

**PLANNING COMMISSION RESOLUTION 22-01
WITH EXHIBIT A: CONDITIONS OF APPROVAL**

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PINOLE APPROVING COMPREHENSIVE DESIGN REVIEW (DR21-06) AND A VESTING TENTATIVE SUBDIVISION MAP (VTSM 21-06) TO CONSTRUCT A 154-UNIT CONDOMINIUM COMPLEX AT 2151 APPIAN WAY (APN s 401-240-017 & 018)

WHEREAS, DeNova Homes (“Applicant”) filed an application with the City of Pinole for Comprehensive Design Review and a Vesting Tentative Subdivision Map for the purpose of constructing 154 housing units (the “Project”); and

WHEREAS, the project site is located at 2151 Appian Way, on the east side of Appian Way, on properties identified as APNs 401-240-017 and 401-240-018; and

WHEREAS, the site has a General Plan Land Use Designation of Service Sub-Area (SSA) and consists of two parcels; and

WHEREAS, the northern parcel has a Specific Plan Land Use designation and Zoning designation of Residential Mixed Use (RMU) and the southern parcel has a Specific Plan Land Use designation and Zoning designation of Commercial Mixed Use (CMU); and

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

WHEREAS, the Applicant has proposed that 20% of the units in the Project be affordable, with 15% of the units for Moderate Households (with incomes of up to 120% of the Area Median Income) and 5% of the units for Low-Income Households (with incomes of up to 80% of the Area Median Income); and

WHEREAS, the Appian Village Project proposes a residential development located on Opportunity Site #2 as identified in the Appian Way Corridor of the Three Corridors Specific Plan; and

WHEREAS, the Housing Element identifies the northern parcel as being able to accommodate at least 72 units and the southern parcel at least 41 units, for a combined total of at least 113 units, and the proposed project will include more 41 units than planned by the Housing Element; and

WHEREAS, the Project Includes sufficient community benefits, as specific in the General Plan, to allow the Project to exceed the requirement that at least 51% of projects on sites zoned CMU be commercial, as allowed under the Three Corridors Specific Plan; and

WHEREAS, this project successfully implements numerous policies of the Sustainability, Community Character, Land Use and Economic Development, Housing, Circulation, Health and Safety Natural Resources and Open Space Elements 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

WHEREAS, in compliance with California Environmental Quality Act (CEQA), the City prepared a CEQA Analysis (included as Attachment B of the Staff Report and incorporated herein by reference); 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, the Planning Commission serves as the approval authority on Comprehensive Design Review and the Vesting Tentative Subdivision Map applications; and

WHEREAS, the Planning Commission has considered the Project in light of the items listed in Municipal Code sections 17.12.150(H) and Chapter 16.12; 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 March 25 edition of the West County Times; and

WHEREAS, due to the size of the project, staff provided additional notification/community engagement by requiring the applicant to host a virtual community meeting and install large format notification sign boards on site in addition to increasing the written notification radius from 300 ft to 1,500 ft, providing an increased noticing period of 17 days from 10 days, creating individual development project webpage for the project and using social media (Facebook) to notify the public of upcoming developments; and

WHEREAS, the Planning Commission held a duly noticed public hearing on April 11, 2022 and considered all public comments received, the presentation by City staff, the staff report dated April 11, 2022, 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 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 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 September 27, 2021.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pinole hereby approves DR 21-06 and VSTM 21-06 subject to the Conditions of Approval, applicable to the entire Project, attached as Exhibit A to this Resolution, and hereby makes the following findings, for the reasons provided in the Staff Report dated April 11, 2022, to Planning Commission 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 11th day of April 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Timothy Banuelos, Chair, 2021-2022

ATTEST:

David Hanham, Planning Manager



Exhibit A
PLANNING COMMISSION RESOLUTION 22-01 CONDITIONS OF APPROVAL

		<u>Timing/ Implementation</u>	<u>Monitoring Department / Division</u>	<u>Verification</u> (date and Signature)
<u>General Conditions</u>				
1.	<u>CONVENANT</u> – 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.	<u>APPROVAL OF CONDITIONS ON CONSTRUCTION PLANS</u> – These Conditions of Approval and the project mitigation measures shall be included or referenced on the coversheet of the project improvement plan and building construction plans.	Prior to the issuance of Building Permit	Community Development Department	
3.	<u>OCCUPANCY PERMITS</u> – Occupancy permits shall not be granted until all 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	
4.	<u>COMMUNITY BENEFITS</u> —The applicant shall adhere to the Community Benefits that were agreed to as defined in the Staff Report dated April 11, 2022 including the following:	Prior to the last Occupancy Permit	Community Development Department	



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	<ul style="list-style-type: none"> a. Enhanced Affordability: 5% of the units will be reserved for low-income residents (80% of AMI) and 15% of the units will reserved for moderate income residents (120% of AMI). b. Green Building: The development will be all-electric with no natural gas use, solar panels provided for each unit, pre-wiring for electric vehicles in each garage, constructure will be 15% more efficient than required by CA Title 24 Standards, the project's irrigation will be designed and built to achieve 25% less water usage as compared to the average household in the region. c. Transit/Mobility Improvements: Installation of a 4-legged intersection at Mann Drive and Appian Way, split-phasing" of the existing traffic signal, eliminating or re-locating driveways to prevent turning movement conflicts, building new sidewalks within public right-of-way to current accessible standards, and providing a newly striped bike lane, and relocated bus stops and new bus shelters along Canyon Drive and Appian Way. 			
5.	GENERAL – 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	During Construction	Public Works Department	



