

ENVIRONMENTAL CHECKLIST

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

PINOLE VISTA PROJECT

Prepared For:

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



July 2022

**PINOLE VISTA PROJECT
CEQA ENVIRONMENTAL CHECKLIST**

Project Title:	Pinole Vista Project	
Lead Agency:	City of Pinole 2131 Pear Street Pinole, CA 94564	
Contact Person:	David Hanham, Planning Manager Phone: (510) 724-9842 Email: dhanham@ci.pinole.ca.us	
Project Location:	1500 Fitzgerald Drive, City of Pinole, Contra Costa County, California APN: 426-391-010	
Property Sponsor and Owner(s):	Property Owner Metrovation / ROIC California Chris Cole 732.933.8382 ccole@metrovation.com	Project Applicant Trachtenberg Architects Isaiah Stackhouse, Principal 510.649.1414 www.TrachtenbergArch.com
General Plan Designation:	Service Sub-Area (SSA) (10.1-50 DU/AC)	
Specific Plan Sub-Area:	Service Sub-Area, Appian Way Corridor	
Specific Plan Zoning:	Commercial Mixed-Use (CMU)	
Description of project:	The project consists of demolition of an existing, 91,342 square foot, vacant, commercial building (formerly occupied by K-Mart) and the construction of a new five-story residential building consisting of 263,862 square feet of floor area with 223 residential dwelling units, and associated improvements on a 5.93-acre site within the existing Pinole Vista Shopping Center. The project proposes a 25 percent Density Bonus to increase the allowed number of units to 223 units from 178 units, as permitted by the base density of the site, through the provision of seven percent of the base units affordable at the very low-income level. An additional eight percent of the base units will be provided at the low-income level to satisfy the City's inclusionary ordinance.	
Surrounding land uses and setting; briefly describe the project's surroundings:	The site is surrounded by existing urban uses with commercial uses of the shopping center located to the east and west; motel and commercial uses to the north, across Fitzgerald Drive, and residential uses to the south.	
Other public agencies whose approval is required (e.g. permits, financial, or participation agreements):	N/A	
Have California Native American tribes requested consultation pursuant to Public Resources Code section 21080.3.1?	The City conducted notification within the statutory timeframe provided by Public Resources Code §21080.3.1. Notice was delivered to tribes via email on January 5, 2022. On January 20, 2022, The Confederated Villages of Lisjan requested to enter into consultation and the City provided the Tribe with information requested on the project. The City of Pinole did not receive any other responses requesting further information.	

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1. INTRODUCTION

This California Environmental Quality Act (CEQA) Analysis evaluates environmental impacts from the proposed Pinole Vista Project, which consists of the demolition of existing improvements onsite (91,342 square feet associated with a currently vacant building, formerly occupied by K-Mart), and the development of a new five story residential building consisting of 263,862 square feet of floor area with 223 residential dwelling units, and associated improvements, including parking areas, internal access aisles, outdoor open space, landscaping, lighting, and other ancillary improvements (hereinafter referred to as the “Project”). Documentation herein has been prepared by the City of Pinole as lead agency as defined in Section 15367 of the CEQA Guidelines and in full accordance with the procedural and substantive requirements of CEQA Guidelines. This CEQA Analysis uses streamlining in accordance with CEQA Guidelines 15163 and 15183 for consistency with the General Plan and Three Corridors Specific Plan and the certified Environmental Impact Report (EIR), as well as the CEQA exemption provided by Government Code Section 65457(a), as a residential project consistent with a Specific Plan.

2. PROJECT DESCRIPTION

Regional Setting

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

Vicinity Setting

The Project site is located south of Fitzgerald Drive, adjacent to the road. It is approximately 0.09 miles (480 linear feet) south of Interstate 80 (I-80), approximately 0.3 miles west of Appian Way, and is within the Appian Way Corridor of the Three Corridors Specific Plan. The site is surrounded by urban uses, and is located within the existing Pinole Vista Shopping Center, which contains several commercial uses, including the Lucky supermarket, Planet Fitness, retail establishments, commercial services, restaurants, and associated parking. The Project site is located at the western portion of the shopping center. Commercial uses exist to the north of the site across Fitzgerald Drive and to the west; single-family residential development is located to the south (**Figure 2: Vicinity Map**).

The Project site is located within the Service Sub-Area of the Appian Way corridor within the Three Corridors Specific Plan. The Appian Way Corridor is designated as a Priority Development Area (PDA).

