

BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Approving a Use Permit and)
Design Review of Plans to Consolidate) Resolution No. 10002
Facility Operations, Expand Waste)
Handling Capacity and Construct a New)
Truck Maintenance Building at 1300)
Loveridge Road, for "Mt. Diablo Resource)
Recovery Park, AP-10-712 (UP, DR).")

The Planning Commission DOES resolve as follows:

Section 1. Background

- A. On August 23, 2010, Contra Costa Waste Services filed Use Permit and Design Review Application No. 10-712 requesting approval a use permit modification in order to bring the solid waste and recycling operations at the Recycling Center and Transfer Station (RCTS), the Mt. Diablo Recycling Facility (MDRF) and the mixed construction and demolition (Mixed C&D) recycling facility under a single entity referred to as the Mt. Diablo Resource Recovery Park (MDRRP). The proposal also included an increase in the total amount of materials processed per day at all three facilities from 2,200 tons per day (TPD), to a total of 5,500 TPD; establishment of a new commercial recycling and organic processing programs for residential and commercial food wastes; construction of a biomass gasification unit to process clean wood waste into energy for on-site use; and as a possible future phase of the project, a rail haul option for waste transportation purposes. The project site includes a total of 37 acres. The western portion of the property is in the IG (General Industrial) District and the eastern portion of the property is within the IL (Limited Industrial) District. Assessor's Parcel Numbers: 073-200-013, -014, -015, -024 and a portion of 073-200-023.
- B. On August 5, 2013, the applicant filed a modification to the use permit application in order to add an additional 18.5 acres to the original proposal (bringing the total project area to 37 acres)
- C. On September 9, 2014, the applicant filed another modification to the use permit application in order to relocate an existing truck maintenance facility from its current location east of the project site, across Loveridge Road, to the southernmost portion of the MDRRP site. The relocated facility would require construction of a new 18,000 square foot building identified as the SEG Truck Maintenance Facility, to store and maintain trucks associated with the operation.
- D. On May 14, 2015, the applicant submitted a letter and revised site plan indicating their desire to relocate the proposed Biomass Gasification Unit to the southern

portion of the site, the organics processing unit to the center of the site, and the employee parking to an area along Loveridge Road (previously designated for organics processing), in order to address concerns that had been raised by their neighbors to the north, west and east. According to a memo from the environmental consultant, PMC, dated May 15, 2015, the applicant initiated changes would not result in any new environmental impacts not already addressed in the EIR, and therefore no further analysis would be required in order to incorporate the proposed changes.

- E. The existing Mt Diablo Recycling Facility became operational in 1995 and over the years, has expanded its operations to include additional recycling and disposal services (as described below). The facility serves as a regional recycling facility.
- F. On March 6, 1995, the City Council adopted Resolutions Nos. 95-8143, 95-8144, and 95-8145, approving a use permit, variance and design review of architectural plans (respectively) for the RCTS, on a 17.5 acre site located at 1300 Loveridge Road. Prior to that approval, the City Council adopted Resolutions Nos. 95-8134 and 95-8142, certifying the Final Environmental Impact Report (EIR) and adopting mandatory findings of significant environmental impacts and mitigation measures for the project (respectively).
- G. On December 18, 1995, the City Council approved Resolution No. 96-8150, authorizing an agreement that allowed the recycling center and transfer station to begin operation.
- H. On March 27, 2007, the Planning Commission adopted Resolution Nos. 9691 and 9692 approving a new use permit and design review application to locate the MDRF on the existing RCTS site. The MDRF was approved to share the same site as the RCTS; however, both facilities operate independently under separate State-granted permits through the Integrated Waste Management Board which permitted the RCTS facility and the State Department of Conservation which permitted the MDRF.
- I. On April 22, 2008, the Planning Commission adopted Resolution No. 9755, approving another use permit and design review application, establishing a the Mixed C&D recycling facility, including a green material processing operations area, on a 6.52-acre portion of the RCTS site (the Mixed C&D facility is considered to be under the Integrated Waste Management permit). Conditions of approval for the RCTS and the MDRF were carried forward to the subsequent approvals.
- J. On January 12, 2010, the Planning Commission adopted Resolution No. 9822 modifying the use permit for MDRF in order to expand the maximum amount of material that could be processed per day, expand hours of operation and the number of employees working at the facility.

- K. The proposed expansion and reorganization of the existing facilities to the MDRRP would assist the City of Pittsburg and Contra Costa County in reducing greenhouse gas emissions by generating renewable energy, increasing solid waste diversion rates, and expanding programs to provide recycling options to business and family residences.
- L. The proposed expansion and reorganization of the existing facilities to the MDRRP would also assist the City of Pittsburg and Contra Costa County in maintaining compliance with Assembly Bill (AB) 939 mandates, requiring 50 percent diversion of solid waste from landfills, and preparing to accommodate future AB939 goals and mandates, such as assisting in the statewide recycling goal of a 75 percent recycling rate by 2020, consistent with AB341.
- M. The proposed project conforms to the applicable General Plan land use designation of *Industrial* and the applicable goals and policies of the Pittsburg General Plan and the Pittsburg Municipal Code (PMC).
- N. The proposed project is subject to the California Environmental Quality Act (CEQA, Public Resources Code section 21080 (d) and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, sections 15000 et seq). Pursuant to the provisions of the State CEQA Guidelines, a Draft and Final EIR were prepared for this project.
- O. On April 28, 2015, the Planning Commission held a public meeting and continued the project to May 26, 2015.
- P. On or prior to May 15, 2015, notice of the May 26, 2015, public hearing to consider this application was posted at City Hall, the project site and on the city's website; was delivered to the Pittsburg Library; and was mailed via first class mail or email to the property owner, applicant and all other owners of property within 300 feet of the subject site, to utility companies and other agencies anticipated to provide service to the project, and to all interested parties and individuals and organizations that requested such notice, in accordance with PMC sections 18.14.010 and 18.36.350 and Government Code section 65091.
- Q. On May 26, 2015, the Planning Commission held a public hearing and subsequently adopted Resolution No. 10001 certifying a final environmental impact report (FEIR) for the proposed MDRRP project. It also adopted Findings Concerning Alternatives, a Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program. The Planning Commission must consider the Draft and Final EIR prior to taking action on the application for a Use Permit and Design Review for the proposed project.
- R. PMC section 18.16.040 specifies that the following findings must be made before approval of a use permit. The Commission may grant approval of a use permit if the proposed use:

1. is in accord with the objective of the Zoning Ordinance, the purposes of the land use district in which it is located and is appropriate to the specific location;
2. is not detrimental to the health, safety and general welfare of the City;
3. will not adversely orderly development of property within the City;
4. will not adversely affect the preservation of property values;
5. is consistent with the general plan and applicable specific plan;
6. will not create a nuisance or enforcement problem;
7. will not encourage marginal development within the neighborhood;
8. will not create a demand for public services within the City beyond that of the ability of the City to meet in the light of taxation and spending restraints; and,
9. is consistent with the City's approved funding priorities.

S. Design review approval can be granted only after the Planning Commission makes a determination that the proposed project is consistent with PMC section 18.36.220.B, which is summarized below:

1. the structure conforms with good taste, good design and in general contributes to the character and image of the city as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality;
2. the structure will be protected against exterior and interior noise, vibrations and other factors that may tend to make the environment less desirable;
3. the exterior design and appearance of the structure is not of inferior quality as to cause the nature of the neighborhood to materially depreciate in appearance and value;
4. the structure is in harmony with proposed developments on land in the general area; and
5. The application conforms with the criteria set forth in any applicable city-adopted design guidelines.

- T. On May 26, 2015, the Planning Commission held a public hearing on the EIR, the Use Permit and Design Review Application No.10-712, at which time oral and/or written testimony was considered.

Section 2. Findings

- A. Based on the Planning Commission Staff Report entitled "Mt Diablo Resource Recovery Park, AP-10-712 (UP)" and based on all the information contained in the Planning Division files on the project, incorporated herein by reference and available for review in the Planning Division located at 65 Civic Avenue in Pittsburg, and based on all written and oral testimony presented at the meeting, the Planning Commission finds that:

1. All recitals above are true and correct and are incorporated herein by reference.

CEQA:

2. The Draft and Final EIR for this Project was prepared in compliance with Public Resources Code section 21080 et seq. The Planning Commission has independently reviewed and considered the Draft and Final EIR, along with the adopted Statement of Overriding Considerations. With the incorporation of all mitigation measures included in the FEIR Mitigation Monitoring and Reporting Program (MMRP), also incorporated as conditions on this project approval, the project will still have an unavoidable impact on air quality and cumulative impact in the area of transportation.
3. In accordance with a memo dated May 15, 2015, the potential environmental impacts associated with the applicant initiated changes, dated May 14, 2015, were evaluated against the existing analysis presented in the Draft and Final EIR. According to the memo, the worst-case scenario that was analyzed in the Draft and Final EIR with respect to the location of the Biomass unit, adequately addresses the potential impacts associated with the applicant initiated changes proposed by on May 14, 2015. Further, the modified site plan would provide for better onsite circulation by allowing additional internal vehicle queuing space, it would better mitigate potential odor impacts on an existing industrial office building located immediately north of the site, and it would significantly reduce the amount of dust and debris that could travel off site to the east due to prevailing winds in the area. Because the proposed applicant initiated changes are fully covered within the scope of the existing environmental analysis, there would be no new impacts associated with the change and no further environmental analysis is required.