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	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.			
6.	<u>PERMITS REQUIRED BY OTHER AGENCIES</u> – 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 by the Regional Water Quality Control Board before a Certificate of Occupancy is issued.	Prior to Issuance of Permits	Community Development Department	
7.	<u>EXERCISE OF ENTITLEMENTS</u> – The applicant has two (2) years to exercise the entitlement in accordance with Section 17.10.100.	Prior to the issuance of	Community Development	

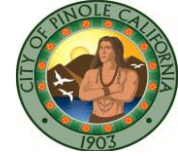


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		Building Permit	Department	
<u>Public Works Conditions</u>				
8.	<u>PERMITS, BONDS, AND INSURANCE</u> – The applicant shall obtain an encroachment permit, posting the required bonds and insurance, for all work to be done in the City’s right-of-way. 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	
9.	<u>VESTING TENTATIVE SUBDIVISION MAP</u> – The applicant shall have a final map or multiple final maps, prepared by a person authorized to practice land surveying in California, delineating all parcels created or deleted and all changed in lot lines (as per Section 16.12.190 of the Pinole Municipal Code, or PMC). <ul style="list-style-type: none"> a. All easements identified in the Vesting Tentative Parcel Map, including the private reciprocal access and the utility easement, shall be recorded concurrently with the Final Parcel Map. b. The final map shall identify all existing utilities and easements affecting Parcels 1-26 as well as Parcels A-J 	Prior to the first Occupancy Permit	Community Development Department/ Public Works Department	



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	<p>c. Mutual access to utilities between parcels shall be maintained where there are interdependent utility connections, where one parcel requires access to a component of the utility on another parcel to maintain operations, and where it is required to preserve the general health, safety, and welfare of the occupants on site.</p> <p>d. The applicant shall deposit funds with the City to pay for the review and processing of the Final Map. The amount of the deposit shall be determined by the City Engineer</p> <p>e. Prior to recordation of the Final Map, the applicant shall set adequate monuments, as determined by the Public Works Director, or post security to insure installation of monuments, in accord with Government Code Sections 66495 and 66496.</p>			
10.	<u>SITE DEVELOPMENT</u> – 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	Community Development Department/ Public Works Department	
11.	<u>REFUSE AREA AND DESIGN</u> – The project shall provide for service by Republic Services. The area and access to trash, recycling, and green waste containers	Prior to the issuance of		



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	shall be approved in advance by Republic Services.	Building Permit		
12.	<u>EROSION CONTROL PLAN</u> – 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	Community Development Department/ Public Works Department	
13.	<u>TRAFFIC STUDY</u> – The applicant shall submit a complete traffic study of the area affected by the proposed project. This study shall be subject to review and approval by the Public Works Department prior to the issuance of any City permits. All mitigating improvements outlined in the study shall be installed by the applicant at their expense.	Prior to Issuance of Permits	Community Development Department/ Public Works Department	
14.	<u>STORM DRAINAGE STUDY</u> – 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 Permits	Community Development Department/ Public Works Department	
15.	<u>PARKING LOTS</u> – The applicant shall submit plans for all required off-street	Prior to Issuance	Community	



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	parking lots showing proper grading, drainage, and conformance to City parking standards. The plans shall be prepared by a registered Civil Engineer and be approved by the Public Works Director.	of Permits	Development Department/ Public Works Department	
16.	<u>STREET IMPROVEMENTS</u> – The applicant shall have street improvement plans prepared by a licensed Civil Engineer and obtain Public Works Department approval prior to the issuance of any City permits.	Prior to Issuance of Permits	Public Works Department	
17.	<u>MATERIAL HAULING</u> – 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 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.	Prior to Issuance of Permits	Community Development Department/ Public Works Department	
18.	<u>TREATMENT PLANT CAPACITY CONTRIBUTION</u> – The applicant shall pay sewer connection fees pursuant to PMC § 13.05.420.	Prior to Issuance of Building Permits	Public Works Department	
19.	<u>SEWER USE FEES</u> – The applicant shall pay sewer use fees pursuant to PMC §13.05.430.	Prior to Issuance of Building	Public Works Department	



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		Permits		
20.	<u>CHARGES FOR PUBLIC WORKS</u> – 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 Building Permits	Public Works Department	
21.	<u>INSPECTIONS</u> – 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 Building Permits	Community Development Department/ Public Works Department	
22.	<u>UNDERGROUND UTILITIES</u> – 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	
23.	<u>DRAINAGE</u> – All drainage shall be directed to the public street with a minimum grade of two (2) percent over landscaped areas and one-half (½) percent over paved areas. Where necessary, sidewalk drains shall be provided to direct the water under the sidewalk and through the curb.	Prior to Issuance of Building Permits	Public Works Department	
24.	<u>DRAINAGE PLANS</u> - 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	Prior to Issuance of Building Permit	Public Works Department	