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

Project Site Setting

The Project site is located within Appian Way corridor of the Three Corridors Specific Plan and is under the Service Sub-Area. The Specific Plan land use designation and zoning of the property is Commercial Mixed Use (CMU) (**Figure 3: Land Use and Zoning**). The purpose of the CMU designation is to provide for vibrant

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

commercial and mixed-use development. This designation allows for the development of 20.1 - 30.0 dwelling units/acre. Multi-family residential uses are permitted by right within the CMU district.

The Three Corridors Specific Plan indicates that at least 51% of the total floor area in the CMU designation shall be allocated to commercial uses. However, the 51% commercial uses requirement does not apply in this case due to the concession granted by the density bonus.

The Project site is currently developed with an existing “Big Box” building constructed in 1981 along with drive aisles, a parking lot, and limited landscaping. Other commercial buildings associated with the Pinole Vista Shopping Center are located east of the site and commercial uses continue to the west. The existing building on the project site is 91,342 square feet in size, was formerly occupied by K-Mart and is currently vacant. The “Big Box” architecture of the building is typical of commercial shopping centers in California from this time period.

Currently, access to the project site is provided from two drive aisles off of Fitzgerald Drive, located on either side of the existing vacant building. A large parking lot is accessed from the eastern drive aisle. The project site is interconnected with the circulation system of the Pinole Vista Shopping Center, which is accessed via five driveways from Fitzgerald Drive. Shared parking lots serve the Pinole Vista Shopping Center. City standard sidewalks are located along the project site frontage to Fitzgerald Drive along with narrow strips of ornamental plantings of trees and shrubs between the sidewalk and the shopping center development.

The site is generally flat with a gentle slope toward the south. A steep terraced slope is located at the southern portion of the site, which contains coast live oak trees, bishop pines, and other vegetation, and separates the site from the residential development to the south. This area will be furnished with picnic tables under the proposed project and existing trees within the terraced slope will be retained.

A total of 83 trees have been identified on the Project site, of which 36 will require removal to accommodate the proposed development. Eight (8) of the 36 trees proposed for removal are protected trees, as defined in Chapter 17.98 of the Pinole Municipal Code.

As mentioned above, the Project site is located within a Priority Development Area (PDA). PDAs are locally-identified, infill development opportunity areas that are planned to accommodate more housing along with facilities and services to meet the day-to-day needs of residents in a pedestrian-friendly environment served by public transit.² The Project site is served by the West Contra Costa Transit Authority (WestCAT), via Route 16 on weekdays, Route JPX on weekday off-peak times, and Route 19 on Saturday, and by Alameda Contra Costa Transit District (AC Transit) Bus Route 70 all day throughout the week and Route 376 at nights throughout the week.

Project Description

The Project proposes the demolition of an existing, 91,342 square foot, vacant, commercial building (formerly occupied by K-Mart) and the construction of a five-story, E-shaped, residential apartment building containing 263,862 square feet of floor area with 223 units, and associated improvements on a 5.93-acre site within the existing Pinole Vista Shopping Center (Project). The Project would also include outdoor open space, including two landscaped courtyards, 5,462 square feet of usable open space to the rear of the property, parking, exterior lighting, internal aisles for circulation, and bio-retention areas (Error! Reference source not found.). The proposed building will include four residential unit types consisting of 36 studios, 99 one bedroom units, 68 two bedroom units, and 20 units with two bedrooms and an office. Additionally, the apartment building would provide common amenities including a fitness room, lobbies, secure bike storage spaces to accommodate up to 160 bicycles, club rooms, a lounge, and a community room with roof deck.

Vehicular access to the Project site will continue to be provided via the two existing driveways from Fitzgerald Drive. Both existing driveways would provide two-way access under the proposed project. Internal circulation onsite will occur around the perimeter of the building via three (3) rows of drive aisles connected by a drive aisle at the rear of the building. Two drive aisles are proposed to be 27 feet wide and the other will be 29 feet wide.

² City of Pinole Three Corridors Specific Plan, Updated June 2020, pg. 1.0-1.

Drive aisles provide access to 275 vehicle parking stalls. The main entry drive is located on the east side of the building and contains a median at its intersection with Fitzgerald Drive that will be landscaped. The main entry to the project site provides access parking onsite and retains through access to the existing parking area and drive aisles east of the site within the Pinole Vista Shopping Center.