Use Permit:

4. The proposed use, including: 1) the expanded capacity for waste handling to 5,500 TPD; 2) establishment of new commercial recycling and organic processing programs for residential and commercial food wastes; 3) establishment of a biomass gasification unit to process clean wood waste into energy for on-site use; 4) relocation of the SEG truck maintenance facility to the project site; and 5) possible future rail haul option for waste transportation purposes:
 - a) Is in accord with the objectives of the Zoning Ordinance, the purposes of the land use districts in which it is located and is appropriate to the specific location, in that the use is an expansion of an existing use that has operated since 1995 in accordance with the requirements of the existing use permits and the Solid Waste Facility Permit administered by the City of Pittsburg Local Enforcement Agency (LEA). The proposed expansion would comply with the development standards set forth for the IL and IG Districts (PMC 18.16.040.a).
 - b) Will not be detrimental to the health, safety and general welfare of the City, nor will it involve any activities that would be injurious to the City, its residents, or its workforce, if the City of Pittsburg LEA issues a Solid Waste Permit to allow 5,500 TPD, and all applicable regulations of the PMC and the LEA are adhered to throughout the life of the use (PMC 18.16.040.b).
 - c) Will not adversely affect the orderly development of property within the City, in that the expansion of the existing recycling facility will continue to be in character with the existing context of industrial uses located north of the Pittsburg-Antioch Highway and surrounding the site (PMC 18.16.040.c).
 - d) Will not adversely affect the preservation of property values, in that the proposed facility expansion will utilize properties that have been vacated by previous industrial activities (PMC 18.16.040.d).
 - e) Is consistent with the General Plan, in that the expansion of the existing facility meets the intent of the Industrial land use designation in accordance with General Plan and more specifically the Loveridge sub-area Goal 2-G-15, to maintain industrial activities in appropriate, and Goal 11-G-6, and Policy 11-P-19, to reduce the amount of solid waste generated in the City through intensification of recycling efforts (PMC 18.16.040.e).

- f) Will not create a nuisance or enforcement problem, if the facility complies with all applicable provisions of the PMC, the conditions of this resolution and the Solid Waste Facility Permit administered by the City of Pittsburg LEA (PMC 18.16.040.f).
- g) Will not encourage marginal development within the neighborhood, in that the use is an expansion of the existing facility which has been in operation since 1995, and it will utilize vacant parcels from previous industrial uses in the immediate vicinity (PMC 18.16.040.g).
- h) Will not create a demand for public services within the City beyond that of the ability of the City to meet in the light of taxation and spending restraints, in that the use is private and does not require any additional public services (PMC 18.16.040.h).
- i) Is consistent with the City's approved funding priorities, in that there are no public funds involved with the project (PMC 18.16.040.i).

Large Recycling Facilities:

- 5. The proposed use of a large recycling facility is consistent with the following standards, included in PMC section 18.84.575.C:
 - a) The facility will be at least 150 feet from property zoned or planned for residential use.
 - b) The recycling facility will be screened from public view by operating in an enclosed building or behind dense landscaping or fencing.
 - c) Yards and landscaping requirements will comply with those provided for in the IL and IG zoning districts, where the facility is located.
 - d) All exterior storage of material will be secured and maintained in good condition. Oil storage containers will be subject to approval by the Chief Building Official and Contra Costa County Fire Protection District (CCCYPD). No storage, excluding truck trailers and overseas containers, will be visible above the height of the fencing or other screening.
 - e) The site will be maintained free of litter and any other undesirable materials, and will be cleaned of loose debris on a daily basis.
 - f) Noise levels originating from the site will not exceed 60 dBA as measured at the property line of the nearest residentially zoned property, or otherwise not exceed 70 dBA.

- g) The facility will not be sited within 500 feet of property zoned, planned or occupied for residential use.
- h) No containers will be provided for after-hours donation of recyclable materials (newspaper, cardboard, aluminum cans, etc.).
- i) Donation areas will be kept free of excess litter and any other undesirable material, and the donation area will be clearly marked to identify the type of material that may be deposited. The facility will also display a notice stating that no material may be left outside the facility.
- j) The facility will be clearly marked with the name and phone number of the facility operator and the hours of operation; identification and informational signs will meet the standards of the use. Directional signs, bearing no advertising message, will be installed subject to approval by the Planning Division.
- k) Power-driven processing, including aluminum foil and can compacting, plastic shredding, or other light processing activities, may be used as necessary for efficient temporary storage and shipment of material.

Design Review:

- 6. The proposed project, including the new SEG truck maintenance facility and surrounding improvements:
 - a) Conforms with good taste, good design and in general contributes to the character and image of the City as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality, in that, given the industrial character of the area, the structural design of the SEG truck maintenance facility along with the new screening landscaping proposed along Loveridge Road will be consistent with other structures and landscaping on the MDRRP site and with the other surrounding industrial development.
 - b) Will not be subject to exterior and interior noise, vibrations and other factors which may tend to make the environment less desirable, in that they will be installed within an existing industrial area and to standard building code regulations.
 - c) Will not be of inferior quality as to cause the nature of the neighborhood to materially depreciate in appearance and value, in that the proposed structural design of the SEG truck maintenance facility along with the new screening landscaping

proposed along Loveridge Road will be consistent with other structures and landscaping on the MDRRP site and the existing surrounding industrial development.

- d) Will be in harmony with proposed developments on land in the general area, such as the Columbia Solar project adjacent to the site, in that the design of the site and new trucking facility are industrial in nature, similar to surrounding development.
- e) The project conforms to the applicable criteria set forth in the City's adopted Development Review Design Guidelines (DRDG), adopted by Planning Commission Resolution No. 9864 in that: 1) the new parking areas would be screened from public view behind a chain link fence with 6-foot tall shrubbery surrounding the site (DRDG IV.a); 2) the new SEG truck maintenance building would match in colors and design to the existing MDRF and RCTS facility located on the same site, immediately north of the new building (DRDG IV.p); and 3) the appearance of the continuous horizontal roof line for the new building would be broken up by the periodic placement of the nine (9) foot wide long ridge roof vents on top of the building (DRDG IV.f).

Section 3. Decision

- A. Based on the findings set forth above, the Commission hereby approves Use Permit and Design Review Application No. 10-712, subject to the following conditions:
 - 1. The use shall be constructed and operated in substantial conformance with the project plans, date stamped December 24, 2014, as amended on the proposed Revised Site Plan, date stamped May 14, 2015, and as presented to the Planning Commission in the staff report identified in Section 2 above, except as may be modified by the conditions below. Construction and operation of the approved use in a manner inconsistent with this use permit shall be grounds for revocation of the use permit.

Standard Conditions and Indemnification

- 2. The applicant agrees to indemnify, defend, and hold harmless the City, its officials, officers, employees, agents and consultants from any and all administrative, legal or equitable actions or other proceedings instituted by any person challenging the validity of the project approval, subsequent project approval, or other action arising out of, or in connection with, or the project approvals. The parties shall cooperate in defending such action or proceeding. The parties shall use reasonable efforts to select mutually agreeable defense counsel but, if the parties cannot reach agreement,

City may select its own legal counsel at Applicant's sole cost and expense. The applicant may select its own legal counsel to represent applicant's interests at the applicant's sole cost and expense. The applicant shall pay for City's costs of defense, whether directly or by timely reimbursement to City on a monthly basis. Such costs shall include, but not be limited to, all court costs and attorneys' fees expended by City in defense of any such action or other proceeding, plus staff and City Attorney time spent responding to and defending the claim, action or proceeding.

3. It is the responsibility of the applicant to contact each local, state, or Federal agency for requirements that may pertain to this project.
4. The applicant shall be responsible for informing all subcontractors, consultants, engineers, or other business entities providing services related to the project of their responsibilities to comply with all pertinent requirements of the City of Pittsburg Municipal Code, including the requirement that a business license be obtained by all entities doing business in the City.
5. The Standard Conditions of Development as adopted by the Pittsburg Planning Commission by Resolution No. 8931 shall apply as conditions of approval for this project as applicable. Where there is a conflict between the Standard Conditions of Development, and this Resolution, this Resolution shall prevail.
6. All site development shall comply with Title 12 (Streets, Sidewalks, and Utilities), Title 13 (Water and Sewers) and Chapter 15.88 (Grading, Erosion and Sediment Control) of the PMC as determined by the City Engineer. Issuance of a site development permit will be required whereby specific engineering requirements will be made as conditions of approval.
7. Permits shall be obtained from each agency having jurisdiction over the project to the extent required by law including the City of Pittsburg LEA, the Bay Area Air Quality Management District, San Francisco Bay Regional Water Quality Control Board and the Department of Resources Recycling and Recovery.

