

**PLANNING COMMISSION RESOLUTION 22-05  
WITH EXHIBIT A: CONDITIONS OF APPROVAL**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PINOLE  
RECOMMENDING APPROVAL TO THE CITY COUNCIL OF COMPREHENSIVE DESIGN  
REVIEW (DR21-12) TO CONSTRUCT A 223 APARTMENT COMPLEX AND MAKE SITE  
IMPROVEMENTS AT 1500 FITZGERALD DRIVE (APN 426-391-010)**

**WHEREAS**, ROIC LP, c/o Metrovation/Chris Cole Inc., (Applicant) filed an application with the City of Pinole for a Comprehensive Design Review, for the purpose of constructing 223 apartments housing units and in accordance with Title 17, of the Pinole Municipal Code (the "Project"; and

**WHEREAS**, the Project site is located on the south side of Fitzgerald Drive on a property identified as APN 426-391-010; and

**WHEREAS**, the site has a General Plan Land Use Designation of Sub Service Area (SSA) and has a Specific Plan Land Use designation and Zoning designation of SSA/Appian Way Corridor/Commercial Mixed Use (CMU); and

**WHEREAS**, a new multifamily residential development is subject to review and approval of a Comprehensive Design Review application; and

**WHEREAS**, the Applicant has proposed at least 15% affordability for the units and has requested a density bonus as permitted by State Law, including concessions and waivers; and

**WHEREAS**, the Applicant has elected to use a concession to eliminate an otherwise applicable requirement to provide at least 51% of the square footage of the project for commercial uses; and

**WHEREAS**, this project successfully implements numerous policies of the General Plan; and

**WHEREAS**, City of Pinole General Plan and Three Corridors Specific Plan were approved, and the Environmental Impact Report (SCH Number 2009022057) was certified on October 20, 2010, by Resolution Number 2010-88, and are hereby incorporated by reference and copies of which are available at City Hall; and

**WHEREAS**, in compliance with California Environmental Quality Act (CEQA), the City prepared a CEQA Analysis (Attachment B of the Staff Report); and

**WHEREAS**, the CEQA Analysis uses streamlining provisions in accordance with CEQA Guidelines 15168(c)(2) and 15183 for consistency with the General Plan and Three Corridors Specific Plan and the certified Environmental Impact Report (EIR), as well as the categorical exemption Class 32, set forth in CEQA Guidelines Section 15332; and

**WHEREAS**, the CEQA Analysis identified environmental conditions of approval, which ensure implementation of applicable mitigation measures and policies set forth in the General Plan, Three Corridors Specific Plan and the corresponding EIR, and have been reviewed and agreed to by the project applicant (Exhibit A hereto); and

**WHEREAS**, the Planning Commission has reviewed the CEQA analysis contained in Attachment B to the staff report for this Project; and

**WHEREAS**, Municipal Code Section 17.38.080 provides that whenever a project is requesting concessions under the Density Bonus Law, the City Council is the decision-making authority for all required permits for the project; and

**WHEREAS**, the Planning Commission has considered the Project in light of the items listed in Municipal Code section 17.12.150(H); and

**WHEREAS** a notice of public hearing was distributed to all property owners within 1,500 feet of the Project site and a notice was published in the July 8, 2022, edition of the West County Times; and

**WHEREAS** the Planning Commission held a duly noticed public hearing on July 25, 2022, and considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request.

**NOW THEREFORE, BE IT RESOLVED**, that the above recitals are true and correct and made part of this resolution.

**BE IT FURTHER RESOLVED** that the Planning Commission recommends that the City Council find that Project is consistent with the programmatic EIR previously certified by the City for the Three Corridors Specific Plan and the project is an infill development project, and therefore the Project is exempt from further environmental review under the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15332 (Class 32-Infill Development Projects) and pursuant to Government Code section 65457 and CEQA Guidelines Section 15182 (Specific Plan Consistency) as further described in the CEQA analysis contained in Attachment B to the staff report dated July 25, 2022.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Pinole hereby recommends that the City Council approve DR 21-12 subject to the Conditions of Approval, applicable to the entire Project, attached as Exhibit A to this Resolution and incorporated herein, and hereby makes the following findings, for the reasons provided in the Planning Commission Staff Report dated July 25, 2022 and incorporated by reference:

### **Findings**

1. The proposed project is consistent with the objectives of the general plan and complies with applicable zoning regulations, planned development, master plan or specific plan provisions, improvement standards, and other applicable standards and regulations adopted by the city.
2. The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation.

3. The site layout (orientation and placement of buildings and parking areas), as well as the landscaping, lighting, and other development features, are compatible with and complement the existing surrounding environment and ultimate character of the area under the general plan and the Three Corridors Specific Plan: and
4. Qualifying single-family residential, multi-family residential, and residential mixed-use projects shall comply with all relevant standards and guidelines in the city's currently adopted design guidelines for residential development.

**PASSED AND ADOPTED** by the Planning Commission of the City of Pinole on this 25th day of July 2022, by the following vote:

**AYES:**  
**NOES:**  
**ABSTAIN:**  
**ABSENT:**

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Ann Moriarty, Chair 2022-2023

ATTEST:

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David Hanham, Planning Manager



**Exhibit A**  
**PLANNING COMMISSION RESOLUTION 22-05 CONDITIONS OF APPROVAL**

		<u>Timing/ Implementation</u>	<u>Monitoring Department / Division</u>	<u>Verification</u> (date and Signature)
<b><u>General Conditions</u></b>				
1.	<b><u>CONVENANT</u></b> – The owner shall hold harmless the City, its Council Members, its Planning Commission, officers, agents, employees, and representatives from liability for any award, damages, costs, and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. The owner further agrees to provide a defense for the city in any such action.	Ongoing	Community Development Department/ Public Works Department	
2.	<b><u>APPROVAL OF CONDITIONS ON CONSTRUCTION PLANS</u></b> – These Conditions of Approval shall be included or referenced on the coversheet of the project improvement plan and building construction plans.	Prior to issuance of Building Permit	Community Development Department	
3.	<b><u>OCCUPANCY PERMITS</u></b> – Occupancy permits shall not be granted until construction is completed and finalized in accordance with the approved plans and conditions of approval required by the City, or a bond has been posted to cover all costs of the unfinished work as agreed to by the Community Development Department.	Prior to Occupancy Permits	Community Development Department	



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4.	<b>GENERAL</b> – All public improvements shall be made in accordance with the latest adopted Contra Costa County Standard Drawings and Specifications. All work shall conform to the applicable City ordinances. Good housekeeping practices shall be observed at all times during the course of construction. The storing of goods and materials on the sidewalk and/or street will not be allowed unless a special permit is issued. The owner’s representative in charge shall be at the job site during all working hours.	During Construction	Public Works Department	
5.	<b>PERMITS REQUIRED BY OTHER AGENCIES</b> – The applicant shall obtain all permits that may be required by one or more federal, State, or local agency, service provider, or easement holder including but not limited to the following: State Department of Fish and Wildlife, Caltrans, Army Corps of Engineers, Bay Area Air Quality Management District, Kinder Morgan, EBMUD, and PG&E, County Flood Control and Water Conservation District, County Environmental Health, and the West Contra Costa Unified School District. If project is within jurisdiction of any of these agencies, verification of permit or waiver of permit must be given to the Community Development Department prior to issuance of any City permits. If the City is required to be party to the permit and an application and fee is required, the applicant shall reimburse the City for its cost. A Notice of Intent must be issued by the Regional Water Quality Control Board before a permit can be issued and a Notice of Termination must be issued at the end of the project	Prior to Issuance of Permits	Community Development Department	



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	by the Regional Water Quality Control Board before a Certificate of Occupancy is issued.			
6.	<b><u>EXERCISE OF ENTITLEMENTS</u></b> – The applicant has two (2) years to exercise the entitlement. Entitlements shall be considered exercised when a Building Permit is are issued for the apartment structure. Requests for extensions shall be in accordance with Section 17.10.100.	Prior to issuance of Building Permit	Community Development Department	
<b><u>Public Works Conditions</u></b>				
7.	<b><u>PERMITS, BONDS, AND INSURANCE</u></b> – The applicant shall obtain an encroachment permit, posting the required bonds and insurance, for all work to be done in the City’s right-of-way. This encroachment permit shall be obtained prior to the issuance of a building permit and prior to any work being done in the City’s right-of-way.	Prior to issuance of Encroachment Permits	Public Works Department	
8.	<b><u>SITE DEVELOPMENT</u></b> – The applicant shall submit a site grading and drainage plan with all supporting data, including hydraulic calculations. The plan shall be prepared by a registered Civil Engineer and be approved by the Public Works Department prior to the issuance of any City permits pursuant to PMC §15.36.	Prior to issuance of Permits	Public Works Department	