Pedestrian access will be accommodated through the installation of onsite walkways extending along the perimeter of the building and within courtyards, and a proposed 4 foot wide pathway connecting to the existing City standard sidewalk along the project site frontage to Fitzgerald Drive. The Project includes installation of a crosswalk across Fitzgerald Drive to the east of the eastern driveway consisting of a ladder striped walkway and lead arrows at both approaches to alert drivers of the pedestrian crossing. The project will retrofit three adjacent bus stops into covered bus shelters.

The Project will include a total of 70,092 square feet in open space for residents, including the front and rear yards, two courtyards, and private patios. The front yard, courtyards, and planter strips in the parking area will include new landscaping, which consist of trees, shrubs, perennials, groundcover, and ornamental grasses. Up to 183 new trees will be planted within landscape areas.

The proposed building architecture will feature flat roofs with windows punctuating the five story facades. Exterior finishes will include stucco on the lower four stories and hardie plank-lap siding in a different color on the fifth floor topped by a metal panel fascia. Concrete planters at the ground level will be placed along all building elevations. The building will be 54'-6" tall as measured from grade with the stairs wells to the roof extending 9'-0" above the building roof. Ground floor façades of common amenities such as lobbies, the fitness center, and clubrooms are proposed to have ground to ceiling fenestration, punctuated by an overhang reflective of surrounding commercial mixed use property design.

Density Bonus

The base density of the site allows for 178 units. The proposed project will rely on a Density Bonus that increases the allowed number of units to 223 units. The Project proposes seven percent of the base units for Very-Low-Income households and eight percent of the base units for Low Income households, through the provision of which the project is eligible for a 25 percent density bonus resulting in 45 density bonus units. The Project meets all zoning standards such as height and setbacks and is, therefore, requesting no waivers. The Project is requesting a cost-reduction concession to eliminate the commercial requirement of the Commercial Mixed Use zoning designation.

Construction

For purposes of this analysis, it is assumed that construction activities will occur over an approximately 3-year construction period, from 2022 to 2024. The land development activities including demolition, site preparation, grading, and trenching for utilities would occur between September of 2022 and February of 2023, followed by the vertical construction of the residential building over an 18-month period, and culminating in parking lot paving in the last month of construction between August and September of 2024. Concentrated trucking activity would occur at the beginning and end of the project; during the grading and export operation, the pouring of the foundation, and in the last months while the parking lot is being paved. Construction access routes would be from existing driveways off of Fitzgerald Drive. A construction trailer, construction worker parking area, and the construction staging yard would be located on the project site. Construction activities, start times, end times and deliveries would be within the City's designated construction hours per municipal code section 15.36.250, between the hours of 7 am to 6 pm Monday through Friday and 8 am to 5 pm on Saturday.

Site preparation would initiate with demolition and removal of the existing building, vegetation, and hardscape surfaces, to accommodate the proposed Pinole Vista residential development and associated improvements (approximately 2,980 tons of pavement and 91,342 square feet of demolished building materials). A total of 36 onsite trees, 8 of which are considered protected by the City of Pinole (Municipal Code, Chapter 19.6) would be removed to accommodate the proposed development. Grading onsite would result in 100 cubic yards of cut and would require 100 cubic yards of fill which may be sourced on-site. As such no net export or import of soils would be required in order to achieve proposed elevations.##

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Following completion of grading activities, infrastructure improvements including trenching for utilities would be completed in advance of pouring the building foundations. The existing driveways and most of the street-adjacent curbs, gutters, and sidewalks are proposed to remain with limited improvements to address grades at the western driveway and enhance pedestrian ramps at the main entry (eastern driveway).

Building construction will involve installation of foundations and vertical elements. As recommended by the geotechnical investigation (**Appendix D**), the building would be supported by a stiffened shallow foundation system – either an interconnected continuous spread footing or mat slab foundation. Stormwater runoff from the building would be captured and treated in a bioretention facility at the front of the property. Stormwater runoff from the parking lots would be captured and treated by bioretention facilities within or adjacent to the parking lots. Stormwater bioretention areas would be constructed after the vertical elements of the project are complete, in conjunction with site landscaping and paving.

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

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Construction equipment expected to be utilized includes loaders, backhoes, haul trucks, graders, pavers, rollers, cranes, forklifts, and water trucks. All construction material and equipment would be staged on-site or, through issuance of an encroachment permit, on abutting rights-of-way. Temporary lane closures on Fitzgerald Drive are expected to occur during frontage improvements and utility work and will be coordinating through the City Engineer.