Use Permit Conditions

8. The Mt Diablo Resource Recovery Park shall not receive more than five thousand, five hundred (5,500) tons per day of municipal solid waste, recyclables and construction and demolition material for processing.

9. Organic processing piles shall be setback at least 80-feet from the western property line. Organic processing pile heights shall not exceed 20 feet above the nearest adjacent grade.
10. Pursuant to the applicant's letter dated May 14, 2015, and the revised site plan: i) usage of vacant land within 420 feet of the northern property line shall be limited to commodity, vehicle, and equipment storage; and ii) organics processing and/or storage of piles shall not occur within 850 feet of the northern property line.
11. The applicant shall comply with all previously approved applicable conditions of approval related to the facility, found in City Council Resolutions Nos. 95-8143, 95-8144, 95-8145 and 96-8150, and Planning Commission Resolutions Nos. 9691, 9692, 9755 and 9822. Where there is a conflict between those resolutions and this Resolution, this Resolution shall prevail.
12. The MDRRP shall be operated in a manner as directed by the City so as to ensure that the City achieves the waste diversion mandates of the California Integrated Waste Management Act (the Waste Act) or other applicable law, so long as the City's waste is processed at the MDRRP. If the Applicant fails to comply with the City's direction and fines or other penalties are assessed for failure to meet waste diversion goals, then such fines or penalties shall be borne by the Applicant, and the Applicant shall defend, indemnify and hold the City harmless for any loss, claim or action arising from or in any way connected with such failure to comply with City directives. Pursuant to Public Resources Code Section 50001(a)(2), the RCTS shall recover for recycling the percent of materials as mandated by state law. Nothing in this condition shall prevent the City from establishing additional requirements regarding waste diversion in an authorization issued under Chapter 8.05 of the Municipal Code.
13. The applicant shall monitor and provide the Community Development Director with regular accounting of the origin and quantity of all solid waste and recyclables received by, processed through, and transferred by the MDRRP for disposal or recycling. This accounting shall be in a form satisfactory to the Community Development Director, and at such times and intervals as he specifies and shall be on a jurisdiction by jurisdiction basis. The accounting shall be in addition to any applicable requirements of the state for monitoring and demonstrating compliance with state mandates related to solid waste and recycling. Copies of any reports supplied by MDRRP to other agencies shall be contemporaneously provided to the Community Development Director.

14. The applicant shall allow City staff and the LEA to conduct reasonable inspections of the property and applicant's operation of the MDRRP to ensure compliance with the conditions of approval.
15. All applicable conditions of approval provided in this resolution shall be incorporated by reference into the applicant's Solid Waste Facilities Permit and may be enforced by the LEA at its discretion in conjunction with other appropriate City departments.
16. The Community Development Director or other appropriate City official may require the applicant to update a plan or study required under any condition of approval in this resolution more frequently than otherwise called for herein, as conditions may warrant in such official's judgment.
17. Transfer of solid waste and recyclables shall be to permitted landfills and recycling receivers.
18. The MDRRP shall not generate noise in excess of 70 dBA at the property line as required by PMC Chapter 18.84.
19. The transfer operation shall be operated in a closed building to reduce exposure of waste to the atmosphere and potential odor impacts.
20. The MDRRP shall substantially comply with all the requirements of the Operations Plan and Odor Impact Minimization Plan, included as Appendix B of the Draft EIR, and as may be periodically updated.
21. A bicycle parking area shall be installed on site to accommodate a minimum of six bicycles at any given time. Design of the new bicycle rack shall be in conformance with the City's standard detail, T-9. Final location of the new bicycle rack shall be in subject to review and approval by Planning staff prior to the rack's installation, and the rack shall be installed prior to establishment of the use on site.
22. The property shall be maintained in a neat and clean manner at all times.
23. The applicant shall ensure that any items dumped along the Loveridge Road street frontage are removed at the beginning and end of each business day.
24. The entire 37-acre MDRRP site shall be surrounded by a security fence to capture any litter carried by the wind. The applicant shall remove litter from the building environs daily, and shall institute a load-covering program for hauling vehicles leaving the MDRRP.

25. The tipping floor and processing areas shall be cleaned every twenty-four (24) hours.
26. Non-recoverable solid waste stored at the MDRRP for longer than twenty-four (24) hours shall be stored inside transfer trucks under a tarp or cover. In no event shall disposable, non-recoverable solid waste be stored on site for over forty-eight (48) hours.
27. All MDRRP garbage collection trucks entering and all transfer/packer trucks exiting the site shall be covered or enclosed to prevent or minimize litter and waste material from escaping during transport.
28. Self-haulers (general public) that enter the MDRRP without trash or waste material adequately covered shall be informed by the applicant of the requirement that trucks be covered, as required by Condition No. 26. The applicant shall be responsible for cleaning up litter from self-haulers as required in Condition No. 29. The applicant shall provide notice to the public of the cover requirements in a manner satisfactory to the Director of Community Development.
29. As part of maintenance procedures, the applicant shall assign MDRRP employees to pick up litter each day along roadways within two thousand (2,000) feet of the property boundaries; to the City limits to the east of the Project; and to the Pittsburg Antioch Highway Bypass to the west of the Project. If the City Manager, or his or her designee, determines in his or her sole discretion that the applicant's litter control efforts are not adequate to meet City requirements, then he or she may require the applicant to submit a litter control plan and direct what changes are necessary in order to improve its effectiveness.
30. The interior of the MDRRP site shall be designed so that refuse cannot be retained or trapped in corners, cracks or other irregularities. All surfaces that come into contact with refuse shall be designed to be easily cleaned.
31. The drainage and waste handling systems shall be designed so that no standing water can collect in the refuse handling areas.
32. The applicant shall post signs, as specified by the Safe Water Drinking and Toxic Enforcement Act of 1986 (California Health and Safety Code Sections 25249.5, et seq., and Title 22 of the CCR, Sections 12000, et seq.) warning workers of the hazards of disturbing, handling, drilling, and/or breaking the asbestos-containing floor tiles in the conference room of the transfer facility. In addition, the tiles shall be inspected annually by personnel trained in asbestos inspection. In the alternative, the applicant may have the tiles encapsulated, or removed by a licensed asbestos abatement contractor.

33. Only non-hazardous waste shall be accepted at the MDRRP. To ensure compliance with this condition, the applicant shall prepare a (or update an existing) Hazardous Waste Exclusion Program (the "Exclusion Program") in accordance with Title 23 of the CCR, Section 2523(b) and maintain a policy of excluding hazardous waste from the MDRRP. The Exclusion Program previously submitted by the applicant shall be revised to state that no waste classified as "designated" or "hazardous" under applicable law will be accepted at the MDRRP and shall include a schedule for implementing the proposed training load checking programs. The LEA shall review and approve the updated Exclusion Program as part of the Solid Waste Facilities Permit review process, and shall specify what waste shall be excluded.
34. The applicant is prohibited from receiving hazardous wastes, or engaging in activities which would generate hazardous wastes at the MDRRP. "Receiving Hazardous Waste" does not mean hazardous material that inadvertently is unloaded at the facility (e.g. household material in mixed residential solid waste). The applicant is prohibited from handling hazardous waste substances in sufficient quantities at any one time as to require a permit under the Uniform Fire Code.
35. Management of hazardous materials used or inadvertently received at the MDRRP shall be documented consistent with Division 20, Chapter 6.95 of the Health and Safety Code (commencing with Section 25500) and subdivision (b) and (c) of section 80.103 of the Uniform Fire Code. Chapter 6.95 of the Health and Safety Code, titled "Hazardous Materials Release Response Plans and Inventory," requires the preparation of area plans and business plans. Section 80.103 of the Uniform Fire Code requires the preparation of hazardous Material Management Plans and Hazardous Materials Inventory Statements to ensure compliance with state operating regulations. These plans shall contain among other things; a complete description of personal protective equipment; procedures for handling, packing and disposing of hazardous waste found in mixed wastes inadvertently brought to the MDRRP; the maximum volume to be stored at any one time; and shall specify procedures for the proper segregation of incompatible wastes. Hazardous waste shall be stored in appropriate containers in compliance with all local, state and federal regulations and kept in an area separate from any hazardous materials used by the MDRRP in its operation or construction. These plans shall be submitted to the City, the Contra Costa County Health Services Department, and the CCFPD prior to the issuance of an expansion permit. The LEA shall ensure that these plans have been approved by the appropriate agency. The applicant shall fund the cost of outside technical support, if any.

