.1.2) CFC
54. 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:
- All existing or proposed hydrant locations,
  - Fire apparatus access to include slope and road surface,
  - Aerial fire apparatus access,
  - Elevations of building,
  - 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
55. 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.
56. 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
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 or the owner's authorized agent shall be responsible for the development, implementation and maintenance of a written plan in compliance with NFPA 241, 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
- 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
59. 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 / tenant improvement plans are approved, plans and

specifications for all deferred submittals shall be submitted, including, but not limited to the following.

- Fire sprinklers
- Fire alarm
- Fire pump if required

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.

60. Contact the Fire District (minimum two working days in advance) at 925-941-3300 ext. 3902 to schedule an inspection of the access and hydrant installation prior to construction or the storage of combustible materials on the job site.

61. Preliminary Fire District review comments shall not be construed to encompass the complete project. Additional plans and specifications may be required after further review.

### **Garbage and Recycling Area**

62. The trash enclosure must provide a covered roof and must be in compliance with the City of San Pablo's standard detail and obtain Republic Services approval.

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

64. 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**

65. 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.

66. 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.
67. 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.
68. 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.
69. All improvement plans, landscaping plans and joint trench and/or utility undergrounding plans shall include a separate section with a copy of the City Standard Notes, without alteration of the numbers or content, as presented in the Appendix, and a full-size plan sheet with the "Pollution Prevention" plan sheet developed by the NPDES/Clean Water program (electronic copies are available from the City).
70. 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**

71. No illegal signs, pennants, banners, balloons, flags, or streamers are to be used on this site at any time.
72. Prior to the installation of any signs, the applicant shall obtain 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**

73. 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**

74. 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.

75. All proposed overhead wires shall be undergrounded.

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

### **Sanitary Sewer**

77. 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 show the following information:

- a. Assessor's Parcel Number(s) (APNs)
- b. Easement(s), if applicable
- c. Location(s) of the structure(s) in relation to the parcel(s)
- d. Location(s) of the parcel(s) in relation to the street(s)
- e. Location(s) of the sewer lateral(s) and connection(s) to the sewer main(s) if sewer lateral construction is necessary or proposed (construction of a new sewer lateral, modification of an existing sewer lateral, etc.)
- f. Location(s) of the room(s)/area(s)/drainage fixture units in relation to the structure(s) if modification is necessary or proposed
- g. North arrow
- h. Sidewalk(s)
- i. Street name(s)

78. Submit the plot plan directly to: [permits@wcwd.org](mailto:permits@wcwd.org) for WCW review and approval

79. Separate fee estimates will be prepared upon the submission of plans meeting the criteria in item #1 (above) and in the manner described in item #2 (above). The annexation fee estimate will be prepared first and then the connection fee estimate

will be prepared second. Please see the attachment for a preview of the fees. It is important to note that the Schedule of User Fees is only valid from 07/01/2022 to 06/30/2023

80. If WCWD has already stamped/approved plans that match the proposed scope of work, no additional plans will be required to be submitted to WCWD for approval.

### **Water**

81. A separate water meter will be required. Separate structures on the same property require separate water meters.
82. 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.
83. Engineering and installation of the water mains and meters require substantial lead time, which should be provided for the project sponsor's development schedule.
84. No water meters are allowed to be located in driveways.
85. The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations required 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.
86. Due to EBMUD's limited water supply, all customers should plan for shortages in time of drought.

### **Environmental Hazards**

87. If applicable, any existing or abandoned monitoring wells shall be destroyed pursuant to Contra Costa Environmental Health requirements. Appropriate permits and inspections for this work shall be obtained.
88. If applicable, prior to commencement of site grading or the issuance of a building permit, the applicant shall have the site inspected by a competent hazardous waste materials expert who shall submit a report for the City's review attesting to the removal of any hazardous waste materials on site.
89. The project shall comply with the requirements of the Health Services Department, Environmental Health Division.

### **Landscaping**

90. The developer shall submit an Arborist's report detailing the size, condition, and types of trees that are to be removed per Section 17.48.120.C. Replacement trees shall be provided in accordance with SPMC Section 17.48.120.F.
91. 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.
92. 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.
93. Landscaping and irrigation shall be part of the final design drawings (improvement plans).
94. 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.
95. An on-site inspection shall be made by the Community Development Department (or Public Works Department) to determine compliance with the approved landscape plan.
96. The property owner or manager will be responsible for sidewalk and landscaping strip maintenance. Root barriers needed to be installed in the landscaping area per City Standards.

### **Streets & Sidewalks**

97. All private curb ramps and sidewalks within the property shall meet current Americans with Disabilities Act Title III (ADA Title III) 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.
98. 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.

99. 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.
100. The pedestrian ramp at the north-east corner of San Pablo Ave and Kirk Lane shall be upgraded to comply with current ADA standards.
101. Improvements near intersections shall not obstruct the sight distance to oncoming traffic.
102. 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**

103. 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**

104. 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.
105. All outdoor lighting shall be LED.

#### **Construction**

106. 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. Construction activities in the Public Right-of-Way such as lane closure, traffic control, sidewalk and trench work are subject to construction days and hours listed on Encroachment Permit.
107. At least 50% of construction waste must be recycled.
108. 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.

109. 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.
110. 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.
111. 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.
112. 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.
113. 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.
114. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.
115. 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.

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

117. 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 22nd day of November 2022, by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ATTEST:

APPROVED:

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Elizabeth Tyler, Secretary

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Roberta Feliciano, Chair