Public Outreach

The applicant has held one public outreach event to obtain feedback from the community on July 29, 2021. This event was a virtual meeting with notices mailed to property owners and occupants within a 1,500-foot radius.

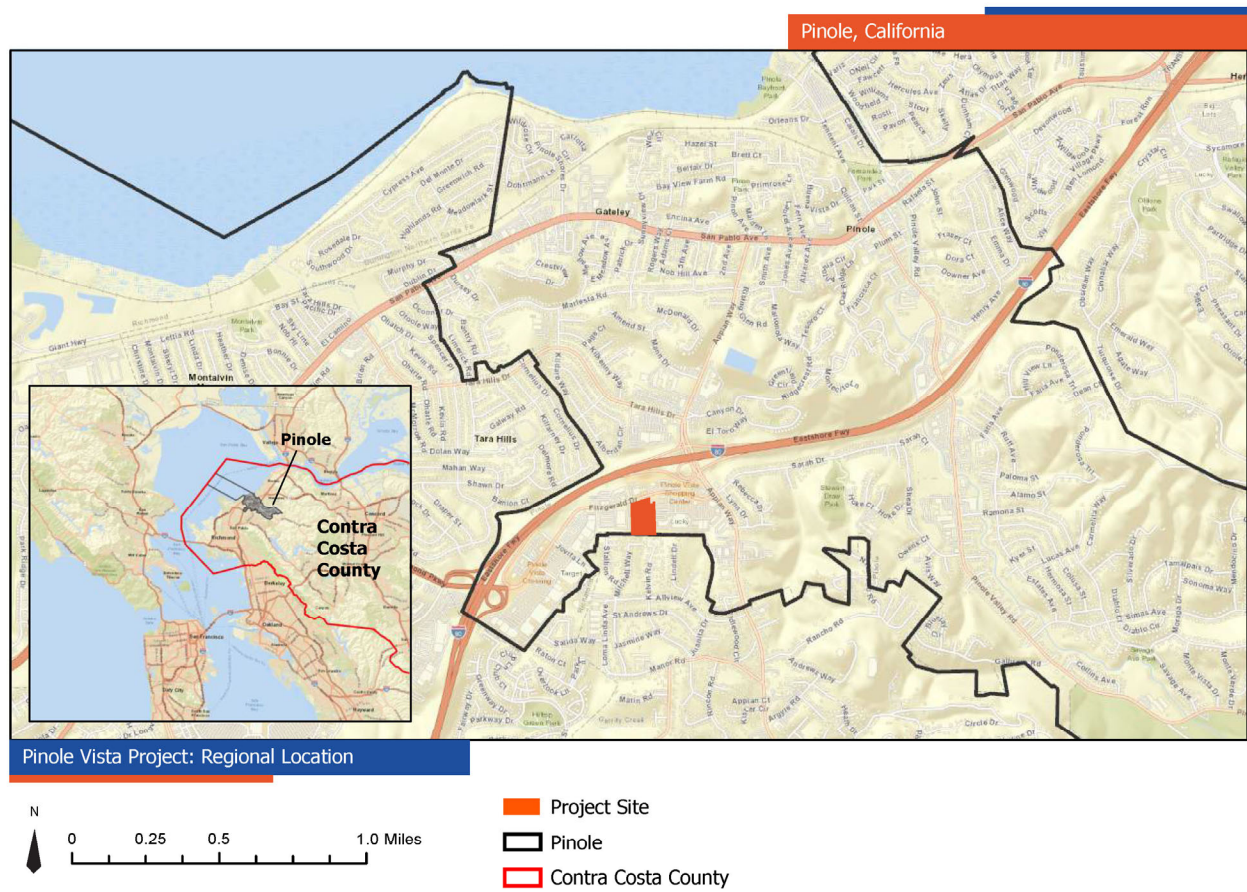
Entitlements

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

- Comprehensive Design Review
- Lot Line Adjustment
- Affordable Housing Agreement (per Section 17.32.050 and the Specific Plan)
- Density Bonus
- Tree Removal Permit

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Figure 1: Regional Location



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

Figure 2: Project Vicinity



Figure 3: Land Use and Zoning Map



Figure 4: Site Plan



Data Source: Site Plan prepared by Trachtenberg Architects, dated June 27, 2022

3. APPLICABLE CEQA PROVISIONS AND FINDINGS

The following discussion presents the relevant provisions of CEQA to which the proposed Pinole Vista Project complies. It provides an overview of the Community Plan Exemption, determination of consistency with the City's program level EIR for the General Plan and Specific Plan, and the 2010 FEIR. A description of how the Pinole Vista 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, SPECIFIC PLAN, AND EIR

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 the three corridors: San Pablo Avenue, Pinole Valley Road, and Appian Way.

The General Plan EIR (2010 FEIR) assesses potentially significant environmental impacts associated with implementation of the General Plan and the Three Corridors Specific Plan. The 2010 FEIR provides 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, which includes an analysis of the development potential anticipated by land use designation, policies and programs contained in the General Plan and the Three Corridors Specific Plan. The 2010 FEIR provides for streamlining and/or tiering opportunities under CEQA Guidelines Section 15168. CEQA Guidelines 15168(c) states 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 Pinole Vista 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 the incremental increase in demands for public services and infrastructure from implementation of the General Plan and Specific Plan.

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

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

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

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

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

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

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

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

APPLICABILITY OF THE PROJECT TO 15183

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

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

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

The Project is not required to provide 51% square footage for commercial uses because the elimination of the commercial requirement is a concession, pursuant to state density bonus law, to allow for actual and identifiable cost reductions. In that the Project relies upon the density bonus provision in state law to deviate from the community benefits requirement, by providing a portion the units at the low and very low affordability level, the Project is consistent with the Specific Plan sub-area and zoning designation, even though it does not include a commercial component.

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

- Land Use Policy 1. Provide for a variety of housing types throughout the plan areas.
- Land Use Policy 3. Provide affordable housing within the plan areas consistent with the City's General Plan.
- Land Use Policy 6. Actively promote the "revitalization" of underutilized land.

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

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

The General Plan and Specific Plan have assumed a total maximum development potential of 1,076 net dwelling units within the Specific Plan area, of which 633 net units are within the Appian Way Corridor. In April of 2022, the Planning Commission approved a residential development application for 2151 Appian Way, which provides for the development of 154 residential units. The Appian Way Corridor has not otherwise experienced significant new housing development since certification of the 2010 FEIR.

The Pinole Vista Project is located on a site designated as Commercial Mixed Use (CMU). In this zone, the housing density is noted as 20.1 to 35.0 dwelling units per acre in the Specific Plan. The Project proposes a housing density of 37.61 dwelling units per acre (223 units over 5.93 acres). The Project is eligible for a by-right increase in the density above what is allowed in the CMU zone through the State density bonus provisions (Government Code Section 65915), which provides for a 25% density bonus over the base density of 30% (178 units). The Project applies the 25% density bonus (30 units) to increase the number of allowable units from 178 units to 223 units.

Through the provision of the State density bonus law (Government Code Section 65915), the Project is eligible for certain incentives/concessions and waivers of development standards. The State density bonus law allows for one incentive/concession for a project that provides 7% of the base units for Very Low Income (VLI) households (GC Section 65915(d)(C)(2)(A)). The concession requested by the applicant is to eliminate the CMU requirement that 51% of the site be developed with commercial uses, and instead allow for a 100% residential development. Therefore, the Project is consistent with the projected development under the General Plan and Specific Plan and the provisions of the State density bonus law.

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

The Project site is designated Service Sub-Area (SSA) on the City's General Plan Land Use map. The SSA is intended to maintain and enhance existing land uses while providing land use flexibility and incentives to encourage new private investment and development. Multi-family residential use is identified as a permitted use in the SSA. The Project, which proposes a density of 37.61 dwelling units per acre is consistent with the General Plan in that it provides the development of apartments in a location designated for densities in the range of 10.1 to 50.0 dwelling units per acre, in the General Plan. The proposed development is consistent with projected development in the City of Pinole General Plan and 2010 FEIR, which assumed approximately 1,306 additional housing units (approximately 1,076 of which would be accommodated within the Specific Plan area).

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

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

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

California Government Code Section 65457(a) provides an exemption from further environmental review 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 Pinole Vista Project is consistent with the Specific Plan for which an EIR was certified in 2010, with concessions as granted under State Density Bonus Law. 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. 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 Pinole Vista Project.

3.5. CEQA DETERMINATION AND SUMMARY OF FINDINGS

As summarized above and presented herein, the proposed Pinole Vista 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 the adopted Three Corridors Specific Plan for which an EIR was certified in 2010 and qualifies for this exemption.

Findings Summary

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

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

Signature: City of Pinole

Date

3.6. ENVIRONMENTAL CONDITIONS OF APPROVAL

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

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

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

The Pinole Vista Project applicant has reviewed all conditions of approval and as signed below is committed to implementing all environmental conditionals of approval as part of the Project.

Signature: Project Applicant

Date

4. EVALUATION OF ENVIRONMENTAL EFFECTS

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

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

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

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

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

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

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

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

4.1. AESTHETICS

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

Sources: City of Pinole General Plan and EIR; Plan Set, prepared by Trachtenberg Architects, dated June 27, 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 a less than significant.
- Impact 4.11.4- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update), along with foreseeable development in the region, would not result in the significant conversion of the city's visual character. This is considered a less than cumulatively considerable impact.

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

Project Consistency with the 2010 FEIR

4.1(a) (Scenic Vistas) No Change Relative to the 2010 FEIR: The 2010 FEIR determined that there are no designated scenic vistas within the city. Although the City contains scenic views of the San Pablo 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 Pinole Vista Project will introduce a new five story building on a site surrounded by established urban development and currently occupied by a big box store, formerly occupied by K-Mart, and large parking lots. Given the site location within an urbanized area with no scenic vistas, the proposed project will result in no changes to impacts relative to the 2010 FEIR.

Although 36 trees are proposed to be removed from the project site, up to 183 new trees will be introduced, for a net increase of 154 trees. New trees and landscaping will provide a visual screening and softening to the existing condition, which is dominated by big box retail buildings and expansive hardscape parking lots. 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.

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 those impacts would be less than significant. The Project is consistent with the intent of the General Plan to promote infill development in the primary transportation corridors, as it is located within the Appian Way Corridor and within a Priority Development Area.

The 2010 FEIR indicated that development consistent with the Zoning Code and General Plan policies would protect the visual character of the City. The Project is compatible with General Plan Policy CC.1.1 in that the Project exhibits pedestrian orientation, and interconnectivity of circulation via the provision of sidewalks throughout the development that connect to the sidewalks along Fitzgerald Drive and also provides a connection to the businesses in the Pinole Vista Shopping Center. The Project is also subject to the City's Design Review process and evaluation relative to the quality of site design, architecture, and planning. The Project has been evaluated by the City for these elements and found to be consistent with the applicable Design Guidelines as follows:

- The site design is pedestrian-oriented providing sidewalks around the entire periphery of the proposed building and at the site frontage.
- The proposed building incorporates entryways via courtyards and four-sided architecture with eyes towards the site margins and access aisles.
- The new building maintains the same back and development footprint as the existing building to be demolished.
- The Project retains the existing access driveways off of Fitzgerald Drive.
- The proposed architecture exhibits a defined style and is expressed on all elevations of the building.
- The building exhibit varied and well-articulated wall planes, rooflines, and building form.
- Architectural details include fenestration, recessed planes, and maximizes windows facing access driveways, Fitzgerald Drive, and the internal courtyards.

The 2010 FEIR identified significant existing visual features as historic buildings, structures, landmarks, and monuments. The Project includes demolition of the existing, vacant building on site. This "big box" building was constructed in 1981 along with multiple other commercial buildings associated with the Pinole Vista Shopping Center. Based on analysis incorporated in the Archeological Survey Report (**Appendix C**) prepared for the

project, the existing building on the Project site is not a historic resource. Therefore, demolition of the existing building will not be detrimental to the scenic quality due to removal of a significant visual feature.

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

4.1(d) (Lighting and Glare) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR determined that intensification of land uses may create new sources of light and glare. Application of lighting rules and regulations, including the Zoning Code, was identified as a means to minimize impacts. The proposed lighting would be in conformance with the City's Zoning Code as a standard condition of Design Review approval, including Chapter 17.46, which governs installation and operation of lighting fixtures. Among the standards for lighting is the requirement for full downward shielding in order to reduce light and glare impacts to adjoining properties and public rights-of-way. Compliance with lighting standards, in accordance with Action CC.2.3.4, has been imposed under environmental condition of approval AES-1. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

Applicable 2010 FEIR Mitigation Measures

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

Conclusion and Environmental Conditions of Approval

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

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/Specific Plan and EIR; and California Department of Conservation Farmland Mapping and Monitoring.

