

ENVIRONMENTAL CHECKLIST FOR STREAMLINED REVIEW

**PURSUANT TO CALIFORNIA PUBLIC RESOURCES CODE
SECTION 21083.3 AND CEQA GUIDELINES SECTIONS 15168, 15183, and
15332**

BCRE PROJECT

Prepared For:

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



May 2022

**BCRE PROJECT
CEQA ENVIRONMENTAL CHECKLIST FOR STREAMLINED REVIEW**

Project Title:	BCRE Project
Lead Agency:	City of Pinole 2131 Pear Street Pinole, CA 94564
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Project Location:	2801 Pinole Valley Road, City of Pinole, Contra Costa County, California APNs 360-010-029
Property Sponsor and Owner(s):	Baniqued Commercial Real Estate, c/o Brian Baniqued 2801 Pinole Valley Road, Suite 210 Pinole, CA 94564 (510) 851-2748
General Plan Designation:	Service Subarea (10.1-50 DU/AC)
Zoning:	Office Professional Mixed-Use (OPMU) (20.1-30 DU/AC)
Description of project:	The project consists of an approximately 17,280 square foot addition to the existing 25,161 square foot commercial office building for a total commercial office building space of 42,441 square feet, and the construction of a new five-story, 29-unit apartment building and associated site improvements on a 1.74-acre site.
Surrounding land uses and setting; briefly describe the project's surroundings:	The site is surrounded by existing urban uses with residential development zoned Medium Density Residential and High Density Residential to the east; commercial development zoned Commercial Mixed Use to the north, west, and south; and a church zoned High Density Residential to the south.
Other public agencies whose approval is required (e.g. permits, financial, or participation agreements):	The Project plans and trip generation/VMT study were routed to Caltrans for courtesy review and early consultation. On September 22, 2021, Caltrans indicated they had no further comments.
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 August 4, 2021, and via mail on August 11, 2021, for one tribe where the email was undeliverable. The City of Pinole did not receive any responses requesting consultation.

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BCRE PROJECT

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1. INTRODUCTION

This California Environmental Quality Act (CEQA) Analysis evaluates environmental impacts from the proposed BCRE Project, which consists of a 17,280 square foot expansion to the existing commercial office building onsite, the development of a 29 unit, five-story apartment building, and ancillary improvements (hereinafter referred to as the "Project"). Documentation herein has been prepared by the City of Pinole as lead agency in full accordance with the procedural and substantive requirements of CEQA, CEQA Guidelines. This CEQA Analysis uses streamlining and tiering in accordance with CEQA Guidelines 15168 and 15183 for consistency with the General Plan and Three Corridors Specific Plan and their certified EIR, as well as the categorical exemption Class 32, set forth in CEQA Guidelines Section 15332.

2. PROJECT DESCRIPTION

Regional Setting

The City of Pinole is located in northwestern Contra Costa County along the 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 (**Figure 1: Regional Location**). The project site is located approximately 0.20 miles south of I-80, on the east side of Pinole Valley Road, within the Service Subarea of the Three Corridors Specific Plan. The Pinole Valley Road 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 2040 prepared as a joint effort between the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG). 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.

Vicinity Setting

The site is surrounded by existing urban uses with residential development zoned Medium Density Residential (MDR) and High Density Residential (HDR) to the east; commercial development zoned Commercial Mixed Use (CMU) to the north, west, and south; and a church zoned High Density Residential to the south. Existing uses surrounding the project site include Pinole Valley Road and the Pinole Valley Shopping Center to the west; an ARCO gas station to the north; multifamily residential and Pinole Senior Village to the east; and a 7-Eleven convenience store and Pinole Valley Community Church to the south (**Figure 2: Project Vicinity**).

Project Site Setting

The Project site is located within the Pinole Valley Road corridor of the Three Corridors Specific Plan, under a Service Sub-Area land use designation with an Office Professional Mixed-Use (OPMU) zoning designation (**Figure 3: Land Use and Zoning**). The purpose of the OPMU designation is to allow for development of office with supporting retail and services uses, as well as integration of residential uses. The Three Corridors Specific Plan indicates that at least 51% of usable area should be office uses under the Purpose and Characteristic of the OPMU designation under Table 6.1. Within the Specific Plan area, this designation allows residential uses to be integrated with office uses where compatible at a density between 20.1 and 30 units to the acre.

The Project site is developed with an existing 1984 two story, 25,161 square foot commercial office building, drive aisles, parking, and landscaping. A variety of commercial office tenants currently occupy the existing building onsite including medical office (Dentist and Chiropractic), Beauty Salon (hair, noise, and day spa), and

retail businesses (Locksmith, and a Donuts and Coffee Shop). Two driveways off of Pinole Valley Road currently provide access to the project site.

Existing improvements onsite include the commercial office building, paved areas for surface parking, drive aisles, and accessways. Existing landscaping includes a landscaping strip along the Pinole Valley Road frontage, a plaza located to the rear of the existing building, narrow landscaping strips along the side and rear lot lines, and a landscaping island in the parking lot. Decorative landscaping and trees are located throughout the site. The site has a downward slope in the western direction towards Pinole Valley Road.

As mentioned above, the Project 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 Pinole Valley Road corridor is served by WestCat, the bus service provided by the West Contra Costa Transit Authority. The Project site is located approximately 400 feet south of a WestCAT bus stop located near the intersection of Pinole Valley Road and Estates Avenue and 700 feet north of a bus stop at the Pinole Public Library.

Project Description

The Project proposes to expand the existing commercial retail buildings and to introduce a 29-unit residential apartment building. The 2801 Pinole Valley Road property is 1.74 acres. The Project proposes development largely concentrated at the rear portion of the property, with the nonresidential addition, apartment building, and reconfigured parking area. The portion of the project site proposed to accommodate the residential apartment building and associated parking is approximately 0.81 acres located at the rear of the site, in the southeastern corner. The front portion of the property features the existing commercial office building, a parking area, drive aisle, and landscaping strip. Exterior façade modifications are proposed at the front of the building. No changes to the interior layout or footprint of the existing building are proposed. Other improvements to the site include refreshing the landscaping, ADA access upgrades, and repaving and restriping parking.

The proposed Project would result in an approximately 17,280 square foot four-story addition to an existing 25,161 square foot mixed commercial/office building and the construction of a new 29-unit five-story apartment building, as well as modifications to the parking lot, landscaping, and ancillary improvements (**Figure 4: Site Plan**). The commercial office building would be approximately 42,441 square feet upon completion of the Project, with approximately 28,912 square feet of leasable area. The apartment building would be approximately 27,980 square feet, with approximately 15,649 square feet of leasable area. Leasable area in the commercial office building would contain approximately 65% of the leasable floor area on the property. If the bank were to be excluded, the available leasable space within the building is approximately 25,338 square feet, which is 56% of the total leasable floor area on the lot. The current assortment of business includes some commercial personal service uses together with other general office uses (resulting in closer to 43% of total leasable area for general office but subject to variation over time as businesses change).

The Project would introduce exterior updates to the façade of the existing building and an addition at the rear of the building. The plaza area to the rear of the existing building would be removed to accommodate the proposed four-story office addition, which features new office spaces for the first through third floor of the addition. The fourth floor features an office/penthouse space and a roof deck. The proposed architecture of the office addition and façade improvements to the existing building including neutral colored stucco siding, wood textured fiber cement board panels, and casement windows. The office addition would feature an eyebrow-shaped window, replicating the window style of the existing building.

The new five-story multifamily residential building is proposed to be site in the southeastern corner of the site. As proposed, the residential building would contain a ground floor with a lobby, lounge, mail room, gym, trash room, stairway, and covered parking. Floors two through five would contain the residential units. The roof top is provided as a common open space area. The proposed residential building consists of 29 residential units, with four units set aside for affordable housing. The total number of units includes 12 studios, 11 one-bedroom units, and 6 two-bedroom units ranging in size from 331 square feet to 888 square feet.

The proposed architecture of the residential building features stone texture fiber cement board panels on the

ground floor, neutral colored stucco siding and wood textured fiber cement board panels, and uniform windows. Elevations are varied and punctuated with metal guardrails, glass and metal railing, and casement windows. The roof height of the residential building is 66.6 feet, with a rooftop trellis and sunshade extending an additional 10.2 feet above the roof line. The roof top offers outdoor common space for residents including a play structure, lounge furniture, outdoor tables, a BBQ island, and raised planters.

Improvements onsite also include resurfacing and striping of the parking area at the front of the site and providing ADA access to Pinole Valley Road. Accessible striping would provide a 4-foot-wide pedestrian path providing access from the sidewalk on Pinole Valley Road to the existing and proposed new buildings. New 7-foot-high retaining walls will be introduced between the existing office building and the proposed expansion. Parking to the rear of the site would be modified to include new surfacing, striping, and curbs, and landscaping, including ADA compliance improvements.

Site access would remain at the existing two driveways from Pinole Valley Road. A 20-foot-wide drive aisle, with landscaping on each side, would provide access to the rear of the site. Surface parking would serve all uses on the site, with shared parking opportunities between the nonresidential and residential uses. Additionally, stacked parking spaces for the residential uses are also provided within the ground floor level of the multifamily residential building. The Project proposes 92 surface parking spaces and 31 covered parking spaces within the residential building. Bicycle parking includes 41 long-term and 10 short-term spaces for the residential use and 15 short-term spaces for the nonresidential uses. Permeable pavement would be applied to portions of the parking area adjacent to the multifamily residential building.

New landscaping is proposed across the project site consisting of trees, shrubs, and perennials. As the site is largely covered by structures and pavement for parking and circulation, landscaping is generally provided in pockets of available open space in parking areas or common space, around the perimeter of the site, in the large landscaping strip fronting Pinole Valley Road, and on roof deck areas. The roof decks for both the office addition and the new residential building would feature raised planters with ornamental trees and other plants.

The property is currently served by existing utilities including water, sewer, and power. The proposed project will include installation of sewer and water laterals, pipes, manholes, and tie ins to connect to existing pipelines onsite and in the Pinole Valley Road right-of-way. Storm drain improvements will be installed include onsite planters, drain pipes, litter traps, and manholes. 6-inch diameter storm drains will be installed and connect to existing stormdrains onsite and convey runoff to the existing storm drain infrastructure located in Pinole Valley Road.

Density Bonus

The Project proposes to set aside two units affordable to households at the low-income level (households with incomes not exceeding 80% of the area median income) and two units at the very-low-income level (households with incomes not exceeding 50% of the area median income). The Project meets the City's inclusionary housing requirement of providing 15% of the onsite units at an affordable level, of which 40% of those units must be affordable at the very low-income level. The Project is eligible for a density bonus, incentives/concessions, and waivers/reductions through the provision of affordable housing under the State density bonus law (Government Code Section 65915).

The Project proposes 29 units, which include 24 base units (30 units per acre x 0.81-acre development site) and 5 density bonus units that the project is eligible to include through the provision of affordable housing. As the Project also proposes four units affordable to lower income households, representing approximately 16.7% of the 24 units, it would be eligible for a 29% density bonus, or an additional 7 units. The Project is eligible for up to 31 total units but proposes 29 total units (comprised of 25 market rate units, 2 low-income units, and 2 very lower income units).

Additionally, the Project is eligible for waivers from development standards, reduced parking ratios, and/or at least one incentive/concession by provision of at least 10% of units as units affordable to lower income households, under Government Code Section 65915. The Project requests three waivers/reductions of development standards under Section 65915(e) to: 1) allow for additional height above standard limits to accommodate an additional story and rooftop open space, 2) reduce the rear setback to 5 feet, and 3) reduce

the standard required open space. The Project is eligible for and would apply reduced parking ratios of one parking space for studio/ one-bedroom units and 1.5 parking spaces for two-bedroom units, provided under Government Code Section 65915(p)(1), which are lower than standard City parking ratios. Additionally, the Project is requesting one incentive/concession under Government Code Section 65915(d) to further reduce parking requirements while employing strategies to meet parking demand.

Construction

For purposes of this analysis, it is assumed that construction activities will occur over an approximately 18-month construction period. Site preparation would initiate with demolition to remove the existing plaza and hardscape surfaces, to accommodate the proposed office expansion, new residential building, and associated improvements. Site preparation would include removal of existing vegetation and trees. The Project would involve 510 cubic yards of cut and 510 cubic yards of fill for grading, resulting in a net zero change. The addition to the existing building and new residential building will be built in tandem with a combination of modular and site-built construction.

Following completion of grading activities, infrastructure improvements, and new building foundations would be constructed. The Project would implement either a deep foundation system that provides foundation support from weathered bedrock below any potentially liquefiable soils or a shallow foundation (such as heavy concrete mat or post-tensioned slabs). Utility extension and tie ins, storm drains connections, and bioretention areas would be installed, including six-inch diameter storm drain pipes to serve the office expansion and the new residential building. After the foundation is complete, preconstructed modular units would be delivered to the site via flatbed trucks, set on the foundation by telescopic truck crane, stacked to form the multi-story residential building, and attached together with structural connections. All finishes will be completed once the modules are connected. This includes construction of the roof, stairs, elevators, and interior and exterior finishes, as well as mechanical, plumbing, and electrical connections. The final stage involves landscape, hardscape, and utility connections.

During construction the project will comply with the state water board construction general permit requirements. All stockpiles and landscape materials will be berm with straw wattles or sand bags. A silt fence will be installed at the site margin along with a straw wattle check dam. Fiber roll protection will be installed around all drain inlets. A concrete washout area will be located onsite.

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.

Public Outreach

The applicant has held one public outreach event to obtain feedback from the community on March 4, 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
- Tree Removal Permit
- Affordable Housing Agreement

3. APPLICABLE CEQA PROVISIONS AND FINDINGS

The following discussion presents the relevant provisions of CEQA to which the proposed Project complies. It provides an overview of the Community Plan Exemption, determination of consistency with the City's program level EIR, the 2010 FEIR, and a summary of the Class 32 Infill Exemption. A description of how the 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/ THREE CORRIDORS SPECIFIC PLAN EIR (2010 FEIR)

The City of Pinole General Plan serves as the document that guides future development citywide that 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 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 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 PROJECT TO 15168

The proposed 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 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.

The 2010 FEIR included the development potential of the Project site, which is identified as Opportunity Site 3 in the Pinole Valley Road Corridor of the Three Corridors Specific Plan. The subject Project proposes the development of 29 residential units, a 17,280 square foot office addition to expand the existing office/retail services onsite, and ancillary site improvements. As described herein, the program level EIR prepared for the General Plan Update and Three Corridors Specific Plan accounted for the development potential proposed by the Project.

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 PROJECT TO 15183

The proposed 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 site is designated Service Sub-Area (SSA) in the General Plan Land Use map, and within the SSA designation the Specific Plan provides the site with an Office and Professional Mixed Use (OPMU) zoning designation. The OPMU designation is intended to allow development of larger office buildings with supporting retail and services uses, as well as residential uses integrated with office uses. The proposed Project is consistent with the Three Corridors Specific Plan in that it consists of a 17,280 square foot office addition and 29 dwelling units.

The General Plan Update process included an update of the previous General Plan and preparation of the new Three Corridors Specific Plan, and the General Plan Update EIR covered the analysis of the General Plan and Specific Plan. The Three Corridors Specific Plan guides development in and around three major corridors in the city, including Pinole Valley Road. Within the Pinole Valley Road corridor of the Specific Plan, approximately 141 dwelling units existed in 2010 and the units projected for build out was 351 dwelling units¹. Since 2010, housing development has not significantly increased within the Pinole Valley Road corridor area delineated in the Specific Plan. The addition of 29 units proposed by the Project would be within the development projections. Likewise, 238,708 square feet of retail and 105,038 square feet of office existed in the Pinole Valley Road corridor in 2010. Buildout of the corridor under the General Plan and Specific Plan was estimated to result in 192,603 square feet of retail and 386,843 square feet of office. The proposed addition of a 17,280 square foot office addition is within the development projections.

The proposed Project is also consistent with the following land use policies in the Three Corridors Specific Plan:

- 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 5: Support existing viable uses while encouraging a new mix of uses.
- Land Use Policy 6. Actively promote the "revitalization" of underutilized land.
- Land Use Policy 8: Encourage the development of mixed-use office buildings in proximity to existing transit stops.

(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 the requirements within the zoning code (Title 17 Zoning of the Pinole Municipal Code) and the development standards within the Three Corridors Specific Plan. Due to the site location, the development standards for the Pinole Valley Road corridor would be the applicable set of general standards, including setbacks, height, and number of stories. 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 Project site has an Office Professional Mixed Use (OPMU) zoning designation and is located in the Service Sub-Area (SSA) of the Pinole Valley Road Corridor in the Three Corridors Specific Plan. The Project is subject to the development standards in the Three Corridors Specific Plan and applicable standards in the Zoning Code. The Three Corridors Specific Plan allows for office and multifamily residential as permitted uses within the OPMU district of the SSA in the Pinole Valley Road corridor. With application of the State Density Bonus provisions, proposed dwelling units do not exceed the density limit, as provided in the development assumptions for the OPMU district.

¹ Three Corridors Specific Plan, 2010, Table 4.0-2

The OPMU designation under the Specific Plan includes a description that “at least 51 percent of the total usable floor area should be office uses”. The Specific Plan OPMU definition does not mandate that 51% of usable area shall be office use, rather the Specific Plan languages states that at least 51% “should be office uses,” indicating a preference for office uses as opposed to mandating office uses. Under the proposed project, the total leasable floor area at 2801 Pinole Valley Road would be approximately 44,561 square feet, of which approximately 28,912 square feet (65% of the total) is nonresidential leasable floor area. If the leasable area serving the bank is excluded, the building still retains 25,338 square feet, or 56% of the total leasable floor area on the lot. Therefore, the Project is designed to provide for more nonresidential uses than residential use since the Project has the potential for up to 56% of total usable floor area for office uses as tenants change over time.

The General Plan and Specific Plan have assumed a total maximum development potential of 1,076 net new dwelling units within the Specific Plan area, 431,088 square feet of retail, and 512,466 square feet of office, of which 351 residential units, 192,603 square feet of retail, and 386,843 square feet of office are within the Pinole Valley Road Corridor.² Since the adoption of the Specific Plan, there have been no Planning entitlements for new residential developments along the Pinole Valley Road corridor of the Specific Plan.

The Project complies with other applicable standards within the zoning code and Specific Plan, and the State Density Bonus Law. The Project requests a reduction in parking standards and provision of shared parking as an incentive/concession and an increase in allowable building height, reduction in the setback standard, and reduction in open space as waivers/reductions through the provisions of Government Code Section 65915(d) and Section 65915(e), respectively, in the State Density Bonus Law. The Project is automatically granted certain modified development standards, waivers/reductions, and incentives/concessions through provisions of the State Density Bonus Law, which include:

- 29% density bonus (GC Section 65915(d)(3)(D)(i)). The maximum density under standard zoning results in 24 units and the density bonus would allow for the 29 units proposed.
- One incentive/concession (GC Section 65915(d)): Reducing parking requirements and providing for shared parking.
- Waiver of development standards (GC Section 65915(e)): increase in building height, reduction in the rear setback, and reduction in open space.

The Project is generally consistent with the applicable development standards and zoning requirements within the General Plan, Three Corridors Specific Plan, the Pinole zoning code (Title 17 of the Pinole Municipal Code), and the State Density Bonus Law.

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

The Pinole General Plan was adopted in 2010 and the General Plan Update EIR (SCH#2009022057) was certified September 2010. The EIR projected the buildout potential of approximately 1,076 units in the Specific Plan areas (approximately 210 additional units would be accommodated within the Pinole Valley Road Corridor). The Three Corridors Specific Plan areas were projected to accommodate an additional 512,466 square feet of office space, of which approximately 281,805 square feet was projected for the Pinole Valley Road corridor.

The Project site is designated Service Sub-Area on the land use maps of the City's General Plan and Three Corridors Specific Plan. Within the Pinole Valley Road corridor of the Specific Plan, the Service Sub-Area is intended to serve as the gateway into Pinole and maintain existing employment opportunities while creating the potential for future housing opportunity through mixed use development with a variety of housing densities.

The proposed Project is consistent with the General Plan in that it provides a mix of office and residential uses within the projected buildout of the General Plan. The proposed project is consistent with the following General Plan policies:

² Table 3 Development Projections, page A-14 of the City of Pinole Three Corridors Specific Plan for San Pablo Avenue, Pinole Valley Road, Appian Way.

- 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 LU3.2: Ensure high-quality site planning, architecture and landscape design for all new residential development, renovation, or remodeling.
- Policy LU.7.1: Provide sufficient land for commercial and industrial uses to allow for development that provides basic goods and services to Pinole residents.
- 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 LU.8.2: Utilize the Three Corridors Specific Plan to continue to revitalize the Pinole Valley Road south of Interstate 80, encourage additional medical office use north of Interstate 80, and enhance Pinole Creek as a natural amenity that supports wildlife and provides a trail system connecting Pinole Valley High School and commercial uses adjacent to Interstate 80 with the Old Town area and with San Pablo Bay and the Bay Trail.

Continue to encourage the mixed-use nature of Pinole Valley Road while protecting the architectural integrity of existing historic buildings and connecting more recent development to the historic Old Town area. The strategies below shall be used to support this action:

- a) Further define and enhance existing regional and neighborhood gateway locations consistent with the Three Corridors Specific Plan;
- b) Ensure that the scale and massing of new development is compatible with Pinole's small-town character along this corridor;
- c) New development shall provide enhanced pedestrian and bicycle mobility features that improve both connections within the corridor and connections to surrounding residential, commercial, recreational, and institutional uses.
- 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.

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

California Government Code Section 65457(a) provides an 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 PROJECT TO 65457(a)

As described above, the Project is consistent with the Specific Plan for which an EIR was certified in 2010. As presented 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 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. As discussed above, the Project complies with applicable requirements as provided in the Specific Plan or as modified through provisions of State density bonus law and/or considered through design modifications that may be provided under City affordable housing requirements. 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 Project.

3.5. CLASS 32 CATEGORICAL EXEMPTION (15332)

CEQA Guidelines 15332 provides for a categorical exemption for infill development projects that are consistent with applicant general plan policies and zoning regulation, are located on a project site that is less than 5 acres and substantially surrounded by urban uses, have no value as habitat for endangered, rare or threatened species, would not result in significant effects relating to traffic, noise air quality or water quality, and are located on a site that can be adequately served by all required utilities and public services.

APPLICABILITY OF THE PROJECT TO 15332

(a) The project is consistent with the applicable General Plan Designation, applicable policies and applicable zoning designation and regulations.

The Project site is consistent with the applicable Service Sub-Area (SSA) land use designation set forth in the General Plan and the applicable zoning designation of Office Professional Mixed Use (OPMU) set forth in the Three Corridors Specific Plan for the Pinole Valley Road corridor. The Project provides for infill development on an underutilized parcel by proposing to introduce a mix of office and residential uses, which offers employment and new housing opportunities. The subject site is identified as Opportunity Site 3, along the Pinole Valley Road Corridor of the Three Corridors Specific Plan. One of the primary objectives for the Pinole Valley Road corridor is to capitalize on revitalized retail centers, south of Interstate 80. The Project complies with

applicable development standards within the Pinole zoning code, with waivers/reductions and incentives/concessions for modification of standards allowed through the State Density Bonus law (Government Code Section 65915).

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by Urban Uses.

The Project is located on a 1.74-acre site that is substantially surrounded by urban uses, including residential development, commercial retail, a gas station, and a church. The site is located approximately 0.2 miles south of I-80 on the east side of the Pinole Valley Road corridor.

(c) The project has no value as habitat for endangered, rare or threatened species.

The Project site does not present any value for special-status plant species due to lack of suitable habitat. Due to surrounding roads and development, frequent site maintenance, and other human presence, the project site does not support special-status wildlife species.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

Evaluations of environmental effects relative to traffic, noise, air quality, and water quality are discussed in Section 4. The Project would not result in any significant effects relating to traffic, noise, air quality or water quality.

(e) The site can be adequately served by all required utilities and public services.

The Project site is well served by existing utilities and services systems; it is located within an urbanized area in the Pinole Valley Road Corridor of the Three Corridors Specific Plan and is served by water, sewer, storm drain systems, natural gas, electricity, police, fire, and other utilities and public services.

EXCEPTION TO EXEMPTIONS

Section 15300.2 of the CEQA Guidelines identify exceptions to exemptions including cumulative impact, significant effect, scenic highway, hazardous waste sites, and historical resources. Cumulative impact, in 15300.2(b) of the CEQA Guidelines, is not applicable since the Project will not contribute to successive impacts in the same location. Significant effect, set forth in 15300.2(c), is not applicable since there are no unusual circumstances. Scenic Highways, discussed in 15300.2(d), is not applicable, as the Project is not located in the vicinity of a State Designated Highway, nor is it in the vicinity of a locally recognized or designated Scenic Corridor. Hazardous Waste Sites, discussed in 15300.2(e), is not applicable since there are no open hazardous waste sites at the Project site. Historic Resources, discussed in 15300.2(f), will not be adversely impacted by the Project since the site is not located within a historic district, there are no historic resources on site, and nearby historic resources will not be directly or indirectly affected by development. No exceptions to the Class 32 infill exemption have been identified.

15332 DETERMINATION

The proposed Project meets the provisions set forth in 15332 and qualifies for a Class 32 categorical exemption. As described above, the Project is consistent with the General Plan and Specific Plan Land Use designations, policies, and zoning regulations. The development is located on a site that is less than 5 acres and is surrounded by urban residential and commercial uses. The Project site has existing office and commercial uses that will be retained and expanded, and a residential use would be introduced. The site has no habitat value and does not support special status species. The Project would not result in significant effects relating to traffic, noise, air quality, or water quality. The site is well served by all required utilities and public services. In addition, none of

the exceptions identified in CEQA Guidelines Section 15300.2 are applicable to the project. Therefore, the proposed Project qualifies for a Class 32 Categorical Exemption.

3.6. CEQA DETERMINATION AND SUMMARY OF FINDINGS

As summarized above and presented herein, the proposed 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 is consistent with adopted Specific Plan for which an EIR was certified in 2010.

Class 32 Categorical Exemption: The Project complies with Public Resources Code Section 21084 and CEQA Guidelines Section 15332 and is exempt from further environmental review.

Findings Summary

As described herein, the proposed Project is within the scope of development projected under the General Plan and Three Corridors Specific Plan. The proposed 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 uniformly applies 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

3.7. APPLICANT ACCEPTANCE OF 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 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

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Figure 1: Regional Location

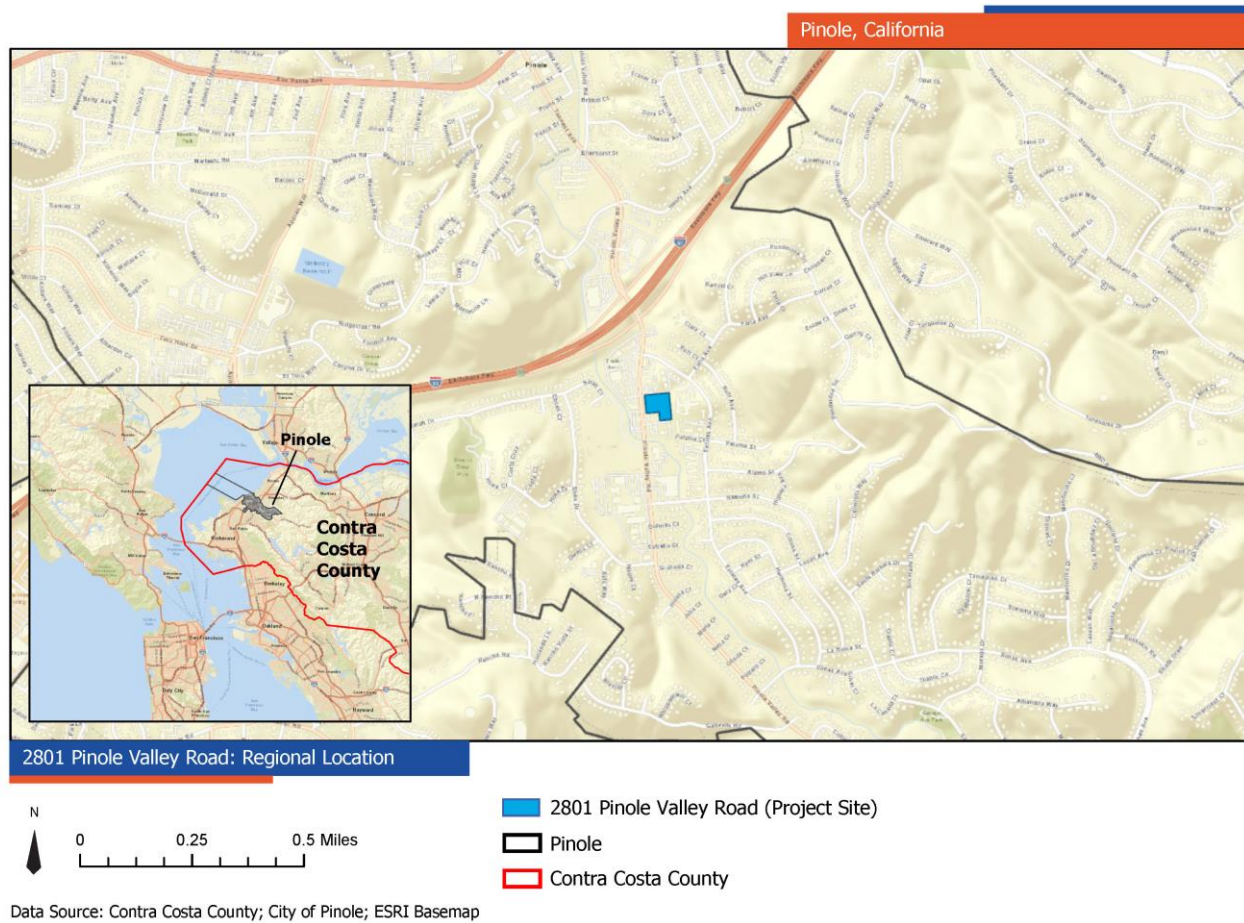


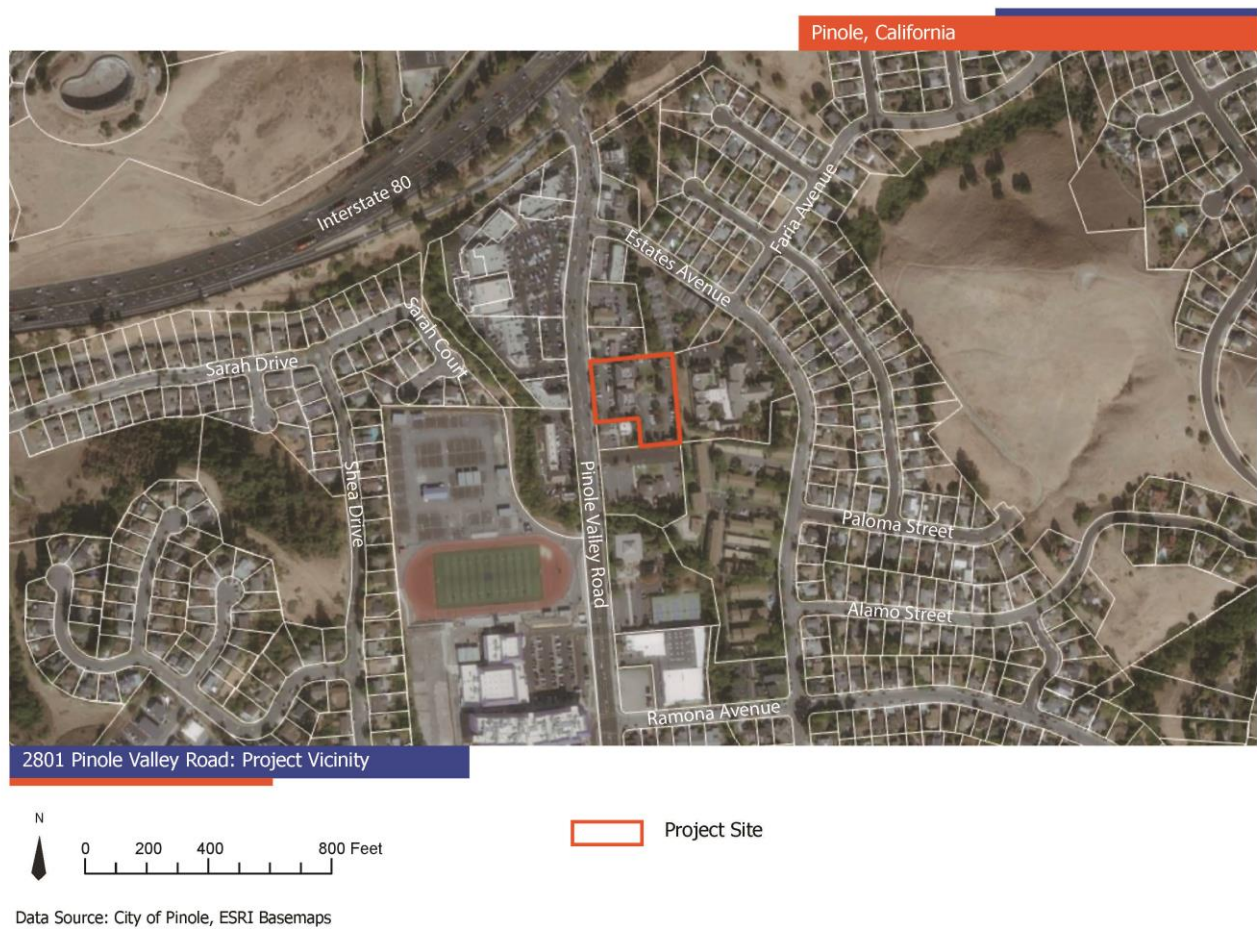
Figure 2: Project Vicinity

Figure 3: Land Use and Zoning Map

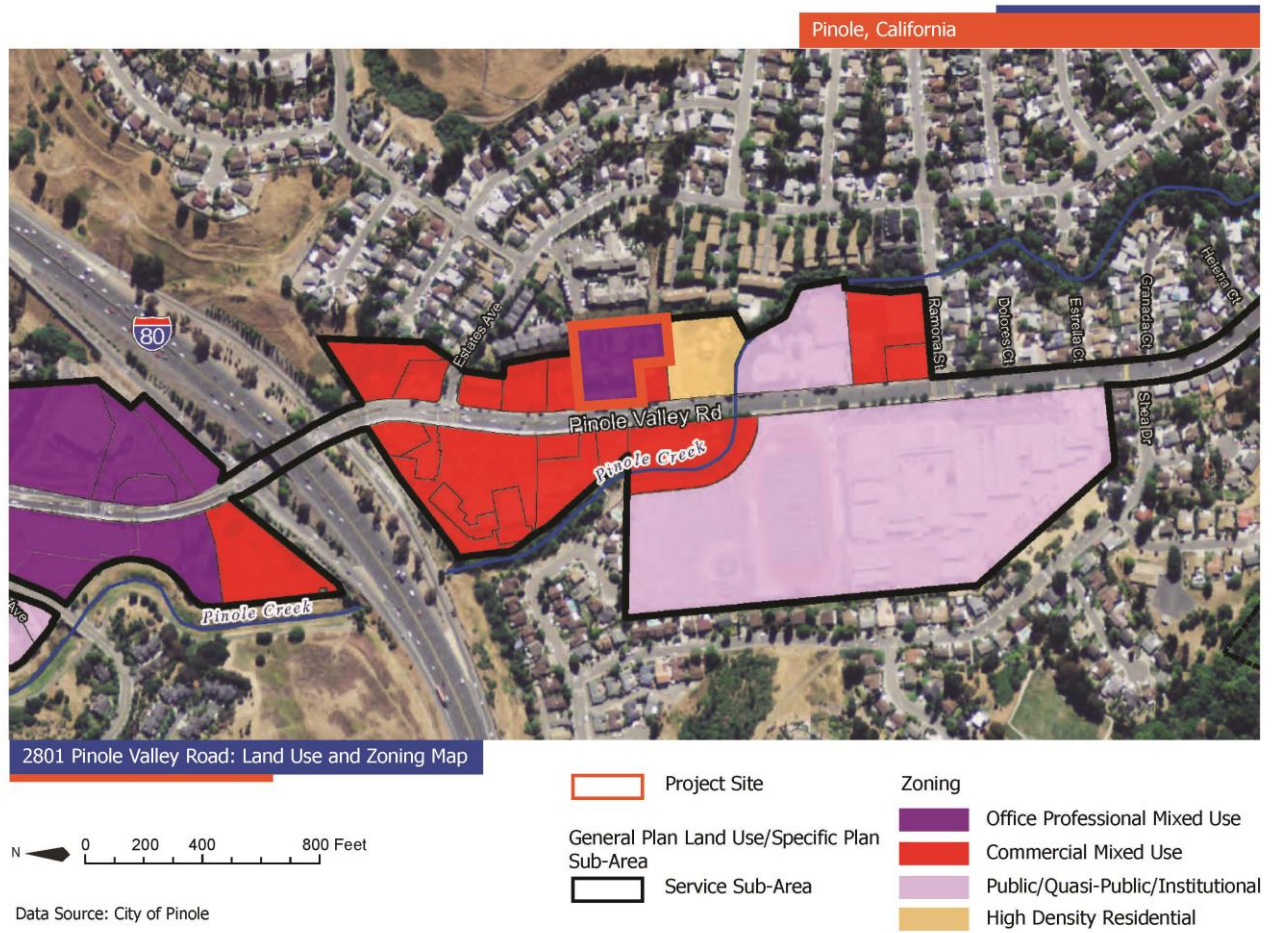
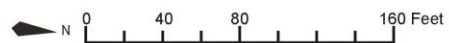


Figure 4: Site Plan



2801 Pinole Valley Road: Site Plan



Data Source: Plan Set prepared by CH x TLD, dated 3.25.2022

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; and Shadow Study, prepared by ch x tld Architects dated March 25, 2022.

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 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 determined impacts to scenic vistas as less than significant. The project is consistent with and implement the General Plan and Three Corridors Specific 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.

4.1(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 minimize development of natural open space, such as hillsides and ridgelines, and to promote infill development in the primary transportation corridors. The 2010 FEIR indicated that development consistent with the Zoning Code and General Plan policies would protect the visual character of the City.

The 2010 FEIR identified significant existing visual features as historic buildings, structures, landmarks, and monuments. The existing building was built in the 1980s and is not a historic building. The Project complies with General Plan Policy CC.1.1 and CC.1.2, to develop according to high quality urban design, architecture, and site planning. The Project is located on Opportunity Site 3 of the Pinole Valley Road corridor identified in the Three Corridors Specific Plan to support office mixed use. The designs of the office addition and the new residential building apply features described in the Specific Plan design guidelines, including variation in wall planes, roof lines, building forms, colors, and materials. Project materials include stucco wall siding, fiber cement board panels with wood textures, metal guardrails, tile roof, and fiber glass doors and windows for the office addition. The existing building and addition will maintain a consistent overall appearance with compatible materials and colors. The new apartment building will apply compatible colors and materials to those used in the office/commercial building.

In consideration of shading effects on the surroundings, the Project included the preparation of models analyzing the impact of shadows at winter solstice (December 21st) in the hours between 10:00 am and 4:00 pm, which is a period where shadows may be most impactful. The simulation showed shadows cast by the proposed building onto adjacent offsite residential properties to the east and northeast, and demonstrated that existing residences would not be shaded for longer than three consecutive hours during this time (**Appendix A**). The proposed Project is in line with the type of development (i.e., office buildings with a potential mix of other uses including multifamily residential) in the Office Professional Mixed Use District. The Project incorporates all applicable zoning standards and development provisions allowed by-right through State density bonus law. The Project is subject to the findings for review and approval of the design review application through the City's Design Review process. 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 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:

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 with urban uses and does not have agricultural operations.

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 the Project will not impact agricultural land. The Project site is a developed site with existing buildings, paved circulation 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 analyzed in the 2010 FEIR, there would be no additional impacts to agricultural and forestry resources.

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 resources, consistent with the City's General Plan and Three Corridors Specific Plan.

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; and BAAQMD Recommended Methods for Screening and Modeling Local Risks and Hazards, prepared by the BAAQMD, May 2011.

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. A statement of overriding consideration was adopted with certification of the 2010 FEIR.

- 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 BCRE 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 screening thresholds for emission levels that may be considered potentially significant impacts. The Project consists of 29 units and approximately 17.28 ksf (thousand square feet) of retail/office, which is below the screening thresholds of mid-rise apartments for operational criteria pollutants (494 units), operational GHG (87 units), and construction screening (240 units) and of general office buildings for operational criteria pollutants (346 ksf), operational GHG (53ksf), and construction screening (277 ksf). Furthermore, the Project is consistent with the development anticipated by the Specific Plan and analyzed in the 2010 FEIR. As such, no further air quality analysis is required since the Project meets the screening criteria and is consistent with the Specific Plan and General Plan.

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 emission levels would fall below the BAAQMD thresholds of significance. 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. At the project-level, construction activities would result in short term emissions that could potentially impact nearby sensitive receptors including surrounding residential uses. 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). Health risks from diesel-exhaust emissions are connected to long-term exposure and the associated carcinogenic risk. Emissions from construction activities are short-term and intermittent. With the implementation of best management practices during construction (in accordance with mitigation measure 4.3.2), diesel exhaust and particulate matter generated by the Project during construction would not result in concentrations posing a significant health risk to sensitive receptors and impacts 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.

4.3(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 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 worker vehicles, but would be minimized through best management practices and impacts would be less than significant.

At operation, the Project would introduce new sensitive receptors (residents) to an area adjacent to a high-volume roadway. As presented in the General Plan, under existing conditions Pinole Valley Road supports

19,000 average daily trips (ADT) and at build out Pinole Valley Road is projected to support 19,900 ADT. New residents introduced by the project could potentially be exposed to air quality emissions associated with Pinole Valley Road. The BAAQMD Roadway Screening Analysis Calculator was used to assess potential exposure risk to new residents based on proximity to these roadways and in accordance with mitigation measure MM 4.3.6b. The Screening Calculator estimates that emissions from Pinole Valley Road would result in an annual average exposure of 0.074 $\mu\text{g}/\text{m}^3$ for PM_{2.5} and an increased cancer risk of 2.93 per million, which is below the BAAQMD thresholds of below 0.3 $\mu\text{g}/\text{m}^3$ for PM_{2.5} and below 10 in one million for cancer risk. The Project site is located over 900 feet from the nearby Interstate (I-80), which accommodates approximately 217,000 ADT. BAAQMD recommends a minimum buffer of 500 feet from high volume roadways to protect residents. Based on the site's distance from I-80, approximately 1,000 feet, and results of the screening calculator to estimate exposure risk, new residents introduced by the project would not be exposed to elevated ambient air quality emissions. 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.

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 the Pinole Valley Road, which accommodates approximately 19,000 average daily trips under existing conditions and up to 19,900 ADT at buildout of the General Plan. However, based on Results of the Screening Calculator for Contra Costa County N/S Directional Roadway exposure levels fall below thresholds based on the distance between the linear source emitters (Pinole Valley Road and I-80) and new residents.

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.

- 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.

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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

removal, filling, hydrological interruption, or other means?

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; Arborist Report, prepared by InsideOut Design, November 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 incremental contribution to this significant cumulative impact is less than cumulatively considerable.

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 the Project 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 as less than significant with the implementation of mitigation measures and identified policies and actions.

As shown on Figure 4.7-2 of the 2010 FEIR, the Project site is located within the broadly mapped areas for recorded occurrences of special-status species, including Monarch Butterfly and Alameda whipsnake. Based on the species descriptions presented on page 4.7.19 of the 2010 FEIR, neither the Alameda whipsnake nor the Monarch Butterfly is expected to be found onsite.

The Project is located within the Three Corridors Specific Plan Area considered as part of the 2010 FEIR, which encompasses a broad area with a diversity of common and special status species. However, the context in and around the subject Project site is an infill location in a built environment that is not expected to support special status species as natural habitats are not present. Trees onsite are limited to ornamental species and could potentially support perching or nesting by protected bird species. In accordance with the federal Migratory Bird Treaty Act (MBTA) and Section 3503 of the California Fish and Game Code, the Project is subject to environmental condition of approval (COA) BIO-1, which requires preconstruction nesting bird surveys and protocols to protect active nests.

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, with Pinole Creek located approximately 200 feet from the site and separated by other existing urban development. Therefore, the Project is not subject to mitigation measure 4.7.2a.

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 Pinole Valley Road. The Project site is already developed does not support wildlife movement. The proposed addition to the existing office building and the new residential building will not affect 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 several trees on site. In accordance with Action CC 2.2.1, an Arborist Report (**Appendix B**) was conducted for the Project site. The Arborist Report evaluated all trees onsite and concluded that of the 29 trees proposed for removal eight trees 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-2 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. The site is located approximately 200 feet from Pinole Creek, the nearest creek. Furthermore, the site is separated from the creek by other existing development.

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: Not Applicable. The Project is located on a developed property surrounded by existing development, and the built context is not expected to contain plant or wildlife species or habitat for such species. Application of Conditions of Approval (COA) BIO-1 and BIO-2 would ensure any potential to impact to nesting birds is minimized.

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 complies with applicable mitigation measures and would be consistent with impacts and mitigations in 2010 FEIR, imposed as environmental conditions of approval:

- BIO-1:** To avoid and minimize potential impacts to nesting birds including passerines and raptors, the following measures shall be implemented:
1. Grading or removal of potentially occupied habitat should be conducted outside the nesting season, which occurs between approximately February 1 and August 31.
 2. If grading between August 31 and February 1 is infeasible and groundbreaking must occur within the nesting season, a pre-construction nesting bird survey (migratory species, passerines, and raptors) of the potentially occupied habitat (trees, shrubs, grassland) shall

be performed 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: Prior to any tree removal or alteration, the applicant shall obtain approval from the City of Pinole to implement a plan for tree preservation and replacement in accordance with the City's Tree Removal Permit. Replacement of protected trees onsite shall be replaced by either planting trees onsite as part of the development over and above the landscaping that would otherwise be 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; and Cultural Resources Study prepared by Evans and De Shazo Archeology and Historic Preservation, December 6, 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 Resource Study

Consistent with mitigation measure 4.10.1a set forth in the 2010 FEIR, a cultural resources study was completed for the BCRE Project site (**Appendix C**). No previously recorded resources were identified within the BCRE Project Area of Potential Effect during the records review and no resources were identified onsite during the November 15, 2021, pedestrian survey.

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. A cultural resources study was prepared in accordance with mitigation measure 4.10.1a, and concluded that the Project would not affect a historic resource. The Project site is currently developed with a commercial/office building constructed in 1984, which was constructed less than 45 years ago and is not eligible for consideration as a historic resource. Therefore, the proposed addition to the existing building and introduction of a new residential building onsite will not affect historic resources.

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 a cultural resources study including a database review, records search, and a pedestrian field survey to evaluate the site for evidence of cultural resources with negative results.

Though no archaeological resources were found onsite during the site survey, due to the known occurrence of cultural resources within 0.5 miles of the site, there is a potential of encountering buried cultural resources, which generally include habitation debris such as shellfish detritus. In the event that archaeological resources are present onsite, ground-disturbing activities from project development could result in potentially significant impacts to buried archeological resources, as identified by the 2010 FEIR.

To mitigate potential impacts cultural resources (archeological and/or tribal), the BCRE 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, 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 100-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. 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: No evidence suggests that human remains have been interred within the boundaries of the Project site. However, 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 a cultural resources study. Based on recommendations therein, the Project is subject to COA CUL-1, set forth below.

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 Evaluation and an Archaeological Assessment, which identifies the following recommendations, imposed as environmental conditions of approval:

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 Secretary of the Interior-qualified archaeologist shall conduct a preconstruction training for construction personnel. The training shall familiarize individuals with the potential to encounter prehistoric artifacts or historic-era archaeological deposits, the types of archaeological material that could be encountered within the Project Area, and the requirement for a monitor to be present during initial ground-disturbing activities.
2. **Monitoring.** During initial ground disturbing activities on native soils, a Secretary of the Interior-qualified archeologist shall conduct mechanical presence/absence exploration in the portions of the Project Area that will be subject to ground disturbing activities to verify the presence/absence of prehistoric archaeological resources associated with CA-CCO-421 (P-07-000453). The presence/absence exploration shall access the stratigraphy extending to the depth of the proposed excavation in the respective area. The Archaeologist shall also monitor subsequent initial ground disturbing activities in native soil. The monitor shall have the authority to temporarily halt work to inspect areas as needed for potential cultural materials or deposits. Daily monitoring logs shall be completed by the monitor.
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.

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 current building code.

The subject BCRE 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, consistent with state and local regulations for applying green building standards in new construction. 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. As development is subject to the latest building code standard, energy consumption of the Project will not be wasteful or inefficient, nor will it obstruct a state or local plan for renewable energy. 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 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 landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 and EIR; Plan set, prepared by ch x tld, dated March 25, 2022; Geotechnical Report, prepared by Miller Pacific Engineering Group, November 1, 2021; and Executive Summary of Findings Earthquake Fault Investigation, prepared by Miller Pacific Engineering Group, March 30, 2022.

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 that impacts from fault rupture, strong ground shaking, seismic-related ground failure, and landslides would be less than significant. The Project site is not located in an active fault zone and would not be affected by fault rupture. The Project proposes redevelopment outside of areas with significant slopes and the property would not be subject to potential effects from landslides. 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 during a seismic event. The Project is subject to construction standards established for seismic safety within the California Building Code, which would minimize the impact of ground shaking. In accordance with Municipal Code Section 15.36.180, as well as General Plan Policy HS.3.1, a project-specific geotechnical report (**Appendix D**) was prepared that characterizes soil conditions and provides recommendations on building and foundation design to address potential seismic impacts, and a fault trench investigation (**Appendix E**) was prepared that confirms building footprints would not be located over faults. The Project would implement the recommendations of the Geotechnical Report 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, and additionally imposed on the Project 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 that impacts from soil erosion would be less than significant. The BCRE Project site is relatively flat and erosion potential would not be exacerbated due to sloped topography. The site is developed and previously disturbed from past uses. 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 to be applied during construction. The BCRE 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. Based on regional geologic maps, the BCRE Project site is located on Holocene (less than 10,000-year-old) alluvial deposits. Alluvium is typically composed of unconsolidated gravel, sand, silt, and clay. In accordance with Municipal Code Section 15.36.180, the Project level geotechnical report identifies site conditions and provides recommendations for grading and foundation design accordingly. COA GEO-1 requires the incorporation of recommendations in the geotechnical report into the final construction plans.

The design of the Project would include establishing new foundations for the proposed construction as recommended by the geotechnical report. Due to the underlying alluvial deposits of variable thicknesses and potential differential settlement from a seismic event estimated to be up to four inches, the Project would implement a deep foundation system to establish support from bedrock below any potentially liquefiable soils. A shallow foundation with ground improvements can serve as an alternative, where non-liquefiable materials are present.

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 ensure 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 report found near surface soils are generally granular, which suggests low expansion potential. 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 Pinole Valley Road is planned.

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.

GEO-1: The applicant shall incorporate the recommendations of the Project Geotechnical Report prepared by Miller Pacific Engineering Group (November 1, 2021) into construction drawings. As determined by the City Engineer and/or Chief Building Official, all applicable recommendations set forth in the in Geotechnical Report prepared for the subject property, including, but not limited to grading, excavation, foundations systems, and compaction specifications shall be incorporated. Final grading plan, construction plans, and building plans shall demonstrate that recommendations set forth in the geotechnical reports and/or to the satisfaction of the City Engineer/Chief Building Official have been incorporated into the design of the project.

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

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 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.

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.

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. As noted in the Air Quality section above, the 29 residential units and expanded commercial office use are below the screening thresholds for operational GHG levels that would have a potentially significant impact on the environment. 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 BCRE Project is consistent with the General Plan and Three Corridors Specific Plan as a mixed-use infill development along the Pinole Valley Road 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 Pinole Valley Road corridor and would introduce residents to a mixed-use site in proximity to goods, services, and transit. The Project is consistent 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

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 AEI Consultants, February 2, 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 BCRE Project site on February 23, 2021, in accordance with the American Society for Testing and Materials (ASTM) Standard Practice E1527-13 (**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 research and review of regulatory information, a site reconnaissance of the project site and neighboring properties, and interviews with individuals

with knowledge of the site and surrounding properties. The Phase I ESA did not identify RECs, CRECs, or HRECs during the course of the assessment.

Project Consistency with the 2010 FEIR

4.9(a-b) (Routine Transport, Upset and Accident Involving Release) No Change Relative to the 2010 FEIR: The 2010 FEIR concluded that 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 Project will result in the temporary presence of potentially hazardous materials including, but not limited to, fuels and 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 given the proposed residential use and office addition.

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): 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.

The subject Project site is located within a quarter mile of a of Pinole Valley High School. Additionally, Stewart Elementary School and Collins Elementary School are located within a mile of the project site. However, there are no activities associated with the proposed Project that would pose a threat to schools 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 concluded that recognized environmental conditions and historical recognized environmental condition were not identified onsite and no further investigation was recommended. The Phase I determined that asbestos-containing materials (ACM) and/or lead based paint (LBP) may be present, but given the age of the building, periodic remodeling and maintenance, the potential was low. The Phase I ESA did not find significant types or quantities of damaged potential ACM and LBP and building materials were observed in generally good condition. However, the Phase I ESA did recommend that any potential or confirmed ACM and LBP be managed according to applicable regulations. As such environmental condition of approval (COA) HAZ-1 shall be imposed on the Project requiring the preparation and implementation of an Operations and Maintenance Plan as presented below. 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 12 miles west) and Buchanan Field Airport (approximately 13 miles east) of the City. Accordingly, no impacts

associated with airport-related hazards will result from the proposed 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 mixed-use 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 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-VHFBZ by CAL FIRE and surrounded by land designated as Non-VHFBZ 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, 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:

HAZ-1: Prior to issuance of any demolition, grading, or building permit, the project applicant shall prepare an Operations and Maintenance (O&M) Safety Plan and receive approval of the O&M Plan as required 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.

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 EIR; Plan set, prepared by ch x tld, dated March 25, 2022; FEMA FIRMette maps, accessed August 2021; and Department of Conservation Tsunami Hazard Area Map, accessed August 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 Cota County Clean Water Program.

Project Consistency with the 2010 FEIR

4.9(a) (Discharge) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR identified potentially significant impact due to discharge of polluted runoff and concluded that impacts would be reduced to less than significant with implementation of mitigation measure 4.9.1a. The BCRE 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: The 2010 FEIR identified a less than significant impact due to degradation of groundwater and no impact due to 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 BCRE 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 new 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 that are levied to fund maintenance or expansion of infrastructure as needed. Payment of development impact fees, as well as review of final drainage plans, is a requirement in the building permit process. The BCRE 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 BCRE 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 August 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 site is located approximately 1.4 miles 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 August 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 as identified in the 2010 FEIR 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 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 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 Project would meet this requirement through compliance with procedures under Chapter 8.20 of the Municipal Code, as imposed through 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. Although the site does not abut Pinole Creek, 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.

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.

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.

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 is a refinement of the established urban form and allows for more intensive, concentrated development; it does not divide or separate a portion of the community. The BCRE Project is consistent with the projected land use of the site and involves development on privately-owned parcels. 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 provided under the General Plan and Specific Plan. The proposed multifamily residential development and expansion to existing office space are land uses permitted by right under the Pinole Municipal Code. 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 provided under the General Plan and Specific Plan.

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 for 2801 Pinole Valley Road, prepared by Saxelby Acoustics, LLC, November 11, 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 buildout of the General Plan/Specific Plan may have potentially significant impacts that could be reduced to less than significant with implementation of mitigation measures. The BCRE Project consists of mixed-use development along the Pinole Valley Road corridor, where the General Plan and Specific Plan identify a mix of office and residential development. Consistent with 2010 FEIR mitigation measures 4.5.3a and 4.5.6, a project level noise study (**Appendix G**) was conducted to evaluate potential noise impacts of the project. Ambient noise levels onsite are influenced by surrounding uses and noise generated by activities along Pinole Valley Road. At the Project site, ambient noise levels where measures to be up to 58.7 dBA Ldn at the façade of the proposed residential building. Typical new multifamily buildings are constructed to provide a minimum of 25 dB exterior to interior noise reduction, which would attenuate ambient exterior levels to an interior noise level of 35.7 dBA Ldn. As such using standard building techniques, the Project would achieve the interior 45 dBA noise standard and no conflicts³ would be introduced due land use compatibility.

The BCRE Project would not result in substantial change to the ambient noise environment. Development introduced onsite will contribute to the ambient noise environment at operation, including from outdoor uses, HVAC and mechanical equipment, driveways, and parking areas. At operation the HVAC units servicing the proposed commercial expansion and new residential building, as well as vehicle operations and activities in the parking lots will be the primary noise generating sources. Noise levels generated by the proposed project at the exterior of the nearest offsite residence was calculated to be 51 dBA average sound level (LEQ) and 53 dBA maximum sound level (MAX). The Project also proposes car stackers within the first floor of the residential building; however, as the equipment is within the interior of the building's concrete podium structure it is not

³ The effect of ambient noise on the Project is not considered an environmental impact under CEQA, rather it is considered for land use compatibility due to the introduction of new residents, a sensitive receptor, on the project site.

considered to be a substantial source of exterior noise at 38 dBA average sound level (LEQ) and 52 dBA maximum sound level (MAX). These values are below the normally acceptable exterior noise exposure levels of 60 dBA as identified in the City's General Plan. Therefore, the proposed development is compatible with noise levels anticipated by the General Plan and Specific Plan and no new noise impacts or more severe impacts would be introduced by the project relative to the 2010 FEIR. Additionally, like any use within the City, the ongoing operations at the BCRE Project would be subject to the noise regulations under Chapter 8.35 of the Pinole Municipal Code and any enforcement actions to remediate violations.

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 BCRE Project site will result in a temporary noise increase from construction equipment and deliveries. 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, during construction 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. The Environmental Noise Assessment analyzed groundborne vibrations for the BCRE Project in accordance with mitigation measure 4.5.6. The Project, as an office addition and new residential use, would not result in long-term and excessive groundborne vibration and groundborne noise at operation. 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, groundborne vibration from vibratory compactors/rollers, bulldozers and auger/drill rigs would have the most noticeable effect. The Project's groundborne vibration activities are located 30 feet or further from sensitive receptors and were found to have vibration levels less than 0.2 in/sec ppv. Since vibration levels during construction activities fall below thresholds of significance, no vibration control measures are warranted. 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 demonstrates that with ambient noise levels in the project vicinity, interior noise standards are achievable with standard construction techniques. No project design modifications are required to attenuate noise.

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 environmental condition of approval NOI-1.

Conclusion an 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:

NOI-1: Construction activities including delivery and hauling shall comply with construction hours as provided under Pinole Municipal Code Section 15.02.070 and in accordance with construction best management practices for minimizing noise including:

1. Limit construction hours to between 7:00 a.m. and 5:00 p.m., Monday through Friday. Construction activities shall be prohibited on Saturday, Sundays, and State, Federal and Local Holidays, unless an exception is 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. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
4. Unnecessary idling of internal combustion engines shall be strictly prohibited.
5. Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. If they must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used to reduce noise levels at the adjacent sensitive receptors. Any enclosure openings or venting shall face away from sensitive receptors.
6. Acoustically shield stationary equipment located near residential receivers with temporary noise barriers.
7. Utilize "quiet" air compressors and other stationary noise sources where technology exists.
8. Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction activities.
9. Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from existing residences.
10. Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
11. The contractor shall prepare a detailed construction schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with

adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.

12. Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.

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 type="checkbox"/>	<input checked="" 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.

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 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 a developed 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 Project proposes 29 residential units, which is within the projected range of new residential units for the Specific Plan corridors analyzed in the 2010 FEIR. 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. 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 Pinole Valley Road Corridor and throughout the City, with the intent to increase the amount and variety of housing opportunities. The BCRE 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 type="checkbox"/>	<input checked="" 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. Typical automobile travel time between City Hall and the Project site is approximately 4 minutes. Fire and police services from City Hall are expected to be able to reach the Project site with adequate response times and meet General Plan policies CS 2.1 and CS2.2, which calls for a 5-minute response time.

The 2010 FEIR determined that General Plan buildout would increase demand for police, fire and emergency response services and that public service providers would receive a portion of funding from property taxes and development impact fees to expand services as warranted to meet the incremental increase in demands. Impacts to police, fire and emergency services and response were determined to be less than significant and be less than cumulatively considerable. The Police and Fire Department have reviewed the proposed project

did not identify concerns related to response times or the capacity to provide services 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 2010 FEIR determined that impacts associated with increased student enrollment to schools would be less than significant. Implementation of the Three Corridors Specific Plan anticipated an increase in residential development up to 1,076 residential units by 2030, accounting for approximately 3,110 persons in total, only a portion of which would be school-aged children. 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 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. The Project includes 29 residential units that would contribute to the demand for school services. However, the Project implements the Specific Plan and is within the growth anticipated by the 2010 FEIR, and is subject to payment of school related development impact fees. Therefore, the BCRE Project would not create a substantial direct impact on educational services provided by schools and impacts would be less than significant 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 BCRE Project is consistent with the projected build out analyzed in the 2010 FEIR, 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 introduced by the project would make use of existing parks and recreational facilities in the City of Pinole. Furthermore, the Project is subject to development impact fees to fund maintenance, acquisition, and development of City of Pinole public park 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.

4.16. RECREATION

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 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 type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

facilities which might have an adverse physical effect on the environment?

Sources: City of Pinole General Plan/Specific Plan and EIR; Parks and Recreation Master plan, prepared 2007; and City of Pinole Master Fee Schedule.

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 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. The Project site is situated within two miles of several existing parks including Fernandez Park, located approximately one mile north of the site, Bayfront Park, located approximately 1.5 miles north of the site, and Pinole Valley Park, located approximately 1.5 miles southeast of the site. Furthermore, 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 introduced by the Project. 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 are 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. Furthermore, as a mixed-use development, the Project is 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 buildout will have a less than significant impact on recreational facilities. Because the Project will not induce substantial population growth and is within the population growth anticipated in the General Plan and the Three Corridors Specific Plan, 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 will not substantially increase the use of existing neighborhood and regional parks such that physical deterioration of facilities would occur or be accelerated. 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 and Environmental Conditions of Approval

The Project would not result in any new or more severe impacts to recreation relative to what was identified in the 2010 FEIR. The Project consists of development anticipated by the Three Corridors Specific Plan and General Plan Update and will be subject to all applicable Development Impact Fees including the Parks and Recreation fee.

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 type="checkbox"/>	<input checked="" 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; Vehicle Miles Traveled (VMT) Screening Analysis for the BCRE, prepared by Fehr and Peers, August 23, 2021; Shared Parking and Transportation Demand Management Summary; prepared by Fehr and Peers, September 20, 2021; and Parking Management Plan, prepared by ch x tld, March 25, 2022.

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. A statement of overriding consideration was adopted with certification of the 2010 FEIR.
- 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 remains significant and unavoidable with mitigation. A statement of overriding consideration was adopted with certification of the 2010 FEIR.

- 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. A statement of overriding consideration was adopted with certification of the 2010 FEIR.
- 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 affect 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. 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 (May 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.

Vehicle Miles Traveled (VMT) Screening Analysis

In accordance with SB 743, a VMT Screening Analysis was completed for the BCRE Project (**Appendix H**). The Project is in an area of close proximity to significant transit modes and is therefore considered to be in a Transit Priority Areas (TPAs). The proposed mixed-use development infill project also has a floor area ratio (FAR) greater than 0.75, includes less parking than required by the City, and is within the Pinole Valley Road Corridor Priority Development Area (PDA). Pursuant to OPR's Technical Advisory, the Project satisfies the "Located in TPA VMT" screening criterion and impacts on VMT would be less than significant.

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 the project would conflict with the multimodal transportation service objectives (MTSOs) identified in the West County Action Plan and that impact would be significant and unavoidable. A statement of overriding consideration was adopted with certification of the 2010 FEIR.

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. As a mixed-use development, the Project would generate a total of 490 daily trips (**Appendix H**). Trips associated with the Project will increase the volume of trips on 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.

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.

The City of Pinole is relying on the significance thresholds identified in 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. As described above, the proposed Project screens out from the need for further analysis as it is a development located within a TPA. Therefore, consistent with OPR's VMT Advisory it can be qualitatively determined that the Project will not conflict with CEQA Guidelines section 15064.3, subdivision (b). The Project is within the scope of development anticipated under the Three Corridors Specific Plan and no additional or more severe transportation-related impacts beyond what have been identified in the 2010 FEIR will result from the Project. Nonetheless, 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 a building permit, as set forth in environmental condition of approval (COA) TRAN-1.

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 Pinole Valley Road, which will be maintained. No new driveways will be introduced by the Project. Sight lines at existing driveways on Pinole Valley Road are clear in each direction. 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-2 which requires that signage, trees, and landscaping elements within the 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.

Existing pedestrian crosswalks are located at the intersections of Pinole Valley Road with Estates Avenue and Ramona Street. These crossings provide the nearest pedestrian access across Pinole Valley Road. Proposed improvements associated with the BCRE Project would not present geometric design feature hazards associated with the existing pedestrian sidewalks. The BCRE 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 Substantial 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. The proposed Project will not result in insufficient emergency access during construction or at operation. Road closure is not anticipated by the proposed Project, although temporary encroachment may occur during construction activities. At least one lane of travel in each direction will be maintained on Pinole Valley Road during temporary construction activities and will not substantially impair emergency access. Any proposed road closure associated with construction activities will be coordinated with the Fire and Public Works Departments.

The Project's circulation plan has been reviewed by 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. Coordination has been carried out with transit providers on Pinole Valley Road.

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. The Project is in compliance with measure 4.4.11 and is generally consistent with the Three Corridors Specific Plan by introducing standard sidewalks, bike lanes, access aisles, and by maintaining adequate emergency access. The following environmental conditions of approval are imposed in compliance with the Three Corridors Specific Plan:

TRAN-1: Prior to the issuance of a building permit, the applicant shall submit for review and approval by the Development Services Department a TDM plan for the project. The plan shall include action items such as provision of transit passes, shared ride vehicles or shuttles and car sharing to encourage alternative transportation modes.

TRAN-2: To maintain adequate sight lines at the project driveways, pursuant to Pinole Municipal Code Section 17.98.020, signage, trees and other landscaping features within the clear vision triangle at driveway and street intersections shall be maintained such that visibility is maintained between thirty (30) inches and seven (7) feet. The applicant shall be responsible for maintaining adequate sight lines from the project driveways.

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.	<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 Study Prepared by Evans and De Shazo Archeology and Historic Preservation, December 6, 2021; and AB 52 Notification issued by the City of Pinole August 4, 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 following tribes on August 4, 2021, as well as a follow-up mailing to Indian Canyon Mutsun Band of Costanoan on August 11, 2021, due to a previously undeliverable notice. Written notification 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:

- Indian Canyon Mutsun Band of Costanoan
- Muwekma Ohlone Indian Tribe of the SF Bay Area
- North Valley Yokuts Tribe
- Amah Mutsun Tribal Band
- Guidiville Indian Rancheria
- The Ohlone Indian Tribe

As of May 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 project 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 did not identify resources onsite that are listed or eligible for listing. 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 August 4, 2021, consistent with AB 52. No requests to enter into consultation were received on the BCRE Project.

Although no tribal cultural resources were observed during the field survey conducted onsite, 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.

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 project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Sources: City of Pinole General Plan and EIR; BCRE Plan Set, Sheets C-4 Grading and Drainage Plan and C-7 Utility Plan, dated March 25, 2022; Preliminary Drainage Report and C.3 Analysis for 2801 Pinole Valley Road, prepared by DVC Group, dated October 15, 2020; Memo of Potable Water Availability from East Bay Mud for the 2801 Pinole Valley Road Project, issued October 26, 2021; and Urban Water Management Plan 2020 East Bay Municipal Utility District, Water Resources Planning Division EBMUD, June 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 BCRE 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 29 dwelling units and an additional 17,280 sf of commercial office space, which will generate demand for utilities and services at a level anticipated. 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 new residents and the office addition.

Stormwater runoff generally follows the gradient of the site, towards existing stormdrains and inlets into the City stormdrain below Pinole Valley Road. The proposed improvements will continue to route storm water to the Pinole Valley Road stormdrain. A drainage report analyzed the Project drainage improvements and found that the development includes sufficient volume retention and low impact development (LID) facilities, to comply with the Contra Costa County Clean Water Program, Stormwater C.3 Guidebook.

Demand for utilities and service systems generated by the BCRE 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 Project would result in additional demands for water supplies and infrastructure and impacts would be less than significant.

The BCRE 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 via an existing 6-inch diameter potable water main within the Pinole Valley Road right-of-way. The Project would connect to the existing water main through a proposed domestic water service stub.

Water demand resulting from the proposed Project is in line with what was anticipated in the General Plan, Three Corridors Specific Plan, and the 2020 EBMUD Urban Water Management Plan (UWMP). The existing entitlements for water supplies are sufficient to continue to meet the needs of Pinole during normal, dry, and multiple dry years in addition to the water demands generated by the project. 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 BCRE Project site via an existing service line located within the Pinole Valley Road right-of-way. The Project includes installation of a manhole at the site frontage to Pinole Valley Road and a 6-inch diameter service pipeline to convey wastewater from the Project site.

As a project that is generally consistent with the Three Corridors Specific Plan, the increase in wastewater generated by the BCRE Project is within the flow capacity analyzed as part of the 2010 FEIR. Furthermore, 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 project would increase solid waste generation and the demand for related services and impacts would be less than significant. The proposed BCRE Project will contribute to the generation of solid waste within the Three Corridors Specific Plan area, as anticipated by the 2010 FEIR. 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 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:

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.

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; 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 Pinole Valley Road 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, south of Interstate 80 at the City/County 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 mixed-use infill development on an underutilized parcel consistent with the Three Corridors Specific Plan. During construction activities, temporary lane closures on adjacent rights-of-way including Pinole Valley Road, may occur and 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 during construction or at operation. 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 is relatively flat and located approximately one mile from a State Responsibility Area (SRA) designated as a Very High Fire Hazard Severity Zone. New structures onsite would be built according to the latest California Building Code, which contains fire prevention standards for building materials, systems, and assemblies used in the exterior design and construction of new buildings. There are no factors, such as steep slopes, prevailing winds, or the installation/maintenance of new infrastructure, that would exacerbate fire risk or expose project occupants 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 roadways and 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 and Environmental Conditions of Approval

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.

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 certified 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. 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 the same as identified in the 2010 FEIR. Mitigation measures identified in the 2010 FEIR have been imposed on the project as environmental conditions of approval. 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: 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. 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 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 4.104.20 above.

Conclusion and Environmental Conditions of Approval

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.

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 BCRE Project, prepared by ch x tld, March 25, 2022.
- B. Arborist Report, prepared by InsideOut Design, November 29, 2021.
- C. Cultural Resources Study Prepared by Evans and De Shazo Archeology and Historic Preservation, December 6, 2021.
- D. Geotechnical Report, prepared by Miller Pacific Engineering Group, November 1, 2021.
- E. Executive Summary of Findings Earthquake Fault Investigation, prepared by Miller Pacific Engineering Group, March 30, 2022.
- F. Phase I Environmental Site Assessment Report, prepared by AEI Consultants, February 23, 2021.
- G. Environmental Noise Assessment for 2801 Pinole Valley Road, prepared by Saxelby Acoustics, LLC, November 11, 2021.
- H. Vehicle Miles Traveled (VMT) Screening Analysis for the BCRE, prepared by Fehr and Peers, August 23, 2021.

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. Contra Costa County Local Hazard Mitigation Plan, January 2018.
- 7. National Flood Hazard Layer. FEMA. August 2021. <https://www.fema.gov/flood-maps/national-flood-hazard-layer>
- 8. Technical Advisory on Evaluating Transportation Impacts in CEQA, prepared by the State of California Governor's Office of Planning and Research, December 2018
- 9. Tsunami Hazard Area Map. California Department of Conservation, August 23, 2021. <https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps>
- 10. Urban Water Management Plan 2020 East Bay Municipal Utility District, Water Resources Planning Division EBMUD, June 2021.

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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, 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.

BIO-1: To avoid and minimize potential impacts to nesting birds including passerines and raptors, the following measures shall be implemented:

1. Grading or removal of potentially occupied habitat should be conducted outside the nesting season, which occurs between approximately February 1 and August 31.
2. If grading between August 31 and February 1 is infeasible and groundbreaking must occur within the nesting season, a pre-construction nesting bird survey (migratory species, passerines, and raptors) of the potentially occupied habitat (trees, shrubs, grassland) shall be performed 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: Prior to any tree removal or alteration, the applicant shall obtain approval from the City of Pinole to implement a plan for tree preservation and replacement in accordance with the City's Tree Removal Permit. Replacement of protected trees onsite shall be replaced by either planting trees onsite as part of the development over and above the landscaping that would otherwise be 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 Secretary of the Interior-qualified archaeologist shall conduct a preconstruction training for construction personnel. The training shall familiarize individuals with the potential to encounter prehistoric artifacts or historic-era archaeological deposits, the types of archaeological material that could be encountered within the Project Area, and the requirement for a monitor to be present during initial ground-disturbing activities.
2. **Monitoring.** During initial ground disturbing activities on native soils, a Secretary of the Interior-qualified archeologist shall conduct mechanical presence/absence exploration in the portions of the Project Area that will be subject to ground disturbing activities to verify the presence/absence of prehistoric archaeological resources associated with CA-CCO-421 (P-07-000453). The presence/absence exploration shall access the stratigraphy extending to the depth of the proposed excavation in the respective area. The Archaeologist shall also monitor subsequent initial ground disturbing activities in native soil. The monitor shall have the authority to temporarily halt work to inspect areas as needed for potential cultural materials or deposits. Daily monitoring logs shall be completed by the monitor.
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 Miller Pacific Engineering Group (November 1, 2021) into construction drawings. As determined by the City Engineer and/or Chief Building Official, all applicable recommendations set forth in the in Geotechnical Report prepared for the subject property, including, but not limited to grading, excavation, foundations systems, and compaction specifications shall be incorporated. Final grading plan, construction plans, and building plans shall demonstrate that recommendations set forth in the geotechnical reports and/or to the satisfaction of the City Engineer/Chief Building Official have been incorporated into the design of the project.

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

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 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.

- HAZ-1:** Prior to issuance of any demolition, grading, or building permit, the project applicant shall prepare an Operations and Maintenance (O&M) Safety Plan and receive approval of the O&M Plan by the City of Pinole Fire Department. The purpose of the O&M Plan is to establish protocol for the removal and disposal of asbestos containing materials (ACM) and lead-based paint (LBP) and shall also address the potential for accidental discovery of hazards and hazardous materials during construction activities including groundwater contamination. Said plans shall be implemented during demolition and construction activities including the following:
- Conduct construction work in accordance with CCR Title 8 Section 1532.1, Lead in Construction.
 - Use appropriate site control measures such as wet methods to minimize airborne dust generation.
 - Identify construction worker protection plan for handling ACM and LBP.
 - Characterize material export and proper disposal requirements.
 - Notification requirements to the Bay Area Air Quality Management District in accordance with the Asbestos Demolition and Renovation Program requirements.
- 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:** Construction activities including delivery and hauling shall comply with construction hours as provided under Pinole Municipal Code Section 15.02.070 and in accordance with construction best management practices for minimizing noise including:
- Limit construction hours to between 7:00 a.m. and 5:00 p.m., Monday through Friday. Construction activities shall be prohibited on Saturday, Sundays, and State, Federal and Local Holidays, unless an exception is granted in accordance with the Municipal Code.
 - 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.
 - Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
 - Unnecessary idling of internal combustion engines shall be strictly prohibited.

5. Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. If they must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used to reduce noise levels at the adjacent sensitive receptors. Any enclosure openings or venting shall face away from sensitive receptors.
6. Acoustically shield stationary equipment located near residential receivers with temporary noise barriers.
7. Utilize "quiet" air compressors and other stationary noise sources where technology exists.
8. Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction activities.
9. Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from existing residences.
10. Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
11. The contractor shall prepare a detailed construction schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
12. Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.

TRAN-1: Prior to the issuance of a building permit, the applicant shall submit for review and approval by the Development Services Department a TDM plan for the project. The plan shall include action items such as provision of transit passes, shared ride vehicles or shuttles and car sharing to encourage alternative transportation modes.

TRAN-2: To maintain adequate sight lines at the project driveways, pursuant to Pinole Municipal Code Section 17.98.020, signage, trees and other landscaping features within the clear vision triangle at driveway and street intersections shall be maintained such that visibility is maintained between thirty (30) inches and seven (7) feet. The applicant shall be responsible for maintaining adequate sight lines from the project driveways.

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.

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.