36. The applicant shall update and maintain its Emergency Response Plan (the "ER Plan") as part of the Business Plan as required by the state Hazardous Material Release Response and Inventory Program (Health & Safety Code Section 25500, et seq.). The ER Plan shall be kept on site and include a detailed description of methods used to identify and control materials susceptible to explosion or combustion; the location, maintenance, and procedures for use of all fire control equipment; identification of responsible and trained fire-fighting personnel; location of fire extinguisher and other fire-fighting equipment and evacuation plans and procedures. The ER Plan shall also specifically address the potential for a power failure during an emergency, emergency response procedures in the event of an earthquake and shall take into account the probability that untrained visitors are likely to be present at the MDRRP. Response procedures for the site shall be submitted to and approved by the CCCFPD prior to the occupancy of the truck maintenance facility. The approved ER Plan shall be submitted to the LEA with the application packet for the Solid Waste Facilities permit.
37. All waste water generated by the MDRRP shall be collected and contained in five thousand (5,000) gallon storage tanks. The wastewater collected at the facility (holding tanks and sumps) shall be removed using vacuum tank trucks on an as-needed basis. The collected wastewater shall be monitored at a regular frequency to assure appropriate storage. . Any discharge of wastewater to the sewer shall be in compliance with the requirements and restriction specified by the Delta Diablo Sanitation District. Procedures for wastewater management at the facility shall be included in the in the Spill Prevention Control and Counter Measure Plan. (SPCCP). The Plan shall be updated to address any changes in operational and safety procedures related to future changes in wastewater management.
38. The applicant shall comply with all state and federal occupational safety and health acts ("OSHA") including but not limited to developing a procedure for protecting workers who handle and/or sort sharp materials; requiring workers to wear protective gloves; training workers to identify and safely remove sharp objects and dispose of used hypodermic needles or other inadvertently deposited medical wastes. These procedures shall be included in the Transfer/Processing Report that the applicant will submit to the LEA.
39. The applicant shall institute the following measures to control vectors and odors at the MDRRP:
 - a. Regular cleaning and maintenance procedures including sweeping of the yard and tipping areas;
 - b. Handle refuse materials inside the building, rather than outdoors;

- c. Transport putrescible waste for disposal no more than forty-eight (48) hours after it is brought to the MDRRP;
 - d. Transport yard waste offsite within forty-eight (48) hours, if not composted on site;
 - e. Implement a load covering policy and program for hauling vehicles leaving the MDRRP; and
 - f. Regular cleaning of MDRRP trucks by applicant.
40. In addition to the measures required by Condition No. 39, the applicant shall implement a program to monitor the development of any vector problems, including the eradication of pests if needed. The LEA staff shall enforce the state minimum standards for handling and disposing solid waste to reduce any vector problems.
41. Upon the City's request, the MDRRP shall provide recycling programs, such as (without limitation) mixed paper and yard waste diversion programs (as used hereafter in this condition "Programs") that are consistent with and assist in the implementation of the City of Pittsburg's Source Reduction and Recycling Element ("SRRE"). If the applicant demonstrates to the City's satisfaction that implementation of requested Programs is infeasible at the MDRRP, due to such factors as cost or suitability of the facility, the applicant shall work cooperatively with the City to develop other Programs that are feasible and will ensure that the City mandates its compliance with the Act. Any costs to reflect necessary Program changes at MDRRP shall be paid by the applicant and the cost shall not be passed on the City garbage subscribers or individuals or agencies using the MDRRP.

Design Review

42. Designs of improvements associated with the future potential rail haul operation are not approved with this resolution. Rail related improvements shall be subject to separate review, at such time when the option is exercised, in order to determine whether or not any subsequent discretionary review would be required.
43. Exterior signage is not approved at this time. No signs shall be installed until plans are reviewed and approved by the Planning Division under a separate sign permit application. Additionally, the applicant shall submit proposed signs to the LEA to ensure compliance with state minimum standards for solid waste facilities.
44. Plants installed for project landscaping shall be low-maintenance drought-tolerant varieties, requiring minimal use of pesticides to minimize potential impacts on foraging birds.

45. All landscaped areas shall be maintained in a healthy, thriving and weed free condition.

Construction Activities

46. Construction and operation of the proposed MDRRP shall not interfere with ongoing or proposed investigation, monitoring, and remediation of soils and/or groundwater at the project site. All building plans for proposed improvements shall identify the location of existing and known proposed areas of environmental investigation, monitoring, and/or remediation, including the location of existing and known proposed monitoring and extractions wells, subsurface and above ground piping, and associated treatment and storage tanks. All building plans shall be reviewed by the City to ensure that applicant's proposed improvements will continue to allow access to these areas and not impede remediation of the project site.
47. In areas of the Project site where no soil quality data is available or data is insufficient to describe the potential health risks associated with excavation and handling of soil, a soil sampling investigation shall be developed and implemented for the excavation and grading areas. The investigation shall be conducted by a qualified environmental professional to assess whether areas proposed to be excavated or graded contain concentrations that may pose a health risk to construction workers or require special handling during construction activities. Existing soil quality data shall be used, where available, to delineate the extent of contamination levels and the expected contaminant levels. The work shall be completed prior to construction and the results shall be included in the Construction Safety Plan as required by Condition 48. Development and implementation of the soil quality sampling program shall be integrated with the soil quality management required by Condition 48. The City Engineer shall confirm that the soil quality sampling program has been completed prior to the issuance of a grading permit.
48. In accordance with the guidelines provided in Title 29 of the Code of Federal Regulations (the CFR), Part 1910.120 and Title 18 of the California Code of Regulations (the "CCR"), Section 5192, the applicant shall develop, prepare and implement the Construction Worker Site Health and Safety Plan (the "Construction Safety Plan") for construction workers prior to project construction. The Construction Safety Plan shall include but not be limited to identification of areas of known contaminant releases, types of contaminants, and safety procedures for work in those areas; procedures to be undertaken in the event that unknown contamination is discovered; procedures and personnel responsible for managing contaminated soils and/or groundwater, and emergency procedures and responsible personnel. The Construction Safety Plan shall be prepared

and signed by a certified industrial hygienist and shall be included with the applicant's grading permit application. Individuals who are to perform work in areas where exposure to contaminated materials may occur must have received hazardous materials training in accordance with federal and state regulations.

49. The applicant shall ensure that all contractors on the project comply with the Construction Safety Plan and develop hazardous waste management techniques, protocols and/or methodologies for handling potentially hazardous materials that may be used during project construction. The plan shall specify types, quantities, containment, temporary storage areas, and emergency spill response procedures and shall be approved by the CCCFPD prior to project construction, as part of the standard building inspection, review and permit process.
50. Adequate sanitary disposal facilities shall be required on site during all phases of construction.
51. The applicant shall provide solid waste disposal containers on-site during all phases of construction. The accumulation of refuse and debris which may constitute an unsightly/unsafe public nuisance to surrounding properties is not permitted.
52. The applicant shall control dust during construction by water application. At minimum, active construction areas shall have to be watered at least twice daily pursuant to requirements of a site-specific Soil Management Plan (SMP) required by the restrictive land use covenant (LUC) that applies to the project site. Non-potable water shall be used from a source approved by the City Engineer (PMC, Title 15), or a nontoxic dust palliative may also be used. To prevent an increase in the potential to emit dust following grading, the project design includes stabilizing disturbed areas as soon as practical as described in Section 2.3.5. Crushed rock shall be used on perimeter and intermediate access roads and the area surrounding the substation. Areas that are not graveled or occupied by foundations shall be stabilized by re-vegetation, application of a non-toxic soil binder, or other means of stabilization.
53. The applicant shall comply with the following requirements of Title 13 of the California Code of Regulations (CCR) for diesel-fueled construction equipment to ensure that emission levels during project construction do not obstruct implementation of BAAQMD's air quality plans:
 - a. Individual diesel truck idling in excess of five consecutive minutes shall be prohibited consistent with Title 13 CCR.
 - b. Diesel-power construction equipment shall use low-sulfur diesel fuel pursuant to requirements of Title 13 of the CCR.

54. Any earth moving activity at the site shall be performed in accordance with the Soil Management Plan (SMP) and Health and Safety Plan (HSP) (USS-Posco and DTSC, 2010).
55. The project shall comply with all related water quality standards and any waste discharge requirements that might be issued. A Report of Waste Discharge may be required by the Regional Water Quality Control Board pursuant to California Water Code 13260, if the man-made drainage ditch is filled on the westerly portion of the site. This requirement is intended to ensure that the fill does not affect any beneficial uses of waters of the State.
56. If possible and as directed by the City Engineer, all grading shall be conducted between April 15 and October 15 to minimize silt runoff to the nearby channels located on the boundaries of the Project site. If grading is to be conducted during the rainy season, silt control measures described in the SWPPP's shall include, but not be limited to, creation of silt barriers (e.g. hay bales, silt fences) on the southern and/or western property boundary.
57. Any excavated contaminated soil shall be removed from the Project site and transported to a qualified disposal site; however, contaminated material shall not be transported to the Keller Canyon Landfill or to any facility that will use it as a daily cover.