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9.	<b><u>REFUSE AREA AND DESIGN</u></b> – The project shall provide for service by Republic Services. The area and access to trash, recycling, and green waste containers shall be approved in advance by Republic Services.	Prior to the issuance of Building Permit	Public Works Department	
10.	<b><u>EROSION CONTROL PLAN</u></b> – The applicant shall submit an erosion control plan in accordance with the City’s Grading Ordinance (PMC §15.36.190) when grading is performed during winter season (October 1 through April 15). For all sites over one acre, in accordance with the City’s Erosion Control Ordinance (PMC §08.20) the applicant shall submit: a. Storm Water Pollution Prevention Plan (SWPPP) b. Storm Water Control Plan (SCP) Certified by an Architect or Engineer. c. Operation and Maintenance.	Prior to issuance of Permits	Public Works Department	
11.	<b><u>PARKING LOTS</u></b> – The applicant shall submit plans for parking lots showing proper grading, drainage, and conformance to City engineering standards. The plans shall be prepared by a registered Civil Engineer and be approved by the Public Works Director.	Prior to issuance of Permits	Public Works Department	
12.	<b><u>MATERIAL HAULING</u></b> – The applicant shall submit a proposed material hauling route and schedule. Said submittal shall be approved by the City Engineer prior to issuance of a building or site development permit. All material hauling	Prior to issuance of Permits	Public Works Department	



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	activities including but not limited to, adherence to approved route, hours of operation, dust control and street maintenance shall be the responsibility of the applicant (as per Section 15.36.080 of the PMC). Violation of such may be cause for suspension of work.			
13.	<b><u>TREATMENT PLANT CAPACITY CONTRIBUTION</u></b> – The applicant shall pay sewer connection fees pursuant to PMC § 13.05.420 or such similar fees imposed by the West County Wastewater District, if applicable.	Prior to Issuance of Building Permits	Public Works Department	
14.	<b><u>SEWER USE FEES</u></b> – The applicant shall pay sewer use fees pursuant to PMC §13.05.430, or such similar fees imposed by the West County Wastewater District, if applicable.	Prior to issuance of Building Permits	Public Works Department	
15.	<b><u>CHARGES FOR PUBLIC WORKS</u></b> – The applicant shall deposit funds with the City to pay for all engineering, inspection and survey services that may be required during construction of the project in accord with PMC §13.05.430	Prior to issuance of Permits	Public Works Department	
16.	<b><u>INSPECTIONS</u></b> – The applicant shall notify the Public Works Department at least forty-eight (48) hours prior to starting any work pertaining to on-site drainage facilities, grading, or paving; all work in the City’s right-of-way as per Section 15.36.230 of the Municipal Code.	Prior to Issuance of Permits	Public Works Department	





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17.	<b><u>UNDERGROUND UTILITIES</u></b> – The applicant must agree to install all utility service, including telephone, electric power, and other communications lines underground as per Chapter 13.16 of the Municipal Code.	Prior to issuance of Building Permits	Public Works Department	
18.	<b><u>STORM DRAINAGE STUDY</u></b> – The applicant shall submit a completed storm drainage study of the proposed project showing amount of run-off, and existing and proposed drainage structure capacities. This study shall be subject to review and approval by the City Engineer.	Prior to issuance of Building Permits	Public Works Department	
19.	<b><u>DRAINAGE PLANS</u></b> - The applicant shall prepare a construction drainage plan and final drainage plan for Public Works Department review and approval. The construction drainage plan will show how drainage will be handled during construction. The final drainage plan will show how drainage will be handled after construction is complete. The final plans shall demonstrate capacity to manage stormwater runoff. Site design shall avoid drainage of water from one property onto another property and shall be subject to approval by the City Engineer.	Prior to issuance of Building Permit	Public Works Department	
20.	<b><u>SIDEWALK, CURB AND GUTTER REPAIR</u></b> - The applicant shall repair and replace to existing City standards, any sidewalk, curb, and gutter that is damaged now or during construction of this project. A field visit shall be scheduled with	Prior to Occupancy	Public Works Department	



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	Community Development Department and Public Works Department staff prior to the issuance of any construction permits to document pre-construction conditions in the field.			
21.	<b><u>WHEELCHAIR RAMP(S)</u></b> – The applicant shall construct all wheelchair ramp(s) in accordance with applicable California Building Code and ADA requirements.	During Construction	Community Development Department/ Public Works Department	
22.	<b><u>GRADING AND DEMOLITION PLANS</u></b> – The applicant shall obtain City approval for the project grading and demolition plans prior to issuance of building permits.	Prior to Issuance of Building Permit	Public Works Department	
23.	<b><u>CERTIFIED GRADED PAD</u></b> – A California-Licensed Engineer shall certify that the graded construction pads have been adequately compacted and designed to support the proposed buildings.	Ongoing through Construction	Public Works Department	
24.	<b><u>CONSTRUCTION SITE INFORMATION</u></b> – A construction sign shall be installed on at the construction site that has contains contact person’s name, mobile phone number, and email address shall be posted on the project site during the duration of construction. The property address shall be clearly marked during the construction process.	Ongoing through Construction	Public Works Department	



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25.	<b>DEBRIS REMOVAL</b> – All building debris shall be disposed of outside the City of Pinole to a legal dump site.	During Construction	Community Development Department	
26.	<b>CONSTRUCTION ACTIVITIES</b> – The following provisions shall be followed during site excavation, public works, and building construction activities for the project: <ul style="list-style-type: none"> <li>a. Work is restricted to between 7:00A.M. and 5:00 P.M. on weekdays. Work is restricted on federal holidays. Work is allowed on holidays occurring on weekdays that are recognized by the City of Pinole, but not acknowledged federally which include Cesar Chavez's Birthday and the Day After Thanksgiving, but no inspections will be performed</li> <li>b. Earth haul and materials delivery to and from the site will be prohibited between the hours of 7:00 - 9:00 A.M. and 3:00 - 6:00 P.M.</li> <li>c. All construction vehicles should be properly maintained and equipped with exhaust mufflers and meet State and Federal standards.</li> <li>d. Newly disturbed soil surfaces shall be watered down regularly by a water truck maintained on site during all day light hours and construction grading activity shall be discontinued in wind conditions greater than 10</li> </ul>	During Construction	Community Development Department	



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	<p>miles per hour.</p> <p>e. Construction activities shall be scheduled so that paving and foundation placement begin immediately upon completion of grading operation.</p> <p>f. All excavated materials shall be covered with a tarp during transit to and from the site.</p>			
27.	<b><u>CONSTRUCTION WASTE MANAGEMENT PLAN</u></b> – The Applicant shall submit to the Community Development Department a pre-construction waste management plan prior to the issuance of any construction permit to satisfy the CALGreen Building Code requirements.	Prior to Issuance of Permits	Community Development Department	
28.	<b><u>CONSTRUCTION WASTE MANAGEMENT REPORT – DEBRIS REMOVAL</u></b> – The applicant shall complete post-construction waste management report for review and approval by the Community Development Department prior to final inspection to satisfy CALGreen Building Code Requirements. All building debris shall be properly disposed of outside the City of Pinole.	Prior to Issuance of Permits	Community Development Department	
29.	<b><u>PRE-CONSTRUCTION MEETING</u></b> – The applicant’s construction contractor(s) shall attend a pre-construction meeting as needed with City Staff to coordinate	Prior to Issuance of Permits	Community Development s Department/	



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	satisfaction of conditions of approval during construction.		Public Works Department	
30.	<b><u>INSTALLATION OF LIGHTED CROSSWALK</u></b> -The applicant shall install a lighted crosswalk at the Fitzgerald Drive and the main entrance to the apartment complex	Prior to the issuance of Occupancy Permit	Community Development s Department/ Public Works Department	
31.	<b><u>SOILS REPORT</u></b> – A soils A soils report containing all design recommendations of footings, retaining walls and any other information pertinent to the soil condition shall be required. The soils report shall be prepared by a licensed soils engineer or geologist.	Prior to Issuance of Permits	Community Development s Department/ Public Works Department	
32.	<b><u>PRE-CONSTRUCTION MEETING</u></b> – The applicant’s construction contractor(s) shall attend a pre-construction meeting as needed with City Staff to coordinate satisfaction of conditions of approval during construction.	Prior to Issuance of Permits	Community Development s Department/ Public Works Department	
33.	<b><u>STANDARD DRAWINGS FOR PUBLIC IMPROVEMENT</u></b> – All public improvements shall be made in accordance with the latest adopted Contra Costa County Standard Drawings and Specifications. All work shall conform to the applicable City Ordinances. Best Construction Management Practices shall be observed at	Prior to Issuance of Permits	Public Works Department	



