

**PLANNING COMMISSION RESOLUTION 21-11
WITH EXHIBIT A: CONDITIONS OF APPROVAL**

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PINOLE FOR A COMPREHENSIVE DESIGN REVIEW (DR21-11) TO CONSTRUCT A 179 SENIOR APARTMENT COMPLEX AND MAKE SITE IMPROVEMENTS, LOCATED AT 600 ROBLE AVENUE, 1106 SAN PABLO AVENUE, AND 1230 SAN PABLO AVENUE (APNs 402-023-007-6, 402-023-003-5 & 405-023-002-7)

WHEREAS, Pinole Venture LP, c/o MRK Partners Inc., (Applicant) filed an application with the City of Pinole for a Comprehensive Design Review, for the purpose of constructing 179 affordable housing units and in accordance with Title 17, of the Pinole Municipal Code (the "Project"); and

WHEREAS, the Project site is located on the north side of San Pablo Ave on properties identified as APNs 402-023-007-6 (600 Roble Avenue), 402-023-003-5, (1106 San Pablo Avenue), & 405-023-002-7 (1230 San Pablo Avenue); and

WHEREAS, the site has a General Plan Land Use Designation of Mixed-Use Sub-Area (MUSA) and has a Specific Plan Land Use designation and Zoning designation of Very High Density Residential (VHDR); 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 100% affordability for the units and has requested a density bonus as permitted by State Law, including concessions and waivers; and

WHEREAS, the Vista Woods Project proposes a residential development located on Opportunity Site #3 as identified in the Three Corridors Specific Plan; and

WHEREAS, this project successfully implements numerous policies of the Sustainability Element 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 (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, the Planning Commission serves as the approval authority on Comprehensive Design Review applications; 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 300 feet of the Project site and a notice was published in the September 17, 2021 edition of the West County Times; and

WHEREAS, the Planning Commission held a duly noticed public hearing on September 27, 2021 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 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 21-11 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 September 27, 2021 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 27th day of September 2021, by the following vote:

AYES: Benzuly, Kurrent, Martinez, Menis, Moriarty, and Chair Banuelos
NOES: None
ABSTAIN: None
ABSENT: Wong



Timothy Banuelos, Chair, 2021-2022

ATTEST:



David Hanham, Planning Manager



**Exhibit A
PLANNING COMMISSION RESOLUTION 21-11 CONDITIONS OF APPROVAL**

	<u>Timing/ Implementation</u>	<u>Monitoring Department / Division</u>	<u>Verification (date and Signature)</u>
1.	<p>The project shall be constructed in substantial compliance with the approved Design Review request for the Vista Woods Apartments (APNs 402-023-007-6, 402-023-003-5, & 405-023-002-7), as shown on the project plans date-stamped received June 18, 2021, unless otherwise conditioned.</p> <p>The proposed project shall be built in a manner consistent with all applicable federal, state, and local regulations.</p>	Development Services Department	
2.	<p>The Applicant 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. Applicant further agrees to provide a defense for the City in any such action.</p>	Development Services Department	
3.	<p>All building permit drawings and subsequent construction shall substantially conform to the approved drawings and application materials. Any modifications must be reviewed by the Planning Manager who shall determine whether the modification requires additional review and approval by the Planning Commission.</p>	Development Services Department	



**Exhibit A
PLANNING COMMISSION RESOLUTION 21-11 CONDITIONS OF APPROVAL**

		<u>Timing/ Implementation</u>	<u>Monitoring Department/ Division</u>	<u>Verification (date and Signature)</u>
	Ongoing			
4.	<p>ENV TRAN-2: 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.</p> <p>Prior to Issuance of Building Permits</p>	On-Going	Development Services Department	
5.	<p>LANDSCAPE AND FENCING PLAN – The applicant shall prepare and submit a final full detailed landscape, fencing and irrigation plan for review and approval by the Development Services Department prior to the issuance of building permits.</p> <p>The landscape, fencing and irrigation plan shall include the number, type, and size of all proposed new trees, shrubs, and groundcover specimens. Any new fencing or gate design details shall be included within the building construction plans. All proposed plantings shall be drought-tolerant and well-suited to the City’s climate zone. Where feasible, trees and other plant materials shall be California natives.</p> <p>The detailed landscape, fencing and irrigation plan shall be consistent with all applicable requirements of the Municipal Code including Chapter</p>	Prior to Issuance of Building Permits	Development Services Department	