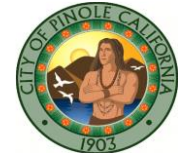


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	construction. The final drainage plan will show how drainage will be handled after construction is complete. Site design shall avoid drainage of water from one property onto another property and shall be subject to approval by the City Engineer.			
25.	<u>SIDEWALK, CURB AND GUTTER REPAIR</u> - 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 Community Development Department and Public Works Department staff prior to the issuance of any construction permits to document pre-construction conditions in the field.	Prior to Occupancy	Community Development Department/ Public Works Department	
26.	<u>WHEELCHAIR RAMP(S)</u> – 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	
27.	<u>GRADING AND DEMOLITION PLANS</u> – 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	



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28.	<u>DRIVEWAY APPROACH(ES)</u> – The applicant shall install new driveway approaches on Appian Way and Canyon Drive as determined by the City Engineer. New and existing City Standard commercial driveway approaches shall be equipped with wheelchair ramps. Driveway approaches that are to be abandoned shall be removed and replaced with curb, gutter, and sidewalk.	Prior to Permit Issuance (for review); During Construction (for improvements)	Public Works Department	
29.	<u>STREETLIGHTS</u> – The applicant shall install new streetlight(s) as determined by the City Engineer and arrange payment with PG&E for hook-up charge.	During Construction	Public Works Department	
30.	<u>SEWER CONNECTION</u> – The project is within the service area of the Pinole/Hercules Water Pollution Control Plant. 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 users' fees (see Condition 19), and payment of a sewer connection fee (see Condition 18) prior to the issuance of building permit.	Prior to the Issuance of Building Permits	Public Works Department	
31.	<u>CERTIFIED GRADED PAD</u> – A California-Licensed Engineer shall certify that the graded construction pad for the proposed 26 residential buildings has been adequately compacted and designed to support the proposed buildings	Ongoing through Construction	Public Works Department	
32.	<u>CONSTRUCTION SITE INFORMATION</u> – A construction sign shall be installed on	Ongoing through	Public Works	



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	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.	Construction	Department	
33.	<u>PUBLIC ACCESS EASEMENT</u> – The applicant shall dedicate and record a public access easement for Police and Fire Services along Streets A-D and G & H accordance with the Subdivision Map Act.	Prior to Issuance of Building Permits	Public Works Department	
34.	<u>DEBRIS REMOVAL</u> – All building debris shall be disposed of outside the City of Pinole to a legal dump site.	During Construction	Community Development Department	
35.	<u>CONSTRUCTION ACTIVITIES</u> – The following provisions shall be followed during site excavation, public works, and building construction activities for the project: <ul style="list-style-type: none"> a. Site excavation (grading) activities are restricted to between 7:00A.M. and 5:00 P.M., Monday through Friday and 9:00 A.M. to 6:00 P.M. on Saturday. 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. 	During Construction	Community Development Department	



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	<p>c. All construction vehicles should be properly maintained and equipped with exhaust mufflers and meet State and Federal standards.</p> <p>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 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> <p>g. When Pinole Middle and/or West County Mandarin School (at 1575 Mann Drive) is in session, all construction-related traffic on Appian Way shall be prohibited during designated pick-up and drop-off hours.</p>			
36.	<p><u>CONSTRUCTION WASTE MANAGEMENT PLAN</u> – 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</p>	Prior to Issuance of Permits	Community Development Department	



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	the CALGreen Building Code requirements.			
37.	<u>CONSTRUCTION WASTE MANAGEMENT REPORT – DEBRIS REMOVAL</u> – 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	
38.	<u>INCORPORATION TO LIGHTING AND LANDSCAPING DISTRICT</u> – As a result of this project, the LLD #1 will be modified to include a new zone to provide additional, reasonable, and necessary maintenance. Prior to the recordation of any parcel map, or the issuance of any construction permit, the applicant shall agree to annex the development and all associated parcels therein into amended LLD #1 as directed by the City Engineer.	Prior to Map Recordation	Community Development Department/ Public Works Department	
39.	<u>SOILS REPORT</u> - 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 Department/ Public Works Department	



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40.	<u>PRE-CONSTRUCTION MEETING</u> – 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	
41.	<u>STANDARD DRAWINGS FOR PUBLIC IMPROVEMENT</u> – 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 all times during the course or construction.	Prior to Issuance of Permits	Public Works Department	
42.	<u>CONSTRUCTION MANAGEMENT</u> – 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	
43.	<u>PUBLIC WORKS INSPECTIONS</u> —The applicant shall notify the Public Works Department at least forty-eight (48) hours prior to the starting any work	During Construction	Public Works Department	



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	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.			
<u>Community Development Conditions</u>				
44.	<u>AFFORDABLE HOUSING AGREEMENT</u> -- The applicant shall execute the Affordable Housing Regulatory Agreement and Declaration of Restrictive Covenants and record the document in the Official Records of Contra Costa County	Prior to the first Occupancy Permit	Community Development Department	
45.	<u>UTILITIES</u> – 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	
46.	<u>EXTERIOR MATERIAL AND COLORS</u> – All exterior materials and colors are to be 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	Ongoing	Community Development Department	



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	Commission.			
47.	PARKING – The applicant shall demonstrate that the parking requirements under Chapter 17.48 of the PMC 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	Prior to Issuance of Building Permit	Community Development Department	
48.	PARKING LOT LIGHTING – 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	
49.	MECHANICAL EQUIPMENT – 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	

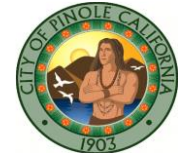


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50.	SIGNS – All signs shall be in accordance with the existing Sign Ordinance (Chapter 17.52 of the PMC) and/or an approved sign program for the project.	Prior to Occupancy Permit	Community Development Department	
51.	VENTS, GUTTERS, AND FLASHING, ETC. – 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	
52.	TRASH ENCLOSURES – 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	Prior to Occupancy Permit	Community Development Department	
53.	NOISE STANDARDS - 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) 55 dBA (Eve) 50 dBA (Night) </div> <div style="text-align: center;"> <u>COMMERCIAL</u> 65dBA (Day & Eve) 60 dBA (Night) </div> <div style="text-align: center;"> <u>INDUSTRIAL</u> 75 dBA (All) </div> </div>	Ongoing	Community Development Department	



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	Day: 7 a.m. to 7 p.m.; Evening: 7 p.m. to 10 p.m.; Night: 10 p.m. to 7 a.m.			
54.	<u>SCHOOL, GROWTH AND PARK IMPACT FEES</u> – 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 and as required by the project Development Agreement.	Prior to the Issuance of Building Permit	Community Development Department	
55.	<u>SUBREGIONAL TRANSPORTATION MITIGATION PROGRAM (STMP) FEE</u> – 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 the Issuance of Building Permit	Community Development Department	
56.	<u>DEVELOPMENT IMPACT FEE</u> – The applicant shall pay all applicable development impact fees prior to issuance of the building permit	Prior to the issuance of Building Permit	Community Development Department	
57.	<u>COVENANTS, CONDITIONS AND RESTRICTIONS (CC&R's)</u> – Prior to the submission of the draft CC & Rs to the State Department of Real Estate, the applicant shall obtain the City Attorney's approval of the CC&R's governing the subdivisions	Prior to the Issuance of Occupancy Permit	Community Development Department	
58.	<u>HOMEOWNER'S ASSOCIATION (HOA)</u> Prior to the submission of the draft HOA to the State Department of Real Estate, the applicant shall obtain the City Attorney's approval of the HOA governing the subdivision.	Prior to the Issuance of Occupancy		



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		Permit		
59.	GENERAL LANDSCAPING REQUIREMENTS - 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 and shall include the following: <ul style="list-style-type: none"> 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 sprinklers and other outlets, valves, backflow prevention devices, controllers, and piping. 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 	Prior to the issuance of Building Permit	Community Development Department	
60.	WATER EFFICIENT LANDSCAPE – Since the proposed landscaped area exceeds 2,500 square feet, the project is required to submit a water use calculation and other information pursuant to Chapter 15.54 of the PMC for review with the	Prior to the Issuance of Building Permit	Community Development Department	



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	building permit plans.			
61.	<u>FENCING PLAN</u> – The applicant shall prepare and submit a final fencing plan for the construction fencing and project fencing for review and approval. All fencing for construction purposes shall be durable and remain in good throughout the life of the construction of the project.	Prior to the Issuance of Building Permit	Community Development Department	
62.	<u>PARKING LOT LANDSCAPE REQUIREMENTS</u> - 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 the Issuance of Building Permit	Community Development Department	
63.	<u>LANDSCAPE MAINTENANCE</u> – Prior to issuance of a Certificate of Occupancy, the applicant shall enter into a landscape maintenance agreement with the City for a minimum of two years (maximum of five years). If, after two years, the landscaping is found to be in satisfactory condition, the amount of the bond shall be returned. If, however, the landscaping is not found to be satisfactory, the city will extend the time of the agreement in one-year increments with a maximum of five years. A security bond shall be posted which equals 20	Prior to the Issuance of Occupancy Permits	Community Development Department	



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	percent of the costs of landscaping but shall not exceed \$10,000. For large projects, the amount of the bond shall be determined on a case-by-case basis and may exceed \$10,000. The applicant shall submit a cost estimate of all the required landscape improvements. All landscaping shall be maintained free of weeds, debris, and litter at all times.			
64.	<u>LANDSCAPING CERTIFICATE OF COMPLETION</u> – 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	
65.	<u>STREET TREES</u> – Prior to issuance of a Certificate of Occupancy, the applicant shall install 15-gallon street trees along public streets pursuant to PMC §16.24.140 and in accordance with the City Standards and the City Street Master Plan. Prior to the recordation of any parcel or final map associated with this application -- if any street trees are to be located outside the public right-of-way, the applicant shall dedicate to the City, a street tree planting and maintenance easement that permits the City to maintain the street trees (other than irrigating) or replace them as necessary.	Prior to the Issuance of Occupancy Permits	Community Development Department	
66.	<u>TREE REMOVAL</u> – The applicant shall note the location of all mature trees (4	Prior to the	Community	



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	inches in diameter at breast height (measured 4.5 feet above natural grade) or greater) to be removed from the project site prior to issuance of a building permit	Issuance of Building Permit	Development Department						
67.	<u>TREE REPORT</u> – The applicant shall submit a detailed arborist report prepared by a certified arborist. The report shall address all trees designated to remain on site or determined to be affected by the development. The report shall contain an evaluation of each tree’s condition and any recommendation necessary to ensure the health, vitality, and public safety regarding each tree, and also the effects of the proposed development on the trees. The arborist shall perform or supervise performance of all mitigation measures stated in the approved tree report.	Prior to the Issuance of Building Permits	Community Development Department						
68.	<p><u>TREE REPLACEMENT TABLE</u> – All trees that are removed from the site shall be replaced in accordance with the replacement table for existing trees. Any 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.</p> <p><u>STANDARD REPLACEMENT TABLE FOR EXISTING TREES</u></p> <table border="1"> <tr> <td>Size of Tree to be removed</td><td>36 Inch Box</td><td>24 Inch Box</td><td>15 Gallon</td><td>5 Gallon</td></tr> </table>	Size of Tree to be removed	36 Inch Box	24 Inch Box	15 Gallon	5 Gallon	Prior to Occupancy Permits	Community Development Department	
Size of Tree to be removed	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>
	(Trunk Diameter)							
	6" to 18"	1	2	10	15			
	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>								
69.	<u>CONFORMANCE WITH APPROVED PLANS</u> – 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 the Issuance of Building Permits	Community Development Department	
70.	<u>MODIFICATION OF APPROVED PLANS</u> – Failure to obtain prior approval to modify the approved plans may result in a fine equal to double the original planning application permit fee and/or withholding of the occupancy permit					Ongoing	Community Development Department	



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	until such time as the modification(s) to the plans has been reviewed by the Planning Commission or City Council.			
71.	<u>VIOLATION/PENALTY</u> – 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	
72.	<u>STREET ADDRESS ASSIGNMENT</u> – 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 the issuance of Building Permit	Community Development Department	
73.	<u>SITE MAINTENANCE</u> – 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	

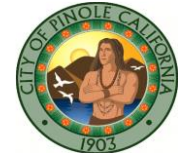


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74.	<i>Building Conditions</i>			
75.	<u>BUILDING CODES</u> – At time of issuance of building permits, the building shall comply with Chapter 15 of the Municipal Code and State Title 24 and the U.S. Americans with Disabilities Act.	Prior to the issuance of Building Permit	Building Division	
76.	<u>INSPECTIONS</u> – 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	
77.	<u>SOILS REPORT</u> – 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 the issuance of Building Permit	Building Division	
78.	<u>PLAN CHECK FEES</u> – 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 the issuance of Building Permit	Building Division	
79.	<u>GENERAL CONSTRUCTION REGULATIONS</u> – Work may be prohibited during inclement weather upon the order of the Building Official. The hours of work shall be limited to 7:00 A.M. to 5:00 P.M., Monday through Friday on non-	During Construction	Building Division	



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	<p>federal holidays. Saturday work is allowed in commercial zones only from 9:00 A.M. to 6:00 P.M. unless in conflict with other more restrictive project conditions.</p> <p>By written authorization of the City Manager or their designee, may modify on a case-by-case basis of the construction hours.</p>			
80.	<p><u>CONTRACTORS</u> – 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.</p>	Prior to the issuance of Building Permit	Building Division	
81.	<p><u>SMOKE DETECTORS</u> – Smoke detectors are required in all residential units pursuant to PMC §12.10(a) and applicable Building Code.</p>	Prior to Issuance of Occupancy Permits	Building Division	
82.	<p><u>ADDRESSING</u> – 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:</p> <p>a. Specific mounting location shall be determined at the time of plan review.</p>	Prior to Issuance of Certificate of Occupancy	Building Division	



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	<p>b. Address shall be internally or externally lighted during the hours of darkness.</p> <p>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.</p> <p>d. Each multiple family unit shall have an address attached to the door or near the door that clearly identifies it.</p> <p>e. Addressing plans for multiple family, commercial and industrial complexes shall be submitted for review.</p>			
83.	DEBRIS BOX – 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	
84.	CONSTRUCTION NUISANCE PREVENTION – The following provisions shall be followed during all construction activities for the project	Ongoing	Building Division	



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	<ul style="list-style-type: none"> a. Prior to any earth hauling operations, the applicant shall submit a Hauling Plan for review and approval by the City Engineer. 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. c. All construction vehicles shall be properly maintained and equipped with exhaust and mufflers that meet state and federal standards. 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 			
85.	<i>Police Department Conditions</i>			
86.	<u>PUBLIC AREA LIGHTING</u> – The following conditions shall be met to the satisfaction of the Building Official prior to issuance of a Certificate of Occupancy. <ul style="list-style-type: none"> a. All exterior doorways, stairwells, pathways, walkways, hallways, and courtyards for commercial and industrial buildings shall be lighted to a 	Prior to Certificate of Occupancy	Police Department	



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	<p>minimum of 2-foot candles, minimum maintained, measured at 5 feet above ground.</p> <p>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.</p> <p>c. Except as otherwise noted, all security light fixtures shall be mounted a minimum of 10 feet above ground.</p> <p>d. All required lighting shall be equipped with a photoelectric cell or equivalent technology to turn it on at sunset and off at daybreak.</p> <p>e. All areas where video camera surveillance is required shall meet the standards for the camera selected and approved by the Police Department.</p> <p>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.</p>			



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87.	<p><u>DOORS AND ROOF HATCHES</u> – The following conditions shall be met to the satisfaction of the Building Official prior to issuance of a Certificate of Occupancy.</p> <p>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>b. All doors described above shall be equipped with the following locking mechanisms:</p> <p>Dead Bolt Locks:</p> <p>i. A minimum of ¾ inch diameter by 1-inch throw.</p> <p>ii. High security case hardened bezel around the locking mechanism.</p> <p>iii. Made of case-hardened steel.</p> <p>iv. High security striker plate (4-screw type, screws a minimum of 1½ inches long).</p> <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</p>	Prior to the Certificate of Occupancy	Police Department	



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	<p>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>g. All roof hatches (access to roof) shall be securely locked from the inside. Dead bolt or similar locking mechanism is recommended.</p>			
88.	<u>WINDOWS AND SLIDING GLASS DOORS</u> – 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 the Certificate of Occupancy	Police Department	
89.	<u>ALARM SYSTEM (MULTI-FAMILY AND COMMERCIAL)</u> – Each individual unit shall be equipped with a burglar alarm system, installed by state licensed contractor. The system shall include:	Prior to the Certificate of Occupancy	Police Department	



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	<ul style="list-style-type: none"> a. Full perimeter coverage to include all doors requiring locks, windows, skylights, and roof hatches. b. Interior backup protection such as motion detectors, contracts on key interior doors and glass breakage detection. c. Battery backup power system with charging system. System shall be hardwired. 			
90.	<u>FIBER OPTICS</u> – A fiber optics pathway shall be installed from the project site to the nearest existing fiber optics connection point to the satisfaction of the 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.	Prior to the Certificate of Occupancy	Police Department	
91.	<u>LANDSCAPING</u> –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. All trees shall be planted a sufficient distance from the buildings so that upon reaching maturity they will not provide roof access.	Prior to the Certificate of Occupancy	Police Department	
92.	<u>ACCESS</u> – Projects should be designed so as to be capable of driving around the entire complex (multiple family, commercial and industrial projects only) to the satisfaction of the Building Official prior to issuance of a building permit.	Prior to the issuance of Building Permit	Police Department	

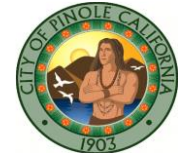


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93.	<u>VIDEO SURVEILLANCE</u> – Video surveillance cameras may be required for multi-family and commercial complexes Placement of the video surveillance cameras will be established by the Police Department after review of the plans and intended use of the project. These cameras shall be capable of being monitored from the Police Department upon completion of project.	Prior to Occupancy Permits	Police Department	
94.	<i>Fire Department Conditions of Approval</i>			
95.	<u>FIRE CODE CONFORMANCE</u> – Compliance with the 2019 CFC (California Fire Code), 2019 CBC, (California Building Code) the 20149 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 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.	Prior to the Certificate of Occupancy	Fire Department	
96.	<u>FIRE EXTINGUISHING SYSTEM</u> - An automatic fire extinguishing/ sprinkler system is required to be installed	Prior to the Certificate of Occupancy	Fire Department	
97.	<u>CONSTRUCTION PLANS FOR FIRE PREVENTION</u> – 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	



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98.	<u>WATER SUPPLY SYSTEM</u> – 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.	<u>SMOKE REMOVAL</u> – In the assessment of the Fire Prevention Bureau, this new construction will pose potential difficulty to the Fire Department for smoke ventilation operations, as a result, the Fire Prevention Bureau requires the installation of one or more manual or manual/automatic smoke vent assemblies over areas most likely to require ventilation procedures as per Section 10.501 (b) of the Uniform Fire Code.	Prior to Issuance of Building Permit	Fire Department	
100	<u>FIRE ACCESS</u> – 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	
101	<u>KEY VAULT</u> – In order to facilitate emergency access to the structure, a key vault shall be installed as approved by the Fire Department.	Prior to Issuance of Occupancy Permit	Fire Department	



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102	<u>FIRE PREVENTION FEES AND INSPECTION</u> – 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 the Issuance of Building Permit	Fire Department	
103	<u>FIRE TRAINING</u> – 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 the Issuance of Demolition Permit	Fire Department	
104	<i>Environmental Conditions</i>			
105	EVN-AES-1: The applicant shall ensure, and the City shall verify that the final lighting plan incorporates applicable requirements set forth in Chapter 17.46 of the PMC, including that all outdoor lighting fixtures be designed, shielded, aimed, located, and maintained to shield adjacent properties and to not provide glare onto adjacent properties or roadways.	Prior to Issuance of Building Permit	Community Development Department	
106	EVN-AQ-1: During all construction activities including demolition and ground disturbance activities, on and offsite, the contractor shall implement the latest BAAQMD recommended Best	Prior to Issuance of Building Permit	Community Development Department	



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	<p>Management Practices (BMPs) to control for fugitive dust and exhaust as follows:</p> <ul style="list-style-type: none">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.b. All haul trucks transporting soil, sand, or other loose material shall be covered.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.d. All vehicle speeds on unpaved roads shall be limited to 15 mph.e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as practicable. Building pads shall be laid as soon as practicable after grading unless seeding or soil binders are used.f. Idling times shall be minimized either by shutting			



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	<p>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>			
107	<p>EVN-AQ-2: An ongoing maintenance plan for the buildings' HVAC air filtration system shall be required and may include the following:</p>	Ongoing	Community Development Department	



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	<p>a. Ensure that the use agreement and other property documents:</p> <ul style="list-style-type: none"> i. require cleaning, maintenance, and monitoring of the affected buildings for air flow leaks, ii. include assurance that new owners or tenants are provided information on the ventilation system, and iii. include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed. 			
108	<p>EVN-BIO-1: To avoid and minimize potential impacts to nesting birds including passerines and raptors, the following measures shall be implemented:</p> <ul style="list-style-type: none"> a. Grading or removal of potentially occupied habitat should be conducted outside the nesting season, which occurs between approximately February 1 to August 31. b. If grading between August 31 and February 1 is infeasible 	Prior to the issuance of Building Permit	Community Development Department	



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	<p>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.</p> <p>c. 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.</p> <p>d. 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 biologist in consultation with CDFW.</p> <p>e. To delineate the buffer zone around the occupied habitat,</p>			



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	<p>construction fencing shall be placed at the specified radius from the nest within which no machinery or workers shall intrude.</p> <p>f. 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>g. 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>			
109	<p>EVN-BIO-2: To avoid impacts to pallid and big free-tailed bats, both “species of special concern” in the state, a qualified biologist shall conduct a bat survey no more than 15 days prior to ground disturbance or demolition of on-site buildings. Pre-construction surveys should include a daytime inspection of</p>	Prior to Issuance of the Building Permit.	Community Development Department	

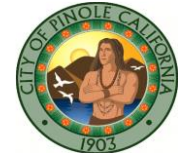


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	<p>the inside of all building looking for active roosting bats or bat signs, followed up by an evening fly-out survey. If no evidence of bats and/or evidence of bats sign are detected during the pre-construction surveys, no additional surveys are required.</p> <p>If special-status bat species are found roosting on the Project site, the biologist shall determine if there are young present (i.e., the biologist should determine if there are maternal roosts). If young are found roosting in any tree that will be impacted by the Project, such impacts shall be avoided until the young are flying and feeding on their own. A non-disturbance buffer installed with orange construction fencing will be established around the maternity site. The size of the buffer zone will be determined by a qualified bat biologist at the time of the surveys. If adults are found roosting in a tree on the project site but no maternal sites are found, then the adult bats can be flushed, or a one-way eviction door can be placed over the tree cavity for a 48-hour period prior to the tree removal. If bats or evidence of bats are detected during the pre-construction surveys, the applicant shall notify the City of Pinole Community Development Department and the California Department of Fish and Wildlife (CDFW) regarding bat eviction</p>			



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	protocol and plan developed for review and acceptance by the CDFW.			
110	EVN-BIO-3: Prior to issuance of demolition or grading permit, including any ground disturbing activities, a focused rare plant survey shall be conducted by a qualified biologist to verify the presence/absence of special status plant species that have the potential to occur in the annual grassland habitat identified in the Biological Technical Report (July 9, 2021), which include big tarplant (<i>Blepharizonia plumosa</i>), Mt. Diablo fairy-lantern (<i>Calochortus pulchellus</i>), and Diablo helianthella (<i>Helianthella castanea</i>). If impacts to annual grassland will be avoided, then no subsequent survey is required. In the event that rare plants are identified within the annual grassland habitat, then avoidance measures shall be developed by the qualified biologist and accepted by the City prior to the start of any site development work.	Prior to Issuance of Grading or Demolition Permit	Public Works Department	
111	EVN-BIO-4: 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	Prior to the Issuance of a Tree Removal	Community Development Department	



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	City's Tree Removal Permit. Replacement of protected trees onsite shall either consist of planting or replacement trees onsite as part of the development over and above the landscaping that would otherwise be 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.	Permit		
112	EVN-CUL-1: To ensure the Project does not result in impacts to buried archaeological resources onsite, if present, the following shall be implemented: <ul style="list-style-type: none"> a. Training. Prior to commencement of ground-disturbing activities, a professional 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. b. Monitoring. During initial ground disturbing activities on 	Prior to Issuance of Grading Permit	Public Works Department	



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	<p>native soils, a Secretary of the Interior-qualified archeologist shall be onsite to monitor activities. 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. Post-review Discoveries. 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>Archaeological Monitoring Report. 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>			
113	EVN-CUL-2: In the event that human remains are encountered within the	During	Community	



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	Project Area during Project-related, ground-disturbing activities, all work must stop, and the County Coroner immediately notified of the discovery. If the 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.	Construction	Development Department	
114	EVN-GEO-1: The applicant shall incorporate the recommendations of the Project Geotechnical Report prepared by Stevens, Ferrone & Bailey Engineering Company, Inc (August 28, 2020) into	Prior to the issuance of Grading Permit	Public Works Department	



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	construction drawings. A comprehensive geotechnical engineering report shall be prepared for the Project that specifically addresses the proposed development, conforms to the most recent edition of the California Building Code, and provides geotechnical design and construction criteria for the Project. This report shall include detailed drainage, earthwork, foundation, and pavement recommendations. Detailed structural analyses of all retaining walls and slope stability shall be provided, including structural calculations for retaining walls and computer-aided slope stability analyses as required. 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 Building Official have been incorporated into the design of the Project. Nothing in this condition of approval 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.			



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115	EVN-GEO-2: 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 construction activity.	Prior to the issuance of Grading Permit	Public Works Department	
116	EVN-GEO-3: 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	During Construction	Community Development Department	



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		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 treatment plan 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.			
117	EVN-HYD-1:	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 PMC 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.	Prior to issuance of a building permit	Public Works Department	
118	EVN-HYD-2:	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.	Prior to issuance of a grading permit	Public Works Department	

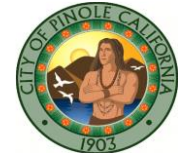


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	<p>In accordance with the National Pollution Discharge Elimination System (NPDES) regulations, the applicant shall prepare and implement a project-specific Stormwater Pollution Prevention Plan, including an erosion control plan, for grading and construction 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>			
119	<p>EVN-NOI-2: Construction activities including delivery and hauling shall comply with construction hours as provided under PMC Section 15.02.070 and in accordance with construction noise control measures including:</p> <p>a. Limit construction hours to between 7:00 a.m. and 5:00 p.m.,</p>	Ongoing	Public Works Department/ Community Development Department	



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	<p>Monday through Friday, on days that are not federal holidays, unless an exception is granted in accordance with the Municipal Code.</p> <p>b. Delivery of materials and equipment to the site and truck traffic coming to and from the site is restricted to the same construction hours specified above.</p> <p>c. All noise-producing project equipment and vehicles using internal combustion engines shall be equipped with manufacturer-recommended mufflers and be maintained in good working condition</p> <p>d. All mobile or fixed noise-producing equipment used on the project site that are regulated for noise output by a federal, State, or local agency shall comply with such regulations while in the course of project activity.</p> <p>e. Electrically powered equipment shall be used instead of pneumatic or internal combustion powered equipment, where feasible.</p> <p>f. Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable</p>			



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	<p>from noise-sensitive receptors.</p> <p>g. Project area and site access road speed limits shall be established and enforced during the construction period.</p> <p>Nearby residences shall be notified of construction schedules so that arrangements can be made, if desired, to limit their exposure to short-term increases in ambient noise levels.</p>			
120	EVN-TRAN-1: 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.	Prior to the issuance of Building Permit	Community Development Department	
121	EVN-TRAN-2: Prior to the issuance of occupancy, the applicant shall submit for review and approval by the Community Development Department a Final Transportation Demand Management plan for the Project. The plan shall include action items such as digital transportation bulletin boards, provision of transit passes, shuttles, shared ride vehicles and membership, community bicycles and/or scooter and car sharing to encourage alternative transportation modes.	Prior to the issuance of occupancy	Community Development Department	
122	ENV-TRAN-3: Prior to final occupancy, the applicant shall restripe or install a median on Appian Way along the site frontage to eliminate the left-turn pocket approximately 350 feet south of Appian Way/Mann Drive. The proposed	Prior to final occupancy	Public Works Department	



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	restriping plan shall be reviewed and accepted by the City Engineer and or modified at the City Engineer's discretion.			
123	ENV-TRAN-4: To maintain adequate sight lines at the Project driveways, pursuant to PMC Section 17.98.020, signage, trees, and other landscaping features within the clear vision triangle at driveways and intersections shall be maintained such that visibility is achieved between thirty (30) inches and seven (7) feet above the ground. The applicant shall be responsible for maintaining adequate sight lines from the Project driveways; on-street parking on Canyon Drive from Project driveway to approximately 150 feet east shall be prohibited, and vegetation shall be trimmed to about one foot in height on the east side of the driveway on Canyon Drive.	Ongoing	Public Works Department/ Community Development Department	
124	ENV-TRAN-5: To prevent potential pedestrian and vehicular conflicts, split phasing shall be incorporated in eastbound and westbound direction of Mann Drive/Project Access intersection. Signalization improvements shall meet City standards for phasing, crosswalk striping, and equipment. The City Engineer shall review and accept or modify signalization improvements.	Ongoing	Public Works Department/ Community Development Department	
125	ENV-CULT-1: To protect buried Tribal Cultural Resources that may be encountered during construction activities, if present, the Project shall implement environmental COA CUL-1 and COA CUL-2.	During Construction	Community Development Department	
126	ENV-UTIL-1: 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	Prior to issuance of a building permit	Public Works Department	

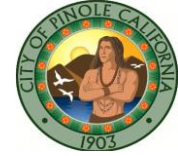


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		available to serve the Project and prior to issuance of occupancy the applicant shall demonstrate that all EBMUD water efficiency requirements have been fulfilled.			
127	ENV-UTIL-2:	Pursuant to MM 4.12.6.2, the Project shall secure a can and will 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 issuance of a building permit	Public Works Department	
128	ENV-UTIL-3:	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 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	Ongoing	Public Works Department	



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		materials (A5.405.3), and materials with a recycled content (A5.405.4).			
129	ENV-UTIL-4:	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	Public Works Department	
130	ENV-UTIL-5:	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.	Prior to the first Occupancy Permit	Public Works Department	

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