Subsequent Agreements:

58. The owner shall enter into a deferred improvement agreement with the City to construct frontage improvements for the ultimate roadway design for Loveridge Road between State Route 4 and the project site. Such agreement shall be finalized prior to the issuance of a grading permit. As part of the agreement, the owner shall post a bond, a letter of credit, a certificate of deposit or some other form of financial responsibility agreed upon by the City for the cost of the improvements. Frontage improvements shall include construction of storm drain facilities, curb, gutter, and sidewalk, and undergrounding of utilities.
59. If the applicant cannot provide proof that an agreement has already been executed prior to the approval date of this resolution, then the applicant shall either enter into a Memorandum of Understanding or other agreement instrument to pay a pro-rata share fee for reconstruction and ongoing maintenance for Loveridge Road, prior to the issuance of a grading permit. The costs of reconstruction of the roadway and ongoing maintenance costs shall be determined through a City-sponsored study, and shall be based on truck trips attributed to the business, or other measurement deemed mutually acceptable by the applicant and the City.

General Engineering Conditions

60. All grading work shall be done in accordance with the provisions of PMC Chapter 15.88.
61. All site development shall comply with PMC Title 12 (Streets, Sidewalks, and Utilities), Title 13 (Water and Sewers), and Title 15 (Buildings and Construction) as determined by the City Engineer. Issuance of a Site Development Permit will be required whereby specific engineering requirements will be made as conditions of approval.
62. All public and pedestrian facilities shall be designed in accordance with Title 24, Handicap Access, and the California Department of State Architect's standards for accessibility compliance.
63. To ensure safety of customers and operations personnel, the proposed access road to the SEG trucking facility shall not be constructed until the Organic Processing Operations Area is relocated. The applicant shall provide an interim access road until such time the relocation occurs.
64. The applicant shall apply for a Parcel Map Waiver or execute a Reciprocal Access Agreement for the shared use of the parking lot and driveways proposed to be used by all facilities on site.
65. The applicant shall maintain the existing access easement that benefits the USS Posco property; however, because proposed stormwater improvements on the SEG trucking site will block access to this easement, it shall be re-aligned. The re-aligned easement shall be mutually agreed upon by the applicant and the beneficiary of the existing easement, USS Posco.
66. The applicant shall comply with City and State guidelines and requirements for traffic control during construction and prior to final project acceptance.

Engineering Division Fees:

67. The applicant shall pay one half of the Engineering Grading and/or Improvement Plan Review Fee with the initial submittal of plans, maps, or other documents for plan review. The Plan Check Fees are based upon the Engineer's Estimate, which shall also be provided at the time the plans are submitted. The Improvement Plan Check fees are 6% of the cost of the improvements based upon the approved Engineer's Estimate. The Grading Plan Check Fee is 2.5% of the Engineer's Estimate, or may be based upon cubic yards of grading. The deposit(s) shall be credited toward the final fee(s) as determined at engineering permit issuance based upon the final, approved

Engineer's Estimate. The deposit shall be paid to the Engineering Department.

68. The applicant shall pay the Improvement and/or Grading Inspection Fee(s) to the Engineering Division at the time of the Grading or Single Parcel Development Permit is issued. The current Improvement Inspection Fee is 5.75% of the cost of grading, and the Grading Inspection Fee is 3% of the cost of Grading. The Grading Inspection Fee may also be based upon an approved Engineer's Estimate of total cubic yards, according to the current schedule of Grading Fee Charges.
69. The Applicant shall pay a fee of \$0.68 per square feet for increases in the area of impervious surfaces created for the project per Municipal Code Chapter 15.104

GIS Update:

70. The applicant shall pay \$.05/sf of newly constructed building to the Engineering Division at the time of Single Parcel Development Permit issuance.
71. The applicant shall pay an NPDES Plan Review (SWPPP and/or C.3 Storm Water Control Plan) fee to the Engineering Division in the amounts in effect when the applicant obtains a grading permit. The applicant understands that the current NPDES plan review fee on file, effective September 1, 2010, shall be paid in accordance to the fee schedule approved by Resolution No. 10-11510, a copy of which is available at the City.
72. The applicant shall pay an NPDES Inspection Deposit (SWPPP and/or C.3 Storm Water Control Plan) fee to the Engineering Division in the amounts in effect when the applicant obtains a grading permit. The applicant understands that the current NPDES plan review fee on file, effective September 1, 2010, shall be paid in accordance to the fee schedule approved by Resolution No. 10-11510, a copy of which is available at the City.

Community Facilities District (CFD):

73. Prior to issuance of any building permits, the applicant shall deliver written approval to the Engineering Department to annex the subject property into the Community Facilities District CFD 2005-1, which provides funding for an increase of police coverage in the area. The rate of the CFD fee is subject to the City Council Ordinance No 05-1246.

Facility Reserve Charge:

74. The applicant shall pay the City of Pittsburg Facilities Reserve Charge (PMC Chapters 13.08, 13.12 and 13.24) (the "FRC") to the Engineering Department, for water and sewer service in the amounts in effect when the applicant

obtains a building permit. The applicant understands that the current FRC on file, effective August 20, 2005, shall be paid in accordance with the fee schedule approved by Resolution No. 05-10290, and amended by Resolution No. 12-11778, on February 21, 2012, a copy of which is available at the City. The FRC shall be paid to the Engineering Division prior to the issuance of a building permit.

Traffic Conditions and Mitigation Fees:

75. The applicant shall submit a revised internal traffic circulation plan to indicate the location and type of all onsite traffic signage and pavement markings for internal circulation. The new circulation plan shall be submitted to the City's Engineering Division for review and approval prior to the issuance of a grading permit.
76. Parking stall striping shall be added to replace the relocated fuel island in front of the main MDRF, in order to ensure adequate vehicular circulation within the parking lot. Final design of the new parking stall striping shall be subject to review and approval by the City's Community Development Department.
77. The applicant shall pay the Local Transportation Mitigation Fee (PMC Chapter 15.90) (the "LTMF") amount in effect when the applicant obtains a building permit. The applicant understands that the LTMF currently on file is \$1.51/sf. The applicant further understands that the LTMF is reviewed and adjusted annually to the current Construction Cost Index (CCI) and may be increased at the City Council's discretion based on revised cost estimates for roadway and transit facilities and other factors that demonstrate an increase is needed to offset traffic impacts caused by new development. The LTMF is calculated by dividing the total fee share of improvement costs by the total number of Dwelling Unit Equivalencies ("DUE") in the City, as described in PMC Chapter 15.90 and the Pittsburgh Local Transportation Mitigation Fee Program Update, copies of which are available from the City. Fees shall be paid prior to issuance of a building permit.
78. The applicant shall pay the Regional Transportation-Development Impact Mitigation Fee (PMC Chapter 15.102) (the "RTDIM") amount in effect when the applicant obtains a building permit. The applicant understands that the RTDIM currently on file is \$1.47/sf. The RTDIM will be automatically increased or decreased on January 1 of each year based on the percent change in the Engineering News-Record Construction Costs Index – San Francisco Bay Area between September 1 and September 1 of the preceding two calendar years. Fees shall be paid prior to issuance of a building permit. If no building permit is required, then the fees are payable in the amount in effect when the project commences pursuant to PMC Section 15.102.040.

Engineering Submittals:

79. If applicable, the applicant shall submit five (5) copies of the engineering plans, prepared by a registered civil engineer, to include but not be limited to the following:
- a) A Site Plan
 - b) A Grading and Drainage Plan
 - c) A Utilities Plan
 - d) A Landscaping and Irrigation Plan
 - e) A Stormwater Control Plan and Report
 - f) An Erosion and Sedimentation Control Plan
80. The applicant shall submit a current geotechnical report that substantiates the design features incorporated into this project including, but not limited to, grading activities, compaction requirements, utility construction, slopes, retaining walls, and roadway sections. The geotechnical report shall be submitted to the Engineering Division for review prior to the approval of any civil plans and issuance of any Engineering permits.
81. The applicant shall submit an Engineer's Estimate with the first plans submittal. This estimate shall include all costs associated with the site development improvements, excluding those costs associated with the construction of the building structure itself.

General NPDES Conditions

82. The applicant shall submit an Erosion and Sedimentation Control Plan, or Stormwater Pollution Prevention Plan (SWPPP), if the project warrants a State General Construction Permit, to the Engineering Division. The erosion control / SWPPP shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site during the construction phase of the project to effectively prohibit the entry of pollutants into storm water runoff and project track out.
83. Submittal of grading and/or building plans shall be consistent with the approved Stormwater Control Plan to meet C.3 obligations. The plans shall include drawings and specifications necessary to implement the permanent BMPs designed in the approved Stormwater Control Plan. Grading and/or

building permits, shall not be issued until this condition is met to the satisfaction of the Engineering Department.

84. Grading and/or building permit plans (including structural, mechanical, architectural, grading, drainage, site, landscape, and other drawings) shall show the details and methods of construction for site design featured, measures to limit directly connected impervious area, pervious pavements, self-retaining areas, treatment BMPs, permanent stormwater control BMPs, and other features that control stormwater flow and potential for stormwater pollutants.
85. Prior to final inspection approvals by the Engineering Division, the applicant shall submit a Stormwater BMP Operation and Maintenance Plan for review and approval by the Community Development and Public Works Departments. Guidelines for the preparation of Stormwater BMP Operation and Maintenance Plans can be found on the Contra Costa Clean Water Program's web-site: www.cccleanwater.org.
86. Prior to the issuance of a new Certificate of Occupancy, the applicant shall submit the final draft of the Stormwater BMP Operation and Maintenance Plan for review and approval by the Engineering Division. The applicant shall also execute the Operations and Maintenance Agreement, which pertain to the transfer of ownership and / or long-term maintenance of stormwater treatment BMPs or hydrograph modification BMPs. The Guidelines for the preparation of Stormwater BMP Operation and Maintenance Plans are found on the Contra Costa County Clean Water Program website (www.cccleanwater.org) or the Stormwater C.3 Guidebook, most current edition.

Utilities

87. The applicant shall evaluate the existing, receiving storm, sewer, and water facilities for adequate capacity and provide the results to the City to identify any service or supply problems. The cost for installation of additional facilities shall be borne by the applicant.
88. The design and construction of storm drain, water, and sewer facilities shall be in accordance with PMC section 17.28.020.
89. The applicant shall provide appropriate water service, adequately sized to meet the domestic and fire protection demands for the project.
90. The applicant shall provide appropriate sanitary sewer, adequately sized to accommodate the project's wastewater demand.
91. The applicant shall abandon the existing 6" and 10" water lines that cross Kirker Creek by capping the services at the property line.

Contra Costa County Fire Protection District

92. The applicant shall comply with CCCFPD standard requirements for: a) developer fees related to building permits, a one-time assessment that funds Fire District equipment and other improvements, and b) Benefit Assessment District fees, an annual assessment that supports District staffing.
93. Prior to the issuance of building permits, the three sets of building plans and associated plan review and inspection fees must be submitted to the CCCFPD, with reference to CCCFPD project No. 110777-PL, for review and approval to ensure compliance with fire and life safety requirements.
94. Prior to the issuance of a site development or building permit, the site plans shall be revised to include adequate emergency apparatus access roadways with all-weather driving surfaces of not less than 20 feet of unobstructed width, and not less than 13 feet, six (6) inches of vertical clearance to within 150 feet of travel distance to all portions the structure. Access roadways shall have a minimum outside turning radius of 45 feet, and an inside turning radius of 25 feet, and must be capable of supporting the imposed loads of fire apparatus, i.e. 37 tons, as required by the CCCFPD.
95. Prior to the issuance of site improvement plans, the plans must identify access gates (for CCCFPD apparatus) with a minimum width of 20 feet. Access gates shall swing inward and be setback from the public right-of-way by a minimum of 30 feet. Electrically operated gates shall be equipped with a Knox Company key-operated switch. Manually operated gates shall be equipped with a non-casehardened lock or approved CCCFPD lock.
96. C&D materials and green waste piles shall be separated from adjacent piles by fire apparatus access roadways with a minimum width of 20 feet. Piles shall not exceed 25 feet in height, 150 feet in width, and 250 feet in length, or as otherwise determined by the CCCFPD.
97. The applicant shall provide two fire hydrants for the project, and hydrant locations, as determined by the CCCFPD. Fire hydrants provided on the site must be the "East Bay" type.
98. Premise address identification shall be provided prior to the issuance of a certificate of occupancy. Such numbers shall contrast with their background and be a minimum of four inches high to be readily visible from the street.

99. The applicant shall install and maintain an automatic fire sensing, suppression and alarm system at the MDRRP in accordance with recommendations from the CCCFPD and the State Fire Marshall prior to the occupancy of the truck maintenance building.
100. In accordance with the CCCFPD requirements, the following precautions shall be instituted by the operator of the facility, unless otherwise determined by the CCCFPD:
- a) CCCFPD approved means of monitoring and measuring the temperatures within static piles shall be used to monitor and record internal pile temperatures and be made available for inspection by the CCCFPD;
 - b) Portable fire extinguishers shall be provided on all vehicles and processing equipment;
 - c) The operator shall provide for the availability of material handling equipment during any firefighting operations at the project site;
 - d) No flammable or combustible liquid storage tanks shall be stored on the site without approval and issuance of required permits from the CCCFPD;
 - e) The operator of the C&D facility shall develop a plan for monitoring, controlling and extinguishing spot fires, subject to CCCFPD review and approval; and
 - f) Smoking shall not be permitted in spaces where flammable C&D materials are stored or handled.

Mitigation Measures

101. Air Quality - MM 3.1.1 (a): The proposed project shall implement BAAQMD-recommended best management practices for the control of fugitive dust including, but not limited to, the following:
- a) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved areas of vehicle travel) shall be watered two times per day.
 - b) All visible mud or 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.

- c) All vehicle speeds on on-site unpaved areas shall be limited to a maximum of 15 miles per hour.
 - d) All parking areas, equipment pads, and driveways shall be paved as soon as possible. Equipment pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - e) Where applicable, vegetative ground cover (fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible.
 - f) A publicly visible sign shall be posted at the site entrance identifying the telephone number and name of the person to contact at the construction site regarding dust complaints. The phone number of the City contact person and/or department shall also be posted to ensure compliance. All complaints, including any necessary corrective actions implemented to address the complaint, shall be documented and responded to within 48 hours. The designated City compliance monitoring staff and/or department shall be notified of all complaints received.
102. Air Quality - MM 3.1.1 (b): The following measures shall be implemented to reduce construction-generated mobile-source emissions:
- a) 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 Title 13, Section 2485 of the California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
 - b) All construction equipment shall be maintained and properly tuned in accordance with manufacturers' specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - c) Heavy-duty (i.e., 25 horsepower or greater) off-road construction equipment shall, at a minimum, meet Tier 3 emission standards.
103. Air Quality - MM 3.1.2 (a): The project applicant shall demonstrate that all heavy-duty off-road equipment (i.e., 25 hp or greater) used at the project site meets, at a minimum, CARB's Tier 4i emission standards.
104. Air Quality - MM 3.1.2 (b): The operator shall provide a report on the throughput tonnage processed at the facility that would result in operational emissions of NO_x at 90 percent of the allowable threshold of 54 pounds per day and 10 tons per year (i.e., 48.6 pounds of NO_x per day or 9 tons of NO_x per year). The report shall be included as a condition of approval of the use permit and shall be completed by a

qualified air quality professional within one year of approval of the use permit for the expansion. Project-generated tonnages and estimated emissions based on the report shall be evaluated commencing at the five-year state permit review and each year thereafter as tonnage reports are submitted to the City Department of Environmental Affairs and Development Services Department. Once the throughput tonnages reach the amount determined in the report to result in 48.6 pounds of NO_x daily or 9 or more tons of NO_x annually, the operator shall prepare and submit project-generated emissions reports, as described in mitigation measure MM 3.1.2c.

105. Air Quality - MM 3.1.2 (c): Once the project receives a tonnage throughput resulting in 90 percent of assumed NO_x emissions (48.6 pounds of NO_x per day or 9 tons of NO_x per year) as indicated by annual tonnage reports submitted to the City's Department of Environmental Affairs and Development Services Department, the operator shall obtain the services of a qualified specialist, approved by the City Development Services Department in conjunction with the Department of Environmental Affairs, to prepare and submit an annual air quality report showing project-generated NO_x emissions. The annual emissions evaluation shall identify project-generated increases in emissions over those existing at the time of the approval of the use permit, any emission reduction strategies that have been implemented (i.e., use of cleaner equipment, etc.), and any emissions offsets or additional mitigation measures, as described in mitigation measure MM 3.1.2d, that will be implemented sufficient to achieve the threshold of 54 pounds of NO_x per day or 10 tons of NO_x per year. Emissions analyses shall be submitted to the City by April 1 of the following year. Upon the City's approval of the annual air quality report, documentation of any emissions offsets or additional mitigation strategies that have been implemented shall be provided to the City within 30 calendar days.
106. Air Quality - MM 3.1.2 (d): Based on the information provided in the annual report described in mitigation measure MM 3.1.2c, the proposed project shall implement on-site control measures and/or purchase emissions offsets sufficient to limit net increases (as defined) in operational NO_x emissions to no more than 54 pounds per day or 10 tons of NO_x per year. Measures shall be implemented on an ongoing basis corresponding to increases in operational activities. Measures to be implemented to reduce operational NO_x emissions may include, but are not limited to, the following:
 - a) Use of alternatively fueled vehicles and off-road equipment.
 - b) Electrification of on-site equipment.

- c) Reduction in the number of pieces of motorized equipment and/or hours of use.
 - d) Replacement/conversion of existing off-road equipment sufficient to meet, at a minimum, CARB's Tier 4i emission standards, or equivalent.
 - e) Secure emission reduction credits (ERCs) to offset NO_x emissions per BAAQMD Regulations 2-2-215, 302, and 303.
107. Hazards and Hazardous Materials - MM 3.3.2 (a): The project applicant shall either update the existing facility's Construction Worker Site Health and Safety Plan or prepare a new plan to include the entire current project site and proposed site preparation and construction activities. The completed plan shall be implemented during all project construction activities. The plan shall address the potential for workers to be exposed to contaminated soils and shall provide specific measures to be implemented to ensure worker health and safety. These measures may include site controls, use of protective clothing, soil watering, hazard awareness training for workers, and/or emergency medical response procedures.
108. Hazards and Hazardous Materials - MM 3.3.2 (b): The project applicant shall comply with all relevant requirements of the *Covenant to Restrict Use of Property, Environmental Restriction (Re: A limited portion of County of Contra Costa APN 073-200-021 UPI Pittsburg Facility Site L-A Property, DTSC site code number 520024), DOC-2010-0132574-00 recorded by the Contra Costa County Clerk-Recorder's office on July 1, 2010.*
109. Traffic - MM 3.7.1 (a): The proposed project shall contribute their fair share to implement the SR 4 widening project, which would result in improvements at the SR 4 Eastbound Ramps/Loveridge Road intersection that would increase capacity. These improvements include:
- a) Convert the existing configuration from a "T" intersection to a four-leg intersection.
 - b) Modify eastbound approach from its current configuration which provides one shared left-turn/through lane and one right-turn lane to provide two left-turn lanes and one right-turn lane.
 - c) Modify southbound approach from its current configuration which provides one through lane and one shared through/right-turn lane to provide two left-turn lanes and two through lanes.
 - d) Modify northbound approach from its current configuration which provides one through lane and one shared through/right-turn lane to provide two through lanes and one right-turn lane.

110. Traffic – MM 3.7.1 (b): The proposed project shall contribute their fair share to implement the following measures at the Pittsburg-Antioch Highway/Loveridge Road intersection:
- a) Install a dedicated eastbound right-turn lane on Pittsburg-Antioch Highway.
 - b) Install a second westbound left-turn lane on Pittsburg-Antioch Highway.
 - c) Upgrade existing traffic signal equipment to accommodate the changed intersection lane configurations.
111. Traffic - MM 3.7.2: The project applicant shall pay the project's fair share of the cost to implement the following measures at the Pittsburg-Antioch Highway/Loveridge Road intersection:
- a) Install an additional left-turn lane on the westbound Pittsburg-Antioch Highway approach.
 - b) Install a dedicated left-turn lane on the northbound Loveridge Road approach.
 - c) Convert the existing shared left-turn/through lane on the northbound Loveridge Road approach to be a through-only lane.
 - d) Modify signal phasing in the north/south direction from split phase to having protected left-turns.
 - e) Upgrade existing traffic signal equipment to accommodate the recommended intersection lane configurations.
112. Biological Resources - MM 3.8.1 (a): **Burrowing Owl.** Prior to any ground disturbance, a qualified biologist shall conduct a preconstruction survey for burrowing owls on and adjacent to the project site. Surveys shall be conducted in accordance with the CDFW's Staff Report on Burrowing Owl Mitigation (Staff Report), published March 7, 2012. Surveys shall take place no more than 30 days prior to construction and will establish the presence or absence of burrowing owl and/or habitat features and evaluate habitat use by owls. During the surveys, all burrows and burrowing owls will be identified and mapped.
- If burrowing owls are found during the breeding season (February 1– August 31), the project applicant shall avoid all nest sites for the remainder of the breeding season or while the nest site is occupied by adults or young. Avoidance measures will include establishment of a 250-foot no disturbance buffer zone surrounding the nest burrow. If site-specific conditions or the nature of the covered activity indicate that a smaller buffer could be used, the HCP/NCCP Implementing Entity will coordinate with the CDFW and the USFWS to determine the appropriate

buffer size. Construction may occur during the breeding season if a qualified biologist monitors the nest and determines that the birds have not begun egg-laying and incubation or that the juveniles from the occupied burrows have fledged. During the non-breeding season (September 1–January 31), the project applicant shall avoid the owls and the burrows they are using through establishment of a 160-foot protective buffer zone surrounding the active burrow.

If avoidance is not possible, passive relocation of occupied burrows shall be implemented outside the breeding season. Owls should be excluded from burrows by installing one-way doors in burrow entrances. These doors should be in place for no less than 48 hours prior to excavation, and the project area shall be monitored daily by a qualified biologist for one week to confirm that the owl has abandoned the burrow.

113. Biological Resources - MM 3.8.1(b): **Swainson's Hawk**. Prior to any ground disturbance that occurs during the nesting season (March 15–September 15), a qualified biologist will conduct a preconstruction survey no more than one month prior to construction to determine if occupied Swainson's hawk nests are present within 1,000 feet of the project site.

If occupied nests are documented, project-related activities within 1,000 feet of an occupied nest site shall be prohibited to prevent nest abandonment. Project-related activities can proceed normally if a qualified biologist determines that young have fledged prior to September 15. If site-specific conditions or the nature of the covered activity indicate that a smaller buffer could be used, the HCP/NCCP Implementing Entity will coordinate with the CDFW and the USFWS to determine the appropriate buffer size. Furthermore, if the active nest site is shielded from view and noise from the project site by other development, topography, or other features (including off-site features), the project applicant can apply to the HCP/NCCP Implementing Entity for a waiver of this avoidance measure. Waivers must also be approved by the USFWS and the CDFW. While the nest is occupied, project-related activities outside the 1,000-foot buffer can take place.

114. Biological Resources - MM 3.8.1(c): **Golden Eagle**. Prior to any ground disturbance that occurs during the nesting season (January 1–August 31), a qualified biologist shall conduct a preconstruction survey not more than one month prior to construction to determine whether active golden eagle nests are present within 0.5 mile of the project site. If active nests are present within 0.5 mile of the project site, project-related activities within 0.5 mile of the nest are prohibited to prevent nest abandonment. If site-specific conditions or the nature of the covered activity indicate that a smaller buffer could be used, the HCP/NCCP Implementing Entity will coordinate with the CDFW and the USFWS to determine the appropriate

buffer size. Project-related disturbance may proceed once a qualified biological monitor determines that the nest has failed or that the young birds have fledged.

115. Biological Resources - MM 3.8.1(e): **Nesting Bird Surveys.** If clearing and/or construction activities will occur during the migratory bird nesting season (February 15–August 15), preconstruction surveys to identify active migratory bird nests shall be conducted by a qualified biologist within 30 days of construction initiation. Focused surveys must be performed by a qualified biologist for the purpose of determining presence/absence of active nest sites within the proposed impact area, including a 200-foot buffer.

If active nest sites are identified within 200 feet of project activities, the project applicant shall impose a limited operating period (LOP) for all active nest sites prior to commencement of any project construction activities to avoid construction-related disturbances to migratory bird nesting activities. An LOP constitutes a period during which project-related activities (i.e., vegetation removal, earth moving, and construction) will not occur and will be imposed within 100 feet of any active nest sites until the nest is deemed inactive by a qualified biologist. Activities permitted within and the size (i.e., 100 feet) of LOPs may be adjusted through consultation with the CDFW and/or the East Contra Costa County HCP/NCCP Implementing Entity.

Term of Approval:

116. This approval will expire on May 12, 2017, unless a Solid Waste Permit has been issued by the City of Pittsburg LEA or a written request for extension is filed with the Planning Division prior to the expiration date and is subsequently approved by the Planning Commission. The term of the use permit approval for this project shall be co-terminus with the design review approval for this project.

Section 4. Effective Date

This resolution shall take effect immediately upon its adoption.

On motion by Commissioner Belleci-Shipe, seconded by Commissioner Gargalikis, the foregoing resolution was passed and adopted the 26th day of May 2015, by the Planning Commission of the City of Pittsburg, California by the following vote:

AYES: Belleci-Shipe, Fardella, Fogleman, Gargalikis, Kelley

NAYES:

ABSTAIN:

ABSENT: Banales, Ohlson

I hereby certify that the above Resolution No. 10002 was adopted by the Planning Commission of the City of Pittsburg on May 26, 2015.



KRISTIN POLLOT, AICP, SECRETARY
PITTSBURG PLANNING COMMISSION

STANDARD CONDITIONS OF DEVELOPMENT
(Planning Commission Resolution No. 8931)

All projects approved by the Planning Commission must meet the following standard conditions unless specifically exempted by the Commission or Council.

A. Project Site.

1. The applicant shall comply with all regulations and code requirements of the Building Division, Engineering Division, Contra Costa Fire Protection District, the Police Department and any other agencies requiring review of the project. If required, these agencies shall be supplied copies of the final building and site plans.

2. Developer shall provide written notification to adjacent property owners for any drainage work required to collect or convey storm water runoff, which may or will affect their properties.

3. During construction water trucks or sprinkler systems are to be used in sufficient quantities to prevent dust from leaving the site during any earthmoving and/or construction activities. Nonpotable water shall be used from a source approved by the City Engineer. (Title 15 of PMC)

4. Continuous 6" high Portland Concrete Cement curbing shall be provided between all driveways and landscaped areas as indicated in the City of Pittsburg Standard Details. In addition to above, curbing between length of parking space and landscaped area shall include a 12" wide "Courtesy Curb."

5. CC&R's (Covenants, Conditions and Restrictions) for the project shall contain appropriate provisions for joint maintenance of any infrastructure, roadways, utilities, landscaping and irrigation as determined necessary by the City Engineer.

6. Developer shall submit a study addressing on and off-site storm water and sewer system capabilities. If the study indicates that the present system is inadequate, the developer must provide plans and install any additional storm water and sanitary and sanitary sewer facilities including off-site improvements to correct storm water runoff and sanitary sewer demands anticipated for upstream buildout in accordance with the Pittsburg General Plan.

7. Environmental and engineering studies, as directed by the Planning and Building Director, must be complete and on file prior to commencement to plan checking. Developer shall install off-street improvements determined necessary by the City Engineer to provide safe traffic conditions.

8. Developer shall underground existing and required on and off-site utilities as specified in Chapter 17 of the Municipal Code or as deemed necessary by the City Engineer.

9. All site development shall comply with title 12 (Streets, Sidewalks and Utilities), Title 13 (Water and Sewers) and Chapter 15.88 (Grading, Erosion and Sediment Control) of the Pittsburg Municipal Code as determined by the City Engineer. Issuance of a site development permit will be required whereby specific engineering requirements will be made as conditions of approval of that permit.

10. The CC&R's shall restrict the storage of recreational vehicles on this site or parcels unless they are the principle source of transportation for the

owner and prohibit parking on the public street for long than 72 hours.

11. All retaining wall adjacent to public right-of-ways shall be provided with decorative treatment, subject to approval by the Planning Division.

12. The design of any masonry soundwall shall be approved by the Planning and Building Department. It shall match or harmonize with existing soundwalls of neighboring projects along that street.

B. Architecture.

1. All mechanical, irrigation, ground and/or roof mounted equipment shall be architecturally screened from view from all public right-of-ways prior to issuance of certificate of occupancy.

2. All trash enclosures shall be constructed of masonry material with self-enclosing doors and have a second access. The enclosure shall have materials and colors consistent with the primary building.

3. All vents, gutters, downspouts, flashing electrical conduits, etc., shall be painted or finished to match the color of the adjacent surface unless otherwise directed by the Planning Commission.

4. Soffits and other architectural elements visible from view but not detailed on the plans shall be finished in a material in harmony with the exterior of the building.

5. Finish quality of exterior design elements including, but not limited to, building façades and landscaping shall be subject to approval of the Planning Division prior to issuance of Certificate of Occupancy.

C. Landscaping.

1. Specific landscaping for screening shall have an appearance of mature growth subject to a field check and approval by the Planning Division prior to Certificate of Occupancy.

2. The area under the drip line of all existing trees, which are to be saved, shall be fenced during construction. Grading shall be restricted under them to prevent soil compaction around the trees and to protect them from damage.

3. An existing tree inventory shall be created and included on the site plan for all new projects prior to approval of grading plan.

4. All slope banks in excess of five (5) feet in vertical height and 2:1 or greater slope shall be landscaped and irrigated for erosion control and to soften their appearance as follows: one 15-gallon or larger size tree per each 150 sq. ft. of slope area, one 1-gallon or larger size shrub per each 100 sq. ft. of slope area, and appropriate ground cover 12-24 inches on-center. In addition, slope banks in excess of eight (8) feet in vertical height and 2:1 or greater slope also include one 5-gallon or larger size tree per each 250 sq. ft. of slope area. Trees and shrubs shall be planted in staggered clusters to soften and vary slope plane. Slope planting required by this condition shall include a permanent irrigation system to be installed by the developer prior to occupancy.

5. All planting shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning of debris and trash, fertilizing and regular watering. Whenever necessary, planting shall be replaced with other plant materials to insure continued compliance with applicable landscaping requirements. Required

irrigation systems shall be fully maintained in sound operating condition with heads periodically cleaned and replaced when missing to insure continued regular watering of landscape areas, and health and vitality of landscape materials.

D. General Requirements

1. Final inspection for occupancy permits will not be granted until all construction and landscaping is complete in accordance with approved plans.
2. The applicant shall defend, indemnify and hold harmless the City of Pittsburg, its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval, or any aspect of the City's consideration of applicant's project. The applicant recognizes and agrees that applicant's voluntary commitment to meet the obligations described in this condition is an integral factor in the City's approval of this project. The intent of this condition is to require the applicant to bear the cost of any and all litigation instituted to overturn or in any way modify the City's approval of this project. Such costs include without limitation, any award of attorney's fees and costs to a prevailing plaintiff or petitioner. In the event the city becomes aware of any such claim, action, or proceeding, the City shall promptly notify the applicant and shall cooperate fully in the defense. If the City fails to promptly notify the applicant, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City. Nothing contained in this condition prohibits the City from participating in the defense of any claim, action, or proceeding, it both the following occur:
 - (a) the City bears its own attorneys' fees

and costs; and (b) the City defends the action in good faith. The applicant shall not be required to pay or perform any settlement unless the applicant approves the settlement.

3. It is required by State Law (Business and Professional Code Section No. 5537 & 5538 and Section 302(b) of the Uniform Building Code) that all commercial buildings, new or existing must have a licensed professional designer (Architect, Civil or Structural Engineer) to design all changes of use or occupancy as well as new construction.
4. The applicant shall submit a complete area water pressure availability study for all phases of the Project prior to issuance of any development permits. If the study indicates that the present system is inadequate, the Applicant must provide plans, which will demonstrate any remedial action necessary to abate the deficiency and shall take all necessary actions at the applicant's expense.
5. This use permit may be recalled to the Planning Commission for review at any time due to complaints regarding lack of compliance with conditions of approval, traffic congestion, noise generation, or other adverse operating characteristics. At such time, the Commission may revoke the use permit or add/modify conditions approval.
6. It is the responsibility of the applicant or developer to check with each agency for requirements that may pertain to their project.
7. All signs shall be submitted to the Planning Division for design review per Title 19 of the Pittsburg Municipal Code.
8. All landscape areas shall be maintained in a healthy, thriving and weed free condition.

9. The site shall be maintained in a neat and clean manner free of trash and debris.

10. All outdoor mechanical equipment, satellite dishes, fire main and all rooftop equipment shall be fully visually screened upon installation subject to the approval of the Planning Division. Screening devices shall be shown on construction and/or landscape plans.

11. All exterior light fixtures shall be shown on plans subject to staff review and approval. All lights attached to buildings shall provide a soft "wash" of light against the wall. All building and parking or yard lights shall conform to City Parking Standards 18.78.050 (F) and Performance Standards 18.82.030 (B) and shall compliment the site and building architecture.

12. Prior to occupancy, the developer shall supply the City with an ACAD computer disk file showing plans that reflect the project as it was build (As-Builts) at the discretion of the Planning and Building Director.

E. Standard Conditions of Approval Requiring Minimum Construction Site Management Practices

1. (Projects involving land disturbances of less than five (5) acres) – During construction activities, the project sponsor shall reduce or prevent to the maximum extent practicable the direct or indirect discharge of any pollutant into the storm drain system utilizing best management practices contained in the California Storm Water Best Management Practices Handbook for Construction Activities. Construction activities include, but are not limited to: watering operations; roadwork and paving operations; concrete and painting; structure construction and painting; construction material storage and

handling; construction waste/debris storage and disposal; and, construction equipment/vehicle cleaning, maintenance and fueling operations. The project sponsor is also responsible for training all contractors and subcontractors on the best management practices which are identified in the California Storm Water Best Management Practices Handbook for Construction Activities which will be available at the pre-construct meeting of the project.

or

2. (Projects involving land disturbances of five (5) acres or more) – Prior to commencement of any site work that will result in a land disturbance of five acres or more, the project sponsor shall submit to the City a copy of the Notice of Intent (NOI) sent the State Water Resources Control Board and the Stormwater Pollution Prevention Plan (SWPPP) prepared for the project, as required by the State's General Construction Activity Permit.

3. All storm drains, which serve the site, shall be protected from spills and soil runoff (from unpaved parking areas). The applicant may use "Any Source Control" BMP (Best Management Practice) as listed in the California Storm Water Best Management Practice Handbook for storm water run-ff for commercial and industrial sites. Storm drains will be inspected periodically. Questions may be referred to City NPDES Coordinator, at 252-4920.