**Exhibit A
PLANNING COMMISSION RESOLUTION 21-11 CONDITIONS OF APPROVAL**

	<u>Timing/ Implementation</u>	<u>Monitoring Department/ Division</u>	<u>Verification (date and Signature)</u>
	<p>17.44. The detailed landscape plan shall ensure that:</p> <ul style="list-style-type: none"> a. All shrubs shall be a minimum 5-gallon size. b. Light-colored, high albedo materials or vegetation shall be installed for at least fifty percent of all sidewalks, patios, and driveways. Specific design material information and specifications for the permeable pavers and crushed rock shall be included within the final landscape plan. c. High water use turf grasses and other similar plantings shall only be utilized in high-use areas with high visibility or functional needs. When only drought-tolerant turf grasses are used, the turf area shall be limited to twenty-five percent (25%) of all irrigated, landscaped areas. When non-drought-tolerant turf grasses or a combination of non-drought-tolerant and drought-tolerant turf grasses is used, the turf area shall be limited to fifteen percent (15%) of all irrigated, landscaped areas. d. At least twenty-five percent (25%) of the lot area and no more than forty percent (40%) of the front yard area shall be non-pervious surface. Additionally, at least ninety percent (90%) of the plants selected in non-turf areas shall be well suited to the climate of the region and require minimal water once established. Up to 		



**Exhibit A
PLANNING COMMISSION RESOLUTION 21-11 CONDITIONS OF APPROVAL**

	<u>Timing/ Implementation</u>	<u>Monitoring Department / Division</u>	<u>Verification (date and Signature)</u>
<p>ten percent (10%) of the plants may be of a non-drought-tolerant variety, provided they are grouped together and can be irrigated separately</p> <p>e. Tree protection measures provided by a certified arborist shall be included in the landscape plan.</p> <p>f. Landscaping shall be maintained on site and replaced as needed.</p>			
6.	Prior to Issuance of Building Permits	Development Services Department	
7.	Prior to Issuance of Building Permits	Development Services Department	
8.	Prior to Issuance of Building Permits	Development Services Department	



Exhibit A
PLANNING COMMISSION RESOLUTION 21-11 CONDITIONS OF APPROVAL

		<u>Timing/ Implementation</u>	<u>Monitoring Department / Division</u>	<u>Verification (date and Signature)</u>
9.	DRAINAGE PLANS - The applicant shall prepare a construction drainage plan and final drainage plan for Development Services 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. 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 Permits	Development Services Department	
10.	GRADING AND DEMOLITION PLANS – The applicant shall obtain City approval for the Project grading and demolition plans prior to issuance of building permits.	Prior to Issuance of Building Permits	Development Services Department	
11.	AFFORDABLE HOUSING AGREEMENT –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 Issuance of Grading Permits or Building Permits	Development Services Department	
12.	PRE-CONSTRUCTION WASTE MANAGEMENT PLAN - The applicant shall complete a pre-construction waste management plan. Forms can be obtained from the Development Services Department.	Prior to Issuance of Building Permits	Development Services Department	
13.	PERMITS, BONDS, AND INSURANCE - The applicant shall obtain an encroachment permit, posting the required bonds and insurance, for any work to be done in the City's right-of-way. This encroachment permit shall	Prior to Issuance of Building	Development Services Department	



**Exhibit A
PLANNING COMMISSION RESOLUTION 21-11 CONDITIONS OF APPROVAL**

		<u>Timing/ Implementation</u>	<u>Monitoring Department / Division</u>	<u>Verification (date and Signature)</u>
	be obtained prior to the issuance of a building permit and prior to any work being done in the City's right-of-way.	Permits		
14.	DEVELOPMENT IMPACT FEES - The applicant shall pay all applicable development impact fees prior to issuance of the building permit.	Prior to Issuance of Building Permits	Development Services Department	
15.	EROSION CONTROL PLAN - 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: <ol style="list-style-type: none"> 1. Storm Water Pollution Prevention Plan (SWPPP) 2. Storm Water Control Plan (SCP) Certified by an Architect or Engineer. 3. Operation and Maintenance. 	Prior to Issuance of Grading Permits or Building Permits	Development Services Department	
16.	MATERIAL HAULING - The applicant shall submit a proposed material hauling route and schedule. 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 Municipal Code). Violation of the applicable may be cause for suspension of work.	Prior to Issuance of Building Permits	Development Services Department	



**Exhibit A
PLANNING COMMISSION RESOLUTION 21-11 CONDITIONS OF APPROVAL**

		<u>Timing/ Implementation</u>	<u>Monitoring Department / Division</u>	<u>Verification (date and Signature)</u>
17.	<p>WATER SUPPLY SYSTEM - 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 Marshal. Water supply system for staged construction, if applicable, shall provide required fire flows at all stages.</p>	Prior to Issuance of Building Permit	Fire Department	
18.	<p>SEWER CONNECTION - 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 user fees, and payment of a sewer connection fee prior to the issuance of building permits.</p>	Prior to Issuance of Building Permit	Development Services Department	
19.	<p>ENV 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 Pinole Municipal Code, 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.</p>	Prior to Issuance of Building Permit	Development Services Department	
20.	<p>ENV AQ-2: High-efficiency particulate filtration systems shall be installed in residential heating, ventilation, and air-conditioning (HVAC) systems for residences within 35 feet of San Pablo Avenue and/or HVAC intake shall be located as far as possible from the San Pablo Avenue right-of-way and no closer than 35 feet from the edge of roadway. Unless air dispersion modeling demonstrates exposure risk below BAAQMD thresholds, the project shall implement the following measures to minimize long-term annual Diesel Particulate Matter exposure for</p>	Prior to Issuance of Building Permit	Development Services Department	



**Exhibit A
PLANNING COMMISSION RESOLUTION 21-11 CONDITIONS OF APPROVAL**

	<u>Timing/ Implementation</u>	<u>Monitoring Department/ Division</u>	<u>Verification (date and Signature)</u>
<p>incoming residential occupants:</p> <ol style="list-style-type: none"> 1. Install forced air mechanical ventilation devices in new residences. Air filtration devices shall be rated MERV13 or higher. To ensure adequate health protection to sensitive receptors (i.e., residents), this mechanical ventilation system will circulate fresh filtered air into the dwelling units. 2. In order to effectively implement this measure, an ongoing maintenance plan for the buildings' HVAC air filtration system shall be required. 3. Ensure that the use agreement and other property documents: (1) require cleaning, maintenance, and monitoring of the affected buildings for air flow leaks, (2) include assurance that new owners or tenants are provided information on the ventilation system, and (3) 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. 			
21.	Prior to Issuance of Building Permit	Development Services Department	



**Exhibit A
PLANNING COMMISSION RESOLUTION 21-11 CONDITIONS OF APPROVAL**

	<u>Timing/ Implementation</u>	<u>Monitoring Department / Division</u>	<u>Verification (date and Signature)</u>
<p>22. ENV GEO-1: The applicant shall incorporate the recommendations of the Project Geotechnical Report prepared by Partner Assessment Corporation (April 7, 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 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>	<p>Prior to Issuance of Building Permit</p>	<p>Development Services Department</p>	
<p>23. ENV 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,</p>	<p>Prior to Issuance of Building Permit</p>	<p>Development Services Department</p>	



**Exhibit A
PLANNING COMMISSION RESOLUTION 21-11 CONDITIONS OF APPROVAL**

	<u>Timing/ Implementation</u>	<u>Monitoring Department / Division</u>	<u>Verification (date and Signature)</u>
24.	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.		
25.	ENV GEO-3: All site retaining walls, including walls planned to be repaired or replaced, shall be identified, and submitted for building permit review.	Development Services Department	
	ENV HAZ-1: Prior to issuance of any demolition, grading, or building permit, the project applicant shall prepare an Operations and Maintenance (O&M) Safety Plan and receive approval of the O&M Plan by the City of Pinole Fire Department. The purpose of the O&M Plan is to establish protocol for the removal and disposal of asbestos containing materials (ACM) and lead-based paint (LBP) and shall also address the potential for accidental discovery of hazards and hazardous materials during construction activities including groundwater contamination. Said plans shall be implemented during demolition and construction activities including the following:	Development Services Department	
	a) Conduct construction work in accordance with CCR Title 8 Section 1532.1, Lead in Construction.		
	b) Use appropriate site control measures such as wet methods to minimize airborne dust generation.		
	c) Identify construction worker protection plan for handling ACM and LBP.		



**Exhibit A
PLANNING COMMISSION RESOLUTION 21-11 CONDITIONS OF APPROVAL**

	<u>Timing/ Implementation</u>	<u>Monitoring Department/ Division</u>	<u>Verification (date and Signature)</u>
<p>d) Characterize material export and proper disposal requirements. e) Notification requirements to the Bay Area Air Quality Management District in accordance with the Asbestos Demolition and Renovation Program requirements.</p>			
<p>26.</p>	<p>ENV HAZ-2: The Project applicant shall implement all of the following Best Management Practices (BMPs) regarding potential soil hazards:</p>	<p>Prior to Issuance of Building Permit</p>	<p>Development Services Department</p>
<p>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 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 agencies laws, in particular, 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>		



**Exhibit A
PLANNING COMMISSION RESOLUTION 21-11 CONDITIONS OF APPROVAL**

	<u>Timing/ Implementation</u>	<u>Monitoring Department/ Division</u>	<u>Verification (date and Signature)</u>
27.	Prior to Issuance of Building Permit	Development Services Department	
28.	Prior to Issuance of Grading Permit	Development Services Department	

ENV 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 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.

ENV 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.

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.



**Exhibit A
PLANNING COMMISSION RESOLUTION 21-11 CONDITIONS OF APPROVAL**

		<u>Timing/ Implementation</u>	<u>Monitoring Department/ Division</u>	<u>Verification (date and Signature)</u>
29.	ENV NOI-1: All windows in the south-facing residential units of Wing 1 shall have a Sound Transmission Class (STC) rating of 30 or greater. The building shall be constructed in compliance with noise exposure standards under 24 CFR Part 51, Subpart B in maintaining interior noise levels not exceeding 45 dBA DNL.	Prior to Issuance of Building Permit	Development Services Department	
30.	ENV TRAN-1: Prior to the issuance of a building permit, the applicant shall submit for review and approval by the Development Services Department a TDM plan for the project. The plan shall include action items such as provision of transit passes, shared ride vehicles or shuttles and car sharing to encourage alternative transportation modes.	Prior to Issuance of Building Permit	Development Services Department	
31.	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 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	Development Services Department	
32.	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 materials (A5.405.3), and materials with a recycled content (A5.405.4).	Prior to Issuance of Building Permit	Development Services Department	



**Exhibit A
PLANNING COMMISSION RESOLUTION 21-11 CONDITIONS OF APPROVAL**

	<u>Timing/ Implementation</u>	<u>Monitoring Department/ Division</u>	<u>Verification (date and Signature)</u>
33.	Prior to Issuance of Building Permit	Development Services Department	
CONDITIONS ON PLANS - These project conditions of approval listed below under the heading "During Construction and Prior to Occupancy" shall appear on the building plans.			
During Construction and Prior to Occupancy			
34.	Prior to Pouring Foundations	Development Services Department	
RF VERIFICATION – The applicant shall conduct measurements of radiofrequency (RF) emissions on the property to verify all areas that will be accessible by the public or residents will be within maximum public exposure limits consistent with federal standards and supporting the conclusions of the RF report for the project. Measurements shall ensure that the height and location of units and other areas within the proposed building have been considered and are within maximum public exposure limits consistent with federal standards. The applicant shall submit an RF verification letter to the Development Services Department for review.			
35.	Prior to Construction/ During Construction	Development Services Department	
ENV BIO-1: To avoid and minimize potential impacts to nesting birds including passerines and raptors, the following measures shall be implemented: 1. Grading or removal of potentially occupied habitat should be conducted outside the nesting season, which occurs between approximately February 1 and August 31. 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			



**Exhibit A
PLANNING COMMISSION RESOLUTION 21-11 CONDITIONS OF APPROVAL**

	<u>Timing/ Implementation</u>	<u>Monitoring Department/ Division</u>	<u>Verification (date and Signature)</u>
	<p>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>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.</p> <p>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 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>		



**Exhibit A
PLANNING COMMISSION RESOLUTION 21-11 CONDITIONS OF APPROVAL**

	<u>Timing/ Implementation</u>	<u>Monitoring Department / Division</u>	<u>Verification (date and Signature)</u>
<p>36. ENV BIO-2: To avoid impacts to pallid bats, a "species of special concern" in the state, a qualified biologist shall conduct a bat survey 15 days prior to the commencement of ground work. If no special-status bats are found during the survey, then construction may begin without restriction.</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.</p>	<p>Prior to Construction/ During Construction</p>	<p>Development Services Department</p>	
<p>37. CERTIFIED GRADED PAD - A California-Licensed Engineer shall certify that the graded construction pad for the proposed dwelling unit has been adequately compacted and designed to support the proposed dwelling unit.</p>	<p>During Construction</p>	<p>Development Services Department</p>	
<p>38. CONSTRUCTION SITE INFORMATION - A construction contact person's name, mobile phone number, and email address shall be posted on the project site during the duration of construction.</p>	<p>During Construction</p>	<p>Development Services Department</p>	



**Exhibit A
PLANNING COMMISSION RESOLUTION 21-11 CONDITIONS OF APPROVAL**

		<u>Timing/ Implementation</u>	<u>Monitoring Department / Division</u>	<u>Verification (date and Signature)</u>
39.	<p>The property address shall be clearly marked during the project construction process.</p> <p>CONSTRUCTION ACTIVITY - The building permit holder shall ensure the following provisions to control noise, dust, and construction debris nuisance occur during construction:</p> <p>A. Building construction activities shall occur only between 7:00A.M. and 5:00 P.M., Monday through Friday on non-federal holidays. Interior construction work may occur between 9:00A.M. and 6:00P.M. on weekends if requested and approved by the City as allowed under Chapter 15.02 of the City Municipal Code.</p> <p>B. All construction vehicles shall be properly maintained and equipped with exhaust mufflers and meet State and Federal standards.</p> <p>C. Newly disturbed soil surfaces shall be watered down regularly throughout the day and any construction grading activity shall be discontinued in wind conditions greater than 10 miles per hour.</p> <p>D. Construction activities shall be scheduled so that paving and foundation placement begin immediately upon completion of grading operation.</p> <p>E. All excavated or silty materials shall be covered with a tarp during</p>	During Construction	Development Services Department	



**Exhibit A
PLANNING COMMISSION RESOLUTION 21-11 CONDITIONS OF APPROVAL**

	<u>Timing/ Implementation</u>	<u>Monitoring Department / Division</u>	<u>Verification (date and Signature)</u>
40.			
41.			
42.			

transit to and from the site.

F. All construction debris shall be covered with a tarp during transit from the site.

G. The construction site shall be maintained in an orderly fashion and litter shall be contained and properly disposed of on a daily basis.

40. **SITE MAINTENANCE** - 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.

41. **INSPECTIONS** - The applicant shall notify the Development Services Department at least forty-eight (48) hours prior to 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 Municipal Code.
The applicant shall arrange all inspections with the Building Division, Fire Department, and Public Works Division. All Building Division inspection requests shall be made at least 24 hours in advance.

42. **ACCESS TO SAN PABLO AVENUE** - Project construction vehicles and vehicles belonging to construction workers shall not block access to San Pablo Avenue, Robles Avenue, Encina Avenue, Madrone Avenue, or any other public roadway.



**Exhibit A
PLANNING COMMISSION RESOLUTION 21-11 CONDITIONS OF APPROVAL**

	<u>Timing/ Implementation</u>	<u>Monitoring Department / Division</u>	<u>Verification (date and Signature)</u>
43.	<p>ENV AQ-1: 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:</p> <ol style="list-style-type: none"> 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. 2. All haul trucks transporting soil, sand, or other loose material shall be covered. 3. 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. 4. All vehicle speeds on unpaved roads shall be limited to 15 mph. 5. 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. 6. 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. 7. 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 	Development Services Department	



**Exhibit A
PLANNING COMMISSION RESOLUTION 21-11 CONDITIONS OF APPROVAL**

		<u>Timing/ Implementation</u>	<u>Monitoring Department / Division</u>	<u>Verification (date and Signature)</u>
	<p>working condition prior to operation.</p> <p>8. 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>			
44.	<p>ENV CUL-1: To ensure the Project does not result in impacts to buried archaeological resources onsite, if present, the following shall be implemented:</p> <ol style="list-style-type: none"> 1. 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. 2. Monitoring. During initial ground disturbing activities on 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. 3. 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 	During Construction	Development Services Department	



**Exhibit A
PLANNING COMMISSION RESOLUTION 21-11 CONDITIONS OF APPROVAL**

	<u>Timing/ Implementation</u>	<u>Monitoring Department/ Division</u>	<u>Verification (date and Signature)</u>
<p>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>4. 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>			
45.	During Construction	Development Services Department	



**Exhibit A
PLANNING COMMISSION RESOLUTION 21-11 CONDITIONS OF APPROVAL**

	<u>Timing/ Implementation</u>	<u>Monitoring Department / Division</u>	<u>Verification (date and Signature)</u>
Act.			
46.	During Construction	Development Services Department	
47.	During Construction	Development Services Department	

Act.

46. ENV GEO-4: 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 Development Services 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.

47. ENV NOI-2: 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:
 1. Limit construction hours to between 7 a.m. and 5:00 p.m., Monday through Friday. Construction activities shall be prohibited on Saturday, Sundays, and State, Federal and Local Holidays, unless an exception is



**Exhibit A
PLANNING COMMISSION RESOLUTION 21-11 CONDITIONS OF APPROVAL**

	<u>Timing/ Implementation</u>	<u>Monitoring Department / Division</u>	<u>Verification (date and Signature)</u>
	<p>granted in accordance with the Municipal Code.</p> <ol style="list-style-type: none"> 2. 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. 3. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment. 4. Unnecessary idling of internal combustion engines shall be strictly prohibited. 5. Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. If they must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used to reduce noise levels at the adjacent sensitive receptors. Any enclosure openings or venting shall face away from sensitive receptors. 6. Acoustically shield stationary equipment located near residential receivers with temporary noise barriers. 7. Utilize "quiet" air compressors and other stationary noise sources where technology exists. 8. Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction activities. 9. Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from existing residences. 		



**Exhibit A
PLANNING COMMISSION RESOLUTION 21-11 CONDITIONS OF APPROVAL**

	<u>Timing/ Implementation</u>	<u>Monitoring Department/ Division</u>	<u>Verification (date and Signature)</u>
<p>10. Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.</p> <p>11. The contractor shall prepare a detailed construction schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.</p> <p>12. Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.</p>			
48.	During Construction	Development Services Department	<p>ENV NOI-3: Consistent with typical contractor procedures, prior to the start of soldier pile drilling site work, detailed photographic documentation of existing conditions at the adjacent offsite residences shall be performed by an experienced engineer, inspector, or other qualified professional. The photographic documentation shall be collected with sufficient information to establish a baseline, against which a post drilling inspection will be compared to verify that no building damage attributed to the construction activities of the Vista Woods project occurred. In the event that damage to structures is identified and attributed to Vista Woods construction, then the contractor shall be repair damaged</p>



**Exhibit A
PLANNING COMMISSION RESOLUTION 21-11 CONDITIONS OF APPROVAL**

		<u>Timing/ Implementation</u>	<u>Monitoring Department / Division</u>	<u>Verification (date and Signature)</u>
	structures.			
49.	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.	During Construction	Development Services Department	
50.	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 greenwaste for compostable and organic materials as available.	During Construction	Development Services Department	
51.	SIDEWALK, CURB AND GUTTER REPAIR - The applicant shall repair and replace to existing City standards, any sidewalk, curb and gutter abutting the project site.	Prior to Occupancy	Development Services Department	
52.	POST-CONSTRUCTION WASTE MANAGEMENT Report - The applicant shall complete a post-construction waste management report prior to issuance of a certificate of occupancy.	Prior to Occupancy	Development Services Department	
53.	ADDRESSING - Prior to issuance of a "Certificate of Occupancy" or final building inspection approved illuminated numbers and addresses shall be installed in compliance with Section 15.02.050 of the Municipal Code.	Prior to Occupancy	Development Services Department	



**Exhibit A
PLANNING COMMISSION RESOLUTION 21-11 CONDITIONS OF APPROVAL**

		<u>Timing/ Implementation</u>	<u>Monitoring Department / Division</u>	<u>Verification (date and Signature)</u>
54.	<p>LANDSCAPING CERTIFICATE OF COMPLETION – 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</p>	Prior to Occupancy	Development Services Department	
55.	<p>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.</p>	Prior to Occupancy	Development Services Department	

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