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	all times during the course or construction			
34.	<b><u>CONSTRUCTION MANAGEMENT</u></b> – The storing of goods and materials on the sidewalk and/or street will not be allowed unless a special permit is issued. The project site shall be kept free of litter and all construction equipment and materials will be secured at the end of each construction day. The applicant’s representative in charge shall be at the job site during all working hours. The public streets adjacent to construction activity shall be maintained in a clean and orderly condition to the satisfaction of the Public Works Director.	Prior to Issuance of Permits	Public Works Department	
35.	<b><u>PUBLIC WORKS INSPECTIONS</u></b> —The applicant shall notify the Public Works Department at least forty-eight (48) hours prior to the starting any work pertaining to on-site drainage facilities, grading, or paving, as well as any work in the City’s Right-of-Way as per Section 15.36.230 of the PMC. The applicant shall arrange all inspections with the Public Works Inspector.	During Construction	Public Works Department	
<b><u>Community Development Conditions</u></b>				
36.	<b><u>AFFORDABLE HOUSING AND DENSITY BONUS AGREEMENT</u></b> – The applicant shall execute the Affordable Housing Regulatory Agreement, Density Bonus	Prior to Occupancy	Community Development	



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	Agreement and Declaration of Restrictive Covenants and record the documents in the Official Records of Contra Costa County.	Permit	Department	
37.	<b><u>UTILITIES</u></b> – All electrical, telephone, water, C.A.T.V. and similar utility services which provide service to the subject building shall be installed underground. All transformers, meter boxes, etc., shall be screened from view wherever possible.	Prior to Occupancy Permits	Community Development Department/ Public Works Department	
38.	<b><u>EXTERIOR MATERIAL AND COLORS</u></b> – All exterior materials and colors shall reflect those in the plan set approved by the Planning Commission. Once installed, all improvements are to be maintained in accordance with the approved plans. Any changes which affect the exterior character shall be resubmitted to the Community Development Department for review and approval. Minor changes may be approved by the Planning Manager. Any changes determined by the Community Development Department to be significant may be referred to the Planning Commission after conferring with the Chair of the Planning Commission.	Ongoing	Community Development Department	
39.	<b><u>PARKING MANAGEMENT PLAN</u></b> – The applicant shall submit a final parking management plan for review and approval by the Planning Manager.	Prior to Issuance of Building	Community Development	



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		Permit	Department	
40.	<b><u>PARKING</u></b> – The applicant shall demonstrate that the parking requirements under Chapter 17.48 of the PMC and any other building code requires for the proposed development have been fulfilled. Each parking space designated for compact cars shall be identified with a pavement marking reading “Compact Only”, or its equivalent. All parking spaces intended to satisfy on-site parking requirements shall be located within the project site boundaries. Additional parking may be used to satisfy on-site parking requirements if project site boundaries change as a result of a recorded lot line adjustment or a shared parking agreement with an abutting property owner is recorded. In no case shall a shared parking agreement remove required parking for the Shopping Center.	Prior to Issuance of Building Permit	Community Development Department	
41.	<b><u>PARKING OCCUPANCY SURVEY</u></b> – A parking occupancy survey shall be conducted on the property when 100 percent of the residential units is occupied to document the actual parking characteristics of the project and if necessary, determine changes to the strategies implemented at the site, including such as adjustments to the use of the parking spaces with the existing shopping center, to ensure that the parking demand generated by the site can be met. The survey shall be provided to the City and shall include any proposed recommendation changes to meet demand, if needed.	At 100 percent of Residential	Community Development Department	
42.	<b><u>PARKING EVALUATION</u></b> – The owner shall on an annual basis evaluated parking	Ongoing	Community	





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	demand and the number of offsite vehicular spaces needed. In the case of a deficit, the owner shall employ innovative solutions to reduce parking demand (such as e-bike sharing facilities) and negotiate with offsite property owners to adjust the number of spaces to meet parking demand. A written report detailing the parking evaluation shall be submitted to the Planning Manager on an annual basis. The Planning Manager shall determine whether the number of offsite parking spaces should be adjusted based on the annual parking evaluation and any further information that may be needed.		Development Department	
43.	<b><u>LIGHTING</u></b> – The plan set shall include final lighting fixtures proposed on site. Lighting shall be consistent with the illumination levels and requirements under Pinole Municipal Code Chapter 17.46, or as otherwise required for the Building Division and Police Department for code compliance and safety. Any lighting used shall be so arranged as to reflect the light away from adjoining properties or public streets.	Prior to Issuance of Occupancy Permit	Community Development Department	
44.	<b><u>MECHANICAL EQUIPMENT</u></b> – All mechanical devices and their component parts, such as air conditioners, evaporative coolers, exhaust fans, or similar equipment located wholly or partially on the roof or wall shall be screened from view. All wall mounted heating units or air conditioners shall be flush-mounted or screened from view.	During Construction	Community Development Department	



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45.	<b><u>PARKING LOT LIGHTING</u></b> – Lights shall be provided in the parking area. All lighting used to illuminate such parking facilities shall be approved by the Planning Commission. Any lighting used shall be so arranged as to reflect the light away from adjoining residential areas or public streets. Lighting shall be installed with the intent to provide only as much light as is necessary for public safety and shall satisfy the requirements of Chapter 17.46 of the PMC.	Prior to Issuance of Occupancy Permit	Community Development Department	
46.	<b><u>VENTS, GUTTERS, AND FLASHING, ETC.</u></b> – All vents, gutters, downspout, flashings, electrical conduits, etc., shall be painted to match the color of the adjacent surface.	Prior to Occupancy Permits	Community Development Department	
47.	<b><u>TRASH ENCLOSURES</u></b> – All trash enclosures shall be constructed of sturdy, opaque materials, which are in harmony with the architecture of the nearest building and shall meet applicable Contra Costa County Health Department and City requirements. Trash enclosures shall be covered.	Prior to Occupancy Permit	Community Development Department	
48.	<b><u>NOISE STANDARDS</u></b> - The noise standards established in the General Plan shall be applicable to all developments. These noise standards apply to exterior and are: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="text-align: center;"> <u>RESIDENTIAL</u>  60 dBA (Day) </div> <div style="text-align: center;"> <u>COMMERCIAL</u>  65dBA (Day &amp; Eve) </div> <div style="text-align: center;"> <u>INDUSTRIAL</u>  75 dBA (All) </div> </div>	Ongoing	Community Development Department	



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	55 dBA (Eve)                      60 dBA (Night) 50 dBA (Night)  Day: 7 a.m. to 7 p.m.; Evening: 7 p.m. to 10 p.m.; Night: 10 p.m. to 7 a.m.			
49.	<b><u>SCHOOL, GROWTH AND PARK IMPACT FEES</u></b> – Prior to issuance of a building permit, the applicant shall pay all applicable school, growth (as per Chapter 3.20 of the Municipal Code) and park (as per Chapter 16.28 of the Municipal Code) impact fee.	Prior to Issuance of Building Permit	Community Development Department	
50.	<b><u>SUBREGIONAL TRANSPORTATION MITIGATION PROGRAM (STMP) FEE</u></b> – Prior to issuance of a building permit for new construction the applicant shall pay the applicable STMP fee, pursuant to PMC §16.30.	Prior to Issuance of Building Permit	Community Development Department	
51.	<b><u>DEVELOPMENT IMPACT FEE</u></b> – The applicant shall pay all applicable development impact fees prior to issuance of the building permit	Prior to issuance of Building Permit	Community Development Department	
52.	<b><u>COST ESTIMATE</u></b> – The applicant shall obtain a cost estimate of construction permitting, including plan check and impacts fees, prior to submitting an application for a building permit.	Prior to Submittal of a Building Permit	Community Development Department	