General Plan and Specific Plan EIR Findings

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

Project Consistency with the 2010 FEIR

4.2(a-e) (Farmland, Agricultural Land, Forest Land) No Change Relative to the 2010 FEIR: The 2010 FEIR determined that buildout will not impact agricultural land. The Project site is a developed site with an existing building, paved access, and parking area. It does not contain farmland or forest land pursuant to Section 12220(g) of the Public Resources Code. As the Project is within the scope of development projected under the General Plan/Specific Plan and the 2010 FEIR, and located on a site designated to support residential uses, there would be no impact to farmland, agricultural land or forestland. Therefore, relative to the 2010 FEIR there would be no changes in impacts due to the proposed project.

Applicable 2010 FEIR Mitigation Measures

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

Conclusion

The Project would not result in any new or more severe impacts to agricultural and forestry resources relative to what was identified in the 2010 FEIR. The Project consists of development within an urban context that would not impact agricultural or forestland resources and is consistent with the City's General Plan and Three Corridors Specific Plan.

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/Specific Plan and EIR; Plan Set, prepared by Trachtenberg Architects, dated June 27, 2022; BAAQMD 2017 Bay Area Clean Air Plan; BAAQMD CEQA Guidelines May 2017; BAAQMD Recommended Methods for Screening and Modeling Local Risks and Hazards, prepared by the BAAQMD, May 2011; and Air Quality and Greenhouse Gas Assessment, prepared by Illingworth & Rodkin, Inc., October 25, 2021.

General Plan and Specific Plan EIR Findings

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

- Impact 4.3.1- Subsequent land use activities associated with implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would result in increased population and vehicle miles traveled that would exceed assumptions used to create the BAAQMD's Clean Air Plan. Although the GP EIR identified policies that would help reduce the effect of impacts, the impact would be significant and unavoidable, and there are no available mitigation measures. Resolution 2010-88 adopted a statement of overriding consideration for this significant and unavoidable impact citing a sustainability benefit with the following rationale: "Locating residential projects along commercial corridors allows for greater access to commerce, employment opportunities, and transit which reduces vehicle trips and increases the sustainability of the community."
- 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 by resolution 2010-88 citing a sustainability benefit.

- 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 by resolution 2010-88 citing a sustainability benefit.
- 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 Pinole Vista Project is within the development projections of the 2010 FEIR and would not create new impacts, more significant impacts, or a substantial change from the 2010 FEIR.

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

Table AQ-1. Construction Period Emissions

Year	Annualized Daily Construction Emission (pounds/day)			
	ROG (Reactive Organic Gases)	NO _x (Nitrogen Oxides)	PM10 (particulate matter- 10 microns) (Exhaust)	PM2.5 (particulate matter-2.5 microns) (Exhaust)
2022	1.00	5.47	0.30	0.21
2023	9.53	2.55	0.18	0.10
2024	8.71	2.21	0.17	0.08
BAAQMD Thresholds (pounds/day)?	54	54	82	54
Exceed Threshold	No	No	No	No

Sources: 2017 BAAQMD CEQA Air Quality Guidelines, Air Quality and Greenhouse Gas Analysis for the 1500 Fitzgerald Drive Project.

Table AQ-2. Operational Emissions

Scenario	Pollutant			
	ROG (Reactive Organic Gases)	NO _x (Nitrogen Oxides)	PM10 (particulate matter- 10 microns) (Exhaust)	PM2.5 (particulate matter- 2.5 microns) (Exhaust)
2025 Project Operational Emissions (pounds/day)	11.30	3.56	5.09	1.37
2025 Reuse Site Operational Emissions (pounds/day)	8.99	3.89	5.53	1.42
BAAQMD Thresholds (pounds/day)	54	54	83	54
Exceeds Thresholds?	No	No	No	No

Sources: 2017 BAAQMD CEQA Air Quality Guidelines, Air Quality and Greenhouse Gas Analysis for the 1500 Fitzgerald Drive Project.

There would be temporary generation of fugitive dust in the form of PM10 and PM2.5 during construction activities, particularly during site preparation and grading. BAAQMD does not have a quantitative threshold of significance for fugitive dust. However, the 2017 BAAQMD CEQA Guidelines provide recommendations for best management practices to reduce emissions, including fugitive dust. