

ENVIRONMENTAL CHECKLIST FOR STREAMLINED REVIEW

**PURSUANT TO CALIFORNIA PUBLIC RESOURCES CODE
SECTION 21083.3, GOVERNMENT CODE SECTION 65457(a) AND CEQA
GUIDELINES SECTIONS 15168 and 15183**

APPIAN VILLAGE PROJECT

Prepared For:

**City of Pinole
2131 Pear Street
Pinole, CA 94564**



March 2022

**APPIAN VILLAGE PROJECT
CEQA ENVIRONMENTAL CHECKLIST FOR STREAMLINED REVIEW**

Project Title:	Appian Village Project	
Lead Agency:	City of Pinole 2131 Pear Street Pinole, CA 94564	
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Project Location:	2151 Appian Way, City of Pinole, Contra Costa County, California APNs 401-240-017 and 401-240-018	
Property Sponsor and Owner(s):	Property Owner 2151 Appian Way, LLC Jerold Lignons 3045 Research Drive Richmond CA, 94806 510.275.7334	Project Applicant DeNova Homes, Inc. Trent Sanson 1500 Willow Pass Ct. Concord CA, 94529 925.685.0660
General Plan Designation:	Service Subarea (10.1-50 DU/AC)	
Specific Plan Sub-Area Designation	Sub-Area – Service – Appian Way Corridor	
Specific Plan Land Use and Zoning:	Residential Mixed Use (RMU) and Commercial Mixed-Use (CMU)	
Description of project:	The project consists of the demolition of the existing vacant Doctors Medical Center Pinole Campus buildings, approximately 99,495 square feet, and all associated improvements, and the development of 26 new three-story residential buildings containing 154 units, as well as associated site improvements on the 7.37-acre site.	
Surrounding land uses and setting; briefly describe the project's surroundings:	The site is surrounded by existing urban uses with residential development to the east and south; Maloney Reservoir to the north; and Pinole Middle School zoned institutional and commercial offices zoned CMU, Commercial Mixed Use, to the west.	
Other public agencies whose approval is required (e.g. permits, financial, or participation agreements):	N/A	
Have California Native American tribes requested consultation pursuant to Public Resources Code section 21080.3.1?	The City conducted notification within the statutory timeframe provided by Public Resources Code §21080.3.1. Notice was delivered to tribes via email on September 1, 2021. To date, March 2022, the City of Pinole did not receive any responses requesting consultation.	

APPIAN VILLAGE PROJECT

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1. INTRODUCTION

This California Environmental Quality Act (CEQA) Analysis evaluates environmental impacts from the proposed Appian Village Project, which consists of the demolition of existing improvements onsite (99,495 square feet associated with the former Doctor's Medical Center Pinole Campus), and the development of 26 three-story buildings containing 154 units, garages, landscaping, internal access drive aisles, and ancillary improvements (hereinafter referred to as the "Project"). Documentation herein has been prepared by the City of Pinole as lead agency as defined in Section 15367 of the CEQA Guidelines and in full accordance with the procedural and substantive requirements of CEQA Guidelines. This CEQA Analysis uses streamlining and tiering in accordance with CEQA Guidelines 15183 for consistency with the General Plan and the Three Corridors Specific Plan and the certified EIR, as well as the Government Code Section 65457(a), as a residential project consistent with a Specific Plan.

2. PROJECT DESCRIPTION

The City of Pinole is located in northwestern Contra Costa County along Interstate 80 (I-80), approximately 12 miles south of Vallejo and 17 miles north of Oakland. It is located at the southeastern edges of San Pablo Bay and north of the San Pablo reservoir. The City of Pinole is bordered by the City of Hercules to the north and by the Cities of Richmond and San Pablo to the south (**Figure 1: Regional Location**).

Vicinity Setting

The site is located approximately 0.75 miles southwest of Old Town Pinole, east of Appian Way, and approximately 0.15 miles north of Interstate 80 (I-80). It is surrounded by existing urban uses with residential development zoned Suburban Residential (R-1) to the east; Maloney Reservoir zoned Open Space (OS) to the north; commercial development zoned Commercial Mixed Use (CMU) to the south (across Canyon Drive); and Pinole Middle School, zoned Public/ Quasi-Public/ Institutional, Office Professional Mixed-Use, and CMU to the west (across Appian Way). Appian Way is located west of the site and Canyon Drive to the south (**Figure 2: Project Vicinity**).

The Project site is located approximately 0.15 miles north of I-80, on the east side of Appian Way and north of Canyon Drive, within the Service Sub-Area of the Three Corridors Specific Plan. The Project site is identified as Opportunity Site 2 within the Three Corridors Specific Plan. The Appian Way Corridor is designated as a Priority Development Area (PDA).

Priority Development Areas (PDAs) are places identified by Bay Area communities as areas for investment, new homes, and job growth. PDAs are the foundation for sustainable regional growth as envisioned through Plan Bay Area, the region's Sustainable Community Strategy (SCS). The most recently adopted SCS is the Plan Bay Area 2050 prepared as a joint effort between the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG).¹ Implementation of PDA's enhance mobility and economic growth by linking the location of housing and jobs with transit, thus offering a more efficient land use pattern around transit, reducing greenhouse gas emissions, and realizing a greater return on existing and planned transit investments.

Project Site Setting

The Project site is located within the Appian Way corridor of the Three Corridors Specific Plan, under a Service Sub-Area land use designation. The northern portion of the site is under a Residential Mixed Use (RMU) zoning district and the southern portion of the site is under the CMU district (**Figure 3 Land Use and Zoning**). The purpose of the RMU designation is to allow for development of medium and high-density housing that may incorporate office and/or commercial uses. The RMU designation does not preclude development that is solely

¹ Final Plan Bay Area 2050 prepared by ABAG/MTC, adopted October 21, 2021.

residential but encourages a mix of uses. The Three Corridors Specific Plan indicates that at least 51% of the total floor area should be residential. This designation allows between 20.1 and 35.0 dwelling units to the acre. The purpose of the CMU designation is to provide for vibrant commercial and mixed-use development. The Three Corridors Specific Plan indicates that at least 51% of the total floor area should be commercial retail and service uses. However, up to 100% of the total floor area may be residential use for development with an affordable housing agreement and when development includes community benefits as specified in the General Plan.² The CMU designation allows residential uses with a density between 20.1 and 30 units to the acre. Multi-family residential uses are permitted by right within the RMU and CMU districts.

The Project site is developed with an existing Doctors Medical Center building completed around 1967, an adjacent building completed around 1970, and associated parking lots and landscaping. The existing Doctor's Medical Center building is approximately 99,495 square feet and exhibits Modern architecture, specifically New Formalism, which combines modern elements with classical architecture. The adjacent building from 1970 is a simple design that incorporates some elements of New Formalism. The Doctors Medical Center ceased operations in 2006 and has been vacant since. Two existing driveways off of Appian Way and one driveway off of Canyon Drive provide access to internal drive aisles and parking areas. City standard sidewalks are located along the site frontage. A landscaping strip containing shrubs and street trees is situated between the sidewalk and the existing building. A total of 153 trees located onsite have been evaluated including 17 different species. Based on the project specific arborist report, 10 trees onsite are considered protected by the City of Pinole. The site is generally flat at an elevation of 242 feet above sea level. At the northeastern most portion of the site, elevations rise to approximately 270 feet above sea level. East and southeast of the site elevations decline to 200 feet above sea level. Existing retaining walls to remain are located on the slope east of the site and a series of retaining walls to remain are located offsite uphill of Poquito Court.

As mentioned above, the Project site is located within a Priority Development Area (PDA). PDAs are locally-identified, infill development opportunity areas near transit that are planned for new homes, jobs, and community amenities. The Project site is served by the West Contra Costa Transit Authority (WestCAT), via Routes 16 and 17, which provide weekday service at bus stops along Canyon Drive at the Project site frontage. Route 18, located along Appian Way, has been suspended due to the COVID-19 pandemic. The City and WestCat are coordinating to plan for reestablishment of Route 18 including accommodating a potential future bus stop and shelter on Appian Way and on Canyon Drive at the site frontage.

Project Description

The Appian Village Project proposes demolition of all existing buildings (approximately 99,495 square feet), pavement, and improvements onsite and redevelopment to introduce 154 residential units on the approximately 7.37-acre site (Project). The Project would exceed the City's inclusionary housing requirement by offering 20% of new units (31 units) at an affordable level consisting of 8 units at 80% of the average medium income (available to low-income households) and 23 units at 120% of the AMU (available to moderate income households). The proposed Project would result in 26 new three-story residential buildings, outdoor open space, internal streets and parking, landscaping, lighting, fencing, and bio-retention areas (Error! Reference source not found.). The residential buildings are proposed to include two products; six of the buildings would contain row townhomes and 20 of the buildings would contain stacked flats. The Project would introduce building types with 4, 5, 7, 8, and 10 units distributed across the Project site, with 8 and 10-unit buildings positioned to front along Appian Way and Canyon Drive. The Project would exceed the City's Title 24 standards and achieve a LEED certified gold or higher green building development rating. Buildings would be all electric and all 154 parking stalls would be electric vehicle (EV) ready.

As proposed, residential buildings would contain garage space, an entryway, porch, and a work from home office or powder room at the ground floor, with bedrooms, bathrooms and living space on the second and third floors. Units would range in size from 1,249 to 1,828 square feet and would include two-bedroom and three-bedroom options. The total number of units includes 105 two-bedroom, and 49-three-bedroom units. Each unit

² Ordinance No. 2018-2 Amending the Three Corridors Specific Plan to Allow for Residential Uses to Exceed 49% of the building square footage in the Commercial Mixed Use Land Use District, adopted June 19, 2018.

within the townhome product would contain a ground floor porch and a deck on either the second or third floor. The stacked flat product would provide for a ground floor porch at the entryway.

The proposed architecture features stucco finish with three color tones to highlight the building articulation. Colonial smooth hardi siding of various colors frame the buildings, with siding material repeated towards the middle of the buildings. Elevations are varied and punctuated with metal railing at second and third floor decks. Various sized windows with a uniform pattern are located on all building facades. The peak of building roofs are located at 36-feet - 2-inches and 37-feet - 2-inches in height above the ground floor. Buildings located along the rear property line are proposed to have a maximum height of 35 feet.

Existing site access would be modified, and new driveways and emergency vehicle access (EVA) would be installed. The existing driveways off Appian Way would be closed and a 32-foot-wide driveway at the signalized intersection of Appian Way and Mann Drive would be installed. A 20-foot-wide EVA driveway would be constructed at the northern portion of the site. The existing driveway on Canyon Drive would be replaced by a new 32-foot-wide driveway slightly to the south. A series of new 20-foot-wide internal streets would provide vehicular access to new residential units via tandem and two car garages located at the ground floor and surface parking distributed throughout the Project site. The Project proposes 308 private garage parking spaces for residents and 46 surface parking spaces for guests. Pre-wire for electric vehicle charging to accommodate EV charging would be installed in every garage. The Project would provide bicycle parking within the garages of each unit. As such, a minimum of 154 bicycle parking spaces would be accommodated by the project.

New landscaping is proposed across the Project site consisting of trees, shrubs, grasses, and groundcover. Landscaping is generally provided in pockets between buildings, in parking areas and common open spaces, at site entrance ways, and around the perimeter of the site. The Project would provide 72,638 square feet of general area landscaping, 10,198 square feet of active common open space, and 17,388 square feet of passive open space (paseo). As proposed, 45,800 square feet would remain undisturbed. Pedestrian-level lighting would be provided along the interior paseos, courtyards, and walkways. Carriage lighting at the garage doors will be installed to provide adequate lighting along drive aisles. City-standard street lights along the Appian Way and Canyon Drive frontages, as well as any interior street lights, will be installed as directed by the City.

The existing traffic signal at Mann Drive and Appian Way would be modified to accommodate the new driveway access to the site, and a pedestrian cross-walk would be added to this leg of the intersection. The project includes restriping of Appian Way along the project site frontage to establish a 10-foot-wide bike lane north of Canyon drive that narrows to a 5-foot-wide bike lane south of Mann Drive, two 11-foot-wide northbound travel lanes, and modifications to the median striping including replacing the southbound left turn pocket with a striped median and restriping the northbound left turn pockets. Stenciling along the site frontage of Appian Way is proposed to include Bike Lane Pavement Arrows, Shared Lane Markings, Bus Stop lettering, and "35" indicating the roadways' speed limit. Restriping on Canyon Drive is limited to Bus Stop lettering east of the proposed access driveway, and a segment of the 10-foot-wide westbound travel lane at the location of the bus stop. Additional red-curb and "no parking" signs may be added on Appian Way at the City's direction, and on Canyon Drive south of the new site access driveway.

Construction

For purposes of this analysis, it is assumed that construction activities will occur over an approximately 3-year construction period, from 2022 to 2025. The land development activities including demolition, site preparation, grading, and trenching for utilities would occur within the first 12-month period, followed by the vertical construction of the residential buildings expected to occur over a 24-month period. Concentrated trucking activity would occur during the grading and export operation at the onset of the Project. Construction access routes would be from Appian Way at a newly constructed driveway located at the signalized intersection of Appian and Mann Drive. A construction trailer, construction worker parking, and the construction yard would be located at the northeastern portion of the site. Construction activities, start times, end times and deliveries would be within the City's designated construction hours per municipal code section 15.36.250, between the hours of 7 am to 6 pm Monday through Friday and 8 am to 5 pm on Saturday.

Site preparation would initiate with demolition to remove the existing buildings, vegetation, and hardscape surfaces, to accommodate the proposed Appian Village residential development and associated improvements (approximately 2,700 cubic yards of pavement and 7,000 cubic yards of demolished buildings. A total of 153 onsite trees, 10 of which are considered protected by the City of Pinole (Municipal Code, Chapter 19.6) would be removed to accommodate the proposed development. Demolition and site preparation would result in the import of approximately 5,000 cubic yards of material. Grading onsite would result in 9,000 cubic yards of cut and would require 14,000 cubic yards of fill. As such a net export/import of soils would be required in order to achieve proposed elevations.

Following completion of grading activities, infrastructure improvements including retaining walls, wet and dry utilities, curb, gutter, sidewalks, and pavement would be installed. In addition to the new 32-foot-wide main driveway entrance at the signalized intersection of Appian Way and Mann Drive, a new 32-foot-wide driveway at Canyon Drive would be constructed. Two new 20-foot-wide EVA driveways would provide additional points of access for emergency vehicles from Appian Way at the northern and southern limits of the site. Utility extensions and tie ins, including water, sewer and storm drain connections would be constructed. New 8-inch water and sanitary sewer pipelines would be installed beneath new internal roads and would connect to existing 12-inch water and sewer pipelines within Canyon Drive. New 6-inch, 8-inch, 12-inch, 15-inch, and 18-inch diameter storm drain pipelines would be installed onsite and would convey stormwater runoff to existing 15-inch and 18-inch diameter storm drains in Canyon Drive. Additionally, a new 15-inch diameter storm drain would extend offsite from the northwest corner of the site and along the Appian Way right-of-way and connect to an existing downstream catch basin. Stormwater runoff would be captured and treated through a series of proposed bioretention facilities located throughout the Project site.

Following completion of the land development stage of construction, foundations, and vertical construction of the 26 residential buildings would occur. As recommended by the Geotechnical Investigation, onsite structures would be supported on at least 10-inch-thick post-tensioned slab foundation systems. Building erections would generally occur in phases moving from the southern portion of the site at Canyon Drive to the northern portion of the site.

During all stages of construction, the Project will be required to comply with the state water board construction general permit. All stockpiles and landscape materials would be protected and berms with straw wattles or sand bags. Use of temporary silt fence may be used at the site periphery along with other erosion and sediment control measures such as straw wattle check dam. Fiber roll protection would be installed around all drain inlets. A concrete washout area will be located onsite. Precise controls would be established through compliance with regulatory requirements imposed through the construction general permit during construction and an approved project specific stormwater pollution prevention plan.

Construction equipment expected to be utilized includes tractors, backhoes, haul trucks, graders, pavers, and water trucks. All construction material and equipment would be staged on-site or, through issuance of an encroachment permit, on abutting rights-of-way. Temporary lane closures on Appian Way and Canyon Drive are expected to occur during frontage improvements and utility work.

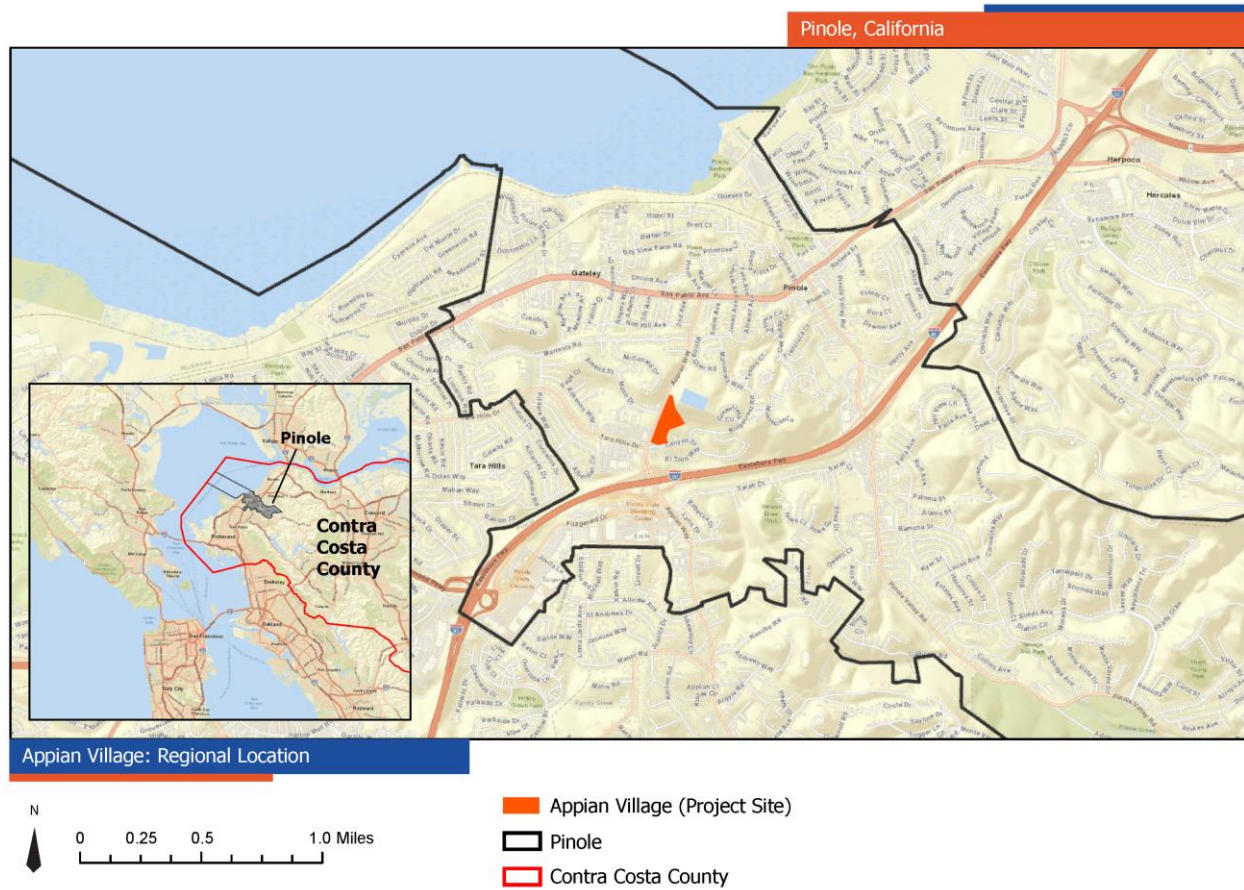
Public Outreach

The applicant has held one public outreach event to obtain feedback from the community on June 21, 2021. This event was a virtual meeting with notices mailed to property owners and occupants within a 1,000-foot radius.

Entitlements

The Project applicant has applied to the City of Pinole for the following entitlements:

- Comprehensive Design Review
- Vesting Tentative Subdivision Map (for condominium purposes)
- Affordable Housing Agreement (per Section 17.32.050 and the Specific Plan)

Figure 1: Regional Location

Data Source: Contra Costa County; City of Pinole; ESRI Basemap

Figure 2: Project Vicinity

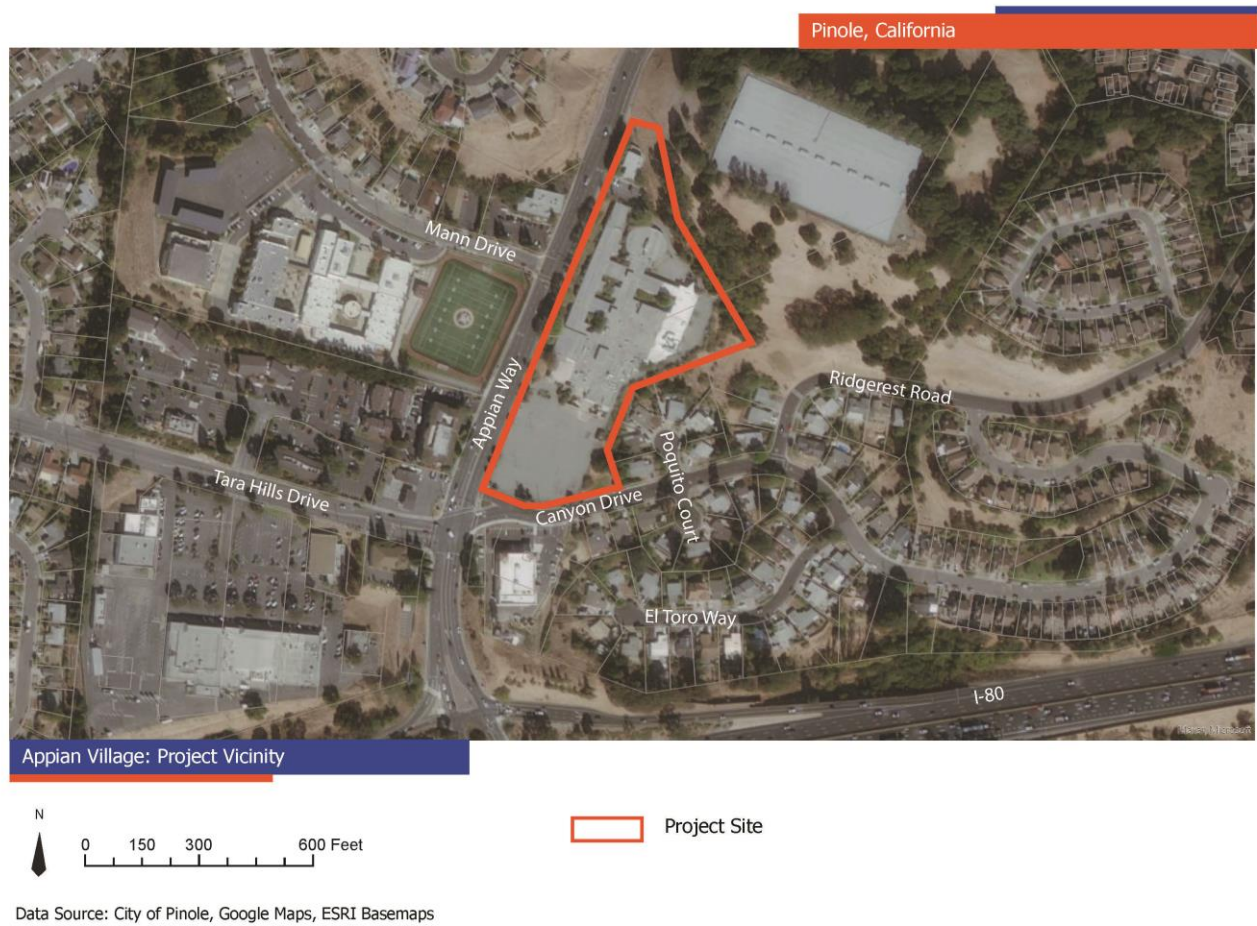


Figure 3: Land Use and Zoning Map

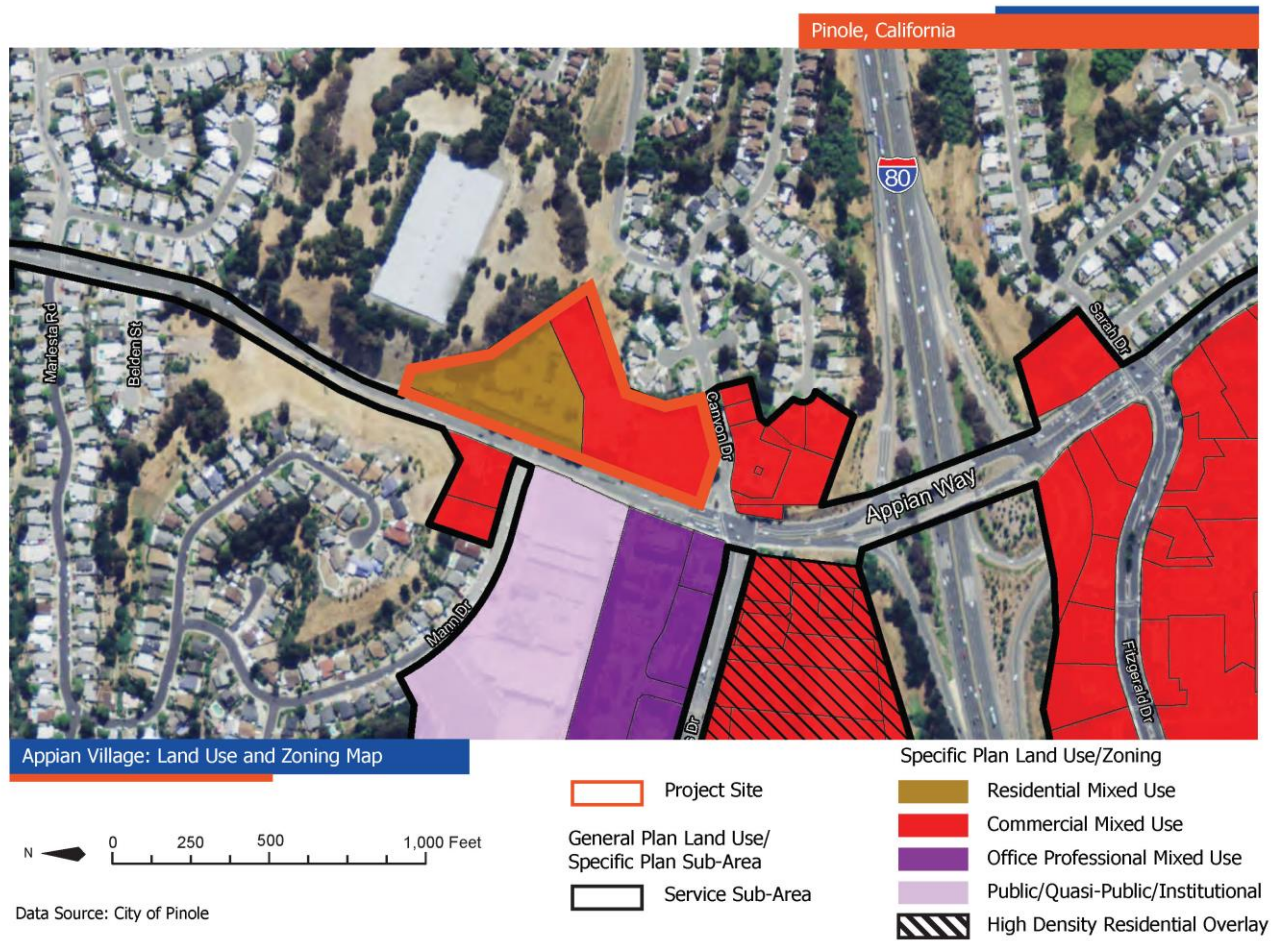
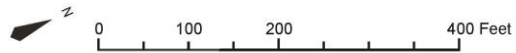


Figure 4: Site Plan



Data Source: Landscape Plan Set prepared by VTA, dated August 2021

3. APPLICABLE CEQA PROVISIONS AND FINDINGS

The following discussion presents the relevant provisions of CEQA to which the proposed Appian Village Project complies. It provides an overview of the Community Plan Exemption, determination of consistency with the City's program level EIR for the General Plan and Specific Plan, and the 2010 FEIR. A description of how the Appian Village Project complies with each provision is presented below. Finally, this section concludes with the CEQA finding and determination that the project is exempt from further environmental review.

3.1. GENERAL PLAN EIR (2010 FEIR)

The City of Pinole General Plan serves as the document that guides future development citywide and expresses the community's development goals and public policies relative to land uses. The update of the General Plan was adopted in 2010. The Three Corridors Specific Plan was developed concurrently with the General Plan update to guide development in defined sub-areas of the General Plan to focus development on unique characteristics of these areas. The purpose of the Specific Plan is to focus revitalization along the three corridors: San Pablo Avenue, Pinole Valley Road, and Appian Way.

The General Plan EIR (2010 FEIR) assesses potentially significant environmental impacts associated with implementation of the General Plan and the Three Corridors Specific Plan. The 2010 FEIR was prepared in order to provide the public, responsible agencies, and decision makers with information about the probable environmental effects of adoption and implementation of the General Plan Update, Three Corridors Specific Plan, and associated Zoning Code Updates. The 2010 FEIR serves as a programmatic document that is intended to be used to evaluate subsequent projects and activities within the planning area. The findings of the 2010 FEIR are presented below in Section 4 for each environmental category.

3.2. CONSISTENCY WITH PROGRAM EIR (CEQA GUIDELINES SECTION 15168)

The City of Pinole certified a program level EIR, the 2010 FEIR, that includes an analysis of the development potential of the subject Appian Village Project. The 2010 FEIR provides for streamlining and/or tiering opportunities under CEQA Guidelines Section 15168. CEQA Guidelines 15168(c) provide that "later activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared."

APPLICABILITY OF THE APPIAN VILLAGE PROJECT TO 15168

The proposed Appian Village Project is a "later activity" of the program EIR. Section 4 of this CEQA Analysis provides an assessment of the Project's environmental impacts relative to what was analyzed in the 2010 FEIR. As described in Section 4, the Project, does not result in environmental effects that were not previously examined. As such, pursuant to CEQA Guidelines Section 15162 and 15163, no subsequent or supplemental EIR is required. In accordance with CEQA Guidelines Section 15168(c)(2), the City can "approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required."

CEQA Guidelines Section 15168(c)(3) provide that "an agency shall incorporate all feasible mitigation measures and alternatives developed in the program EIR into later activities in the program." Section 6 of this CEQA analysis identifies the relevant environmental conditions of approval that will be required of the proposed Project to demonstrate compliance with mitigation measures set forth in the program level EIR, and policies, programs and goals of the Three Corridors Specific Plan and General Plan.

As described below in Section 4, for each environmental resource topic in the Environmental Checklist, with implementation of mitigation measures, the proposed project would not result in significant impacts beyond those analyzed in the program level EIR. In addition, the project is subject to the payment of Development Impact Fees, which are collected to offset incremental increase in demands for public services and infrastructure from implementation of the General Plan and Specific Plan.

3.3. GENERAL PLAN/COMMUNITY PLAN EXEMPTION (CEQA GUIDELINES SECTION 15183)

California Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 allows a streamlined environmental review process for projects that are consistent with the densities established by existing zoning, community plan, or general plan policies for which an EIR was certified.

Section 15183 (a) “mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.”

Section 15183(b) specifies that “in approving a project meeting the requirements of Section 15183, a public agency shall limit its examination of environmental effects to those which the agency determines, in an initial study or other analysis:

- 1) Are peculiar to the project or the parcel on which the project would be located;
- 2) Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent;
- 3) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action; or
- 4) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.”

Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, then an additional EIR need not be prepared for the project solely on the basis of that impact.

Section 15183(d) further states that the streamlining provisions of this section “shall apply only to projects that meet the following conditions:

- (1) the project is consistent with a community plan adopted as part of a general plan, a zoning action which zoned or designated the parcel on which the project would be located to accommodate a particular density of development, or a general plan of a local agency; and
- (2) an EIR was certified by the lead agency for the zoning action, the community plan, or the general plan.”

APPLICABILITY OF THE APPIAN VILLAGE PROJECT TO 15183

The proposed Appian Village Project is consistent with the General Plan land use designation and zoning for the site, as outlined below, and meets the streamlining provisions under CEQA Guidelines Section 15183(d)(1):

(d)(1)(A) The project is consistent with a community plan adopted as part of a general plan.

The City of Pinole General Plan and Three Corridors Specific Plan were approved and the EIR (SCH Number 2009022057) was certified on October 20, 2010, by Resolution Number 2010-88. The Project is located on a site with the Residential Mixed Use (RMU) and Commercial Mixed-Use (CMU) designation within the Service Subarea (SSA) in the Appian Way Corridor. The Service Sub-Area serves as the gateway to the Specific Plan Area. The Specific Plan intends for the Service Sub-Area to capitalize on its reputation as a regional shopping center and continue to serve as a local service center to provide services to residents of Pinole and neighboring communities while creating the potential for future housing opportunity through mixed use development with a variety of housing densities. On June 19, 2018, the City Council of the City of Pinole amended the Specific Plan

(Ordinance No. 2018-02) to allow for up to 100 percent of total floor area for residential use in the CMU designation with an affordable housing agreement and when the development includes community benefits as specified in the General Plan. The CMU does not preclude solely residential development. The proposed multifamily residential Project includes an affordable housing agreement and community benefits. The affordable housing agreement provides for 20% of the proposed units, 31 units, to be affordable consisting of 8 units available to low-income households and 23 units available to moderate income households. The Project is designed to be all electric and achieve a LEED certified gold rating or higher by exceeding energy efficiency standards by 15% or more relative to the existing Title 24 provisions. Furthermore, the development will realize a 25% reduction in water usage relative to the average household in the region. The proposed community benefits include affordable housing beyond what is required by the City's regulation, exceeding energy efficiency by providing onsite solar and pre-wiring all garages to be electric vehicle ready, and improvements along Appian Way and Canyon Drive to support safe and convenient transit including bus stop benches and shelters, which are generally in line with the type of benefits anticipated by the General Plan. Therefore, the Project is consistent with the Specific Plan sub-area and zoning designations.

The proposed Appian Village Project is also consistent with the following Three Corridors Specific Plan land use policies related to the Appian Way Corridor:

- Land Use Policy 1. Provide for a variety of housing types throughout the plan areas.
- Land Use Policy 3. Provide affordable housing within the plan areas consistent with the City's General Plan.
- Land Use Policy 4. Ensure development of "Opportunity Sites" with high quality mixed use or high density housing.
- Land Use Policy 6. Actively promote the "revitalization" of underutilized land.

(d)(1)(B) The project is consistent with a zoning action which zoned or designated the parcel on which the project would be located to accommodate a particular density of development.

The Project is subject to and consistent with the applicable development standards and zoning requirements within the Three Corridors Specific Plan and the Pinole zoning code (Title 17 of the Pinole Municipal Code). As established in the Specific Plan, the Specific Plan takes precedence where there is a conflict between the Specific Plan and the zoning code.

The General Plan and Specific Plan have assumed a total maximum development potential of 1,076 net dwelling units within the Specific Plan area, of which 633 net units are within the Appian Way Corridor. The Appian Way Corridor has not had new housing development projects approved since certification of the 2010 FEIR.

The Project is located on a site, which is designated Residential Mixed Use (RMU) in its northern portion and Commercial Mixed Use in its southern portion. In both these zones, the housing density is noted as 20.1 to 35.0 dwelling units per acre in the Specific Plan. The Project proposes a housing density of 20.875 dwelling units per acre (154 units on 7.37 acres), which is consistent with the densities specified for the applicable zoning designations. Therefore, the Project is consistent with the projected development under the General Plan and Specific Plan.

The Project meets applicable development standards within the Specific Plan and exceeds the City's inclusionary requirement to provide 15% of units as affordable housing units onsite. The Project proposed to offer 20%, 31 units, to be available at the moderate- and low-income levels.

The Project complies with the City's zoning regulation regarding buildings heights. The heights of all proposed buildings will not exceed 37 feet. Pursuant to the Specific Plan standards, all buildings located within 60 feet of a parcel with a single-family home are limited to 35 feet in height. Consistent with this standard, the Project proposes a building height limit of 35 feet for buildings 19, 20, 21, 22, and 23 (see Figure 4) located adjacent to the western property line which borders on parcels with single-family homes. Therefore, the proposed project is consistent with the zoning and density anticipated by the General Plan Specific Plan.

(d)(1)(C) The project is consistent with the City of Pinole General Plan.

The Project site is designated Service Sub-Area (SSA) on the City's General Plan Land Use map. The SSA is intended to maintain and enhance existing land uses while providing land use flexibility and incentives to encourage new private investment and additional development. Multi-family residential use is identified as a permitted use in this area. The Project, which proposes a density of 20.87 dwelling units per acre is consistent with the General Plan in that it provides the development of townhomes and stacked apartments in a location designated for densities in the range of 10.1 to 50.0 dwelling units per acre, in the General Plan. The proposed development is consistent with projected development in the City of Pinole General Plan and 2010 FEIR, which assumed approximately 1,306 additional housing units (approximately 1,076 of which would be accommodated within the Specific Plan area).

The proposed Project is consistent with the following General Plan policies:

- Policy LU.1.1. Increase land use diversity along the San Pablo Avenue, Pinole Valley Road and Appian Way corridors; reduce residential density on large land holdings designated for Rural land use; and maintain other land use designations for a variety of residential, commercial, light industrial, recreational, open space and public purposes which (1) protect environmental resources; (2) provide a mix of housing types, densities and tenure; (3) ensure that a variety of commercial and industrial goods, services and employment opportunities are available; and (4) offer a range of recreational and public facilities to meet the needs of residents.
- Policy LU.4.3. Cluster development at higher densities to protect natural resources and address site development constraint issues, including archaeological sites, access, traffic, emergency services, water and sewer availability, creek and tree protection, steep slopes, potential geologic hazards, grading impacts, view protection and protection of open space resources. (See also Goal LU.8 below.)
- Policy LU.7.3. Continue to strive for a balance between the number of jobs in the Pinole Planning Area and the number of housing units available for workers by encouraging and supporting policies and programs, mixed-use projects which provide both housing and employment opportunities, and the development of affordable housing.
- Policy H.4.1. Provide a choice of housing. Provide a mix of sizes and housing types to meet the needs of Pinole's diverse population. Specific examples include traditional single-family homes, second units, mixed use developments, infill development, accessible housing, and transitional and emergency housing. Opportunities must be available for lower, moderate, and above-moderate income households reflecting available job opportunities in close proximity to Pinole. Available housing choices should also strive to minimize transportation needs.
- Policy H.4.2. Provide equal housing opportunities. Encourage the provision of adequate housing for all persons regardless of income, age, sex, race, or ethnic background, consistent with the Fair Housing Act.
- Policy H.4.4. Support the development of affordable housing. Maintain appropriate land use regulations and other development tools to encourage development of affordable housing opportunities throughout the City.

3.4. CONSISTENCY WITH THREE CORRIDORS SPECIFIC PLAN (SECTION 65457)

California Government Code Section 65457(a) provides a statutory exemption for residential development projects that are consistent with a Specific Plan for which an EIR was certified after January 1, 1980. This exemption does not apply if any of the events identified in Section 21166 of Public Resources Code have occurred, unless a supplemental EIR is prepared.

APPLICABILITY OF THE APPIAN VILLAGE PROJECT TO 65457(a)

As described above, the Appian Village Project is consistent with the Specific Plan, for which an EIR was certified in 2010. As documented herein, the 2010 FEIR remains relevant and none of the events identified in Section 21166 of the California Public Resources Code have occurred that require preparation of a supplemental EIR. Therefore, the Project is statutorily exempt pursuant to California Government Code Section 65457(a).

(a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report.

The proposed Project is consistent with the development intensity analyzed in the 2010 FEIR. There are no substantial changes to the project that require major revisions of the 2010 FEIR.

(b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.

Development within the Three Corridors Specific Plan area has built out in a manner consistent with what was analyzed in the 2010 FEIR including planned development, redevelopment, infrastructure, and transportation improvements. There are no substantial changes to the circumstances under which the project is being undertaken that require major revisions of the 2010 FEIR.

(c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

There is no new information that would substantially alter the conclusions of the 2010 FEIR. The analysis of the 2010 FEIR remains applicable to the proposed Appian Village Project.

3.5. CEQA DETERMINATION AND SUMMARY OF FINDINGS

As summarized above and presented herein, the proposed Appian Village Project is eligible for the following CEQA exemptions:

Consistency with Program EIR. The City of Pinole 2010 FEIR provides for streamlining and/or tiering provisions under CEQA Guidelines Section 15168. This CEQA Analysis demonstrates that the Project would not result in substantial changes or involve new information that would warrant preparation of a subsequent EIR because the level of development proposed is within the development assumptions analyzed in the program level EIR (2010 FEIR). No further environmental review is required.

Community Plan Exemption. Streamlined environmental review per Section 15183 of the CEQA Guidelines and California Public Resources Code Section 21083.3. The Project is consistent with the General Plan and will not result in significant environmental impacts that were not previously identified as significant project-level, cumulative or offsite effects in the 2010 FEIR. The Project is exempt from further CEQA review since it is consistent with the General Plan.

Specific Plan Consistency 65457(a). Pursuant to Government Code Section 65457(a), once an EIR has been certified and a Specific Plan adopted, any residential development project, that is undertaken to implement and is consistent with the Specific Plan, is exempt from additional CEQA review. The Project, as a residential development, is consistent with the adopted Three Corridors Specific Plan for which an EIR was certified in 2010.

Findings Summary

As described herein, the proposed Project is within the scope of development projected under the General Plan and Three Corridors Specific Plan, for which an EIR was certified in 2010. The proposed Appian Village Project will implement applicable mitigation measures identified in the 2010 FEIR. In addition, the Project would be required to comply with applicable conditions of approval and subject to uniformly applied development standards. With implementation of required mitigation measures and conditions of approval, the Project would not result in a substantial increase in the severity or significant impacts that were previously identified in the program level EIRs, nor would the Project introduce any new significant impacts that were not previously identified. Therefore, there would be no additional environmental impacts beyond those analyzed in the 2010 FEIR.

Each of the above findings provides for a separate and independent basis for CEQA compliance. We do hereby certify that the above determination has been made pursuant to State and Local requirements.

Signature: City of Pinole

Date

3.6. ENVIRONMENTAL CONDITIONS OF APPROVAL

The Project shall incorporate all feasible mitigation measures set forth in findings of fact for prior applicable Environmental Impact Reports (EIR). The following EIRs have been determined by the City to be applicable to the Project:

- City of Pinole General Plan EIR (SCH Number 2009022057)

In each impact section of the Evaluation of Environmental Impacts, applicable mitigation measures from the findings of fact for the certified EIR are identified. Section 6 of this CEQA Analysis identifies relevant conditions of approval for the Project derived from mitigation measures, policies and implementing programs established in the City's General Plan and Three Corridors Specific Plan and the certified 2010 FEIR.

The Appian Village Project applicant has reviewed all conditions of approval and as signed below is committed to implementing all conditional of approval as part of the Project.

Signature: Project Applicant

Date

4. EVALUATION OF ENVIRONMENTAL EFFECTS

This section examines the Project's potential environmental effects within the parameters outlined in CEQA Guidelines Section 15183(b). The "Prior EIRs" (as defined in CEQA Guidelines Section 15183(b)(3)) is the City of Pinole General Plan EIR (2010 FEIR), inclusive of all impact determinations, significance thresholds and mitigation measures identified therein.

The evaluation builds from the Appendix G Environmental Checklist and has been modified to reflect the parameters outlined in CEQA Guidelines Section 15183(b). The checkboxes in the evaluation below indicate whether the proposed project would result in environmental impacts, as follows:

- **New Significant Impact** – The proposed Project would result in a new significant impact that was not previously identified in the 2010 FEIR.
- **Substantial Increase in Severity of Previously Identified Significant Impact in GP EIR** – The proposed Project's specific impact would be substantially greater than the specific impact described in the 2010 FEIR.
- **Substantial Change Relative to GP EIR** – The proposed Project would involve a substantial change from analysis conducted in the 2010 FEIR.
- **Equal or Less Severity of Impact than Previously Identified in GP EIR** – The severity of the specific impact of the proposed Project would be the same as or less than the severity of the specific impact described in the 2010 FEIR.

Where the severity of the impacts of the proposed Project would be the same as or less than the severity of the impacts described in the 2010 FEIR, the checkbox for Equal or Less Severity of Impact Previously Identified in FEIR is checked. Where the checkbox for Substantial Increase in Severity of Previously Identified Significant Impact in FEIR or New Significant Impact is checked, there are significant impacts that are:

- Peculiar to project or project site (CEQA Guidelines Section 15183[b][3]);
- Not analyzed as significant impacts in the previous EIRs, including off-site and cumulative impacts (CEQA Guidelines Section 15183[b][2]);
- Due to substantial changes in the project (CEQA Guidelines Section 15162[a][1]);
- Due to substantial changes in circumstances under which the project will be undertaken (CEQA Guidelines Section 15162[a][2]); or
- Due to substantial new information not known at the time the EIRs were certified (CEQA Guidelines Sections 15162[a][3] and 15183[b][4]).

As described herein, the proposed Project will be required to comply with all applicable mitigation measures identified in the 2010 FEIR.

This evaluation hereby incorporates by reference the 2010 FEIR discussion and analysis of all environmental topics. The 2010 FEIR significance thresholds have been consolidated and abbreviated in this Checklist; a complete list of the significance thresholds can be found in the 2010 FEIR.

The 2010 FEIR is a program level documents that consider the combined effects of implementing several related projects. As such, the analyses presented in the 2010 FEIR represents a cumulative analysis of environmental impacts that may occur from buildout of the Specific Plan and the General Plan.

4.1. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:	New Significant Impact Not Identified in 2010 FEIR	More Severe Impact Relative to 2010 FEIR	No Substantial Change Relative to 2010 FEIR	No Change Relative to the 2010 FEIR
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Sources: City of Pinole General Plan and EIR; Architecture Plan Set, prepared by SDG Architects, Inc., dated April 19, 2021; and Shadow study, prepared by SDG Architects, Inc., dated December 22, 2021

General Plan and Specific Plan EIR Findings

The 2010 FEIR evaluated potential impacts to aesthetics in Chapter 4.11 including the Three Corridors Specific Plan area and determined the following:

- Impact 4.11.1- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would encourage new development and redevelopment activities that could potentially degrade existing scenic vistas. This impact is considered less than significant.
- Impact 4.11.2- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) could result in the alteration of visual character. This is considered a less than significant impact.
- Impact 4.11.3- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would result in the intensification of land uses within the GPU Planning Area, which has the potential to create new sources of daytime glare and nighttime illumination. This impact is considered a less than significant.
- Impact 4.11.4- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update), along with foreseeable development in the region, would not result in the significant conversion of the city's visual character. This is considered a less than cumulatively considerable impact.

The 2010 FEIR determined that implementation would result in less than significant impacts regarding degradation of existing scenic vistas, alteration of visual character, and light and glare. No mitigation measures were required for the determination of less than significant impacts.

Project Consistency with the 2010 FEIR

4.1(a) (Scenic Vistas) No Change Relative to the 2010 FEIR: The 2010 FEIR determined that there are no designated scenic vistas within the City. Although the City contains scenic views of the bay and the surrounding cities that can be seen from the City's ridgelines, these views were not considered scenic vistas and the 2010 FEIR concluded impacts to scenic vistas would be less than significant with implementation of the General Plan and Specific Plan. The project site is occupied by existing one-story buildings that obscure the views of ridgelines. The proposed project will replace the existing buildings onsite with new multi-story residential buildings consistent with the increased density and infill development objectives contemplated by the General Plan and the Specific Plan. Although new buildings will obscure views across the project site, the Appian Way corridor is not considered a scenic vista. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

4.1(b) (Scenic Highways) No Change Relative to the 2010 FEIR: The 2010 FEIR determined that there are no officially designated state scenic highways or highways eligible for a designation by the California Department of Transportation Scenic Highways Program within the City. Accordingly, the Project will have no impact on scenic resources within a state scenic highway. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

4.1(c) (Scenic Quality) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR determined that implementation of the General Plan and Specific Plan could result in alteration to the visual setting and that impacts would be less than significant. The Project is consistent with the intent of the General Plan to promote infill development in the primary transportation corridors, as it is located within the Appian Way Corridor and within a Priority Development Area. The 2010 FEIR indicated that development consistent with the Zoning Code and General Plan policies would protect the visual character of the City. The Project is compatible with General Plan Policy CC.1.1 in that the Project exhibits pedestrian orientation, and interconnectivity of street layout in the provision of sidewalks throughout the development that connect to the sidewalks along Appian Way. The Project is also subject to the City's Design Review process and evaluation relative to the quality of site design, architecture, and planning. The Project has been evaluated by the City for these elements and found to be consistent with the applicable Design Guidelines. The Project is located on Opportunity Site 2 in the Appian Way corridor identified in the Three Corridors Specific Plan and would support multifamily residential use, in accordance with the amendment to the Specific Plan as executed through Ordinance No. 2018-02.

In consideration of shading effects on the surrounding areas, the Project included the preparation of a shadow analysis at winter solstice (December 21st) in the hours between 9:00 am and 3:00 pm, which is the time of year when shadows would be the most extensive. The simulation showed windows of properties most likely to be affected due to shadows cast by the proposed project would not be shaded for longer than 3 consecutive hours during this time (**Appendix A**).

The 2010 FEIR identified significant existing visual features as historic buildings, structures, landmarks, and monuments. The Project includes demolition of the existing, vacant medical center buildings on site, which includes one main building and an accessory structure. However, based on the Historic Resources Evaluation prepared for the Project site, (**Appendix D-1**), the existing buildings onsite are not currently listed on any national, state, or local register of historic resources and were found to be ineligible for listing in the California Register of Historical Resources due to a lack of significance. Therefore, demolition of the existing buildings onsite will not substantially alter the scenic quality due to removal of a significant visual feature.

The proposed Project is consistent with the intent of the General Plan and Three Corridors Specific Plan by introducing high density residential development on an infill site within the Priority Development Area of Appian Way. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

4.1(d) (Lighting and Glare) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR determined that intensification of land uses may create new sources of light and glare. Application of lighting rules and regulations, including the Zoning Code, was identified as a means to minimize impacts. The proposed lighting would be in conformance with the City's Zoning Code as a standard condition of Design Review approval,

including Chapter 17.46, which governs installation and operation of lighting fixtures. Among the standards for lighting is the requirement for full downward shielding in order to reduce light and glare impacts to adjoining properties and public rights-of-way. Compliance with lighting standards, in accordance with Action CC.2.3.4, has been imposed under environmental condition of approval AES-1. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

Applicable 2010 FEIR Mitigation Measures

There are no applicable 2010 FEIR mitigation measures to this Project.

Conclusion and Environmental Conditions of Approval

The Project would not result in any substantial new or more severe impacts to aesthetics relative to what was identified in the 2010 FEIR. The Project would be required to comply with City of Pinole regulations that implement General Plan policies, including Zoning Code standards captured in the following environmental condition of approval:

COA 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.

4.2. AGRICULTURAL AND FORESTRY RESOURCES

Would the project:	New Significant Impact Not Identified in 2010 FEIR	More Severe Impact Relative to 2010 FEIR	No Substantial Change Relative to 2010 FEIR	No Change Relative to the 2010 FEIR
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sources: City of Pinole General Plan and EIR; and California Department of Conservation Farmland Mapping and Monitoring Program.

General Plan and Specific Plan EIR Findings

The 2010 FEIR determined under Chapter 1.7 that implementation of the General Plan/Specific Plan would not result in any potentially significant impacts to agricultural land because the City has been largely built out and does not have agricultural operations. Similarly, the City of Pinole lacks forestland and timberland production.

Project Consistency with the 2010 FEIR

4.2(a-e) (Farmland, Agricultural Land, Forest Land) No Change Relative to the 2010 FEIR: The 2010 FEIR determined that buildout will not impact agricultural land. The Project site is a developed site with existing buildings, paved access, and ruderal vegetated areas. It does not contain farmland or forest land pursuant to Section 12220(g) of the Public Resources Code. As the Project is within the scope of development projected under the General Plan/Specific Plan and the 2010 FEIR, there would be no additional impacts to agricultural and forestry resources beyond those analyzed in the 2010 FEIR.

Applicable 2010 FEIR Mitigation Measures

There are no applicable 2010 FEIR mitigation measures to this Project.

Conclusion

The Project would not result in any new or more severe impacts to agricultural and forestry resources relative to what was identified in the 2010 FEIR. The Project consists of development within an urban context that would not impact agricultural or forestland resources and is consistent with the City's General Plan and Three Corridors Specific Plan. No environmental conditions of approval related to agriculture and forestry resources are required.

4.3. AIR QUALITY

Would the project:	New Significant Impact Not Identified in 2010 FEIR	More Severe Impact Relative to 2010 FEIR	No Substantial Change Relative to 2010 FEIR	No Change Relative to the 2010 FEIR
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Exposure of sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Sources: City of Pinole General Plan and EIR; BAAQMD 2017 Bay Area Clean Air Plan; BAAQMD CEQA Guidelines May 2017; BAAQMD Recommended Methods for Screening and Modeling Local Risks and Hazards, prepared by the BAAQMD, May 2011; and Air Quality and Greenhouse Gas Analysis, prepared by AES, December 15, 2021.

General Plan and Specific Plan EIR Findings

The 2010 FEIR evaluated potential impacts to air quality in Chapter 4.3 including the Three Corridors Specific Plan area and determined the following:

- Impact 4.3.1- Subsequent land use activities associated with implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would result in increased population and vehicle miles traveled that would exceed assumptions used to create the BAAQMD's Clean Air Plan. Although the GP EIR identified policies that would help reduce the effect of impacts, the impact would be significant and unavoidable, and there are no available mitigation measures.
- Impact 4.3.2- Subsequent land use activities associated with implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) could result in short-term construction emissions that could violate or substantially contribute to violations of federal and state ambient air quality standards. Implementation of mitigation measure 4.3.2, requiring the use of BAAQMD best management practices for construction emissions, would reduce impacts to less than significant.
- Impact 4.3.3- Subsequent land use activities associated with implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) could result in long-term, operational emissions that could violate or substantially contribute to violations of federal and state ambient air quality standards. Impacts were determined to be significant and unavoidable, and there are no available mitigation measures. A statement of overriding consideration was adopted with certification of the 2010 FEIR.
- Impact 4.3.4- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would result in increased population and employment that would result in level of service operations that would be inconsistent with the region's congestion management Program. Implementation of mitigation measure 4.4.2, for the City to work with county transportation agencies, would reduce impacts to less than significant impacts. The Project is consistent with development assumptions within the General Plan and results in no new significant or more severe impact relative to the 2010 FEIR.
- Impact 4.3.5- Subsequent land use activities associated with implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) could result in projects that would include sources of toxic air contaminants which could affect surrounding land use. Subsequent land use activities could also place sensitive land uses near existing sources of toxic air contaminants. These factors could result in the exposure of sensitive receptors to substantial concentrations of toxic air contaminants and/or fine particulate matter. General Plan policies that would reduce impacts include Policy SE.7.1, SE.7.9 and LU.3.3. Impacts were determined to be significant and unavoidable, and there are no available mitigation measures. A statement of overriding consideration was adopted with certification of the 2010 FEIR.
- Impact 4.3.6- Subsequent land use activities associated with implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) could include sources that could create objectionable odors affecting a substantial number of people or expose new residents to existing sources of odor. Mitigation measure 4.3.6a and 4.3.6b, which includes compliance with BAAQMD best management practices, would reduce impacts to less than significant.
- Impact 4.3.7- The General Plan EIR determined that implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update), in combination with cumulative development in the SFBAAB, would result in a cumulatively considerable net increase of ozone and coarse and fine particulate matter. Impacts were determined to be cumulatively considerable, and there are no available mitigation measures. A statement of overriding consideration was adopted with certification of the 2010 FEIR.

Implementation of the General Plan and Specific Plan would result in potentially significant air quality impacts. Mitigation measures from the 2010 FEIR would reduce the effect of impacts, however not all impacts may be reduced to less than significant levels. A statement of overriding consideration was adopted with certification of the 2010 FEIR.

Project Consistency with the 2010 FEIR

4.3(a) (Conflict with Plan) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR found that build out of the General Plan would result in significant and unavoidable impacts on air quality, and a statement of overriding considerations was adopted. The General Plan determined that impacts resulting from the increased population and vehicle miles traveled would exceed assumptions used to create the 2010 BAAQMD Clean Air Plan. As it relates to the General Plan and Specific Plan, the development proposed by the Appian Village project is within the projections of the 2010 FEIR and would not create new impacts, more significant impacts, or a substantial change from the 2010 FEIR.

In the 2017 BAAQMD CEQA Air Quality Guidelines, the BAAQMD established thresholds of significance for construction and operation for emission levels that if exceeded may be considered potentially significant impacts. Project-specific analysis of air pollutant emissions, (**Appendix B**), quantifies emission from short-term construction-related activities (e.g., construction equipment emissions, soil disturbance, transport of materials and worker trips) and long-term operations (e.g., resident and visitor vehicle use and area sources from use of natural gas, consumer products, and landscaping maintenance equipment). Air quality emissions generated by the Appian Village Project would not exceed BAAQMD significance thresholds during construction or at operation, as shown in Tables 1 and 2 below.

Table 1. Construction Emissions

Pollutant	BAAQMD Threshold (pounds/day)	Appian Village Project Daily Average* (pounds/day)
ROG (reactive organic gases)	54	11.11 (Volatile Organic Compounds)
NOX (nitrogen oxides)	54	45.23
PM10 (particulate matter-10 microns)	82 (exhaust)	21.42
PM2.5 (particulate matter-2.5 microns)	54 (exhaust)	11.63
PM10/PM2.5 (fugitive dust)	BMP**	Required to comply with BMPs

Source: Air Quality and Greenhouse Gas Analysis for DeNova Homes Doctor's Hospital Housing Project

*Daily average construction emissions were calculated for each of the four years of projected construction. The highest daily average is shown. ** Best Management Practices.

Table 2. Operational Emissions

Pollutant	Annual Average (tons/year)	
	BAAQMD Threshold	Appian Village Project
ROG (reactive organic gases)	10	1.88
NOX (nitrogen oxides)	10	0.43
PM10 (particulate matter-10 microns)	15	0.70
PM2.5 (particulate matter-2.5 microns)	10	0.20

Source: Air Quality and Greenhouse Gas Analysis for DeNova Homes Doctor's Hospital Housing Project

BAAQMD does not have a quantitative threshold of significance for fugitive dust. However, the 2017 BAAQMD CEQA Guidelines provide recommendations for best management practices to reduce emissions, including fugitive dust. Mitigation measure 4.3.2, set forth in the 2010 FEIR requires the use of BAAQMD-approved basic construction mitigation measures. The 2010 FEIR concluded that impacts from construction would be less than significant with implementation of mitigation. Best management practices from the latest BAAQMD CEQA Air Quality Guidelines are required to be implemented by the Project as imposed by condition of approval (COA) AQ-1, consistent with mitigation measure 4.3.2. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

4.3(b) (Increase Criteria Pollutants) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR identified a cumulatively considerable impact from the net increase of criteria pollutants citywide from buildout

of the General Plan, and a statement of overriding considerations was adopted. The Project is consistent with the projected buildout of the General Plan. At the project-level, analysis of criteria pollutant emissions from development of the project, as described above in 4.3(a), indicate that the Project would not exceed criteria pollutant thresholds and impacts would be less than significant. The Appian Village Project would have emissions that are below the BAAQMD thresholds of significance as shown in Table 1 and 2 above. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

4.3(c) (Sensitive Receptors) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR determined impacts to sensitive receptors would be significant and unavoidable, and a statement of overriding consideration was adopted. Residences are considered sensitive due to extended occupancy and exposure to ambient air quality; schools are considered sensitive due to increased susceptibility for children. Near the Project site, existing residences are located east on Canyon Drive and Poquito Court and Pinole Middle School is located to the west. The long-term operation of the Project is a residential use, which is not associated with sources of emissions that would significantly affect sensitive receptors. Construction activities would result in short-term emissions that could potentially impact nearby sensitive receptors. During construction, onsite activities will result in airborne particles from site disturbance and construction equipment emissions (i.e., diesel particulate matter exhaust emissions from vehicles and heavy equipment operations). As analyzed in the Air Quality and Greenhouse Gas Analysis for the Project and summarized in Tables 1 and 2 above, operations of the Project and construction of the Project would not result in emissions that exceed BAAQMD thresholds. Furthermore, the Project would be required to comply with BAAQMD best management practices, imposed under COA AQ-1, to minimize emissions from construction activity, which include controls on fugitive dust and limiting construction equipment idling time. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

A health risk assessment (HRA) was conducted for the Project as part the Air Quality and Greenhouse Gas Assessment and found that new residences introduced by the project would not be exposed to substantial pollutant concentrations due to ambient conditions in the project vicinity. The HRA used the California Air Resource Board's HARP 2, Version 2.0.0.8 Air Dispersion Modeling and Risk Tool and followed BAAQMD HRA Guidelines. The main off-site pollutants of concern are benzene and ethyl benzene from the nearby gas station and diesel particulate matter emissions from vehicles on I-80. Using the BAAQMD threshold of 100 in one million total cancer risk, the analysis found the cancer and chronic risk at the Project location, at 21.36 in one million total cancer risk, would not exceed the threshold. Therefore, new residents would not be exposed to excessive ambient air quality emissions and there would be no conflicts to public health and safety from project implementation.

4.3(d) (Odors) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR determined that impacts due to odors would be less than significant with implementation of applicable mitigation measures. As a residential development, the Appian Village Project does not involve operations that may generate substantial odors, such as manufacturing, refineries, landfills, or treatment uses. During construction, odors may be emitted from construction equipment and vehicles, but are temporary in nature and would be minimized through best management practices.

At operation, the project would introduce new sensitive receptors (residents) to an area adjacent to high-volume roadways including Appian Way and Interstate 80 (I-80). In accordance with mitigation measure MM 4.3.6b, a Health Risk Assessment was conducted to assess risks to new residents due to exposure of ambient air quality conditions. Results of the HRA found that emission levels at the edge of the project site fall below the thresholds of significance. Furthermore, current Title 24 building code standards require that multi-family residential buildings be outfitted with high filtration devices such as MERV-13 filter as part of the HVAC system. Accordingly, public health and safety of new residents are protected since ambient air quality concentrations do not pose an elevated health risk. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

Applicable Mitigation Measures

The following mitigation measures from the 2010 FEIR mitigation monitoring and reporting program apply to the Project:

MM 4.3.2 The proposed General Plan Update shall include a policy that would require the use of BAAQMD-approved criteria air pollutant reducing Basic Construction Mitigation Measures to all future construction projects within the GPU Planning Area where feasible whether or not construction-related emissions exceed applicable Thresholds of Significance.

Status: Applicable. In accordance with this measure, the Project is subject to environmental condition of approval AQ-1.

MM 4.3.6a The proposed General Plan Update shall include an action item that shall require the city to update the Zoning Code to require the City to identify the location of existing odor sources in the city.

Status: Not applicable at the project level.

MM 4.3.6b The following policy shall be incorporated into the Sustainability Element of the General Plan: When new development that would be a source of odors is proposed near residences or sensitive receptors, either adequate buffer distances shall be provided (based on recommendations and requirements of the BAAQMD CEQA Air Quality Guidelines) or filters or other equipment/solutions shall be provided to reduce the potential exposure to acceptable levels. Potential mitigation associated with this policy requirement will be coordinated with any required permit conditions from BAAQMD.

When new residential or other sensitive receptors are proposed near existing sources of odors, either adequate buffer distances shall be provided (based on recommendations and requirements of the BAAQMD CEQA Air Quality Guidelines) or filters or other equipment/solutions shall be provided to the source to reduce the potential exposure to acceptable levels.

Status: Applicable. The Project will introduce residents to an area adjacent to Appian Way and proximate to Interstate 80 (I-80), which are high volume roadways and linear source emitters. A Health Risk Assessment was conducted for the project and operational risk were determined to fall below significance thresholds. Accordingly, the project site is not located in an area where new sensitive receptors (residents) would be exposed to excessive pollutant concentrations. Furthermore, Title 24 building code standard now in effect require inclusion of rated filtration systems in the HVAC design. Ongoing maintenance of the Project's HVAC system is imposed as environmental condition of approval AQ-2. Therefore, this measure has been satisfied.

Conclusion and Environmental Conditions of Approval

The proposed Project is within the scope of development projected under the General Plan and Three Corridors Specific Plan, and there would be no additional impacts to air quality beyond those analyzed in the 2010 FEIR. The following environmental conditions of approval would apply to the Project to implement requirements of the 2010 FEIR mitigation measures.

COA 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:

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 working condition prior to operation.
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.

COA AQ-2: An ongoing maintenance plan for the buildings' HVAC air filtration system shall be required and may include the following:

1. 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.

4.4. BIOLOGICAL RESOURCES

Would the project:	New Significant Impact Not Identified in 2010 FEIR	More Severe Impact Relative to 2010 FEIR	No Substantial Change Relative to 2010 FEIR	No Change Relative to the 2010 FEIR
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sources: City of Pinole General Plan/Specific Plan and EIR; Biological Technical Memorandum, prepared by Analytical Environmental Services, June 9, 2021; and Arborist Report, Trees, Bugs, Dirt Landscape Consulting and Training, Updated November 4, 2021.

General Plan and Specific Plan EIR Findings

Biological resources are protected by federal and state statute including the Federal Endangered Species Act (FESA), the California Endangered Species Act (CESA), the Clean Water Act (CWA), and the Migratory Bird Treaty Act (MBTA) which affords protection to migratory bird species including birds of prey. These regulations provide the legal protection for identified plant and animal species of concern and their habitat.

The 2010 FEIR evaluated potential impacts to biological resources in Chapter 4.7 including the Three Corridors Specific Plan area and determined the following:

- Impact 4.7.1- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would result direct and indirect loss of habitat and individuals of endangered, threatened, rare, proposed, and candidate plant and wildlife species, plant species

identified by the California Native Plant Society with a rating of List 1A or 1B (i.e., rare, threatened, or endangered plants) as well as animal and plant species of concern and other non-listed special status species. This would be a less than significant impact with identified policies including Policy OS.3.9.

- Impact 4.7.2- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would result in disturbance, degradation, and removal of riparian habitat, coastal oak woodland, and wetland habitats. This would be a potentially significant impact and reduced to less than significant with mitigation measures 4.7.2a and 4.7.2b.
- Impact 4.7.4- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) could interfere substantially with the movement of native resident or migratory fish or wildlife species. This would be a less than significant impact with incorporation of General Plan policies and actions items.
- Impact 4.7.5- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or any adopted biological resources recovery or conservation plan of any federal or state agency. Therefore, there is no impact.
- Impact 4.7.6- Implementation of the proposed General Plan and associated project components (Three Corridors Specific Plan, and Zoning Code Update), together with past, present, and probable future projects in the Planning Area and larger regional context, would result in a cumulatively significant loss of biological resources in the region. The project's incremental contribution to this significant cumulative impact is less than cumulatively considerable.

As shown on Figure 4.7-2 of the 2010 FEIR, the Project site and vicinity have the potential to support special-status animal species including the Pallid bat (*Antrozous pallidus*), the endemic Samuels (San Pablo) Song Sparrow (*Melospiza melodia samuelis*), Monarch butterfly (*Danaus plexippus*), and the Yellow-headed Blackbird (*Xanthocephalus xanthocephalus*). Based on the species descriptions presented on page 4.7.22 of the 2010 FEIR, neither the Samuels (San Pablo) Song Sparrow nor the Yellow-headed Blackbird is expected to nest onsite since the site lacks salt marshes, tidal sloughs, and freshwater emergent wetlands.

Biological Resources Assessment

A site-specific Biological Technical Memorandum, dated July 9, 2021, was prepared by Analytical Environmental Services for the subject Appian Village property. The memorandum characterizes the existing site conditions and evaluates potential impacts to biological resources that would result from the proposed development and includes a review of available data from the U.S. Fish and Wildlife Service (USFWS), California Natural Diversity Database (CNDDB), California Native Plant Society (CNPS), and Natural Resources Conservation Service (NRCS). The review included an assessment of the aerial photographs of the Study Area and surrounding area, as well as a reconnaissance-level site survey to identify habitat types, including potential wetlands and waters of the U.S. and State of California, and to determine the potential for presence of special-status species on the site. The information presented in this section is based on the project-specific Biological Technical Memorandum prepared for the Project, which is included in **Appendix C** of this document.

Arborist Report

A site-specific Arborist Report, dated November 4, 2021, was prepared by Trees, Bugs, Dirt Landscape Consulting for the subject Appian Village property. The intent of the Report is to inform the City's development and tree removal permit process. The Report documents conditions of 153 trees on the project site and identifies eleven (11) trees as protected, pursuant to the city's regulation (Chapter 17.96, Tree Removal Ordinance). The information presented in this section is based on the Arborist Report prepared for the Project, which is included in **Appendix C-1** of this document.

Project Consistency with the 2010 FEIR

4.4(a-b) (Special-Status Species and Sensitive Communities) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR concluded that implementation of the General Plan and the Three corridors Specific Plan could result in adverse effects, either directly or indirectly, on species listed as endangered, threatened, rare, proposed, and candidate plant and wildlife species as well as plant species identified by the CNPS with a rating of List 1A or 1B. The 2010 FEIR identifies impacts to biological resources as less than significant with the implementation of mitigation measures and identified policies and actions.

The subject Appian Village Project site is located within the Three Corridors Specific Plan Area considered as part of the 2010 FEIR, which is an area with a diversity of common and special status species. In accordance with mitigation measure 4.7.2b, a biological resources evaluation was conducted. While this evaluation concluded that there are no sensitive habitats on site, three special status plant species and two special status animal species have the potential to occur on site. These species include big tarplant (*Blepharizonia plumosa*), Mt. Diablo fairy-lantern (*Calochortus pulchellus*), Diablo helianthella (*Helianthella castanea*), the pallid bat (*Antrozous pallidus*), and big free-tailed bat (*Nyctinomops macrotis*). The plant species could potentially occur in the annual grasslands on the eastern periphery of the site, and the bat species could potentially occur in the buildings on the site that are proposed to be demolished. While these species were not found to be present in the survey conducted on July 7, 2021, the biological evaluation recommends additional surveys to determine presence of these species prior to ground disturbance activities on undeveloped portions of the site.

In accordance with the federal Migratory Bird Treaty Act (MBTA) and Section 3503 of the California Fish and Game Code, the biological evaluation recommends that preconstruction nesting bird surveys be conducted during the nesting season. This recommendation has been imposed on the Project by environmental condition of approval (COA) BIO-1. COA BIO-2, set forth below, requires a preconstruction survey for the pallid and big free-tailed bats and protocol to follow in the event that bats are identified. Additionally, COA BIO-3 requires the survey of the annual grassland habitat identified in the biological technical report to verify the absence of special status plant species (big tarplant, Mt. Diablo fairy-lantern, and Diablo helianthella) prior to site development. In the event that rare plants are identified, then the project development footprint shall be refined to preclude impacts to rare plants (COA BIO-3). As such, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact to biological resources relative to the 2010 FEIR.

4.4(c) (Adverse Effects to Jurisdictional Waters) No Change Relative to the 2010 FEIR: The 2010 FEIR determined that implementation of the General Plan and Three Corridors Specific Plan would result in disturbance, degradation, and removal of riparian habitat, coastal oak woodland, and wetland habitats and that impacts would be less than significant with mitigation measures 4.7.2a and 4.7.2b. No creeks or tributaries are located within 100-feet of the Project site, and therefore the Project is not subject to mitigation measure 4.7.2a. In accordance with mitigation measure 4.7.2b, the Appian Village Project site was subject to a biological resources evaluation, which did not identify any jurisdictional features onsite. As such, the Project would have no impacts to jurisdictional waters. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

4.4(d) (Adverse Effect on Wildlife Movement) No Change Relative to the 2010 FEIR: The 2010 FEIR determined that implementation of the General Plan and Three Corridors Specific Plan could interfere with movement of native resident or migratory fish or wildlife species and that impacts would be less than significant. Wildlife movement includes seasonal migration, long-term genetic flow, and daily movement within an animal's territory. Barriers to wildlife movement include large developments or major roadways. Movement to and from the subject property is restricted by established urban development and roadways, including Appian Way to the west and Canyon Drive to the south. Furthermore, the site is occupied by existing development, which precludes the site from use as a movement corridor. Therefore, the proposed development will not result in a barrier to wildlife movement. Accordingly, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact to wildlife movement relative to the 2010 FEIR.

4.4(e) (Conflict with Local Ordinances) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR determined that the General Plan and Three Corridors Specific Plan will not result in a conflict with a local policy or ordinance protecting biological resources. Chapter 17.96 of the Zoning Code addresses tree removal and defines protected trees. The Project proposes removal of all vegetation and trees onsite. In accordance with Action CC 2.2.1, an Arborist Report (**Appendix C-1**) was conducted for the Appian Village Project site. The

Arborist Report evaluated a total of 153 trees onsite and concluded that eleven (11) trees proposed for removal are considered protected by the City of Pinole.

In accordance with Chapter 17.96, removal of protected trees requires a Protected Tree Removal Permit Application and compliance with conditions including planting trees onsite or the payment of an in-lieu fee as set forth in COA BIO-4 below. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact due to a conflict with local ordinances to protect biological resources relative to the 2010 FEIR.

4.4(f) (Conflicts with Habitat Conservation Plans) No Change Relative to the 2010 FEIR: The 2010 FEIR determined that the Project would not conflict with the provision of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved Conservation Plan and that there would be no impacts. There are no established habitat conservation plans applicable to the Project site. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

Applicable 2010 FEIR Mitigation Measures

MM 4.7.2a Require a minimum 100-foot setback from the top of creek banks (Pinole Creek, Catty Creek, Duncan Canyon/Cole Creek, Shady Draw, Faria Creek, and Roble Creek) for development and associated above-ground infrastructure. Analyze the adequacy of a 100-foot setback as a part of project and environmental review, and require a larger setback where necessary to mitigate project impacts.

Status: Not Applicable. The Project site is not located within 100-feet of a creek top of bank.

MM 4.7.2b The City shall require biological resources evaluation for discretionary projects in areas identified to contain or possibly contain plant and/or wildlife species designated by state and federal agencies as rare, threatened, or endangered. This evaluation shall be conducted prior to the authorization of any ground disturbance. For proposed projects in which plant and/or wildlife species designated by state and federal agencies as rare, threatened, or endangered are found, the City shall require feasible mitigation of impacts to those species that ensure that the project does not contribute to the decline of the affected species such that their decline would impact the viability of the species. Such mitigation measures may include providing and permanently maintaining similar quality and quantity of replacement habitat, enhancing existing habitat areas, or paying fees towards an approved habitat mitigation bank. Replacement habitat may occur either on-site or at approved off-site locations. Feasible mitigation shall be determined by the City after the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (now California Department of Fish and Wildlife) are provided an opportunity to comment. Mitigation shall emphasize a multi-species approach to the maximum extent feasible. This may include development or participation in a habitat conservation plan.

Status: Applicable. The Project has complied with this measure by conducting a biological evaluation incorporated in the Project's Biological Technical Memorandum (**Appendix C**). Based on recommendations therein, the Project is subject to COA BIO-1 through COA BIO-3, set forth below.

Conclusion and Environmental Conditions of Approval

The Project would not result in any new or more severe impacts to biological resources relative to what was identified the 2010 FEIR. The Project has complied with mitigation measure 4.7.2b through the preparation of a project-specific Biological Resources Assessment, and with Action CC 2.2.1. through the preparation of an Arborist Report. The following environmental conditions are based on the recommendations of these reports and augment to reflect best practices:

COA 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 to 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 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.
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.
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.
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.
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.
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.

COA BIO-2: To avoid impacts to pallid and big free-tailed bats, both “species of special concern” in the state, a qualified biologist shall conduct a bat survey no more than 15 days prior to ground disturbance or demolition of on-site buildings. Pre-construction surveys should include a daytime inspection of the inside of all building looking for active roosting bats or bat signs, followed up by an evening fly-out survey. If no evidence of bats and/or evidence of bats sign are detected during the pre-construction surveys, no additional surveys are required.

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

COA BIO-3: Prior to issuance of demolition or grading permit, including any ground disturbing activities, a focused rare plant survey shall be conducted by a qualified biologist to verify the presence/absence of special status plant species that have the potential to occur in the annual grassland habitat identified in the Biological Technical Report (July 9, 2021), which include big tarplant (*Blepharizonia plumosa*), Mt. Diablo fairy-lantern (*Calochortus pulchellus*), and Diablo

helianthella (*Helianthella castanea*). If impacts to annual grassland will be avoided, then no subsequent survey is required. In the event that rare plants are identified within the annual grassland habitat, then avoidance measures shall be developed by the qualified biologist and accepted by the City prior to the start of any site development work.

COA BIO-4: Prior to any tree removal or alteration, the applicant shall obtain approval from the City of Pinole to implement a plan for tree preservation and replacement in accordance with the City's Tree Removal Permit. Replacement of protected trees onsite shall either consist of planting or replacement trees onsite as part of the development over and above the landscaping that would otherwise be required at a value equal to the value of the protected trees that will be removed, or through the payment of an in-lieu fee to the City in an amount equal to the value of the protected trees that will be removed.

4.5. CULTURAL RESOURCES

Would the project:	New Significant Impact Not Identified in 2010 FEIR	More Severe Impact Relative to 2010 FEIR	No Substantial Change Relative to 2010 FEIR	No Change Relative to the 2010 FEIR
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Sources: City of Pinole General Plan/Specific Plan and EIR; Cultural Resources Constraints Analysis, prepared by Solano Archeological Services, July 21, 2021; and Historic Resource Evaluation, prepared by Evans & De Shazo, Archaeology and Historic Preservation, August 18, 2021.

General Plan and Specific Plan EIR Findings

The 2010 FEIR evaluated potential impacts to cultural resources in Chapter 4.10 including the Three Corridors Specific Plan area and determined the following:

- Over 40 archaeological and historical investigations, covering approximately 60% of the Pinole General Plan Update Planning Area have been conducted.
- Impact 4.10.1- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) could result in the potential disturbance of cultural resources (i.e., prehistoric sites, historic sites, and isolated artifacts and features) and human remains. This would be a potentially significant impact and reduced to less than significant with mitigation measures 4.10.1a through c.
- Impact 4.10.3- Adoption of the proposed project along with foreseeable development in the region could result in the disturbance of cultural resources and human remains. This contribution is considered cumulatively considerable and would be reduced to less than significant levels with mitigation measures 4.10.1a through c.

Cultural Resources Constraints Analysis

Consistent with mitigation measure 4.10.1a set forth in the 2010 FEIR, an archaeological assessment was completed for the Appian Village Project site (**Appendix D**). Based on archival research, the assessment did not identify early historic-era developments directly within or immediately adjacent to the Project area (other than Appian Way) or the presence of any prehistoric archaeological resources within or in the vicinity of the Project site. The assessment, therefore, determined a low level of archaeological sensitivity for early historic-era and pre-historical archaeological resources. However, a review of the Native American Heritage Commission (NAHC) Sacred Land File (SLF) indicated the presence of a potentially significant Native American cultural property is located near the Project site. Therefore, the project site retains a high level of sensitivity for Native American cultural properties.

Historic Resource Evaluation

Consistent with mitigation measure 4.10.1a set forth in the 2010 FEIR, a historical investigation was completed for the Appian Village Project site (**Appendix D-1**). The buildings onsite were assessed to identify any listed historical resource or resource eligible for listing. The Historic Resource Evaluation determined that none of the buildings onsite are currently listed on any national, state, or local landmark or historic district programs and none are eligible for listing.

Project Consistency with the 2010 FEIR

4.5(a) (Historic Resources) No Change Relative to the 2010 FEIR: The 2010 FEIR concluded that compliance with mitigation measure 4.10.1a and General Plan Action CC.4.2.4, would ensure that subsequent development projects result in less than significant impacts to historical resources. The Project site is currently developed with one building constructed in 1967, which based on being over 45 years in age was subject to a Historic Resources Evaluation. This building served as a Doctors Medical Center, which ceased operations in 2006 and has been vacant since. The subject building and all associated site improvements will be demolished to develop the Project.

In compliance with mitigation measure 4.10.1a, the existing buildings and associated landscape onsite were evaluated to determine eligibility for listing as historical resources (**Appendix D-1**). As detailed in the Historic Resource Evaluation, the existing medical center building, built in 1967 and the accessory structure built in 1970 were evaluated for their association with "New Formalism". These building are not currently listing on any on any national, state, or local register of historic resources and do not meet the eligibility requirements for listing on the California Register of Historic Resources (CRHR). The existing landscaping is not associated with any architectural style or landscape design.

Based on the determination that none of the structures evaluated are eligible for listing, the proposed demolition of existing buildings and structures onsite will not result in impacts to an identified or eligible historic district or to an individual historical resource. Therefore, no new significant impacts or substantial increase in the severity of previously identified impacts, due to a substantial adverse change in the significance of a historical resource, would result from the Project relative to the 2010 FEIR findings.

4.5(b) (Archaeological Resources) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR concluded that compliance with mitigation measures 4.10.1a and 4.10.1b, as well as General Plan Actions CC.4.2.4 and 4.2.5, would ensure that subsequent development projects result in less than significant impacts to archaeological resources. In compliance with mitigation measure 4.10.1a, the Project completed an Archaeological Assessment including a database review, and records search to evaluate the site for recorded evidence of cultural resources with negative results.

Though archival record search does not indicate presence of archaeological resources onsite, due to the presence of a potentially significant Native American cultural property in or near the Project site, there is a potential of encountering buried Native American cultural resources. Therefore, ground-disturbing activities from Project development could result in potentially significant impacts to buried archeological resources, as identified by the 2010 FEIR.

The Appian Village Project has complied with mitigation measure 4.10.1a by conducting an archaeological assessment, which recommends monitoring during all initial ground-disturbance activities on native soils to

identify and preserve buried cultural resources if present. In accordance with mitigation measure 4.10.1b, environmental condition of approval (COA) CUL-1 is imposed on the Project, which requires the presence of an archeological monitor with the authority to temporarily halt work to inspect areas as needed. COA CUL-1 also requires that in the event that archaeological resources are exposed during construction, then all earth-disturbing work within 50-feet of the find be immediately stopped until the monitor can evaluate the significance of the find and determine if additional study is warranted. With implementation of COA CUL-1, the Project will result in less than significant impacts from a substantial adverse change in the significance of an archaeological resource, if encountered during construction. Therefore, no new significant impact or substantial increase in the severity of a previously identified impacts would result from the Project relative to the 2010 FEIR findings.

4.5(c) (Discovery of Human Remains) No Substantial Change Relative to the 2010 FEIR: In the event that during ground disturbing activities, human remains are discovered, the Project shall comply with mitigation measure 4.10.1c as imposed by COA CUL-2, which requires the immediate cessation of ground disturbing activities near or in any area potentially overlying adjacent human remains and contacting the City and County Coroner upon the discovery of any human remains. If it is determined by the Coroner that the discovered remains are of Native American descent, the Native American Heritage Commission shall be contacted immediately. If required, the Project sponsor shall retain a City-qualified archeologist to provide adequate inspection, recommendations, and retrieval. Compliance with COA CUL-2 as well as California Health and Safety Code Section 7050.5 and performance of actions therein will ensure that in the event of accidental discovery of historically significant remains the Project will result in less than significant impacts. Therefore, no new significant impact or substantial increase in the severity of a previously identified impacts would result from the Project relative to the 2010 FEIR findings.

Applicable 2010 FEIR Mitigation Measures

MM 4.10.1a The City shall include the following as an action in the Community Character Element of the General Plan Update. Cultural resources studies (i.e., archaeological, and historical investigations) shall be required for all applicable discretionary projects, in accordance with CEQA regulations, for areas not previously surveyed and/or that are sensitive for cultural resources. The studies should identify cultural resources (i.e., prehistoric sites, historic sites, and historic buildings/structures) in the project area, determine their eligibility for inclusion in the California Register of Historical Resources, and provide feasible and appropriate measures for the protection of any historical resources or unique archaeological resources to maximum extent feasible. Cultural resources studies should be completed by a professional archaeologist or architectural historian that meets the Secretary of the Interior's Professional Qualifications Standards in archaeology.

Status: Applicable. The Project has complied with this measure by conducting an Archaeological Assessment and a Historical Investigation. Based on recommendations therein, the Project is subject to COA CUL-1, set forth below. COA CUL-1 ensures compliance with this measure.

MM 4.10.1b The City shall include the following as an action in the Community Character Element of the General Plan Update. Should any cultural resources such as structural features, unusual amounts of bone or shell, artifacts, or architectural remains be encountered during development activities, work shall be suspended within 50 feet of the discovery and the City of Pinole Community Development Department shall be immediately notified. At that time, the City will coordinate any necessary investigation of the discovery with an appropriate specialist (e.g., archaeologist or architectural historian). The project proponent shall be required to implement any mitigation necessary for the protection of cultural resources.

The City of Pinole and the project application shall consider mitigation recommendations presented by a qualified archaeologist or other appropriate technical specialist 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 applicant deem feasible and

appropriate. Such measures may include avoidance, preservation in place, excavation, document, curation, data recovery, or other appropriate measures.

Status: Applicable. Based on the recommendations presented in the Archaeological Assessment, the Project is subject to COA CUL-1, set forth below. COA CUL-1 ensures compliance with this measure.

MM 4.10.1c The City shall include the following as an action in the Community Character Element of the General Plan Update. If human remains are discovered, all work must halt within 50 feet of the find, the City of Pinole Community Development Department shall be notified and the County Coroner must be notified accordingly to Section 5097.98 of the California Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission and the procedures outline in CEQA Section 15064.5(d) and (e) shall be followed.

Status: Applicable. Based on the recommendations presented in the Archaeological Assessment, the Project is subject to COA CUL-2, set forth below. COA CUL-2 ensures compliance with this measure.

Conclusion and Environmental Conditions of Approval

The Project would not result in any new or more severe impacts to archaeological resource relative to what was identified the 2010 FEIR. The Project has complied with mitigation measure 4.10.1a through the preparation of a project specific Historic Resources Evaluation and an Archaeological Assessment, which identifies the following recommendations, imposed as environmental conditions of approval:

COA CUL-1: To ensure the Project does not result in impacts to buried archaeological resources onsite, if present, the following shall be implemented:

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 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.
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).

COA CUL-2: In the event that human remains are encountered within the Project Area during Project-related, ground-disturbing activities, all work must stop, and the County Coroner immediately notified of the discovery. If the County coroner determined that remains are, or are believed to be Native American, then the Native American Heritage Commission must be contacted by the Coroner

so that a “Most Likely Descendant” (MLD) can be designated to provide further recommendations regarding treatment of the remains. A Secretary of Interior-qualified Archaeologist should also evaluate the historical significance of the discovery, the potential for additional human remains to be present, and to provide further recommendations for treatment of the resource in accordance with the MLD recommendations. Federal regulations require that Native American human remains, funerary objects, and object of cultural patrimony are handled consistent with the requirement of the Native American Graves Protection and Repatriation Act.

4.6. ENERGY

Would the project:	New Significant Impact Not Identified in 2010 FEIR	More Severe Impact Relative to 2010 FEIR	No Substantial Change Relative to 2010 FEIR	No Change Relative to the 2010 FEIR
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sources: City of Pinole General Plan and EIR.

General Plan and Specific Plan EIR Findings

The 2010 FEIR evaluated potential impacts to energy in Chapter 4.13 including the Three Corridors Specific Plan area and determined the following:

- Impact 4.13.3- Development under the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would increase the consumption of energy associated with electrical, natural gas, and vehicle fuel. This is considered to be a less than cumulatively considerable impact.

Project Consistency with the 2010 FEIR

4.6(a-b) (Energy Consumption) No Change Relative to the 2010 FEIR: The 2010 FEIR determined that the wasteful, inefficient, or unnecessary consumption of energy resources was a less than cumulatively considerable impact. The FEIR acknowledges that the development and operation of proposed residential and commercial land uses will increase energy consumption, but that new development will be more energy efficient pursuant to the requirements of building energy efficiency standards under the most current building code.

Development of the Project would be subject to building code standards requiring energy efficiency in new multi-family construction. The subject Appian Village Project would be required to comply with the latest energy efficiency standards as well as other green building standards under Title 24, which is confirmed through the City's building permit review process and would be consistent with Policy SE 1.4 for meeting applicable green building standards. Through building permit review, the construction plans would be evaluated for inclusion of required green building features in new construction, consistent with state and local regulations. As proposed the project would include roof top solar and pre-wiring for electric vehicle charging in parking stalls. Additionally, the Project would be all electric and precludes the use or expansion of natural gas infrastructure. The Project would be required to comply with the City's water efficient landscape ordinance, thereby contributing to a reduction in energy expended to treat and convey water. Construction of the Project is subject to the BAAQMD best management practices that requires minimizing idling time and maintaining construction equipment to manufacturer's specifications, which reduces inefficient consumption of fuels. As a multi-family residential

development subject to the latest building code and construction standards, energy consumption of the Project will not be wasteful or inefficient, nor will it obstruct a state or local plan for renewable energy.

The Project is consistent with General Plan policies, such as Policy HS.5.2, to promote infill development along corridors and to locate residences near transit and services, which can reduce automobile travel and fuel consumption. The proposed residences would be located less than a half mile from the Appian 80 shopping center and the Appian Professional Plaza, which provide nearby access to a grocery store, restaurants, commercial services, and professional offices. Bus stops location and shelters are identified at the project site frontage that is served by WestCAT and anticipated to resume bus service in the future. Further, Pinole Middle School is located across Appian Way providing educational services in the immediate site vicinity. As such, the site is located in an area that can reduce automobile travel and corresponding fuel consumption. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

Applicable 2010 FEIR Mitigation Measures

There are no applicable 2010 FEIR mitigation measures to this Project.

Conclusion

The Project would not result in any new or more severe impacts to energy relative to what was identified in the 2010 FEIR. The Project consists of development that is required to comply with the latest energy efficiency standards as a new construction and is consistent with the General Plan policies encouraging infill development, at higher densities, near transit. The Project is subject to uniformly applied development standards including review of construction plans by building officials to verify compliance with latest building codes. No environmental conditions of approval related to energy are required.

4.7. GEOLOGY AND SOILS

Would the project:	New Significant Impact Not Identified in 2010 FEIR	More Severe Impact Relative to 2010 FEIR	No Substantial Change Relative to 2010 FEIR	No Change Relative to the 2010 FEIR
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

landslide, lateral spreading, subsidence, liquefaction or collapse?

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Sources: City of Pinole General Plan/EIR; Preliminary Grading Plan, prepared by cbg Civil Engineers, dated July 26, 2021; Geotechnical Report, prepared by Rockridge Geotechnical, December 2018; Geotechnical Report, prepared by Stevens, Ferrone & Bailey Engineering Company, Inc., August 28, 2020; and Structural Assessment, prepared by Advanced Engineering, Structural Engineering Solution, September 10, 2021.

General Plan and Specific Plan EIR Findings

The 2010 FEIR evaluated the potential impacts related to geology and soils in Chapter 4.8 and determined the following.

- Impact 4.8.1- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would result in the construction of projects over a seismically hazardous area. This is considered less than significant impact.
- Impact 4.8.2- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would result in increased soil, wind, and water erosion and loss of topsoil, due to grading activities within the Planning Area. This is considered a less than significant impact.
- Impact 4.8.3- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) may result in construction in areas subject to landslide. This impact is less than significant.
- Impact 4.8.4- Implementation of the proposed (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would expose buildings, pavements, and utilities to significant damage as a result of underlying expansive or unstable soil properties. This is considered a less than significant impact.
- Impact 4.8.5- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update), in combination with existing, planned, proposed, and reasonably foreseeable development, would not contribute to cumulative geologic, seismic, and soil impacts, as the impacts would be site-specific and not additive in character. Thus, this impact would be less than cumulatively considerable.
- Impact 4.10.2- Adoption of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) could result in the potential damage or destruction of undiscovered paleontological resources. This is considered a potentially significant impact that may be reduced to a less than significant impact with mitigation measure 4.10.2.

Project Consistency with the 2010 FEIR

4.7(a) (Seismic Hazards) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR determined impacts from fault rupture, strong ground shaking, seismic-related ground failure, and landslides would be less than significant. The Appian Village Project site is not located within an Earthquake Fault Zone, as defined by the Alquist-Priolo Earthquake Fault Zoning Act, and no known active or potentially active faults exist on the site. Strong to very strong ground shaking could occur at the site during a large earthquake on one of the nearby faults. However, the risk of fault offset at the site from a known active fault and future faulting in areas where no faults previously existed is very low. Due to the site's location in the seismically active Bay Area region, as identified and considered in the 2010 FEIR, the site and the city as a whole would experience ground shaking. The Project is subject to construction standards established for seismic safety within the most recent California Building Code, which would minimize potential impacts resulting from ground shaking.

The Project site has been previously graded level to accommodate the currently vacant, existing building, and associated improvements. The eastern boundary of the site exhibits a 20% slope and is improved with wooden posts and retaining walls. As part of the building permit process where structural details of site development reviewed for compliance, the applicant is required to submit documentation on the stability of slopes and structural details of retaining walls.

In accordance with Municipal Code Section 15.36.180, as well as General Plan Policy HS.3.1, a geotechnical report was prepared for the Project site, which included a geotechnical assessment for the Project and geotechnical engineering peer review of a preliminary geotechnical report prepared for a previously proposed project for the site (**Appendix E-1**). The Project would implement the recommendations of the report and would be consistent with General Plan Policy HS.3.2, HS.3.3, and HS.3.4 that address geologic and seismic hazard mitigations in project design, which are confirmed in the building permit review process, through environmental condition of approval (COA) GEO-1. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

4.7(b) (Erosion) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR concluded impacts from soil erosion would be less than significant. The Project site is previously disturbed from past uses and would be redeveloped with new grading, paving, and landscaping. Projects that create more than 10,000 square feet of impervious surfaces would be subject to implementation of stormwater management facilities to treat site runoff per Contra Costa County C.3 requirements. Best management practices for soil erosion and sediment control are required during construction. The Appian Village Project is subject to these requirements, which minimize impacts of pollutants and sediment in runoff to stormwater systems. Pursuant to Municipal Code Section 15.36.190, Erosion and Sediment Control Plan, the project is subject to COA GEO-2, which requires preparation and implementation of a final erosion and sediment control plan. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

4.7(c) (Geologic Stability) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR determined that impacts from geologic or soil instability would be less than significant. The geotechnical assessment of the site, prepared by Stevens, Ferrone & Bailey Engineering Company, concluded that the site can be developed for the proposed project and identifies the following primary geotechnical issues on the Project site to be addressed: 1) documentation of previous fill demonstrating compliance with current engineering standards or excavation of the fill with filling and compaction based on current standards; 2) evaluation of slope stability with computer aided slope stability analyses and evaluation of existing retaining walls by a structural engineer; and, 3) use of post-tensioned slab foundation system designed to reduce shrinking and swelling impact of the expansive soils. The geotechnical assessment provides preliminary earthwork, foundation and pavement recommendations and includes a recommendation for a future comprehensive geotechnical report that would provide detailed geotechnical design and construction criteria, prepared in accordance with the most recent California Building Code. This recommendation is incorporated in COA GEO-1 below.

The design of the Project would include grading with cuts of up to 5'-6" in depth in the northern top portion of the site, adjacent to Appian Way and fill of up to 8'-0" to establish finish floor elevations. Proposed and existing retaining walls would be reviewed during the building permit process. In addition to the geotechnical assessment, a subsequent, focused Structural Assessment (**Appendix E-1**) of the retaining walls along the

eastern boundary of the site was conducted. Based on observed current conditions of readily accessible areas, it concluded the existing retaining wall does not pose a safety issue and the structure was generally free of major cracking or other evidence suggesting instability concerns. Although the conditions of the eastern retaining wall were observed to be structurally sound, the Project would provide detailed structural analysis of this wall and all retaining walls and analysis of slope stability during the building permit review process, per recommendations of the geotechnical assessment and as imposed by COA GEO-1.

As a standard part of the Building Permit review process, soils and geotechnical reports are required for new construction and recommendations. In accordance with Municipal Code Section 15.36.180, a geotechnical report was prepared, and recommendations therein imposed as COA GEO-1. Incorporation of the recommendations in the geotechnical report and review for building code compliance through the Building Permit process would confirm the Project would not result in location a building on unstable geologic units or cause on- or off-site geologic impacts. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

4.7(d) (Expansive Soils) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR concluded that there would be less than significant impacts due to expansive soils. The site-specific geotechnical report identified conditions on the site and determined the proposed development was feasible with implementation of recommendations in the report. The Project would be required to incorporate the recommendations of the geotechnical report per COA GEO-1 and comply with building code standards for seismic safety. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

4.8(e) (Septic Tanks) No Change Relative to the 2010 FEIR: The Project would not include the use of septic tanks and connection to the existing sewer line along Canyon Drive is proposed. Therefore, the project would result in no changes relative to the 2010 FEIR regarding use of septic tanks.

4.9(f) (Paleontological Resources) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR determined that impacts on unique geologic or paleontological resources would be less than significant with implementation of mitigation measure 4.10.2. The potential to uncover undiscovered paleontological resources was considered in the 2010 FEIR, and mitigation measure 4.10.2 was created to include a policy requiring work to be suspended within 50 feet of any discovered potentially unique paleontological resources and for the City to be contacted to coordinate further investigation. A search of the University of California Museum of Paleontology database did not identify any evidence of significant paleontological resources within the Pinole General Plan Planning Area. Nonetheless, in compliance with mitigation measure 4.10.2, the Project is subject to COA GEO-3, which identifies protocol in the event that paleontological resources are encountered during construction activities. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

Applicable 2010 FEIR Mitigation Measures

The following mitigation measures from the 2010 FEIR mitigation monitoring and reporting program apply to the project:

MM 4.10.2 The City shall include the following as an action in the Community Character Element of the General Plan Update. 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.

Status: Applicable. The Project is subject to this mitigation measure, through COA GEO-3 below.

Conclusion and Environmental Conditions of Approval

The proposed Project is within the scope of development projected under the General Plan and Three Corridors Specific Plan, and there would be no additional impacts to geology and soils beyond those analyzed in the 2010 FEIR. The following environmental conditions of approval would apply to the Project to implement General Plan policies, Municipal Code requirements, and mitigation measure 4.10.2.

COA GEO-1: The applicant shall incorporate the recommendations of the Project Geotechnical Report prepared by Stevens, Ferrone & Bailey Engineering Company, Inc (August 28, 2020) into construction drawings. A comprehensive geotechnical engineering report shall be prepared for the Project that specifically addresses the proposed development, conforms to the most recent edition of the California Building Code, and provides geotechnical design and construction criteria for the Project. This report shall include detailed drainage, earthwork, foundation, and pavement recommendations. Detailed structural analyses of all retaining walls and slope stability shall be provided, including structural calculations for retaining walls and computer-aided slope stability analyses as required. Final grading plan, construction plans, and building plans shall demonstrate that recommendations set forth in the geotechnical reports and/or to the satisfaction of the City Engineer/Chief Building Official have been incorporated into the design of the Project.

Nothing in this condition of approval shall preclude the City Engineer and/or Chief Building Official from requiring additional information to determine compliance with applicable standards. The geotechnical engineer shall inspect the construction work and shall certify to the City, prior to issuance of a certificate of occupancy that the improvements have been constructed in accordance with the geotechnical specifications.

COA GEO-2: Prior to issuance of a grading permit, an erosion control plan along with grading and drainage plans shall be submitted to the City Engineer for review. The Project shall comply with stormwater management requirements and guidelines established by Contra Costa County under the Contra Costa Clean Water Program Stormwater C.3 Guidebook and incorporate Contra Costa County best management practices for erosion and sediment control for construction. All earthwork, grading, trenching, backfilling, and compaction operations shall be conducted in accordance with the City's Erosion Control requirements, Chapter 15.36.190 of the Municipal Code. Plans shall detail erosion control measures such as site watering, sediment capture, equipment staging and laydown pad, and other erosion control measures to be implemented during all construction activity.

COA GEO-3: Should any potentially unique paleontological resources (fossils) be encountered during development activities, work shall be suspended within 50 feet of the discovery and the City of Pinole Planning Division of the 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 treatment plan that the City and Project applicant deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures.

4.8. GREENHOUSE GAS EMISSIONS

Would the project:	New Significant Impact Not Identified in 2010 FEIR	More Severe Impact Relative to 2010 FEIR	No Substantial Change Relative to 2010 FEIR	No Change Relative to the 2010 FEIR
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sources: City of Pinole General Plan and EIR; BAAQMD 2017 Bay Area Clean Air Plan; and BAAQMD CEQA Guidelines May 2017; and Air Quality and Greenhouse Gas Analysis, prepared by AES, December 15, 2021.

General Plan and Specific Plan EIR Findings

The 2010 FEIR evaluated the potential impacts related to greenhouse gas emissions in Chapter 4.13 and determined the following.

- Impact 4.13.1- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would result in greenhouse gas emissions that would not be anticipated to conflict with the goals of AB 32 nor result in a significant impact on the environment. This is a less than cumulatively considerable impact.
- Impact 4.13.2- Environmental effects of climate change are not currently expected to result in adverse impacts to the General Plan Update Planning Area. This is a less than cumulatively considerable impact.
- Impact 4.13.3- Development under the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would increase the consumption of energy associated with electrical, natural gas, and vehicle fuel. This is a less than cumulatively considerable impact.

Project Consistency with the 2010 FEIR

4.8(a) (Greenhouse Gas Generation) No Change Relative to the 2010 FEIR: The 2010 FEIR determined that greenhouse gas emissions generation for buildout of the General Plan was a less than significant impact. The greenhouse gas emissions (GHG) generated by the Appian Village Project are projected to be below levels that would have a potentially significant impact on the environment. The Air Quality and Greenhouse Gas Analysis (**Appendix B**) prepared for the Project identifies the 2017 BAAQMD CEQA Air Quality Guidelines threshold of significance as 1,100 MT CO₂e per year. The calculated amortized construction and operational GHG emissions are projected to result in 822.03 MT CO₂e per year. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

4.8(b) (Conflict with Plans) No Change Relative to the 2010 FEIR: The 2010 FEIR determined that the project would have a less than significant cumulatively considerable impact with implementation of relevant policies and actions in the General Plan. The Appian Village Project is consistent with the General Plan and Three Corridors Specific Plan as a higher density residential infill development along the Appian Way corridor within a priority development area (PDA) pursuant to the Sustainable Community Strategy (SCS). The proposed development is consistent with the type of development envisioned along the Appian Way corridor that provides high density development on a corridor served by transit. The Project is compatible with the policies of the General Plan that promote a reduction in greenhouse gas generation through the lower vehicle trip demand and application of energy efficiency standards and green building requirements under the California Building

Code. Furthermore, the Project is consistent with the SCS by introducing high density housing within an identified PDA. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

Applicable 2010 FEIR Mitigation Measures

The following mitigation measures from the 2010 FEIR mitigation monitoring and reporting program apply to the Project:

MM 4.3.2 The proposed General Plan Update shall include a policy that would require the use of BAAQMD-approved criteria air pollutant reducing Basic Construction Mitigation Measures to all future construction projects within the GPU Planning Area where feasible whether or not construction-related emissions exceed applicable Thresholds of Significance.

Status: Applicable. The Project shall comply with the latest BAAQMD best management practices, which is imposed by COA AQ-1.

Conclusion and Environmental Conditions of Approval

The proposed Project is within the scope of development projected under the General Plan and Three Corridors Specific Plan, and there would be no additional impacts from greenhouse gas emissions beyond those analyzed in the 2010 FEIR. The Project shall implement COA AQ-1 to apply BAAQMD best management practices that minimize construction-related emissions.

4.9. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	New Significant Impact Not Identified in 2010 FEIR	More Severe Impact Relative to 2010 FEIR	No Substantial Change Relative to 2010 FEIR	No Change Relative to the 2010 FEIR
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sources: City of Pinole General Plan/Specific Plan and EIR; Phase 1 Environmental Site Assessment Report, prepared by AdvancedGeo, April 23, 2021; and Contra Costa County Local Hazard Mitigation Plan, January 2018.

General Plan and Specific Plan EIR Findings

The 2010 FEIR evaluated potential impacts to Hazards and Human Health in Chapter 4.6 including the Three Corridors Specific Plan area and determined the following:

- Impact 4.6.1- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) could include the routine transportation, use, or disposal of hazardous materials on the Planning Area Transportation network. This is considered a less than significant impact.
- Impact 4.6.2- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) could include land uses that have the potential to result in an increased risk of release of hazardous materials. This is considered a less than significant impact.
- Impact 4.6.3- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) could consist of land uses having the potential to result in an increased risk of release of hazardous materials. This is considered a less than significant impact.
- Impact 4.6.4- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) could impair implementation of or physically interfere with the City's Emergency Operations Plan (EOP). This is considered a less than significant impact.
- Impact 4.6.5- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would not cumulatively contribute to regional hazards. This is less than cumulatively considerable.

Phase I Environmental Site Assessment

A Phase I Environmental Site Assessment (ESA) was conducted for the Appian Way Project site in April 2021, in conformance with the scope and limitations of ASTM Standard Practice E1527-13, the Environmental Protection Agency Standards and Practices for All Appropriate Inquiries 'AAI' (40 CFR Part 312) (**Appendix F**). The Phase I ESA discusses the Recognized Environmental Conditions (RECs), Controlled Recognized Environmental Conditions (CRECs), Historical Recognized Environmental Conditions (HRECs), and environmental issues of the Project site. The Phase I ESA included review of regulatory information, records research, and a site reconnaissance of the project site and neighboring properties on 28 July 2020 and 23 April 2021, and interviews with individuals with knowledge of the site and surrounding properties.

The Phase I ESA did not identify RECs, CRECs, or HRECs on the site during the course of the assessment and notes that potential vapor encroachment condition was identified due to the use of halogenated volatile organic compounds (VOCs) in the past at the facility (currently vacant) onsite. However, the Project's Phase I Environmental Site Assessment (April 2021) concludes that tetrachloroethylene (PCE) and ethylbenzene that were found to exceed the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) residential screening levels during an initial investigation in September 2020, are below the residential risk level. The report further notes that benzene was slightly over the residential screen level but once grading occurs, benzene concentrations will dissipate. Additionally, the report notes that, based on the age of the building there is a

potential for asbestos-containing materials (ACB) and/or lead based paint (LBP) to be present in the structure on the property. While asbestos containing materials have been previously removed from the site, a report of findings was not available during the preparation of this or the previous assessments. The Phase I ESA recommends that prior to any demolition, the findings report be provided to evaluate if additional removal is warranted.

Project Consistency with the 2010 FEIR

4.9(a-b) (Routine Transport, Upset and Accident Involving Release) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR concluded that the proposed Project including implementation of the Three Corridors Specific Plan would result in the use, storage, and transport of hazardous materials, that accidental release could constitute a hazard to the public or the environmental, and that compliance with local, state, and federal regulation would ensure impacts are less than significant.

Demolition and construction activities of the subject Appian Village Project will result in the temporary presence of potentially hazardous materials including, but not limited to, fuels, lubricants, paints, solvents, insulation, electrical wiring, and other construction related materials onsite. Although potentially hazardous materials may be present onsite during construction, the Project is required to comply with all existing federal, state, and local safety regulations governing the transportation, use, handling, storage, and disposal of potentially hazardous materials. Once construction activities are complete there will not be ongoing use or generation of hazardous materials onsite due to the proposed residential use.

Additionally, prior to the commencement of site preparation, a Storm Water Pollution Prevention Plan (SWPPP) that includes Best Management Practices will be prepared and implemented during all construction activities (see Hydrology/Water Quality discussion below). Accordingly, the impact of hazards to the public or the environment through the routine transport, use, or disposal of hazardous materials from the proposed Project would be less than significant. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

4.9(c) (Emit or Handle Hazardous Material within ¼ Mile of School Sites) No Change Relative to the 2010 FEIR: The 2010 FEIR concluded that the implementation of the Three Corridors Specific Plan would result in a less than significant impact due to the release and exposure of hazardous material onto schools sites.

Pinole Middle School is located across Appian Way to the west of the Project site. However, there are no activities associated with the proposed Project that would pose a threat to the school from the release or handling of hazardous materials. As such, the Project would not result in any increased risk of exposure to existing schools. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

4.9(d) (Existing Hazardous Materials Sites) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR concluded that implementation of the Three Corridors Specific Plan would result in less than significant impacts due to release and exposure of hazardous materials.

In accordance with Action HS.3.5.4, which directs that at the time of new development, any known or discovered hazardous materials should be cleaned up and mitigated, a Phase I Environmental Site Assessment (ESA) was prepared. The Phase I ESA identified environmental concerns associated with past uses onsite and the potential presence of asbestos-containing materials (ACM) and/or lead based paint (LBP), due to the age of the building onsite, as described above. It indicates that asbestos containing materials have been removed previously, but a report was not provided during the preparation of the Phase I ESA. Environmental condition of approval (COA) HAZ-1 shall be imposed on the Project requiring the submittal of reports or documentation verifying adequate removal of ACM and LBP on site and the preparation and implementation of an Operations and Maintenance Plan if additional ACM and LBP removal is warranted. Similarly, due to the identified environmental concern associated with past uses onsite, the Project is subject to environmental COA HAZ-2, which requires best management practices regarding potential soil hazards in the event that unknown contamination is encountered during construction. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

4.9(e) (Public Airport Land Use Plans) No Change Relative to the 2010 FEIR: The 2010 FEIR concluded that no impacts related to airports or airstrips would occur as no airports are located within or proximate to the planning area. The subject Project site is not located within the boundaries of an airport land use plan, nor is it located in direct proximity to a private airstrip. The nearest airports are the San Rafael Airport, approximately 22 miles west, by road, and Buchanan Field Airport, approximately 17 miles east, by road, from the Project site. Accordingly, no impacts associated with airport-related hazards will result from the Project. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

4.9(f) (Impair Emergency Response Plan) No Change Relative to the 2010 FEIR: The 2010 FEIR concluded that the Three Corridors Specific plan would not impair implementation of or physically interfere with the City's Emergency Operations Plan (EOP) and impacts would be less than significant. The City of Pinole responds to emergencies in accordance with the adopted Emergency Operations Plan. The City provides emergency preparedness information through Pinole Ready including alerts, response, recovery, and mitigation.

As a multi-family residential development generally consistent with the Three Corridors Specific Plan, none of the proposed Project improvements are expected to impair the implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. The Project includes adequate onsite access to accommodate emergency vehicles, including adequate driveway/drive aisle width and turning radii. Furthermore, the Fire Department has reviewed the Project, including proposed emergency vehicle access and circulation, in accordance with General Plan Action HS.4.1.3, and determined that improvements do not impair movement of emergency vehicles and equipment. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

4.9(g) (Wildland Fire Hazards) No Change Relative to the 2010 FEIR: No impacts related to wildland fire hazard would occur as the Project area is largely surrounded by urban development and roadways and is not adjacent to a wildland urban interface fire hazard area. The Project site is categorized as a Non-VHFHZ by CAL FIRE and surrounded by land designated as Non-VHFHZ on all sides. Based on the site's location outside of a designated fire hazard zone and the proximity of the site to existing fire stations (1-3 miles), there would be no impacts related to the exposure of people or structures to a significant risk of loss, injury, or death involving wildland fires. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

Applicable 2010 FEIR Mitigation Measures

There are no applicable 2010 FEIR mitigation measures to this Project.

Conclusion and Environmental Conditions of Approval

The Project would not result in any new or more severe impacts to human health caused by hazards or hazardous materials relative to what was identified the 2010 FEIR. The Project is generally consistent with the Three Corridors Specific Plan by introducing residential development on an infill and underutilized site. The following environmental conditions of approval are imposed in compliance with the General Plan Actions and Policies/Goals set forth in the Three Corridors Specific Plan regarding hazardous materials and waste:

COA HAZ-1: Prior to issuance of any demolition, grading, or building permit, the applicant shall submit a report verifying previous removal of asbestos-containing materials (ACM) and lead-based paints (LCM). If previous removal cannot be verified, the 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:

- 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.
- 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.

COA HAZ-2: The Project applicant shall implement all of the following Best Management Practices (BMPs) regarding potential soil hazards:

- a) Soil generated by construction activities shall be stockpiled onsite in a secure and safe manner or if designated for off-site disposal at a 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.
- 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.

4.10. HYDROLOGY AND WATER QUALITY

Would the project:	New Significant Impact Not Identified in 2010 FEIR	More Severe Impact Relative to 2010 FEIR	No Substantial Change Relative to 2010 FEIR	No Change Relative to the 2010 FEIR
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Sources: City of Pinole General Plan and FEIR; FEMA FIRMette maps, accessed November 2021; Preliminary Stormwater Control Plan, prepared by cbg civil engineers, July 26, 2021; and Department of Conservation Tsunami Hazard Area Map, accessed November 2021.

General Plan and Specific Plan EIR Findings

The 2010 FEIR evaluated the potential impacts related to hydrology and water quality in Chapter 4.9 and determined the following.

- Impact 4.9.1- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) could result in the discharge of polluted runoff during construction and operation of future urban development potentially violating water quality standards or otherwise substantially degrading surface water quality. This is considered a potentially significant impact that may be reduced to less than significant with implementation of mitigation measure 4.9.1.
- Impact 4.9.2- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) could result in the degradation of groundwater quality resulting from construction and operation of future urban development. This is considered a less than significant impact.
- Impact 4.9.4- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would increase impervious surfaces and alter drainage conditions and rates in the Planning Area, which could result in increased runoff and potential flooding impacts. This is considered a less than significant impact.
- Impact 4.9.5- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) and its associated project components could create or contribute stormwater runoff water which would exceed the capacity of the City's stormwater drainage system. This is considered a less than significant impact.
- Impact 4.9.6- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) could result in the development of urban uses within areas subject to flooding, dam failure inundation, and/or sea level rise. This is considered a potentially significant impact that may be reduced to less than significant with implementation of mitigation measures 4.9.6a, b, and c.
- Impact 4.9.7- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update), in combination with other development activities within the watershed, would contribute to a cumulative degradation of water quality from construction activities and increased urban runoff. This is considered a potentially cumulatively considerable that may be reduced to less than cumulatively considerable with implementation of mitigation measure 4.9.1.

- Impact 4.9.8- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) could increase impervious surfaces and alter drainage conditions and rates in the Planning Area, which could contribute to cumulative flood conditions in the Pinole Creek watershed and San Pablo Bay. This is cumulatively considerable that may be reduced to less than cumulatively considerable with implementation of mitigation measures 4.9.1, 4.9.6a, 4.9.6b, and 4.9.6c.

Stormwater Regulation

The State Water Resources Control Board is responsible for implementing the Clean Water Act and has issued a statewide General Permit for construction, which acts to minimize pollutant runoff to surface waters and groundwater. The San Francisco Bay Regional Water Quality Control board is the regional entity facilitating regional implementation and has issued a Municipal Stormwater National Pollutant Discharge Elimination System (NPDES) permit to Contra Costa County and its 19 cities. The NPDES permit applies to development projects and establishes runoff requirements. The City's coverage under the NPDES requires compliance with the Contra Costa Clean Water Program Stormwater C.3 Guidebook to protect water quality, which includes implementing best management practices (BMP) to control runoff pollutants and guidance on Low Impact Development (LID) to management stormwater on site. Further, these requirements for stormwater control under the NPDES permit are integrated into the Pinole Municipal Code as Chapter 8.20. The City of Pinole Department of Public Works has jurisdiction over stormwater management in the City and is a co-permittee of the Contra Costa County Clean Water Program.

Project Consistency with the 2010 FEIR

4.9(a) (Discharge) No Substantial Change Relative to the 2010 FEIR: Based on the analysis in the 2010 FEIR, the Project would have a potentially significant impact due to discharge of polluted runoff that may be reduced to less than significant with implementation of mitigation measure 4.9.1a. The Appian Village Project is required to implement applicable requirements for stormwater control and apply best management practices to the Project's management of stormwater on site, in compliance with Pinole Municipal Code Chapter 8.20. Compliance with municipal code requirements is a standard condition of approval for construction, which has been incorporated as condition of approval (COA) HYD-1. With adherence to the municipal code, the Project satisfies mitigation measure 4.9.1. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

4.9(b) (Groundwater) No Substantial Change Relative to the 2010 FEIR: Based on the analysis in the 2010 FEIR, the Project would have a less than significant impact to degradation of groundwater and no impact on the extraction of groundwater. The intensification of uses in the Specific Plan area was determined to potentially result in the increase in runoff containing pollutants that could degrade groundwater quality. Implementation of General Plan policies, Municipal Code, and applicable requirements from the Contra Costa Clean Water Program Stormwater C.3 Guidebook were identified as measures that would reduce impacts to less than significant levels. The Appian Village Project would comply with these requirements pursuant to COA HYD-1. The Project does not involve the extraction and use of groundwater. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

4.9(c)(i-iv) (Drainage Pattern) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR determined that impacts due to increase in impervious surfaces and alteration of drainage conditions, as they relate to erosion, runoff, and drainage flow would be less than significant with General Plan policies and mitigation. Implementation of General Plan policies, Municipal Code, and applicable requirements from the Contra Costa Clean Water Program Stormwater C.3 Guidebook were identified as measures that would reduce impacts to less than significant levels. The Project would comply with these requirements and is subject to COA HYD-1.

The City is served by an existing storm drain system, and the City Engineering Division confirms infrastructure capacity for new developments. As new development has the potential to incrementally increase the use of storm drains, the City has established development impact fees for new developments such as multifamily residential projects to contribute to any needed new or expanded infrastructure. Payment of development

impact fees, as well as review of final drainage plans, is a requirement in the building permit process. Development impacts fees are used to maintain and expand the City storm drain system as warranted. The Appian Village Project is consistent with the development potential analyzed in the 2010 FEIR, includes storm drain infrastructure onsite with connections to the existing storm drain system, and is subject to impact fees. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

4.9(d) (Flood Hazard, Tsunami, or Seiche Zones) No Change Relative to the 2010 FEIR: The 2010 FEIR determined that implementation of the General Plan and Specific Plan would have a potentially significant impact to flood hazards that may be reduced to less than significant with mitigation measures 4.9.6a, 4.9.6b, and 4.9.6c.

The Appian Village Project is not expected to be impacted by flood hazards. As presented in the National Flood Hazard Layer FIRMette maps accessed from the Federal Emergency Management Agency (FEMA) in November 2021, the site is located in Zone X, outside of the Special Flood Hazard Areas. The Project site is not located on the shoreline and is not subject to associated risk of flooding in these areas. Tsunamis and seiches were not identified as significant flood hazards that may affect the Project: San Francisco Bay significantly attenuates tsunamis before they reach Pinole, and the Project is located approximately 4,650 feet from the shoreline with existing development and changing topography between the site and the shore. The site is not located in a tsunami hazard area, as shown in the California Department of Conservation Tsunami Hazard Area Map, accessed November 2021. As a result, there is no substantial risk of flood hazards, tsunamis, or seiches causing release of pollutants due to Project inundation. Mitigation measures 4.9.6a, 4.9.6b, and 4.9.6c address the impacts of sea level rise. However, the site is not located in an area identified as a shoreline area vulnerable to sea level rise, and the corresponding mitigation measures are not applicable to the Appian Village Project. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

4.9(e) (Water Quality Control and Sustainable Groundwater) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR determined that new development would be required to adhere to pertinent local, state, and federal agency requirements, and that with mitigation measure 4.9.1 and compliance with water quality regulation including NPDES requirements, potential impacts to water quality would be reduced to less than significant levels.

The Appian Village Project would meet this requirement through compliance with procedures under Chapter 8.20 of the Municipal Code, as identified in COA HYD-1, and would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Furthermore, in accordance with General Plan Action OS.8.8.2, the Project is subject to COA HYD-2, which requires compliance with the City's NPDES permit including preparation and implementation of an approved Stormwater Pollution Prevention Plan (SWPPP). Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

Applicable 2010 FEIR Mitigation Measures

MM 4.9.1 General Plan Action HS.2.1.3 shall be revised as follows: Establish land use controls for properties that abut Pinole Creek in order to minimize potential conflicts between flood, resource protection and recreational goals. Adopt new development regulations that require applications for new development projects to adhere to pertinent local, state, and federal agency requirements. City Development regulation for properties that abut the Creek shall specify appropriate land uses and ensure that new projects will take into account issues including flow velocity, sediment load, and volume within Pinole Creek.

Status: Applicable. The Project is required to adhere to local, state, and federal regulations on stormwater management. Compliance with the Pinole Municipal Code, under Chapter 8.20, requires implementation of best management practices. Application of the latest guidance on best management practices from Contra Costa County, including the Contra Costa Clean

Water Program Stormwater C.3 Guidebook, is a standard condition of new development and has been imposed as environmental COA HYD-1.

MM 4.9.6a The City of Pinole shall work with the Bay Conservation and Development Commission (BCDC) to implement strategies to adapt to Bay-related impacts of climate change. The City shall work with BCDC to develop a vulnerability analyses for its shoreline and to address shoreline management issues that cross jurisdictional boundaries.

Status: Not Applicable. The Project is not located within 100 feet of the shoreline and is not located in an area identified as a shoreline area vulnerable to sea level rise in the 2010 FEIR.

MM 4.9.6b The City will continue to implement the Municipal Code flood protection standards for development within a FEMA-designated Special Flood Hazard Area and will coordinate with FEMA and other agencies in the evaluation and mitigation of future flooding hazards that may occur as a result of sea level rise.

Status: Not Applicable. The Project is not located in a flood hazard area.

MM 4.9.6c The City shall pursue funding for adequate protection from sea level rise and continued subsidence and construction in areas threatened by sea level rise and/or settlement.

Status: Not Applicable. The Project is not located in an area identified as a shoreline area vulnerable to sea level rise in the 2010 FEIR.

Conclusion and Environmental Conditions of Approval

The proposed Project is within the scope of development projected under the General Plan and Three Corridors Specific Plan, and there would be no additional impacts to hydrology beyond those analyzed in the 2010 FEIR. The following environmental conditions of approval would apply to the Project to implement requirements of the 2010 FEIR mitigation measures.

COA 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.

COA 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.

4.11. LAND USE AND PLANNING

Would the project:	New Significant Impact Not Identified in 2010 FEIR	More Severe Impact Relative to 2010 FEIR	No Substantial Change Relative to 2010 FEIR	No Change Relative to the 2010 FEIR
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Sources: City of Pinole General Plan and EIR, City Council Ordinance No. 2018-02

General Plan and Specific Plan EIR Findings

The 2010 FEIR evaluated potential impacts to Land Use in Chapter 4.1 including the Three Corridors Specific Plan area and determined the following:

- Impact 4.1.1- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would not physically divide an established community. This is considered no impact.
- Impact 4.1.2- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would not result in conflicts with relevant land use planning documents within and adjacent to the City of Pinole. This is considered a less than significant impact.
- Impact 4.1.3- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) could create incompatibilities between existing and future land uses within the City of Pinole. This is considered a less than significant impact.
- Impact 4.1.4- When considered with existing, proposed, approved, and reasonably foreseeable development in the region, implementation of the proposed project has the potential to contribute to cumulative land use conditions, resulting in significant impacts to the physical environment. The proposed project would have a less than cumulatively considerable contribution to this impact.

Project Consistency with the 2010 FEIR

4.1(a) (Physically Divide Community) No Change Relative to the 2010 FEIR: The 2010 FEIR determined that the General Plan and Specific Plan establish regulations that allow for refinement to the existing urban form and provide for more intensive, concentrated development. The 2010 FEIR concludes that implementation of the General Plan does not divide or separate the community and there would be no impacts under this criterion. The Appian Village Project, as proposed is consistent with the land use of the site (as amended by Ordinance No. 2018-02). Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

4.1(b) (Conflict with Land Use) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR determined impacts to be less than significant with implementation of General Plan policies. The Project site is within City limits and the proposed use is consistent with the land use for the site, as amended by Ordinance No. 2018-02, which allows for 100 percent residential use in the applicable Commercial Mixed Use (CMU) designation applicable to a portion of the site. The Residential Mixed-Use designation permits 100 percent residential use, applicable to the remaining portion of the site. The proposed multifamily residential development is a use permitted by right under the Pinole Municipal Code. The Project is located on a site containing an existing, vacant medical facility and accessory structure. Therefore, the Project will not result in a new significant

impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

Applicable 2010 FEIR Mitigation Measures

There are no applicable 2010 FEIR mitigation measures to this Project.

Conclusion

The Project would not result in any new or more severe impacts to land use relative to what was identified in the 2010 FEIR. The Project consists of development consistent with the land use as provided. No environmental conditions of approval related to land use are required.

4.12. MINERAL RESOURCES

Would the project:	New Significant Impact Not Identified in 2010 FEIR	More Severe Impact Relative to 2010 FEIR	No Substantial Change Relative to 2010 FEIR	No Change Relative to the 2010 FEIR
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sources: City of Pinole General Plan and EIR

General Plan and Specific Plan EIR Findings

The 2010 FEIR did not identify any known significant mineral resources of value to the region and residents of the state within the City.

Project Consistency with the 2010 FEIR

4.12(a-b) (Mineral Resources) No Change Relative to the 2010 FEIR: The City does not contain known significant mineral resources of value. As such, the Project would result in no impact to mineral resources. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

Applicable 2010 FEIR Mitigation Measures

There are no applicable 2010 FEIR mitigation measures to this Project.

Conclusion

The Project would not result in any new or more severe impacts to mineral resources relative to what was identified in the 2010 FEIR.

4.13. NOISE

Would the project:	New Significant Impact Not Identified in 2010 FEIR	More Severe Impact Relative to 2010 FEIR	No Substantial Change Relative to 2010 FEIR	No Change Relative to the 2010 FEIR
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sources: City of Pinole General Plan and EIR; and Environmental Noise Assessment, prepared by Saxelby Acoustics, December 9, 2021

General Plan and Specific Plan EIR Findings

The 2010 FEIR evaluated potential impacts to Noise in Chapter 4.5 including the Three Corridors Specific Plan area and determined the following:

- Impact 4.5.1- The proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) could result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or of applicable standards of other agencies. However, the proposed Pinole General Plan Update's mitigating policies and actions ensure the impact will be less than significant. Therefore, noise impacts associated with the development and operation of land uses of the proposed General Plan Update would be less than significant.
- Impact 4.5.2- Construction activities associated with the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) could result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project and could result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or of applicable standards of other agencies. This impact would be considered less than significant.
- Impact 4.5.3- The proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) could result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project and could result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan, as a result of increased traffic on the roadway network. In addition, future development of noise-sensitive land uses could be exposed to roadway and/or railroad noise levels in excess of the City's noise standards. This impact would be considered potentially significant. With implementation of mitigation measures 4.5.3a and 4.5.3b, the impact would be less than significant.
- Impact 4.5.4- Sensitive land uses would not be exposed to aircraft noise in excess of applicable noise standards for land use compatibility. This is considered a less than significant impact.

- Impact 4.5.5- Subsequent development associated with the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) could result in new noise-sensitive land uses encroaching upon existing or proposed stationary noise sources or new stationary noise sources encroaching upon existing or proposed noise-sensitive land uses. This could result in a substantial permanent increase in ambient noise levels in the project vicinity above existing levels or could result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or of applicable standards of other agencies. As a result, this impact is considered potentially significant. With implementation of General Plan policies, the impact would be less than significant.
- Impact 4.5.6- The proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) could result in exposure of persons to or generation of excessive groundborne vibration levels. As a result, this impact is considered potentially significant. With implementation of mitigation measures 4.5.6, the impact would be less than significant.
- Impact 4.5.7- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update), in combination with other development in nearby areas in Contra Costa County, would increase transportation noise along area roadways. This would be a cumulatively considerable impact. A statement of overriding consideration was adopted for the significant and unavoidable impact.

Project Consistency with the 2010 FEIR

4.13(a) (Increase in Ambient Noise) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR determined that implementation of the General Plan may have potentially significant impacts that could be reduced to less than significant with implementation of mitigation measures. The Appian Village Project consists of development along the Appian Way Corridor, where the General Plan and Specific Plan identify high density residential development. Consistent with 2010 FEIR mitigation measures 4.5.3a and 4.5.6, a project level noise study (**Appendix G**) was conducted that evaluates ambient noise conditions and provides recommendations to minimize potential noise conflicts.

Although the effect of ambient noise on the Project is not considered an environmental impact under CEQA, the Project is subject to condition of approval (COA) NOI-1, which requires sound-rated windows on exposed building faces in order to achieve the interior noise standard of 45 dBA (A-Weighted sound level), pursuant to mitigation measure 4.5.3a. In general, projects exposed to greater than 65 dBA and not exceeding 75 dBA day-night average sound level (DNL) require a minimum of 5 dB additional sound attenuation for buildings with noise-sensitive uses. Portions of the façade were calculated to be exposed to 67 to 69 dBA. However, typical new multifamily buildings are constructed to provide a minimum of 25 dB exterior to interior noise reduction and the difference (69 dBA – 25 dBA = 44 dBA) achieves the interior 45 dBA standard. Further, to ensure compliance with HUD noise standards, all windows in the west-facing residential units along the Appian Way frontage shall have a Sound Transmission Class rating of 30 or greater, as required by COA NOI-1.

At operation, the Appian Village Project, as a residential development, would not result in substantial change to the ambient noise environment. Development introduced onsite will result in noise at operation, including from outdoor uses, HVAC and mechanical equipment, driveways, and parking areas. The proposed development is consistent with the General Plan and Specific Plan and noise levels generated by residential uses were captured in the 2010 FEIR. The greatest potential noise source generated by the proposed Project would be vehicular traffic and HVAC equipment. The project-specific noise study concluded that at operation the project is predicted to generate HVAC and parking lot noise levels with average and maximum noise levels that would comply with City noise standards. The Project was predicted to generate an average noise level of 34 dBA Leq or less at the nearest sensitive receptors, which is below the 55 dBA Leq daytime and 45 dBA Leq nighttime standard under City policies. The Project was predicted to generate a maximum noise level of 44 dBA or less at the nearest sensitive receptors, which is below the 70 dBA Lmax daytime and 65 dBA Lmax nighttime standard under City policies.

The Project would not result in an increase in traffic noise that would lead to significant impacts. The project

specific noise study evaluated increases in ambient noise on nearby roadways. Under Federal Interagency Committee on Noise (FICON) guidance to guide assessment of changes to ambient noise, a significant impact would occur with a 1.5 dB increase to an existing greater 65 dB ambient noise environment, a 3.0 dB increase to 60-65 dB environment, or a 5.0 dB to a less than 60 dB environment. With completion of the Project, the maximum increase in traffic noise at the nearest sensitive receptor is predicted to be 0.6 dBA, which is well below the thresholds. It also projected an increase of approximately one decibel by 2042 based on a conservative estimate of a one percent increase in traffic volumes per year. As such, traffic related noise generated by the project would not exceed thresholds under near term or cumulative conditions.

Like any use within the City, the ongoing operation and residential use at the Appian Village Project would be subject to the noise regulations under Chapter 8.35 of the Pinole Municipal Code and enforcement actions would be taken to remediate violations should noise exceedance occur in the future.

The 2010 FEIR concluded that construction activities could result in a substantial temporary or periodic increase in ambient noise levels, and that impacts would be less than significant. Due to the short-term nature of construction noise, the intermittent frequency, and required compliance with Municipal Code standards, the 2010 FEIR determined that construction noise level increases will not result in an increase in ambient noise levels in excess of applicable standards. During construction, the Appian Village Project site will result in a temporary noise increase from construction equipment and truck traffic. The project-specific noise study estimated the construction would generate maximum noise levels ranging from 76 to 90 dBA Lmax at a distance of 50 feet. Most building construction would occur 50 feet or more away from the nearest existing residences. The study recommends noise control measures that have been incorporated as environmental condition of approval (COA) NOI-2 to reduce potential construction noise impacts. Additionally, construction activities and associated noise would be restricted by construction hours under Section 15.02.070 of the Pinole Municipal Code, which is intended to minimize nuisances due to construction noise and has a standard allowance of work from 7:00am to 5:00pm on weekdays that are non-federal holidays. Compliance with construction hours and best management practices to minimize noise during construction activities is imposed under COA NOI-2.

Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

4.13(b) (Groundborne Vibration) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR determined that impacts from groundborne vibrations could be potentially significant and would be reduced to less than significant levels with implementation of mitigation measure 4.5.6. A study covering groundborne vibrations was prepared for the Appian Village project (**Appendix G**) to address mitigation measure 4.5.6 and determine whether additional control measures are required. The Project would not result in long-term and excessive groundborne vibration and groundborne noise as a completed residential use after construction. During the course of construction, the Project may generate temporary and intermittent groundborne vibrations and noise through the operation of construction equipment, material hauling, and earthwork. Specifically, vibratory compactors and rollers may have a noticeable effect. The study determined that vibration levels are anticipated to be less than the 0.2 in/sec peak particle velocity (ppv) threshold of damage to buildings at distances of 26 feet. Sensitive receptors that could be impacted by construction-related vibrations are located approximately 30 feet or further from typical construction activities. Additionally, construction activities would occur during normal daytime working hours and would be temporary in nature. As a result, no additional vibration control measures would be required. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

4.13(c) (Airfield Noise) No Change Relative to the 2010 FEIR: The 2010 FEIR determined that noise impacts due to the proximity of an airfield would be less than significant. The City is not located within the vicinity of a private airstrip or an airport land use plan, nor is it within two miles of a public airport or public use airport. The nearest airports are the San Rafael Airport (approximately 12 miles west) and Buchanan Field Airport (approximately 13 miles east) of the City. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

Applicable 2010 FEIR Mitigation Measures

MM 4.5.3a The following policy shall be incorporated into the Health and Safety Element under Goal HS.8: New development of noise-sensitive land uses will not be permitted in areas exposed to existing or planned transportation noise sources that exceed the levels specified in Policy HS.8.1 of the proposed General Plan Update, unless the project design includes measures to reduce exterior and interior noise levels to those specified in Policy HS.8.1 of the proposed General Plan Update.

Status: Applicable. A project-specific noise study has been prepared and identifies elevated ambient noise levels due to existing traffic noise on Appian Way. To ensure that interior noise standards are achieved, within new residential units and that the Project does not introduce a potential conflict due to noise incompatibility, the Project is subject to COA NOI-1, which requires sound-rated windows on facades with elevated noise levels.

MM 4.5.3b The following policy shall be incorporated into the Health and Safety Element under Goal HS.8: Require site-specific noise studies for noise-sensitive projects which may be affected by railroad noise, and incorporate noise attenuation measures into the project design to reduce any impacts.

Status: Not applicable. The Project is not located in the immediate vicinity to a railroad.

MM 4.5.6 The following mitigation shall be implemented as an action under Policy HS 8.1: Require the use of temporary construction noise control measures including the use of temporary noise barriers, temporary relocation of noise-sensitive land uses, or other appropriate measures as mitigation for noise generated during construction of public and/or private projects.

Status: Applicable. A project-specific noise study was prepared that identifies practicable noise reduction strategies, which are imposed as COA NOI-2 set forth below.

Conclusion and Environmental Conditions of Approval

The Project would not result in any new or more severe impacts to noise relative to what was identified the 2010 FEIR. The Project is in compliance with mitigation measure 4.5.3a and 4.5.6, through the Project noise analysis, with implementation of the following recommendations in the noise report:

COA NOI-1: All windows on the west-facing side of residential units along the Appian Way frontage 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.

COA 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 noise control measures including:

1. Limit construction hours to between 7:00 a.m. and 5:00 p.m., Monday through Friday, on days that are not federal holidays, unless an exception is granted in accordance with the Municipal Code.
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. All noise-producing project equipment and vehicles using internal combustion engines shall be equipped with manufacturer-recommended mufflers and be maintained in good working condition
4. All mobile or fixed noise-producing equipment used on the project site that are regulated for noise output by a federal, State, or local agency shall comply with such regulations while in the course of project activity.

5. Electrically powered equipment shall be used instead of pneumatic or internal-combustion powered equipment, where feasible.
6. Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors.
7. Project area and site access road speed limits shall be established and enforced during the construction period.
8. Nearby residences shall be notified of construction schedules so that arrangements can be made, if desired, to limit their exposure to short-term increases in ambient noise levels.

4.14. POPULATION AND HOUSING

Would the project:	New Significant Impact Not Identified in 2010 FEIR	More Severe Impact Relative to 2010 FEIR	No Substantial Change Relative to 2010 FEIR	No Change Relative to the 2010 FEIR
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sources: City of Pinole General Plan and EIR. City of Pinole 2015-2023 Housing Element, Adopted May 19, 2015.

General Plan and Specific Plan EIR Findings

The 2010 FEIR evaluated potential impacts to Population and Housing in Chapter 4.2 including the Three Corridors Specific Plan area and determined the following:

- Impact 4.2.1- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would result in slight population, housing, and employment increases within the Planning Area.
- Impact 4.2.2- Subsequent land use activities associated with implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would not result in the displacement of substantial numbers of housing units and/or persons. This is a less than significant impact.
- Impact 4.2.3- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would not result in substantial population, housing, and employment increases in Contra Costa County and the Bay Area. This is less than cumulatively considerable.

Project Consistency with the 2010 FEIR

4.14(a) (Induced Substantial Growth). No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR determined that impacts from induced substantial population growth would be less than significant. The Project is consistent with the planned development potential analyzed in the 2010 FEIR. As an infill development, the Project is located within an established urban environment served by existing infrastructure. The 2010 FEIR indicated directing growth toward infill and redevelopment sites in areas close to existing transit, retail, jobs, infrastructure, and other amenities would reduce the potential environmental impacts of growth in the City. The City's Housing Element identifies the project site as a Housing Opportunity Site (Site Identifier #34). The Project proposes 154 residential units, which is within the projected 1,076 units for the Specific Plan corridors analyzed

in the 2010 FEIR, and more specifically the projected 633 units within the Appian Way corridor. Since the adoption of the General Plan and Specific Plan, the city has not experienced substantial change in residential units in the Specific Plan corridors – no new housing developments have been approved in the Appian Way Corridor. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

4.14(b) (Displacement). No Change Relative to the 2010 FEIR: The 2010 FEIR determined that impacts from displacement would be less than significant. The General Plan and Specific Plan have designated areas for the development of housing in the Appian Way Corridor and throughout the City, with the intent to increase the amount and variety of housing opportunities. The Appian Village Project involves the development of new housing units without demolishing existing housing units or causing displacement. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

Applicable 2010 FEIR Mitigation Measures

There are no applicable 2010 FEIR mitigation measures to this Project.

Conclusion

The Project would not result in any new or more severe impacts to population and housing relative to what was identified in the 2010 FEIR. The Project consists of development consistent with the projected growth under the General Plan and Specific Plan.

4.15. PUBLIC SERVICES

Would the project:	New Significant Impact Not Identified in 2010 FEIR	More Severe Impact Relative to 2010 FEIR	No Substantial Change Relative to 2010 FEIR	No Change Relative to the 2010 FEIR
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Sources: City of Pinole General Plan and EIR.

General Plan and Specific Plan EIR Findings

The 2010 FEIR evaluated potential impacts to Public Services and Utilities in Chapter 4.12 including the Three Corridors Specific Plan area and determined the following:

Fire Protection

- Impact 4.12.1.1- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) could result in increased demand for fire protection and emergency medical services within the GPU Planning Area. This is a less than significant impact.
- Impact 4.12.1.2- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update), along with other planned development and redevelopment within the GPU Planning Area, would contribute to the cumulative demand for fire protection and emergency medical services. This is less than cumulatively considerable impact.

Law Enforcement Services

- Impact 4.12.2.1- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would result in increased demand for law enforcement services within the GPU Planning Area. This is a less than significant impact.
- Impact 4.12.2.2- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update), along with other planned development and redevelopment within the GPU Planning Area, would contribute to the cumulative demand for law enforcement services. This is less than cumulatively considerable impact.

Public Schools

- Impact 4.12.3.1- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would increase student enrollment within the WCCUSD and may require new school facilities and related services. This is a less than significant impact.
- Impact 4.12.3.2- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update), as well as potential development within the cumulative setting area, would result in cumulative public school impacts. These public school impacts are less than cumulatively considerable.

Park and Recreational Facilities

- Impact 4.12.4.1- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would increase the demand for existing facilities and require additional parks and recreational facilities. This is a less than significant impact.
- Impact 4.12.4.2- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update), in combination with other reasonably foreseeable development, would require additional park and recreation facilities within the GPU Planning Area. This would be less than cumulatively considerable.

Project Consistency with the 2010 FEIR

4.15(a) (Public Services) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR concluded that, with policies set forth in the General Plan, public services impacts would be less than significant. Given the focus on infill development and the compact urban form in the General Plan and Specific Plan, the 2010 FEIR determined impacts to emergency response times would be less than significant.

The 2010 FEIR determined that General Plan buildout would increase demand for Fire and Emergency response services but indicated that agencies would receive a portion of funding from property taxes and development impact fees, which would be levied to expand services. Impacts to Fire and Emergency services and response were determined to be less than significant and be less than cumulatively considerable. Similarly, impacts on Police services were determined to be less than significant and less than cumulatively considerable by the 2010 FEIR, which found that no new or expanded facilities were needed to maintain service and funding

from property taxes on new development would be received as development occurs. Fire and Police services share the Public Safety Building located at 880 Tennent Avenue. The typical automobile travel time between this location (City Hall) and the Project site is less than 5 minutes. Therefore, Fire and Police Services are expected to be able to reach the site with adequate response times and meet General Plan policies CS 2.1 and CS2.2, which calls for a 5-minute response time.

Upon review of the development plans, the Police Department did not indicate concerns about response times or the capacity to provide services to the Project, and the Fire Department concerns have been addressed in a minor modification to the Project. New development projects are subject to the payment of development impact fees to fund the incremental increase in demand for services. The Project is subject to development impacts fees and is consistent with the development potential analyzed in the 2010 FEIR. As such, the Project would not result in an impact more significant than the less than significant impact identified in the 2010 FEIR.

The Appian Village Project as a multifamily residential development could potentially create direct impacts on educational services provided by schools through the addition of new students. The 2010 FEIR determined that impacts associated with increased student enrollment to schools would be less than significant. The 2010 FEIR also determined that the cumulative impacts of General Plan buildout to schools would be less than cumulatively considerable. The determination indicated that new schools planned within the West Contra Costa Unified School District (WCCUSD) would have the capacity to accommodate future development. Additionally, development would be subject to payment of school fees to mitigate potential impacts. WCCUSD monitors development in the district and assesses school fees on new residential and commercial development to fund facilities improvements. Confirming the payment of school fees is a standard part of the building permit process. As a multi-family residential development, the Project would be subject to development impact fees, that would be levied to support school facilities improvements as warranted. Therefore, the Project would result in less than significant impacts to schools consistent with the determination made in the 2010 FEIR.

The increase in demand for parks and recreational facilities associated with population growth and development was considered in the 2010 FEIR. The Appian Village Project is consistent with the projected build out analyzed in the General Plan and Specific Plan EIR, which determined impacts to existing parks and recreational resources would be less than significant and cumulative impacts would be less than cumulatively considerable. As described in 4.16 Recreation, new residents are expected to use onsite amenities and make use of existing parks and recreational facilities in the City of Pinole. Further, the Project is subject to development impact fees to fund maintenance, acquisition, and development of City of Pinole public park and recreational facilities. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

Applicable 2010 FEIR Mitigation Measures

There are no applicable 2010 FEIR mitigation measures to this Project.

Conclusion

The Project would not result in any new or more severe impacts to public services relative to what was identified in the 2010 FEIR. The Project consists of development consistent with the General Plan and Specific Plan and would offset potential incremental increase in the use of services through required development impact fees. No environmental conditions of approval related to public services are required.

4.16. RECREATION

	New Significant Impact Not Identified in 2010 FEIR	More Severe Impact Relative to 2010 FEIR	No Substantial Change Relative to 2010 FEIR	No Change Relative to the 2010 FEIR
Would the project:				

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sources: City of Pinole General Plan/Specific Plan and EIR; and the City of Pinole Recreation Department, Park and Recreation Facilities, last accessed March 2022.

General Plan and Specific Plan EIR Findings

The 2010 FEIR evaluated potential impacts to recreational parks and facilities in Chapter 4.12, Public Services and Utilities and determined the following:

- Impact 4.12.4.1- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would increase the demand for existing facilities and require additional parks and recreational facilities. This is a less than significant impact.
- Impact 4.12.4.2- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update), in combination with other reasonably foreseeable development, would require additional park and recreation facilities within the GPU Planning Area. This would be less than cumulatively considerable.

Project Consistency with the 2010 FEIR

4.16(a-b) (Deterioration of Parks, Additional Recreational Facilities) No Substantial Change Relative to the 2010 FEIR: The Project is not expected to result in substantially more significant impacts to parks or recreational facilities as compared to the impacts analyzed in the 2010 FEIR. Pinole contains a total of 14 parks. Three of these are within one mile of the Project site: Canyon Drive Park (0.5 acres) located approximately 0.5 miles to the southeast, Pinon Park (0.5 acres) located approximately 0.7 miles to the north, and Meadow Park (1.5 acres) located approximately 0.7 miles to the northwest. Additionally, East Bay Regional Park District (EBRPD) manages approximately 95,000 acres of open space and preserves providing regional amenities to Pinole residents, including access to the San Francisco Bay Trail.

While new residents introduced by the Project would increase use of surrounding parks and recreational facilities, the anticipated increase would be consistent with the expected use generated by the Three Corridors Specific Plan. Existing recreational facilities are sufficient to meet active and passive recreational demands of the new residents. Additionally, the City of Pinole periodically updates the Recreation Park and Facility Master Plan in accordance with General Plan Action CS.1.3.4 to monitor the condition of recreational facilities and ensure community needs are adequately addressed. Pursuant to Action CS.3.1.1 the Master Plan is used to identify areas that underserved by recreation facilities and identify opportunity sites that may satisfy existing and projected park and recreation needs. The Project is in compliance with Action CS3.4.3, which directs that the Recreation Department review development proposals. The Recreation Department was routed the development proposal and determined that existing park and recreation facilities were adequate to meet recreational demands of the Project. Additionally, the Project, would include two outdoor gathering areas and bench seating. As a multi-family development, the Project is also subject to Development Impact Fees, levied by the City per Resolution No. 2018029/4-3-2018 or as subsequently amended, which are used to fund maintenance, acquisition, and development of Pinole parks and recreational facilities

Potential impacts to recreational facilities within the City of Pinole as a result of new development have been identified and analyzed under the 2010 FEIR, which concludes that build out will have a less than significant impact on recreational facilities. Population growth as a result of the Project is within the population growth

anticipated in the General Plan and the Three Corridors Specific Plan. Therefore, the Project would not put further pressure on recreational amenities thereby requiring construction or expansion of such facilities relative to what was analyzed in the 2010 FEIR. The Project would likely increase the use of existing neighborhood and regional parks such that physical deterioration of facilities could occur or be accelerated. However, the Project is subject to Development Impact Fees that would fund maintenance among acquisition, and development of Pinole parks and recreational facilities. Therefore, impacts related to the increased use, deterioration, construction, or expansion of recreational facilities are not expected to be substantially new or more severe relative to the 2010 FEIR as a result of the proposed Project.

Applicable 2010 FEIR Mitigation Measures

There are no applicable 2010 FEIR mitigation measures to this Project.

Conclusion

The Project would not result in any substantially new or more severe impacts to recreation relative to what was identified in the 2010 FEIR. The Project consists of residential development anticipated by the Three Corridors Specific Plan and General Plan Update overall and will be subject to all applicable Development Impact Fees including the Parks and Recreation fee. No environmental conditions of approval related to recreation are required.

4.17. TRANSPORTATION

Would the project:	New Significant Impact Not Identified in 2010 FEIR	More Severe Impact Relative to 2010 FEIR	No Substantial Change Relative to 2010 FEIR	No Change Relative to the 2010 FEIR
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sources: City of Pinole General Plan/Specific Plan and EIR; Technical Advisory on Evaluating Transportation Impacts in CEQA, prepared by the State of California Governor's Office of Planning and Research, December 2018; Appian Way & Canyon Drive Plan Line Study, prepared by cbg civil engineers, December 28, 2021; and Traffic Impact Study, prepared by W-Trans, dated October 21, 2021.

General Plan and Specific Plan EIR Findings

The 2010 FEIR evaluated potential impacts to Traffic and Circulation in Chapter 4.4 including the Three Corridors Specific Plan area and determined the following:

- Impact 4.4.1- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would result in an increase in freeway mainline volumes during the AM and PM peak hours. This is considered a significant impact and remains significant and unavoidable with mitigation.

- Impact 4.4.2- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would result in an increase in volume to capacity (v/c) ratios and a decrease in LOS on study intersections during the AM and PM peak hours. This is considered a potentially significant impact and is reduced to less than significant with modification to the LOS policy allowing for LOS F standard within Old Town.
- Impact 4.4.3- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would conflict with the multimodal transportation service objectives (MTSOs) identified in the West County Action Plan. This is considered a significant impact and is remains significant and unavoidable with mitigation.
- Impact 4.4.4- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would result in changes to the circulation network. However, the changes would not increase hazards due to design features or incompatible uses. This is considered a less than significant impact.
- Impact 4.4.5- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would result in an increase in vehicular traffic and changes to the roadway network, which may potentially increase emergency access conflicts. This is considered a less than significant impact.
- Impact 4.4.6- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would support continued and expanded transit use, bicycling, and walking throughout the city, although changes to the roadway network may potentially affect bus operations. This is considered a less than significant impact.
- Impact 4.4.7- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would result in cumulative transportation impacts. This impact is cumulatively considerable and is reduced to less than cumulatively considerable with mitigation.
- Impact 4.4.8- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would conflict with the multimodal transportation service objectives (MTSOs) identified in the West County Action Plan. This impact is cumulatively considerable and remains significant and unavoidable with mitigation.
- Impact 4.4.9- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) in combination with pending or approved major projects within the city as well as consideration of regional activities, would result in changes to the circulation network. The changes are not anticipated to increase hazards due to design features or incompatible uses. This impact is less than cumulatively considerable.
- Impact 4.4.10- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) in combination with pending or approved major projects within the city as well as consideration of regional activities, would result in an increase in vehicle traffic and changes to the roadway network, which may potentially increase emergency access conflicts. This impact is less than cumulatively considerable.
- Impact 4.4.11- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) in combination with pending or approved major projects within the city as well as consideration of regional activities, would support continued and expanded transit use, bicycling, and walking throughout the city, although changes to the roadway network may potentially effect bus operations. This impact is cumulatively considerable and with mitigation is reduced to less than cumulatively considerable.

Level of Service to Vehicle Miles Traveled

Level of service (LOS) has historically been used as a standard measure of traffic service within the City of Pinole. Pursuant to SB 743, as of July 1, 2020, lead agencies are required to evaluate transportation impacts of a project using a Vehicle Miles Traveled (VMT) metric, which focuses on balancing the needs of congestion management with statewide goals related to infill development, promotion of public health through increased active transportation facilitated by closer proximity to alternative travel modes and reduces greenhouse gas emissions.

In December 2018, the California Governor's Office of Planning and Research (OPR) published the Technical Advisory on Evaluating Transportation Impacts in CEQA, which provides recommendations for evaluating a project's transportation impact using a VMT metric, thresholds of significance, and mitigation measures. Pursuant to Government Code Section 15064.3(b), lead agencies have discretion to select the most appropriate methodology for evaluating a project's VMT impacts. To date (January 2022) the City of Pinole has not adopted VMT thresholds or guidelines. In the absence of locally adopted thresholds at the time of review of the proposed Project, the City of Pinole is relying upon recommendations set forth in OPR's Technical Advisory. The Advisory provides qualitative thresholds for which projects are considered to have characteristics that will not result in significant VMT impacts and are therefore not required to conduct transportation analyses.

Vehicle Miles Traveled (VMT) Screening Analysis

In accordance with SB 743, a VMT Screening Analysis was completed for the Appian Village Project (**Appendix H**). Senate Bill (SB) 743 established a change in the metric to be applied for determining traffic impacts associated with development projects. The project-related VMT impacts were assessed based on guidance provided by the California Governor's Office of Planning and Research (OPR) in the publication Transportation Impacts (SB 743) CEQA Guidelines Update and Technical Advisory, 2018. The document indicates that a residential project generating vehicle travel that is 15 or more percent below the existing countywide residential VMT per capita would result in a less than significant VMT impact.

Based on data from Contra Costa Transportation Authority (CCTA) 2020 travel demand model, the County of Contra Costa has a baseline average residential VMT of 17.3 miles per capita. Applying OPR's guidance, a residential project generating a VMT that is 15 percent or more below this value, or 14.7 miles per capita, would have a less-than-significant VMT impact. The CCTA model includes traffic analysis zones (TAZ) covering geographic areas throughout Contra Costa County. The Project site is located within TAZ 10234, which has a baseline VMT per capita of 13.6 miles, which is less than the VMT screening threshold of 14.7 miles per capita. Therefore, the proposed Project would be expected to result in a less-than-significant VMT impact.

Project Consistency with the 2010 FEIR

4.17(a) (Conflicts with Plans, Policies, Ordinances) No Substantial Change Relative to the 2010 FEIR:

The 2010 FEIR concluded that buildout would conflict with the multimodal transportation service objectives (MTSOs) identified in the West County Action Plan and that impact would be significant and unavoidable.

The Project is proposed consistent with the land use designation established through the Three Corridors Specific Plan and impacts to plans, policies and ordinances were analyzed in the 2010 FEIR. The Project would be expected to generate an average of 838 trips per day, including 55 trips during the a.m. peak hour and 68 trips during the p.m. peak hour (**Appendix H**). Trips associated with the Project will increase the volume of vehicles on Project area roadways and highways at a level anticipated by the 2010 FEIR. As such, the Project will not introduce new or more severe impacts due to a conflict with policies related to level of service beyond those identified in the 2010 FEIR.

The Three Corridors Specific Plan identifies the following improvements on Appian Way in the Project vicinity:

1. Between Marlesta Road and Mann Drive: Improve the roadway to include a five-foot bicycle lane and two 11-foot travel lanes in each direction with a median/turn lane.
2. Between Mann Drive and Dalessi Lane: Improve the roadway to include a five- to six-foot bicycle lane and two 11-foot travel lanes in each direction with a median/turn lane.

The Project proposes re-striping of Appian Way along the project site frontage including a five-foot wide bicycle lane and two 11-foot-wide northbound travel lanes, with a median and turn lanes. Therefore, the project would

be in compliance with the improvements identified in the Specific Plan by installing striping along the project site frontage.

The Project would not conflict with the plans for bicycle lanes on Appian Way and would be subject to the City's development impact fees as well as the development fee for the West County Subregional Transportation Mitigation Program (STMP) for proportional contribution towards the improvements listed in the Three Corridors Specific Plan. Environmental condition of approval (COA) TRAN-1 incorporates the requirement for proportional contribution towards the improvements as listed above and identified in the Three Corridors Specific Plan.

Transit services in the City of Pinole and throughout Contra Costa County are provided by Western Contra Costa County Transit (WestCAT). WestCAT Route 16 provides fixed-route bus services in the cities of Hercules and Pinole and serves stops on both sides of Canyon Drive and Appian Way, including along the Project site frontage. WestCAT Routes 17, 18, and JX have historically served the Project vicinity, but these Routes are temporarily out of service due to the COVID-19 pandemic at the time of this analysis. Prior to the suspension, these Routes provided services throughout the City and stopped on Appian Way along the Project frontage. Bus stops accessing the WestCAT bus service are located within 100 feet of the Project site along Canyon Drive. The Project frontage improvements along Appian Way and Canyon Drive include a bus pullout, bus stops, and pavement markings indicating presence of a bus stop. The Project would not conflict with existing or planned bus services. The City is coordinating with WestCat to ensure that the project design frontage improvements adequately meet City and WestCat standards to provide for bus stop services and reinitiating suspended routes. Therefore, the proposed project will not introduce new or more severe impacts due to a conflict with policies related to transit services beyond those identified in the 2010 FEIR.

4.17(b) (Conflict with 15064.3(b) VMT) No Substantial Change Relative to the 2010 FEIR: Following adoption of the General Plan, Specific Plan, and Zoning Code Updates, and certification of the 2010 FEIR, SB 743 went into effect, changing how transportation impacts must be evaluated under CEQA. Under SB 743, lead agencies are required to evaluate transportation impacts of a project using a VMT metric which focuses on balancing the needs of congestion management with statewide goals.

Absent locally adopted VMT thresholds, the City of Pinole is relying upon the Technical Advisory for Evaluating VMT issued by the Office of Planning Research. As provided in the Technical Advisory, several types of land use projects screen out from the need for further VMT analysis if certain criteria are met. Residential projects projected to generate VMT that are 15 percent or more below the existing countywide residential VMT per capita indicate a less than significant VMT impact. The existing countywide residential VMT per capita is 17.3 miles. 15 percent of 17.3 miles per capita is 14.7 miles per capita, and the Project is located in a traffic analysis zone with a baseline VMT per capita of 13.6 miles, which is less than the VMT screening threshold of 14.7 miles per capita. Therefore, consistent with OPR's VMT Advisory it can be determined that the Project will not conflict with CEQA Guidelines section 15064.3, subdivision (b). Furthermore, in an effort to minimize VMT for all new development projects, in accordance with Action SE.7.8.1, a project-level Transportation Demand Management (TDM) Plan shall be prepared and submitted to the Development Services Department for review and approval prior to issuance of occupancy. The Traffic Impact Study includes a draft TDM plan which identifies strategies to support VMT reduction including transit services, bicycle and pedestrian improvements and EV charging stations. In accordance with COA TRAN-2 the draft TDM plan will be accepted by the City and finalized for implementation. Therefore, the project would not result in a conflict due to VMT and impacts would be less than significant.

4.17(c) (Geometric Design Feature Hazard) No Substantial Change Relative to the 2010 FEIR: The FEIR concluded that transportation and circulation improvements would be implemented over time and would be designed and constructed consistent with local, regional, and federal standards and as such would result in less than significant impacts related to a geometric design features or incompatible uses.

Access to the site is currently provided from Appian Way and Canyon Drive to the parking lot of the existing, vacant medical center on the site. The Project proposes to modify access to the site by elimination of the existing driveways and installation of three new driveways: two from Appian Way (A Street and the EVA access), and one from Canyon Drive (C Street). One of the proposed driveways (A Street) on Appian Way would become the east leg of the Appian Way/Mann Drive intersection. There is an existing southbound left-turn pocket nearly 350 feet south of the proposed A street on Appian Way that was previously used for the medical facilities. Since the driveway would be removed with the Project, COA TRAN-3 requires removing the southbound left-turn lane

by either restriping this section or through the installation of a median, in accordance with the recommendation of the Project's Traffic Impact Study. The Project's proposed striping plan shows the elimination of this turn pocket and replacement with a striped median.

Adequate sight distance is available at each Project driveway, on Appian Way and on Canyon Drive, with the exception of the sight lines to the east from the driveway on Canyon Drive due to the presence of the horizontal curve, steep hill, and on-street parking. The Project's Traffic Impact Study (**Appendix H**) recommends prohibition of on-street parking on Canyon Drive to allow for the needed 150-foot sight distance from the Project driveway on this street, and maintenance or trimming vegetation. The Project would be required to comply with the public realm standards and design guidelines established in the Three Corridors Specific Plan. Consistent with Policy 1 (safe and efficient movement of people and goods) and Policy 2 (road and intersection improvements to consider pedestrian and traffic safety) of the Three Corridors Specific Plan, the Project is subject to COA TRAN-4 which requires that signage, trees, and landscaping elements within a clear vision triangle, including driveways and street intersections, maintain clear sight lines at heights between two and one-half feet and seven feet, pursuant to Pinole Zoning Code Section 17.98.020. Additionally, COA TRAN-4 requires prohibiting on-street parking on Canyon Drive from the Project driveway to approximately 150 feet east and trim/maintain vegetation to about one foot in height on the east side of the driveway on Canyon Drive. The Project's proposed striping plan shows the elimination of on street parking on Canyon Drive through removal of parallel parking stall and the introduction of no parking signage.

Within the Project vicinity, sidewalks are present along both sides of Appian Way and Canyon Drive as well as on cross streets in the vicinity including Mann Drive and Tara Hills Drive. Pedestrian crossings exist at the intersections of Appian Way/ Mann Drive and Appian Way/Tara Hills Drive-Canyon Drive, which are signalized intersections with pedestrian phasing, marked crosswalks, and curb ramps. Upon the completion of the Project, a new east leg to the intersection of Appian Way/Mann Drive-Project Access would be created, consisting of the proposed driveway with pedestrian crossing. To prevent potential conflicts between pedestrian and vehicular traffic, the Project's Traffic Impact Study recommends split phasing for the eastbound and westbound approaches of this intersection between left-turning drivers and both oncoming through vehicles and pedestrians crossing the intersection. COA TRAN-5 incorporates this recommendation of the Project's Traffic Impact Study.

Proposed improvements associated with the Appian Village Project would not present geometric design feature hazards associated with the existing and proposed improvements to the pedestrian sidewalks. The Appian Village Project is subject to transportation impact fees, which are levied to install needed improvements, including updates to existing pedestrian facilities and crosswalks as determined by the City Engineer.

As such, the Project will not result in new or more severe impacts beyond those analyzed in the 2010 FEIR by way of introducing a hazardous design feature.

4.17(d) (Emergency Access) No Change Relative to the 2010 FEIR: The FEIR concluded that impacts related to emergency access would be less than significant as individual development projects are required to be reviewed for compliance with emergency access standards set forth by the City's public safety officials. During construction activities, temporary lane closures on Appian Way and Canyon Drive are expected to occur during frontage improvements and utility work that will be coordinated with Fire, Police, and emergency responders to ensure that through access is maintained and adequate response times are achievable.

The Project's circulation plan has been reviewed and meets all requirements of the Fire and Public Works Departments. Site circulation was determined to be adequate, including sufficient street widths and drive aisles to allow for fire truck access to the proposed Project. Therefore, emergency vehicle access would be adequate under the proposed Project and there would be no new or more severe impacts related to emergency access as a result of Project implementation relative to the 2010 FEIR.

Applicable 2010 FEIR Mitigation Measures

MM 4.4.11 Work with WestCAT and AC Transit to construct additional bus turnouts along the following Pinole Roadways; San Pablo Avenue, Pinole Valley Road, Appian Way & Fitzgerald Drive.

Status: Applicable. The City periodically coordinates with WestCAT to receive updates on existing and planned service routes and revisions including the intent and timing to resume Routes 17, 18, and JX, and to identify any needed improvements to transit facilities. Based on correspondence between the City and WestCAT the preliminary striping and roadway improvement plans would not conflict with WestCAT's ability to reinstate transit service routes.

Conclusion and Environmental Conditions of Approval

The Project would not result in any new or more severe impacts to traffic and circulation including transportation relative to what was identified the 2010 FEIR. As conditioned, the Project would be generally consistent with the Three Corridors Specific Plan by introducing identified improvements and by maintaining adequate emergency access. The following environmental conditions of approval are imposed in compliance with the Three Corridors Specific Plan:

- COA TRAN-1:** Prior to the issuance of Building Permit, the applicant shall provide the Project's fair share contribution as established by the City towards multi-modal improvements in the Project vicinity as identified in the Three Corridors Specific Plan.
- COA TRAN-2:** Prior to the issuance of occupancy, the applicant shall submit for review and approval by the Development Services Department a Final 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.
- COA TRAN-3:** Prior to final occupancy, the applicant shall restripe or install a median on Appian Way along the site frontage to eliminate the left-turn pocket approximately 350 feet south of Appian Way/Mann Drive. The proposed restriping plan shall be reviewed and accepted by the City Engineer and or modified at the City Engineer's discretion.
- COA TRAN-4:** 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 driveways and intersections shall be maintained such that visibility is achieved between thirty (30) inches and seven (7) feet above the ground. The applicant shall be responsible for maintaining adequate sight lines from the Project driveways; on-street parking on Canyon Drive from Project driveway to approximately 150 feet east shall be prohibited, and vegetation shall be trimmed to about one foot in height on the east side of the driveway on Canyon Drive.
- COA TRAN-5:** To prevent potential pedestrian and vehicular conflicts, split phasing shall be incorporated in eastbound and westbound direction of Mann Drive/Project Access intersection. Signalization improvements shall meet City standards for phasing, crosswalk striping, and equipment. The City Engineer shall review and accept or modify signalization improvements.

4.18. TRIBAL CULTURAL RESOURCES

Would the project:	New Significant Impact Not Identified in 2010 FEIR	More Severe Impact Relative to 2010 FEIR	No Substantial Change Relative to 2010 FEIR	No Change Relative to the 2010 FEIR
Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

☐☐☒☐

Sources: City of Pinole General Plan/Specific Plan and EIR; Cultural Resources Constraints Analysis, prepared by Solano Archeological Services, July 2021; and AB 52 Notification issued by the City of Pinole September 1, 2021.

According to Public Resources Code (PRC) Section 21074, tribal cultural resources are defined as follows:

1. Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - a. Included or determined to be eligible for inclusion in the California Register of Historical Resources; or
 - b. Included in a local register of historical resources as defined in PRC Section 5020.1(k).
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in PRC Section 5024.1(c). In applying the criteria set forth in PRC Section 5024.1(c), the lead agency shall consider the significance of the resource to a California Native American tribe.
3. A cultural landscape that meets the criteria of PRC Section 21074(a) to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
4. A historical resource described in PRC Section 21084.1, a unique archaeological resource as defined in PRC Section 21083.2(g), or a "non-unique archaeological resource" as defined in PRC Section 21083.2(h), if it conforms with the criteria of PRC Section 21074(a).

In accordance with PRC Section 21080.3.1(d), the City of Pinole provided written formal notification to the (insert list of tribes) on September 1, 2021, which included a brief description of the proposed Project and its location, the City of Pinole contact information, and a notification that the Tribes have 30 days to request consultation. The City sent notification to the following tribes and tribal organizations:

- The Ohlone Indian Tribe
- Amah Mutsun Tribal Band of Mission San Juan Bautista North Valley Yokuts Tribe
- The Confederated Villages of Lisjan
- Guidiville Indian Rancheria
- Indian Canyon Mutsun Band of Costanoan
- Muwekma Ohlone Indian Tribe of the SF Bay Area

As of January 2022, no responses from any tribes or individual have been received requesting consultation.

General Plan and Specific Plan EIR Findings

As discussed above in Section 4.5 (Cultural Resources), the 2010 FEIR concluded that the General Plan Update and Three Corridor Specific Plan would result in potentially significant impacts related to the discovery of buried cultural resources, which may include tribal cultural resources.

Project Consistency with the 2010 FEIR

4.18(a) (Listed or Eligible for Listing) No Substantial Change Relative to the 2010 FEIR: As described in 4.5 Cultural Resources, the Archaeological Assessment concluded that due to the presence of a potentially significant Native American cultural property in or near the Project site, there is a potential of encountering buried Native American cultural resources. Environmental conditions of approval TCUL-1 will be imposed on the Project in compliance with mitigation measure 4.10.1b and 4.10.1c incorporated in the 2010 FEIR. Therefore, the Project would not result in new or more severe impacts relative to the 2010 FEIR as it relates to a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).

4.18(b) (Significant Resources) No Substantial Change Relative to the 2010 FEIR: As described above, the City of Pinole provided notification of the Project to tribes and tribal organizations on September 1, 2021, consistent with AB 52. No requests to enter into consultation were received on the Appian Village Project.

The Project site has a potential to contain buried tribal cultural resources. As such, development within the Project site has the potential to result in impacts to buried tribal cultural resources if encountered during construction. COA TCUL-1, set forth below, ensures that environmental conditions of approval set forth under the Cultural Resources discussion above are implemented. COA TCUL-1 provides for the protection of buried cultural resources, including tribal cultural resources, in the event of discovery. Therefore, the proposed Project would not result in new or more severe impacts relative to the 2010 FEIR.

Applicable 2010 FEIR Mitigation Measures

See Section 4.5 above, which identifies mitigation measures 4.10.1a, 4.10.1b, and 4.10.1c as set forth in the 2010 FEIR.

Conclusion and Environmental Conditions of Approval

The Project would not result in any new or more severe impacts to archaeological resource, including tribal cultural resources, relative to what was identified the 2010 FEIR. The Project has complied with measure 4.10.1a through the preparation of a project specific Historic Evaluation and an Archaeological Assessment, which identifies recommendations, imposed as environmental conditions of approval.

COA TCUL-1: To protect buried Tribal Cultural Resources that may be encountered during construction activities, the Project shall implement environmental COA CUL-1 and COA CUL-2.

4.19. UTILITIES AND SERVICE SYSTEMS

Would the project:	New Significant Impact Not Identified in 2010 FEIR	More Severe Impact Relative to 2010 FEIR	No Substantial Change Relative to 2010 FEIR	No Change Relative to the 2010 FEIR
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

project's projected demand in addition to the provider's existing commitments?

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? ☐ ☐ ☒ ☐

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? ☐ ☐ ☒ ☐

Sources: City of Pinole General Plan and EIR; 2151 Appian Way Vesting Tentative Subdivision Map (for condominium purposes), Sheets 5.0 Utility Plan and Sheet 6.0 Drainage Plan, dated July 26, 2021.

General Plan and Specific Plan EIR Findings

The 2010 FEIR evaluated potential impacts to Public Services and Utilities in Chapter 4.12 including the Three Corridors Specific Plan area and determined the following:

Water Supplies/Infrastructure

- Impact 4.12.5.1- Implementation of the General Plan Update, Three Corridors Specific Plan, and Zoning Code Update would require additional water supplies, as well as additional water supply infrastructure, to meet the projected water demands. This is considered a less than significant impact.
- Impact 4.12.5.2- Implementation of the General Plan Update and its associated project components would contribute to the cumulative demand for water supply and associated infrastructure in EBMUD's service area. This is less than cumulatively considerable with the associated General Plan policies and actions, as well as Specific Plan standards and guidelines.

Wastewater

- Impact 4.12.6.1- Implementation of the General Plan Update, Three Corridors Specific Plan, and Zoning Code Update would increase wastewater flows and demand for sanitary sewer facilities. Increased flows could exceed the capacity of the wastewater conveyance, treatment, and disposal systems at the City of Pinole Public Works Department and the West County Wastewater District. This is considered a less than significant impact.
- Impact 4.12.6.2- Implementation of the General Plan Update, Three Corridors Specific Plan, and Zoning Code Update could result in wastewater discharge that would exceed wastewater treatment requirements of the San Francisco Bay Regional Water Quality Control Board. This is considered a less than significant impact.
- Impact 4.12.6.3- Implementation of the General Plan Update, Three Corridors Specific Plan, and Zoning Code Update as well as existing, planned, proposed, approved, and reasonably foreseeable development in the City of Pinole Public Works Department and West County Wastewater District wastewater service areas, would increase wastewater flows and required additional infrastructure and treatment capacity to accommodate the anticipated demands. This proposed project's construction to this impact is considered to be less than cumulatively considerable.

Solid Waste

- Impact 4.12.7.1- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would increase solid waste generation and the demand for related services. This is considered a less than significant impact.

- Impact 4.12.7.2- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update), along with other existing, planned, proposed, approved, and reasonably foreseeable development within the West Contra Costa Integrated Waste Management Authority service area, would result in cumulative solid waste impacts. This is considered a less than cumulatively considerable impact.

Energy and Communication

- Impact 4.12.8.1- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would require additional electric and natural gas supplies, along with conveyance facilities for these and telephone and cable television services. This is considered a less than significant impact.
- Impact 4.12.8.2- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) as well as potential development in the surrounding areas, would result in an increase in cumulative utility service demands. The proposed project would have a less than cumulatively considerable impact on electrical, natural gas, telephone, and cable television services.

Project Consistency with the 2010 FEIR

4.19(a) (Relocation/Expansion of Utilities) No Change Relative to the 2010 FEIR: The FEIR concluded that buildout of the Three Corridors Specific Plan would increase demands for utilities and services systems including water, wastewater, storm drain, and energy and communications infrastructure and impacts would be less than significant. The subject Appian Village Project is generally consistent with the Three Corridors Specific Plan and will not necessitate the expansion or relocation of existing utilities. The proposed Project would introduce 154 dwelling units, providing multi-family housing, which will generate demand for utilities and services. The site vicinity is well served by existing utilities, including water, wastewater, electricity, natural gas, telecommunication, cable, and storm drain infrastructure, which will be extended onsite to provide services to residents.

Stormwater runoff generally follows the gradient of the site and sheet flows from the northwest to the northeast under existing circumstances. An existing 18-inch diameter storm water drain line is located within the Canyon Avenue right-of-way adjacent to the site. The Project propose installation of a storm drain manhole and 6, 8, 12, and 18-inch diameter storm drain pipelines to collect stormwater runoff from the proposed development. The storm water pipes proposed onsite direct storm water from the site to an existing 18-inch diameter storm drain line in Canyon Avenue, an existing 15-inch diameter near the intersection of Canyon Drive and Appian Way, and a 15-inch diameter on Appian Way. Improvements proposed by the Project will increase impervious surfaces through the introduction of buildings, driveways, sidewalks, paved parking lots, and other hardscaped improvement. Although the proposed development will result in an increase in impervious surfaces relative to existing conditions, the Project has been designed in accordance with the Contra Costa County Clean Water Program, Stormwater C.3 Guidebook.

Demand for utilities and service systems generated by the Appian Village Project is anticipated by the 2010 FEIR and does not require the relocation or expansion of infrastructure. Therefore, the Project's impacts related to the relocation, construction, or expansion of utilities will not result in new or more severe impacts relative to the 2010 FEIR.

4.19(b) (Sufficient Water Supplies) No Substantial Change Relative to the 2010 FEIR: The FEIR concluded that the General Plan and Specific Plan would result in additional demands for water supplies and infrastructure and impacts would be less than significant.

The Appian Village Project will utilize water obtained from the municipal water system to meet onsite water demands. East Bay Municipal Utility District (EBMUD) provides water to the Project site. Water is conveyed through the existing municipal water system via existing 12-inch diameter potable water mains within the Appian Way and Canyon Drive rights-of-way. The Project would connect to the existing water main through 8-inch

diameter water lines to be installed within the new interior drive aisles onsite. Potable water would be accommodated via the installation of new water laterals that would connect the existing water main to the Project site.

The Project proposes residential development, within the residential capacity analyzed in the 2010 FEIR, which determined that the City's water supplies are sufficient to meet the needs of Pinole during normal, dry, and multiple dry years. In accordance with Action GM2.2.1 verification by EBMUD is required for approval of new developed to ensure that adequate water supply and quality can be provided. This is imposed through environmental condition of approval (COA) UTIL-1 set forth below. Therefore, impacts due to insufficient water supplies or inadequate entitlements would not result in new or more severe impacts relative to those identified in the 2010 FEIR.

4.19(c) (Wastewater Capacity) No Substantial Change Relative to the 2010 FEIR: The FEIR concluded that buildout of the Three Corridors Specific Plan would increase wastewater flows and demand for sanitary sewer facilities and impacts would be less than significant. The City of Pinole provides sanitary sewer service to the Appian Village Project site via an existing service line located within the Canyon Drive right-of-way. The Project includes installation of a manhole at the site frontage on Canyon Drive to receive wastewater from the site through an 8-inch diameter sanitary sewer pipeline.

As a project that is generally consistent with the Three Corridors Specific Plan, the increase in wastewater generated by the Appian Village Project is within the flow capacity analyzed as part of the 2010 FEIR. Furthermore, as a multi-family development, the Project is subject to Development Impact Fees, including a wastewater fee, which is used to fund maintenance and expansion of wastewater conveyance systems and treatment facilities. In accordance with mitigation measure 4.12.6.2 adequate wastewater capacity shall be demonstrated prior to issuance of Certificate of Occupancy. This is imposed through environmental COA UTIL-2 set forth below. As such, the proposed Project will not cause or exceed wastewater treatment requirements set forth by the Regional Water Quality Control Board, nor will the Project necessitate the expansion or construction of wastewater conveyance or treatment facilities. Therefore, impacts to wastewater capacity would not result in new or more severe impacts relative to those identified in the 2010 FEIR.

4.19(d,e) (Solid Waste Generation/Compliance with Solid Waste Management) No Substantial Change Relative to the 2010 FEIR: The FEIR concluded that development resulting from buildout of the General Plan Update and Three Corridors Specific Plan would increase solid waste generation and the demand for related services and impacts would be less than significant. The proposed Appian Village Project will contribute to the generation of solid waste within the Three Corridors Specific Plan area, as anticipated by the 2010 FEIR. The Project applicant is required to adhere to all regulations governing the disposal of solid waste. Republic Services provides solid waste collection services for recycling and waste disposal. Although the waste stream generated by the Project is expected to increase during construction and operation, it is not expected to exceed landfill capacity and is not expected to result in violations of federal, state, and local statutes and regulations related to solid waste. In accordance with General Plan Action CS.8.1.3, construction sites shall provide for the salvage, reuse or recycling of construction and demolition materials. This is imposed through environmental COA UTIL-3 set forth below. Pursuant to Action SE.5.1.2 (improve and expand curbside recycling services), the Project is subject to environmental COA UTIL-4 and UTIL-5 set forth below. Therefore, the disposal of solid waste resulting from Project construction and operation would not result in new or more severe impacts relative to those identified in the 2010 FEIR.

Applicable 2010 FEIR Mitigation Measures

MM 4.12.6.2 The City shall include an action in the General Plan requiring all future development to demonstrate that there is sufficient sewer/wastewater treatment capacity to accommodate the proposed development and that the required sewer/wastewater infrastructure is in place before issuance of Certificate of Occupancy. Furthermore, all on-site and off-site sewer conveyance systems shall be in place prior to the issuance of Certificate of Occupancy and all financing shall be assured to the satisfaction of the City.

Status: Applicable. The project was considered as part of the Sewer Master Plan Update, currently in process, which indicated adequate facilities would be in place or expanded as necessary to accommodate the project with payment of required impact fees. Pursuant to this measure, the Project is subject to Condition of Approval UTIL-2, which requires procurement of a will serve letter, verification of unique connections, and payment of development impact fees.

Conclusion and Environmental Conditions of Approval

The Project would not result in any new or more severe impacts to utilities and service systems, relative to what was identified in the 2010 FEIR. The Project is subject to environmental conditions of approval pursuant to mitigation identified in the 2010 FEIR and General Plan Actions as follows:

- COA 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.
- COA 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.
- COA 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).
- COA 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.
- COA 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.

4.20. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	New Significant Impact Not Identified in 2010 FEIR	More Severe Impact Relative to 2010 FEIR	No Substantial Change Relative to 2010 FEIR	No Change Relative to the 2010 FEIR
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sources: City of Pinole General Plan and EIR; MTC/ABAG Hazard Viewer Map, accessed January 2022; and Contra Costa County Local Hazard Mitigation Plan, January 2018.

General Plan and Specific Plan EIR Findings

The 2010 FEIR addressed wildfire risk in Chapters 4.8 and 4.13. The General Plan discusses Wildland Fire Hazards in Chapter 9, Health and Safety, and the Contra Costa County Local Hazard Mitigation Plan includes a wildfire risk assessment.

During wildfire events residents are exposed to direct effects of the wildfire, such as the loss of structures, and to the secondary effects of the wildfire, such as smoke and air pollution. Smoke generated by wildfire consists of visible and invisible emissions that contain particulate matter (soot, tar, water vapor, and minerals) and gases (carbon monoxide, carbon dioxide, nitrogen oxides). Public health impacts associated with wildfire include difficulty in breathing, odor, and reduction in visibility.

Due to the urban development pattern of Pinole and surrounding jurisdictions wildfire risk is relatively low within the Appian Way corridor of the Three Corridors Specific Plan including the Project site. Areas of the City that are most susceptible to wildfire hazards are located east of Appian Way and south of Interstate 80, in areas generally along the southern city boundary. This area is designated as “Very High Fire Hazard Severity Zone” (VHFHSZ) within a State Responsibility Area by CAL FIRE.

Project Consistency with the 2010 FEIR

4.20(a) (Impair Emergency Plans) No Change Relative to the 2010 FEIR: The Project is limited to the construction and operation of a multi-family residential development on a site at a density planned for in the Three Corridors Specific Plan. During construction activities, temporary lane closures on Appian Way and Canyon Drive are expected to occur during frontage improvements and utility work that will be coordinated with Fire, Police, and emergency responders to ensure that through access is maintained and adequate response times are achievable. There are no elements of the Project that would impair emergency response or evacuation routes. Therefore, the proposed Project is not expected to substantially impair an adopted emergency response plan or emergency evacuation plan and there would be no change in impacts relative to the 2010 FEIR.

4.20(b-d) (Wildfire Risk Exacerbation, Infrastructure Contributing to Wildfire Risk, Exposure to Wildfire-Related Risks) No Change Relative to the 2010 FEIR: The Project site’s development area is generally, relatively flat with slopes to the north and eastern boundary. Very High Fire Hazard Severity Zones in Local Responsibility Area (LRA) and State Responsibility area are located approximately 0.5 miles south of Interstate 80. New structures onsite would be built according to the latest California Building Code, which requires fire prevention standards for building materials, systems, and assemblies used in the exterior design and construction of new buildings. Further, the building code includes requirement for enhanced HVAC filtration systems. Therefore, the Project occupants would not be subject to the uncontrolled spread of a wildfire, pollutant concentrations from a wildfire, post-fire slope instability, or post-fire flooding.

The Project site is adjacent to Appian Way and largely surrounded by highly urbanized development. The site is categorized as a Non-VHFHZ by CAL FIRE and surrounded by land designated as Non-VHFHZ on all sides. The vicinity is generally developed with urban land uses and is not adjacent to areas where there is a wildland urban interface fire hazard. As such, the Project would have no impacts related to exposure of people or structures to a significant risk of loss, injury, or death involving fires. Therefore, impacts related to the increased

use, deterioration, construction, or expansion of recreational facilities are not expected to be new or more severe relative to the 2010 FEIR as a result of the proposed Project.

Applicable 2010 FEIR Mitigation Measures

There are no applicable 2010 FEIR mitigation measures to this Project.

Conclusion

The Project would not result in any new or more severe impacts due to wildfire risk relative to what was identified the 2010 FEIR. The Project consists of development that is required to comply with the latest building code including fire safety standards for new construction. No environmental conditions of approval related to wildfire are required.

4.21. MANDATORY FINDINGS OF SIGNIFICANCE

	New Significant Impact Not Identified in 2010 FEIR	More Severe Impact Relative to 2010 FEIR	No Substantial Change Relative to 2010 FEIR	No Change Relative to the 2010 FEIR
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sources: City of Pinole General Plan/Specific Plan and EIR.

General Plan and Specific Plan EIR Findings

As presented above in Sections 4.1 through 4.20, the 2010 FEIR included an evaluation of cumulative impacts associated with implementation of the General Plan and the Three Corridors Specific Plan.

Project Consistency with the 2010 FEIR

4.21(a) (Degrade the Environment) No Change Relative to the 2010 FEIR: The Project is located within the Three Corridors Specific Plan boundary and potential impacts associated with its development have been anticipated by the City's General Plan and analyzed in the 2010 FEIR. The Project is consistent with the General

Plan Land Use designation, goals, policies, and programs, as well as the Land Use Development Standard and Private Realm Design Guidelines set forth in the Three Corridors Specific Plan.

As described herein, the proposed Project has the potential to result in environmental impacts primarily associated with temporary construction activities. Environmental conditions of approval have been identified that avoid, reduce, or offset impacts consistent with the 2010 FEIR. This analysis identifies requirements and includes environmental conditions of approval to address applicable regulations. With implementation of conditions of approval set forth above in Biological Resources and Cultural Resources, as well as adherence to the City's uniformly applied development standards, the Project's potential to degrade the quality of the environment would be substantially the same as those identified in the 2010 FEIR. As such, the Project will not degrade the quality of the environment, reduce habitat, or affect cultural resources beyond what has already been disclosed and analyzed in the certified 2010 FEIR.

4.21(b) (Cumulatively Affect the Environment) No Change Relative to the 2010 FEIR: The CEQA Guidelines define cumulative impacts as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. The individual effects may be changes resulting from a single project or increase in environmental impacts. The cumulative impact from several projects is the change in the environment which results from the incremental impact of the proposed project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time" (Guidelines, Section 15355(a)(b)).

The analysis of cumulative impacts for each environmental factor can employ one of two methods to establish the effects of other past, current, and probable future projects. A lead agency may select a list of projects, including those outside the control of the agency, or alternatively, a summary of projections. These projections may be from an adopted general plan or related planning document or from a prior environmental document that has been adopted or certified; these documents may describe or evaluate the regional or area-wide conditions contributing to the cumulative impact.

Cumulative impacts are evaluated using the 2010 FEIR as discussed throughout this document. Development of the proposed Project, in combination with past, present, and future development in the City, would result in less than cumulatively considerable impacts to Visual Resources (aesthetics), Air Quality/Greenhouse Gases, Biological Resources, Cultural Resources, Energy, Geology and Soils, Hazardous and Hazardous Materials, Hydrology and Water Quality, Land Use, Population and Housing, Public Services, Transportation, and Utilities. Cumulative long-term impacts from development within the City were identified and analyzed in the 2010 FEIR including implementation of the Three Corridors Specific Plan. Cumulatively considerable impacts would occur to air quality/greenhouse gases (ozone and particulate matter), transportation, and transportation-related noise.

The Project will contribute to cumulative impacts identified in the 2010 FEIR. As described in **Sections 4.1 – 4.20**, development of the Project would not result in new or more severe impacts relative to those identified in the 2010 FEIR. The Project is subject to applicable mitigation measures and General Plan Actions imposed as environmental conditions of approval. Implementation of identified conditions of approval as well as uniformly applied development standards would ensure that development of the proposed Project would not result in cumulatively considerable environmental impacts beyond those addressed in the 2010 FEIR.

4.21(c) (Substantial Adverse Effect on Humans) No Substantial Change Relative to the 2010 FEIR: The Project would not result in any new or more substantial adverse effects on humans relative to the 2010 FEIR findings for the General Plan and the Three Corridors Specific Plan, within which the Project is located. With implementation of mitigation measures and General Plan action items imposed as environmental conditions of approval, the Appian Village Project will not result in new or more severe impacts beyond those identified in the 2010 FEIR that would directly or indirectly impact human beings onsite or in the Project vicinity.

Applicable 2010 FEIR Mitigation Measures

No applicable mitigation measures beyond those identified in Section 4.1-4.20 above.

Conclusion

With uniformly applied development standards, mitigation measures imposed as environmental conditions of approval, and standard regulatory requirements, the Project would not result in any new or more severe impacts relative to what was identified the 2010 FEIR. No environmental conditions of approval related to mandatory findings of significance are required.

5. REFERENCE DOCUMENTS

The following reference documents are hereby incorporated by reference and are available for review during normal business hours at the City of Pinole, 2131 Pear Street, in the Community Development Department.

5.1. TECHNICAL APPENDICES

- A. Shadow Study for the Appian Village Apartment Project, prepared by SDG Architects, Inc., December 15, 2021.
- B. Air Quality and Greenhouse Gas Analysis for DeNova Homes Doctor's Hospital Housing Project, prepared by AES, December 15, 2021.
- C. Biological Technical Memorandum, prepared by Analytical Environmental Services, July 16, 2021
- C-1 Arborist Report, Trees, Bugs, Dirt Landscape Consulting and Training, November 4, 2021.
- D. Cultural Resources Constraints Analysis, prepared by Solano Archeological Services, July 12, 2021
- D-1 Historic Resource Evaluation, prepared by Evans & De Shazo, Archaeology and Historic Preservation, August 18, 2021.
- E. Geotechnical Report, prepared by Stevens, Ferrone & Bailey Engineering Company, Inc., August 28, 2020.
- E-1 Structural Assessment, prepared by Advanced Engineering, Structural Engineering Solution, September 2021.
- F. Phase 1 Environmental Site Assessment Report, prepared by AdvancedGeo, April 4, 2021.
- G. Environment Noise Assessment – 2151 Appian Way Condos, prepared by Saxelby Acoustics, December 9, 2021.
- H. Traffic Impact Study, prepared by W-Trans, dated April 7, 2022.

5.2. OTHER DOCUMENTS REFERENCED

- 1. 2019 California Green Building Standards Code (CalGreen), Effective January 1, 2020.
- 2. BAAQMD 2017 Bay Area Clean Air Plan, prepared by the Bay Area Air Quality Management District, April 2017.
- 3. BAAQMD Recommended Methods for Screening and Modeling Local Risks and Hazards, prepared by the BAAQMD, May 2011.
- 4. California Environmental Quality Act Air Quality Guidelines, prepared by the Bay Area Air Quality Management District, May 2017.

5. California Scenic Highway Mapping System, Scenic Highway System Lists, 2019. <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>, accessed August 2021.
6. City Council Resolution 2018-02. City of Pinole. June 19, 2018.
7. Contra Costa County Local Hazard Mitigation Plan, January 2018.
8. National Flood Hazard Layer. FEMA. August 2021. <https://www.fema.gov/flood-maps/national-flood-hazard-layer>
9. Technical Advisory on Evaluating Transportation Impacts in CEQA, prepared by the State of California Governor's Office of Planning and Research, December 2018
10. Tsunami Hazard Area Map. California Department of Conservation, August 23, 2021. <https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps>
11. Fire Hazard Maps, Office of the State Fire Marshal, November 12, 2021, [Osfm.fire.ca.gov](https://osfm.fire.ca.gov)
12. Geotechnical Report, prepared by Rockridge Geotechnical, December 11, 2018.
13. Appian Way Architecture Plans, prepared by SDG Architects, Inc., April 19, 2021.
14. Appian Way & Canyon Drive Plan Line Study, prepared by CBG Civil Engineers, December 28, 2021.
15. Vesting Tentative Map For Condominium Purpose, prepared by CBG Civil Engineers, July 27, 2021.
16. Appian Village Conceptual Landscaping Plan, prepared by VanderToolen Associates, dated December 20, 2021.

6. ENVIRONMENTAL CONDITIONS OF APPROVAL

The following conditions of approval have been identified through this analysis and ensure implementation of applicable mitigation measures and policies set forth in the General Plan, the Three Corridors Specific Plan, and their EIR.

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.

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:

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 working condition prior to operation.
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.

AQ-2: An ongoing maintenance plan for the buildings' HVAC air filtration system shall be required and may include the following:

1. 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.

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 to 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 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.
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.
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.
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.
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.
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.

BIO-2: To avoid impacts to pallid and big free-tailed bats, both "species of special concern" in the state, a qualified biologist shall conduct a bat survey no more than 15 days prior to ground disturbance or demolition of on-site buildings. Pre-construction surveys should include a daytime inspection of the inside of all building looking for active roosting bats or bat signs, followed up by an evening fly-out survey. If no evidence of bats and/or evidence of bats sign are detected during the pre-construction surveys, no additional surveys are required.

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

BIO-3: Prior to issuance of demolition or grading permit, including any ground disturbing activities, a focused rare plant survey shall be conducted by a qualified biologist to verify the presence/absence of special status plant species that have the potential to occur in the annual grassland habitat identified in the Biological Technical Report (July 9, 2021), which include big tarplant (*Blepharizonia plumosa*), Mt. Diablo fairy-lantern (*Calochortus pulchellus*), and Diablo

helianthella (*Helianthella castanea*). If impacts to annual grassland will be avoided, then no subsequent survey is required. In the event that rare plants are identified within the annual grassland habitat, then avoidance measures shall be developed by the qualified biologist and accepted by the City prior to the start of any site development work.

BIO-4: Prior to any tree removal or alteration, the applicant shall obtain approval from the City of Pinole to implement a plan for tree preservation and replacement in accordance with the City's Tree Removal Permit. Replacement of protected trees onsite shall either consist of planting or replacement trees onsite as part of the development over and above the landscaping that would otherwise be required at a value equal to the value of the protected trees that will be removed, or through the payment of an in-lieu fee to the City in an amount equal to the value of the protected trees that will be removed.

CUL-1: To ensure the Project does not result in impacts to buried archaeological resources onsite, if present, the following shall be implemented:

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 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.
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).

CUL-2: In the event that human remains are encountered within the Project Area during Project-related, ground-disturbing activities, all work must stop, and the County Coroner immediately notified of the discovery. If the County coroner determined that remains are, or are believed to be Native American, then the Native American Heritage Commission must be contacted by the Coroner so that a "Most Likely Descendant" (MLD) can be designated to provide further recommendations regarding treatment of the remains. A Secretary of Interior-qualified Archaeologist should also evaluate the historical significance of the discovery, the potential for additional human remains to be present, and to provide further recommendations for treatment of the resource in accordance with the MLD recommendations. Federal regulations require that Native American human remains, funerary objects, and object of cultural patrimony are handed consistent with the requirement of the Native American Graves Protection and Repatriation Act.

GEO-1: The applicant shall incorporate the recommendations of the Project Geotechnical Report prepared by Stevens, Ferrone & Bailey Engineering Company, Inc (August 28, 2020) into construction drawings. A comprehensive geotechnical engineering report shall be prepared for the Project that specifically addresses the proposed development, conforms to the most recent

edition of the California Building Code, and provides geotechnical design and construction criteria for the Project. This report shall include detailed drainage, earthwork, foundation, and pavement recommendations. Detailed structural analyses of all retaining walls and slope stability shall be provided, including structural calculations for retaining walls and computer-aided slope stability analyses as required. Final grading plan, construction plans, and building plans shall demonstrate that recommendations set forth in the geotechnical reports and/or to the satisfaction of the City Engineer/Chief Building Official have been incorporated into the design of the Project.

Nothing in this condition of approval shall preclude the City Engineer and/or Chief Building Official from requiring additional information to determine compliance with applicable standards. The geotechnical engineer shall inspect the construction work and shall certify to the City, prior to issuance of a certificate of occupancy that the improvements have been constructed in accordance with the geotechnical specifications.

GEO-2: Prior to issuance of a grading permit, an erosion control plan along with grading and drainage plans shall be submitted to the City Engineer for review. The Project shall comply with stormwater management requirements and guidelines established by Contra Costa County under the Contra Costa Clean Water Program Stormwater C.3 Guidebook and incorporate Contra Costa County best management practices for erosion and sediment control for construction. All earthwork, grading, trenching, backfilling, and compaction operations shall be conducted in accordance with the City's Erosion Control requirements, Chapter 15.36.190 of the Municipal Code. Plans shall detail erosion control measures such as site watering, sediment capture, equipment staging and laydown pad, and other erosion control measures to be implemented during all construction activity.

GEO-3: Should any potentially unique paleontological resources (fossils) be encountered during development activities, work shall be suspended within 50 feet of the discovery and the City of Pinole Planning Division of the 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 treatment plan that the City and Project applicant deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures.

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.

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.

- NOI-1:** All windows on the west-facing side of residential units along the Appian Way frontage 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.
- 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 noise control measures including:
1. Limit construction hours to between 7:00 a.m. and 5:00 p.m., Monday through Friday, on days that are not federal holidays, unless an exception is granted in accordance with the Municipal Code.
 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. All noise-producing project equipment and vehicles using internal combustion engines shall be equipped with manufacturer-recommended mufflers and be maintained in good working condition
 4. All mobile or fixed noise-producing equipment used on the project site that are regulated for noise output by a federal, State, or local agency shall comply with such regulations while in the course of project activity.
 5. Electrically powered equipment shall be used instead of pneumatic or internal-combustion powered equipment, where feasible.
 6. Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors.
 7. Project area and site access road speed limits shall be established and enforced during the construction period.
 8. Nearby residences shall be notified of construction schedules so that arrangements can be made, if desired, to limit their exposure to short-term increases in ambient noise levels.
- TRAN-1:** Prior to the issuance of Building Permit, the applicant shall provide the Project's fair share contribution as established by the City towards multi-modal improvements in the Project vicinity as identified in the Three Corridors Specific Plan.
- TRAN-2:** Prior to the issuance of occupancy, the applicant shall submit for review and approval by the Development Services Department a Final 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.
- TRAN-3:** Prior to final occupancy, the applicant shall restripe or install a median on Appian Way along the site frontage to eliminate the left-turn pocket approximately 350 feet south of Appian Way/Mann Drive. The proposed restriping plan shall be reviewed and accepted by the City Engineer and or modified at the City Engineer's discretion.
- TRAN-4:** 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 driveways and intersections shall be maintained such that visibility is achieved between thirty (30) inches and seven (7) feet above the ground. The applicant shall be responsible for maintaining adequate sight lines from the Project driveways; on-street parking on Canyon Drive from Project driveway to approximately 150 feet east shall be prohibited, and

vegetation shall be trimmed to about one foot in height on the east side of the driveway on Canyon Drive.

- TRAN-5:** To prevent potential pedestrian and vehicular conflicts, split phasing shall be incorporated in eastbound and westbound direction of Mann Drive/Project Access intersection. Signalization improvements shall meet City standards for phasing, crosswalk striping, and equipment. The City Engineer shall review and accept or modify signalization improvements.
- TCUL-1:** To protect buried Tribal Cultural Resources that may be encountered during construction activities, if present, the Project shall implement environmental COA CUL-1 and COA CUL-2.
- 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.
- 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.
- 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).
- 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.
- 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.