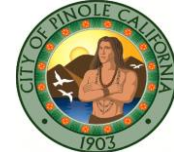
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53.	<b><u>GEOTECHNICAL REPORT AND FOUNDATION DESIGN</u></b> – The project shall implement the recommendations of the Geotechnical Investigation prepared by Miller Pacific Engineering Group, November 1, 2021. The project shall avoid the use of driven piles for creation of a deep foundation system. Where there are no alternatives to the use of driven piles, the project may be subject to reconsideration by Planning Commission and revised project documentation to on potential impacts, as deemed necessary by the Community Development Director.	Prior to issuance of Building Permit	Community Development Department	
54.	<b><u>GENERAL LANDSCAPING REQUIREMENTS</u></b> - The Applicant shall prepare a detailed final landscape plan. The final landscaping plan shall be prepared by a landscape architect, registered in California, and shall be submitted to the Community Development Department for review and approval prior to the issuance of a building permit. The landscape plan shall comply with Chapter 15.54 and Chapter 17.38 of the Municipal Code, be in compliance with Condition No. 63 and 64 and shall include the following:  a. Sizes, species, locations of all plant materials.  b. Location of all trees (6 inches in diameter or greater).  c. Irrigation plan indicating all components of the irrigation system including	Prior to issuance of Building Permit	Community Development Department	



**Exhibit A**  
**PLANNING COMMISSION RESOLUTION 22-05 CONDITIONS OF APPROVAL**

		<u>Timing/ Implementation</u>	<u>Monitoring Department / Division</u>	<u>Verification (date and Signature)</u>
	<p>sprinklers and other outlets, valves, backflow prevention devices, controllers, and piping.</p> <p>d. All trees to be a minimum of 15 gallon, double staked and all proposed shrubs on site shall be a minimum of 5 gallon.</p> <p>e. Native tree species shall be used to the maximum extent as possible in the planting of new trees, with any non-natives proposed supported with a statement by the landscape architect explaining the planting palette.</p>			
55.	<b><u>LANDSCAPING MAINTENANCE</u></b> – The property owner shall ensure landscaping areas are maintained and that dead trees and vegetation shall be replaced.	Ongoing	Community Development Department	
56.	<b><u>WATER EFFICIENT LANDSCAPE</u></b> – The project shall demonstrate compliance with water efficient landscape requirements pursuant to Chapter 15.54 of the PMC for review with the building permit plans.	Prior to Issuance of Building Permit	Community Development Department	
57.	<b><u>CONSTRUCTION FENCING PLAN</u></b> – The applicant shall prepare and submit a final fencing plan for the construction fencing for review and approval by the Community Development Director. All fencing for construction purposes shall be durable and remain in good throughout the life of the construction of the project.	Prior to Issuance of Building Permit	Community Development Department	



**Exhibit A**  
**PLANNING COMMISSION RESOLUTION 22-05 CONDITIONS OF APPROVAL**

		<u>Timing/ Implementation</u>	<u>Monitoring Department / Division</u>	<u>Verification (date and Signature)</u>
58.	<b><u>PERIMETER FENCING AND GATES PLAN</u></b> – The applicant shall prepare and submit a perimeter fencing and gating plan for review and approval by the Community Development Director in consultation with the Planning Commission Ad-Hoc Committee and the Pinole Police and Public Works Department. The perimeter fencing and gating for the project shall clearly delineate and separate the residential areas from the commercial shopping center, be at least 48 inches in height, constructed of attractive and high- quality materials and remain in place through the life of the residential building.	Prior to Issuance of Building Permit	Community Development Department	
59.	<b><u>PARKING LOT LANDSCAPE REQUIREMENTS</u></b> - All parking areas in excess of 30 stalls shall provide a minimum landscaped area of five feet in width where the facility adjoins a property line. The perimeter-landscaped strip may include any landscaped yard or landscaped area otherwise required and shall be continuous, except for required access to the site of to the parking. Interior landscaping within a parking lot containing 12 of more stalls shall include a minimum of one 15-gallon tree for each four parking spaces as per Section 17.24.050 (c) of the Municipal Code.	Prior to Issuance of Building Permit	Community Development Department	
60.	<b><u>LANDSCAPING CERTIFICATE OF COMPLETION</u></b> – A Certificate of Completion shall be submitted by either the signer of the landscape design plan, the signer of the irrigation design plan, or the licensed landscape contractor certifying that the landscape project has been installed per the approved Landscape Documentation Package.	Prior to Occupancy	Community Development Department	
61.	<b><u>TREE REMOVAL</u></b> – The applicant shall note the location of all mature trees (4 inches in diameter at breast height (measured 4.5 feet above natural grade) or	Prior to the Issuance of	Community Development	



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		<u>Timing/ Implementation</u>	<u>Monitoring Department / Division</u>	<u>Verification (date and Signature)</u>										
	greater) to be removed from the project site and submit a tree permit application prior to issuance of a building permit	Building Permit	Department											
62.	<b><u>ARBORIST REPORT</u></b> – The project shall comply with the recommendations in the Arborist Report, prepared by WRA Environmental Consultants, dated October 26, 2021, for tree protection and preservation guidelines.	Prior to Issuance of Building Permits	Community Development Department											
63.	<b><u>STANDARD TREE REPLACEMENT REQUIREMENTS</u></b> – All trees that are removed from the site shall be replaced in accordance with the replacement table for existing trees. Any non-protected tree, which is removed, that was shown to be preserved on the final landscaping plan shall be replaced at twice the rate indicated on the replacement table.  <u>STANDARD REPLACEMENT TABLE FOR EXISTING TREES</u> <table border="1" data-bbox="352 1138 1299 1357"> <tr> <td>Size of Tree to be removed (Trunk Diameter)</td><td>36 Inch Box</td><td>24 Inch Box</td><td>15 Gallon</td><td>5 Gallon</td></tr> <tr> <td>6" to 18"</td><td>1</td><td>2</td><td>10</td><td>15</td></tr> </table>	Size of Tree to be removed (Trunk Diameter)	36 Inch Box	24 Inch Box	15 Gallon	5 Gallon	6" to 18"	1	2	10	15	Prior to Occupancy Permits	Community Development Department	
Size of Tree to be removed (Trunk Diameter)	36 Inch Box	24 Inch Box	15 Gallon	5 Gallon										
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						<u>Timing/ Implementation</u>	<u>Monitoring Department / Division</u>	<u>Verification (date and Signature)</u>
	18" to 24"	2	4	15	25			
	24" to 36"	3	6	20	45			
	36" & Over	4	8	30	60			
	<p>Numbers in replacement table refers to quantities to be used to replace each tree. Each tree container size number in the vertical column represents a 100% replacement value for an existing tree removed (size as noted). These numbers (columns) may be mixed as long as proportionate totals will equal 100%. For example: one 24" tree may be replaced with six 24" box trees or three 24" box trees plus ten 15-gallon trees or one 36" box tree plus four 24" box trees, etc.</p>							
64.	<p><b>PROTECTED TREE REPLACEMENT REQUIREMENTS</b> - All trees designated as Protected trees pursuant to PMC Chapter 17.98, and which are approved for removal through a Tree Removal Permit issued by the City shall be replaced at a ratio of two replacement trees for each removed Protected tree and in compliance with the following:</p> <ul style="list-style-type: none"> <li>a) For each removed Protected tree, one 48-inch or 60-inch box tree, and one 36-inch box trees shall be planted as replacement trees.</li> <li>b) The species of replacement trees and exact planting location is subject to review and approval by the Community Development Director, in consultation with the Planning Commission Ad-Hoc Subcommittee.</li> </ul>					<p>Prior to the Issuance of Building Permit (tree removal plan)</p> <p>Prior to Occupancy Permits (installation of landscaping)</p>	Community Development Department	





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		<u>Timing/ Implementation</u>	<u>Monitoring Department / Division</u>	<u>Verification (date and Signature)</u>
	<p>c) <u>The species selection shall be drought-tolerant and native, shall complement the architectural design of structures on the site, and shall be suitable for the soil and climatic conditions specific to the site.</u></p> <p>d) A protected tree removal plan, pursuant to PMC Section 17.96.060.D, shall be submitted indicating which protected trees can be removed and shall be used by the Community Development Director to issue a protected tree removal permit in compliance with the action taken on the entitlements.</p>			
65.	<b><u>CHILDREN'S PLAY AREA-</u></b> The applicant shall revise the plans to include an additional children's play space in one of the courtyards. The play space may be for active children's play, if space allows, or for passive play. The plans shall be reviewed for comment by the Planning Manager prior to submittal to the City.	Prior to the Issuance of Building Permit		
66.	<b><u>CONFORMANCE WITH APPROVED PLANS</u></b> – All building permit drawings and subsequent construction shall substantially conform to the approved planning application drawings. Any modifications must be reviewed by the Planning Manager who shall determine whether the modification requires additional approval of the Planning Commission or City Council.	Prior to Issuance of Building Permits	Community Development Department	
67.	<b><u>MODIFICATION OF APPROVED PLANS</u></b> – Failure to obtain prior approval to modify the approved plans may result in a fine equal to double the original	Ongoing	Community Development	



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	planning application permit fee and/or withholding of the occupancy permit until such time as the modification(s) to the plans has been reviewed by the Planning Commission or City Council.		Department	
68.	<b><u>VIOLATION/PENALTY</u></b> – Any person, firm or corporation, whether as principal, agent employee or otherwise, violating any of the provisions in Title 17 of the Municipal Code or any condition of an approval, permit or license granted pursuant to the provisions of this same title shall be deemed guilty of an infraction, punishable on the first offense by a fine not exceeding one hundred dollars, and on the second offense by a fine not exceeding two hundred dollars and on the third offense and subsequent violation by a fine not exceeding five hundred dollars and shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this title is committed, continued or permitted by such person, firm or corporation.	Ongoing	Community Development Department	
69.	<b><u>STREET ADDRESS ASSIGNMENT</u></b> – An Address Assignment Plan for the project shall be submitted for review and approval and shall be reflected in the submitted building plans.	Prior to issuance of Building Permit	Community Development Department	
70.	<b><u>SITE MAINTENANCE</u></b> – The construction site shall be cleaned of garbage and debris on a daily basis and maintained in an orderly fashion. All construction equipment shall be secured at the end of each day of construction.	Ongoing through end of construction	Community Development Department	



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		<u>Timing/ Implementation</u>	<u>Monitoring Department / Division</u>	<u>Verification (date and Signature)</u>
<b><i>Building Conditions</i></b>				
71.	<b><u>BUILDING CODES</u></b> – At time of issuance of building permits, the building shall comply with Chapter 15 of the Municipal Code and State Title 24 and the U.S. Americans with Disabilities Act.	Prior to issuance of Building Permit	Building Division	
72.	<b><u>INSPECTIONS</u></b> – The applicant shall arrange all inspections with the Building Division, Fire Department, and Public Works Department. All Building Division inspection requests shall be made at least 24 hours in advance.	Prior to issuance of Occupancy Permits	Building Division	
73.	<b><u>GEOTECHNICAL/SOILS REPORT</u></b> - A geotechnical/soils report containing all design recommendations of footings, retaining walls and any other information pertinent to the soil condition shall be required and submitted with the permit application. The soils report shall be prepared by a licensed soils engineer or geologist.	Prior to issuance of Permits	Community Development Department / Public Works Department	
74.	<b><u>SOILS REPORT</u></b> – A soils report containing all design recommendations of footings, pier holes, retaining walls, and any other information pertinent to the soil condition shall be submitted. The Soils Report shall be prepared by a licensed soils engineer or geologist	Prior to issuance of Building Permit	Building Division	



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		<u>Timing/ Implementation</u>	<u>Monitoring Department / Division</u>	<u>Verification (date and Signature)</u>
75.	<b><u>DESIGN-LEVEL GEOTECHNICAL INVESTIGATION</u></b> – The applicant shall submit a design-level geotechnical exploration, which includes performance of a soil boring or other exploration in the southeast corner of the property in order to confirm continuous soil stratigraphy and a lack of evidence indicative of nearby faulting.	Prior to issuance of Permits	Community Development Department / Public Works Department	
76.	<b><u>PLAN CHECK FEES</u></b> – A plan check fee shall be paid to the Building Division at time of submission of plans pursuant to PMC §15.02.060	Prior to issuance of Building Permit	Building Division	
77.	<b><u>CONTRACTORS</u></b> – Contractors must identify all subcontractors prior to issuance of a building permit. Each subcontractor must obtain a city business license prior to issuance of a building permit or commencing work pursuant to PMC §5.04.020.	Prior to issuance of Building Permit	Building Division	
78.	<b><u>SMOKE DETECTORS</u></b> – Smoke detectors are required in all residential units pursuant to PMC §12.10(a) and applicable Building Code.	Prior to issuance of Occupancy Permits	Building Division	
79.	<b><u>ADDRESSING</u></b> – Prior to issuance of a “Certificate of Occupancy” or final building inspection approved numbers and addresses shall be installed on all buildings in compliance with Section 15.02.050 of the Municipal Code:	Prior to issuance of Certificate of Occupancy	Building Division	



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	<ul style="list-style-type: none"><li>a. Specific mounting location shall be determined at the time of plan review.</li><li>b. Address shall be internally or externally lighted during the hours of darkness.</li><li>c. Each building within a multiple family, commercial and industrial complex shall have an address on it. If there is more than one building per address, each building shall have an address that is unique from the other buildings.</li><li>d. Each multiple family unit shall have an address attached to the door or near the door that clearly identifies it.</li><li>e. Addressing plans for multiple family, commercial and industrial complexes shall be submitted for review.</li></ul>			
80.	<b>DEBRIS BOX</b> – The Applicant shall ensure that prior to commencing construction a contractor shall place on-site a minimum 10 cubic yard “debris box” for receiving and holding of all construction debris.”	Prior to Construction	Building Division	



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81.	<b>CONSTRUCTION NUISANCE PREVENTION</b> – The following provisions shall be followed during all construction activities for the project <ul style="list-style-type: none"> <li>a. Prior to any earth hauling operations, the applicant shall submit a Hauling Plan for review and approval by the City Engineer.</li> <li>b. When Pinole Middle and/or West County Mandarin School (1575 Mann Drive) is in session, all construction related traffic on Appian Way shall be prohibited during designated pick-up and drop off hours.</li> <li>c. All construction vehicles shall be properly maintained and equipped with exhaust and mufflers that meet state and federal standards.</li> <li>d. Newly disturbed soil surfaces shall be watered down regularly by a water truck maintained on-site during all daylight hours discontinue when winds speed reach 15mph</li> </ul>	Ongoing	Building Division	
<b><i>Police Department Conditions</i></b>				
82.	<b>FIBER OPTICS</b> – A fiber optics pathway shall be installed from the project site to the nearest existing fiber optics connection point to the satisfaction of the	Prior to Certificate of	Police Department	



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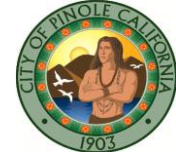
		<u>Timing/ Implementation</u>	<u>Monitoring Department / Division</u>	<u>Verification (date and Signature)</u>
	Building Official. Specifications for the pathway, fiber, interfacing equipment, and junction boxes are available at the Police Department. The equipment necessary to interface with the fiber optics shall be in place in the alarm control panels (fire, burglar, etc.) upon completion of construction	Occupancy Permit		
83.	<p><b><u>DOORS AND ROOF HATCHES</u></b> – The following conditions shall be met to the satisfaction of the Building Official prior to issuance of a Certificate of Occupancy.</p> <p class="list-item-l1">a. All exterior doors (including storage and utility room doors) that exit to the outside, to a common hallway or separate units shall be of solid core wood or metal construction.</p> <p class="list-item-l1">b. All doors described above shall be equipped with the following locking mechanisms:</p> <p>Dead Bolt Locks:</p> <p class="list-item-l2">i. A minimum of ¾ inch diameter by 1-inch throw.</p> <p class="list-item-l2">ii. High security case hardened bezel around the locking mechanism.</p> <p class="list-item-l2">iii. Made of case-hardened steel.</p> <p class="list-item-l2">iv. High security striker plate (4-screw type, screws a minimum of 1½ inches long).</p>			



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	<p>c. All double doors shall have a dead bolt lock, as described in b above, in the primary door. The secondary door shall have lock mechanisms that secure the top of the door to the door head and the bottom of the door to the floor. Where the double doors are separated by a mullion both doors shall have dead bolts as described in b, above.</p> <p>d. All entry doors, except those with glass, shall be equipped with a door viewer that has the capabilities of viewing a minimum of 180 degrees.</p> <p>e. Fire blocks shall be placed at a minimum of two (2) studs' spaces on each side of an exterior door, where locks are required, at the same height as the locks. The design and materials used shall aide in preventing the doorjamb from spreading when a pry tool is used to separate the door from the doorjamb at the lock.</p> <p>f. All roof hatches (access to roof) shall be securely locked from the inside. Dead bolt or similar locking mechanism is recommended.</p>			
84.	<b>WINDOWS AND SLIDING GLASS DOORS</b> – All windows that are accessible from the ground, balconies, walkways, trees, fences, and roof shall be equipped with an auxiliary locking mechanism in addition to the standard manufacturer's lock.	Prior to Certificate of Occupancy Permit	Police Department	





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85.	<b><u>ALARM SYSTEM (MULTI-FAMILY)</u></b> – Each individual unit shall be equipped with a burglar alarm system, installed by state licensed contractor. The system shall include:	Prior to Certificate of Occupancy Permit	Police Department	
86.	<b><u>LANDSCAPING</u></b> <ul style="list-style-type: none"><li>a. All landscaping shall be of a variety and type that upon reaching maturity will not provide concealment for a human being and will not grow to cover windows, doors, light fixtures, or addresses.</li><li>b. Bushes/dense vegetation trimmed to 2’ or less</li><li>c. Trim tree canopies to 6’ or higher</li><li>d. All trees shall be planted a sufficient distance from the buildings so that upon reaching maturity they will not provide roof access.</li></ul>	Prior to Certificate of Occupancy	Police Department	
87.	<b><u>PUBLIC AREA LIGHTING</u></b> <ul style="list-style-type: none"><li>a. All exterior doorways, stairwells, pathways, walkways, hallways, and courtyards for commercial and industrial buildings shall be lighted to a minimum of 2-foot candles, minimum maintained, measured at 5 feet above ground.</li><li>b. Parking areas for commercial and industrial buildings shall be lighted to a standard of 2-foot candles, minimum measured at ground level where beams overlap.</li></ul>	Prior to Certificate of Occupancy	Police Department	



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	<ul style="list-style-type: none"> <li>c. Except as otherwise noted, all security light fixtures shall be mounted a minimum of 10 feet above ground.</li> <li>d. All required lighting shall be equipped with a photoelectric cell or equivalent technology to turn it on at sunset and off at daybreak.</li> <li>e. All areas where video camera surveillance is required shall meet the standards for the camera selected and approved by the Police Department.</li> <li>f. Separate photometric plans shall be submitted for review in conjunction with proposed phased development submittal to ensure adequate lighting is provided for each of the proposed buildings and for the overall project site.</li> <li>g. Lighting shall be on a timer for evening hours.</li> <li>h. The front parking lot is dark. The recommendation is to update lighting to LEDs and following the current foot candle requirement as part of the overall project.</li> </ul>			
88.	<b><u>RADIO RECEPTION</u></b> - Prior to occupancy, the owner shall contact the Police Department to provide Police with the opportunity to test radio reception in the buildings to identify any reception issue.	Prior to Certificate of Occupancy	Police Department	



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89.	<b>ARCHITECTURAL COMMENTS</b> – Rooftop: The project shall include general safety features associated with people congregating on the roof tops and the play structure on the apartment roof shall have adequate perimeter height to promote safety.	Prior to Certificate of Occupancy	Police Department	
90.	<b>EXTERNAL VIDEO SURVEILLANCE</b> – Video surveillance cameras shall be required, including all outdoor common areas. Management and employees shall be required to know how to operate the system and playback of files shall be compatible with Windows Media Player. Placement of the video surveillance cameras shall be established by the Police Department after review of the plans and intended use of the project. Cameras shall be capable of being monitored from the Police Department upon completion of project.	Prior to Certificate of Occupancy	Police Department	
<b><i>Fire Department Conditions of Approval</i></b>				
91.	<b>FIRE CODE CONFORMANCE</b> – Compliance with the 2019 CFC (California Fire Code), 2019 CBC, (California Building Code) the 2014 NFPA 13 Standards, the NFPA 72 standards, and all local ordinances as they apply to the occupancy and use of the proposed structure and shall be enforced for the scope of work and	Prior to issuance of Building Permit	Fire Department	



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	occupancies of the project redevelopment plan.  Compliance with all other NFPA standards is required where applicable and to the satisfaction of the Fire Marshall and/or Fire Chief.			
92.	<b><u>CONSTRUCTION PLANS FOR FIRE PREVENTION</u></b> – Prior to issuance of a building permit, building construction plans and plans for fire extinguishing system shall be submitted for Fire Code plan check.	Prior to issuance of Building Permit	Fire Department	
93.	<b><u>TURNING RADIUS</u></b> – Fire apparatus turning radius shall be in compliance with the Contra Costa County Standard to accommodate the largest fire truck apparatus.	Prior to issuance of Building Permit	Fire Department	
94.	<b><u>FIRE EXTINGUISHING SYSTEM</u></b> - An automatic fire extinguishing/ sprinkler system is required to be installed	Prior to issuance of Building Permit	Fire Department	
95.	<b><u>FIRE ACCESS</u></b> – Prior to issuance of a building permit, paved fire apparatus roads shall be installed for every building or stockpile of combustible materials located more than 150 feet from fire department vehicle access. Said access roads are to be posted “No Parking Fire Lane” and shall not be used for storage of materials. Fire apparatus turning radius shall be in compliance with the Contra Costa County Standard to accommodate the largest fire truck apparatus	Prior to issuance of Building Permit	Fire Department	



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96.	<b><u>ADDRESS</u></b> – Addresses shall be a minimum of 6” on a contrasting background visible from the street pre/post construction. Exterior elevated corners of structures shall have 12” numbers.	Prior to Building Permit Final	Fire Department	
97.	<b><u>KEY VAULT</u></b> – In order to facilitate emergency access to the structure, a key vault shall be installed as approved by the Fire Department.	Prior to Building Permit Final	Fire Department	
98.	<b><u>WATER SUPPLY SYSTEM</u></b> – Prior to issuance of a building permit there shall be an approved and tested water supply system capable of supplying the required fire flow as determined by the Fire Chief or Fire Marshall. Water supply system for staged construction shall provide required fire flows.	Prior to issuance of Building Permit	Fire Department	
99.	<b><u>FIRE PREVENTION FEES AND INSPECTION</u></b> – Prior to issuance of a Certificate of Occupancy or final building inspection, the applicant shall pay all applicable fees in accordance with the City’s Master Fee Schedule and obtain an inspection from the Fire Department. All meetings and inspections shall require a 48-hour advanced notice.	Prior to issuance of Building Permit	Fire Department	



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100	<b>FIRE TRAINING</b> – The applicant shall meet with the Fire Department for the purposes of utilizing existing structures for Fire Training exercises prior to issuance of a demolition permit.	Prior to issuance of Building Permit	Fire Department	
<b>Environmental Conditions</b>				
101	<b>EVN-AQ-1:</b> During all construction activities including demolition and ground disturbance activities, on and offsite, the contractor shall implement the latest BAAQMD recommended Best Management Practices (BMPs) to control for fugitive dust and exhaust as follows: <ul style="list-style-type: none"> <li>a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</li> <li>b. All haul trucks transporting soil, sand, or other loose material shall be covered.</li> <li>c. All visible mud and dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</li> <li>d. All vehicle speeds on unpaved roads shall be limited to 15 mph.</li> <li>e. All roadways, driveways, and sidewalks to be paved shall be completed as</li> </ul>	Prior to issuance of Building Permit	Community Development Department	



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	<p>soon as practicable. Building pads shall be laid as soon as practicable after grading unless seeding or soil binders are used.</p> <p>f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</p> <p>g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper working condition prior to operation.</p> <p>h. A publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints shall be posted on the project site prior to the initiation of construction activities. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.</p>			
102	<b>EVN-BIO-1:</b> To avoid and minimize potential impacts to nesting birds	Prior to issuance	Community	



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	<p>including passerines and raptors, the following measures shall be implemented:</p> <ol style="list-style-type: none"><li>1. Grading or removal of potentially occupied habitat should be conducted outside the nesting season, which occurs between approximately February 1 and August 31.</li><li>2. If grading between August 31 and February 1 is infeasible and groundbreaking must occur within the nesting season, a pre-construction nesting bird survey (migratory species, passerines, and raptors) of the potentially occupied habitat (trees, shrubs, grassland) shall be performed by a qualified biologist within 7 days of groundbreaking. If no nesting birds are observed no further action is required and grading shall occur within one week of the survey to prevent “take” of individual birds that could begin nesting after the survey.</li><li>3. If active bird nests (either passerine and/or raptor) are observed during the pre-construction survey, a disturbance-free buffer zone shall be established around the occupied habitat until the young have fledged, as determined by a qualified biologist.</li><li>4. The radius of the required buffer zone can vary depending on the species, (i.e., 75-100 feet for passerines and 200-500 feet for raptors), with the dimensions of any required buffer zones to be determined by a qualified</li></ol>	of Building Permit	Development Department	





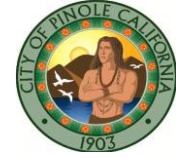
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	<p>biologist in consultation with CDFW.</p> <p>5. To delineate the buffer zone around the occupied habitat, construction fencing shall be placed at the specified radius from the nest within which no machinery or workers shall intrude.</p> <p>6. Biological monitoring of active nests shall be conducted by a qualified biologist to ensure that nests are not disturbed and that buffers are appropriate adjusted by a qualified biologist as needed to avoid disturbance.</p> <p>7. No construction or earth-moving activity shall occur within any established nest protection buffer prior to September 1 unless it is determined by a qualified ornithologist/biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones, or that the nesting cycle is otherwise completed.</p>			
103	<p><b>EVN-BIO-2:</b> Prior to any tree removal or alteration, the applicant shall obtain approval from the City of Pinole to implement a plan for tree preservation and replacement in accordance with the City's Tree Removal Permit. Replacement of protected trees onsite shall be replaced by either planting trees onsite as part of the development over and above the landscaping that would otherwise be</p>	Prior to issuance of Building Permit.	Community Development Department	



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	required at a value equal to the value of the protected trees that will be removed, or through the payment of an in-lieu fee to the City in an amount equal to the value of the protected trees that will be removed.			
104	<p><b>EVN-CUL-1:</b> To ensure the Project does not result in impacts to buried archaeological resources onsite, if present, the following shall be implemented:</p> <p>a. <b>Training.</b> Prior to commencement of ground-disturbing activities, a Secretary of the Interior-qualified archaeologist shall conduct a preconstruction training for construction personnel. The training shall familiarize individuals with the potential to encounter prehistoric artifacts or historic-era archaeological deposits, the types of archaeological material that could be encountered within the Project Area, and the requirement for a monitor to be present during initial ground-disturbing activities.</p> <p>b. <b>Monitoring.</b> During initial ground disturbing activities on native soils, a Secretary of the Interior-qualified archeologist shall conduct mechanical presence/absence exploration in the portions of the Project Area that will be subject to ground disturbing activities to verify the presence/absence of prehistoric archaeological resources associated with CA-CCO-421 (P-07-000453). The presence/absence exploration shall access the stratigraphy extending to the depth of the proposed excavation in the</p>	Prior to issuance of Grading Permit	Public Works Department	



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	<p>respective area. The Archaeologist shall also monitor subsequent initial ground disturbing activities in native soil. The monitor shall have the authority to temporarily halt work to inspect areas as needed for potential cultural materials or deposits. Daily monitoring logs shall be completed by the monitor.</p> <p>c. <b>Post-review Discoveries.</b> In the event that cultural resources are exposed during construction, all earth work occurring within 100 feet of the find shall be immediately stopped until a Secretary of Interior-qualified Archaeologist inspects the material(s), assess historical significance, consults with Tribes and other stakeholders as needed, and provides recommendations for the treatment of the discovery.</p> <p>d. <b>Archaeological Monitoring Report:</b> Within 60 days following completion of construction work, an archeological monitoring report shall be submitted to the City. The report shall include the results of the monitoring program (even if negative), a summary of any findings or evaluation/data recovery efforts, and supporting documentation (e.g., daily monitoring logs).</p>			
105	<b>EVN-CUL-2:</b> In the event that human remains are encountered within the Project Area during Project-related, ground-disturbing activities, all work must stop, and the County Coroner immediately notified of the discovery. If the	During Construction	Community Development Department	



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	County coroner determined that remains are, or are believed to be Native American, then the Native American Heritage Commission must be contacted by the Coroner so that a “Most Likely Descendant” (MLD) can be designated to provide further recommendations regarding treatment of the remains. A Secretary of Interior-qualified Archaeologist should also evaluate the historical significance of the discovery, the potential for additional human remains to be present, and to provide further recommendations for treatment of the resource in accordance with the MLD recommendations. Federal regulations require that Native American human remains, funerary objects, and object of cultural patrimony are handed consistent with the requirement of the Native American Graves Protection and Repatriation Act.			
106	<b>EVN-GEO-1:</b> The applicant shall incorporate the recommendations of the Project Geotechnical Report prepared by Miller Pacific Engineering Group (November 1, 2021) into construction drawings. As determined by the City Engineer and/or Chief Building Official, all applicable recommendations set forth in the in Geotechnical Report prepared for the subject property, including, but not limited to grading, excavation, foundations systems, and compaction specifications shall be incorporated. Final grading plan, construction plans, and building plans shall demonstrate that recommendations set forth in the geotechnical reports and/or to the satisfaction of the City Engineer/Chief	Prior to issuance of Grading Permit	Public Works Department	



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	<p>Building Official have been incorporated into the design of the project.</p> <p>Nothing in this mitigation measure shall preclude the City Engineer and/or Chief Building Official from requiring additional information to determine compliance with applicable standards. The geotechnical engineer shall inspect the construction work and shall certify to the City, prior to issuance of a certificate of occupancy that the improvements have been constructed in accordance with the geotechnical specifications.</p>			
107	<p><b>EVN-GEO-2:</b> Prior to issuance of a grading permit, an erosion control plan along with grading and drainage plans shall be submitted to the City Engineer for review. The project shall comply with stormwater management requirements and guidelines established by Contra Costa County under the Contra Costa Clean Water Program Stormwater C.3 Guidebook and incorporate Contra Costa County best management practices for erosion and sediment control for construction. All earthwork, grading, trenching, backfilling, and compaction operations shall be conducted in accordance with the City's Erosion Control requirements, Chapter 15.36.190 of the Municipal Code. Plans shall detail erosion control measures such as site watering, sediment capture, equipment staging and laydown pad, and other erosion control measures to be implemented during all</p>	Prior to issuance of Grading Permit	Public Works Department	



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	construction activity.			
108	<b>EVN-GEO-3:</b> Should any potentially unique paleontological resources (fossils) be encountered during development activities; work shall be suspended within 50 feet of the discovery and the City of Pinole Planning Division of the Community Development Department shall be immediately notified. At that time, the City will coordinate any necessary investigation of the discovery with a qualified paleontologist. The project proponent shall be required to implement any mitigation necessary for the protection of paleontological resources. The City and the project applicant shall consider the mitigation recommendations of the qualified paleontologist for any unanticipated discoveries. The City and the project applicant shall consult and agree upon implementation of a measure or measures that the City and project applicant deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures.	During Construction	Community Development Department	
109	<b>HAZ-1:</b> The Project applicant shall implement the following Best Management Practices (BMPs) regarding potential soil hazards:  a) Soil generated by construction activities shall be stockpiled onsite in a secure and safe manner or if designated for off-site disposal at a			



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	<p>permitted facility, the soil shall be loaded, transported, and disposed of in a safe and secure manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state, and federal laws, the Regional Water Quality Control Board (RWQCB), the Contra Costa Environmental Health Services Department, and the City of Pinole.</p> <p>b) Groundwater pumped from the subsurface shall be contained onsite in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies of the City of Pinole, the RWQCB and/or Contra Costa Environmental Health Services Department.</p>			
110	<p><b>HAZ-2</b> Prior to issuance of any demolition, grading, or building permit, the applicant shall submit a report resulting from a comprehensive asbestos survey and, if asbestos containing materials (ACM) are identified onsite, plans for safe removal. If ACM are verified, the applicant shall prepare an Operations and Maintenance (O&amp;M) Safety Plan and receive approval of the O&amp;M Plan by the City of Pinole Fire Department. The purpose of the O&amp;M Plan is to establish protocol for the removal and disposal of ACM</p>	Prior to issuance of Demolition, Grading, and Building Permits	Community Development Department/ Public Works Department	



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	<p>and shall also address the potential for accidental discovery of hazards and hazardous materials during construction activities including lead-based paints and groundwater contamination. Said plans shall be implemented during demolition and construction activities including the following:</p> <ul style="list-style-type: none"> <li>a) Use appropriate site control measures such as wet methods to minimize airborne dust generation.</li> <li>b) Identify construction worker protection plan for handling ACM.</li> <li>c) Characterize material export and proper disposal requirements.</li> </ul> <p>Notification requirements to the Bay Area Air Quality Management District in accordance with the Asbestos Demolition and Renovation Program requirements</p>			
111	<p><b>EVN-HYD-1:</b> Prior to issuance of a building permit, the applicant shall prepare a design-level Stormwater Management Plan that incorporates stormwater management requirements and best management practices, per Pinole Municipal Code Chapter 8.20 and Contra Costa County Clean Water Program requirements, including the Contra Costa Clean Water Program Stormwater C.3 Guidebook and demonstrates that the storm drain system has adequate capacity to serve the project. The Stormwater Management Plan shall be reviewed and accepted by the City Engineer.</p>	Prior to issuance of Building Permit	Public Works Department	





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112	<p><b>EVN-HYD-2:</b> Prior to issuance of a grading permit, the applicant shall file a Notice of Intent with the RWQCB and demonstrate compliance with the Statewide General Permit for Construction Activities.</p> <p>In accordance with the National Pollution Discharge Elimination System (NPDES) regulations, the applicant shall prepare and implement a project-specific Stormwater Pollution Prevention Plan, including an erosion control plan, for grading and construction activities. The SWPPP shall address erosion and sediment control during all phases of construction, storage, and use of fuels, and use and clean-up of fuels and hazardous materials. The SWPPP shall designate locations where fueling, cleaning and maintenance of equipment can occur and shall ensure that protections are in place to preclude materials from entering into storm drains. The contractor shall maintain materials onsite during construction for containments and clean-up of any spills. The applicant shall provide approval documentation from the RWQCB to the City verifying compliance with NPDES.</p>	Prior to issuance of Grading Permit	Public Works Department	
113	<p><b>EVN-NOI-1:</b> Construction activities including delivery and hauling shall comply with construction hours as provided under Pinole Municipal Code Section 15.02.070 and in accordance with construction best management practices for minimizing noise including:</p>	During Construction	Community Development Department	



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	<ol style="list-style-type: none"><li>1. Construction shall be limited to the hours of 7:00 a.m. to 5:00 p.m. Monday through Friday, excluding holidays. Saturday work is allowed in commercial zones only, from 9:00 a.m. to 6:00 p.m., as long as it is interior work and does not generate significant noise. Any work outside of these hours by the construction contractors should require a special permit from the City Manager. There should be compelling reasons for permitting construction outside of these designated hours.</li><li>2. Construct temporary noise barriers, where feasible, to screen adjoining land uses. Temporary noise barrier fences would provide a 5 dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps.</li><li>3. The contractor shall use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components.</li></ol>			



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	<ul style="list-style-type: none"><li>4. The unnecessary idling of internal combustion engines shall be prohibited.</li><li>5. Staging areas and stationary noise-generating equipment shall be located as far as possible from noise-sensitive receptors.</li><li>6. Ensure that generators, compressors, and pumps are housed in acoustical enclosures.</li><li>7. Locate cranes as far from adjoining noise-sensitive receptors as possible.</li><li>8. Substitute nail guns for manual hammering and electrically powered tools for noisier pneumatic tools, where feasible.</li><li>9. A “noise disturbance coordinator” shall be designated to respond to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator would be conspicuously posted at the construction site.</li></ul>			



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114	<p><b>EVN-NOI-2</b> The following measures shall be incorporated to reduce interior noise levels to 45 dBA DNL or less at residential interiors:</p> <ol style="list-style-type: none"><li>1. Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, for all residential units on the project site, so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards.</li><li>2. Residential units along the northern building façade should be provided with windows and doors having a minimum rating of 30 Sound Transmission Class (STC) and adequate forced-air mechanical ventilation in order to meet the interior noise threshold of 45 dBA DNL.</li><li>3. Residential units along the western and eastern building façades should be provided with windows and doors having a minimum rating of 28 STC and adequate forced-air mechanical ventilation in order to meet the interior noise threshold of 45 dBA DNL.</li><li>4. A qualified acoustical specialist shall conduct a unit-by-unit analysis of interior residential noise levels and recommend building treatments to reduce interior noise levels to 45 dBA DNL or less. Treatments would include, but are not limited to, sound-rated windows and doors, sound-rated wall and</li></ol>	Ongoing	Community Development Department	



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	<p>window constructions, acoustical caulking, protected ventilation openings, etc. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans and approved design, prior to final of a building permit.</p>			
115	<p><b>EVN-TRAN-1:</b> Prior to the issuance of Building Permit, the applicant shall provide the Project's fair share contribution as established by the City towards multi-modal improvements in the Project vicinity as identified in the Three Corridors Specific Plan.</p>	<p>Prior to issuance of Building Permit</p>	<p>Community Development Department</p>	
116	<p><b>EVN-TRAN-2:</b> To maintain adequate sight lines at the project driveways, pursuant to Pinole Municipal Code Section 17.98.020, signage, trees, and other landscaping features within the clear vision triangle at driveway and street intersections shall be maintained such that visibility is maintained between thirty (30) inches and seven (7) feet. The applicant shall be responsible for maintaining adequate sight lines from the project driveways, on-street parking on Fitzgerald</p>	<p>Ongoing</p>	<p>Community Development Department</p>	



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	Drive is prohibited, and vegetation shall be trimmed to about one foot in height on the west sides of the driveways.			
117	<b>EVN-TRAN-3</b> Prior to final occupancy, the applicant shall reconstruct the westerly driveway to the Project site such that it is at grade with Fitzgerald Drive to improve sightlines.	Prior to Occupancy Permits	Community Development Department	
118	<b>EVN-TRAN-4:</b> Prior to final occupancy, the applicant shall construct a pedestrian-refuge median island along with high visibility continental markings, yield line striping, and a flashing "Yield Here to Pedestrian" sign at the intersection of the easterly driveway to the Project and Fitzgerald Drive	Prior to Occupancy Permits	Community Development Department	
119	<b>EVN-TRAN-5</b> Prior to issuance of the certificate of occupancy, a final Transportation Demand Management Plan shall be provided to the Community Development Department for review and approval. The TDM Plan shall include example materials that will be used to educate residents about the programs, designate a staff position as the Transportation Coordinator, and detail the program implementation schedule which should commence with occupation of the building.	Prior to Occupancy Permits	Community Development Department	



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120	<b>ENV-TCUL-1:</b> To protect buried Tribal Cultural Resources that may be encountered during construction activities, the Project shall implement environmental COA CUL-1 and COA CUL-2.	During Construction	Community Development Department	
121	<b>ENV-UTIL-1:</b> Pursuant to Action GM 2.2.1 Service Standards, prior to issuance of a building permit, the applicant shall secure verification from EBMUD that adequate water supplies are available to serve the project and prior to issuance of occupancy the applicant shall demonstrate that all EBMUD water efficiency requirements have been fulfilled.	Prior to issuance of building permit	Public Works Department	
122	<b>ENV-UTIL-2:</b> Pursuant to MM 4.12.6.2, the project shall secure a can and will serve letter demonstrating that there is sufficient sewer/water treatment and conveyance capacity prior to issuance of Certificate of Occupancy. The proposed project shall have a unique connection to the public sewer collection system. The connection to the sewer system will require a permit from the City of Pinole, the payment of sewer user fees, and payment of a sewer connection fee prior to the issuance of building permits.	Prior to Certificate of Occupancy	Community Development Department	
123	<b>ENV-UTIL-3:</b> Pursuant to General Plan Action CS.8.1.3 and in accordance with current CalGreen Building Code requirements, a Construction Waste Management Plan shall be prepared and implemented during all stages of construction. The Construction Waste Management Plan shall meet the	Prior to issuance of Building Permit	Community Development Department	



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	minimum requirements of the CalGreen code for residential development including but not limited to regional material sourcing (A5.405.1), Bio-based materials (A5.105.2), Reused materials (A5.405.3), and materials with a recycled content (A5.405.4).			
124	<b>ENV-UTIL-4:</b> In accordance with CalGreen Section 4.410.2 onsite recycling shall be provided in readily accessible areas for the depositing, storage and collection of non-hazardous materials including at a minimum paper, cardboard, glass, plastics, organic waste, and metals.	Ongoing	Community Development Department	
125	<b>ENV-UTIL-5:</b> The applicant shall coordinate with Republic Services to appropriately size trash enclosures and ensure that maximum waste stream diversion occurs by providing onsite pre-sorting for recyclables and green waste for compostable and organic materials as available.	Ongoing	Community Development Department	

\*Note: Conditions of Approval beginning with “ENV” are based on the CEQA document for the project.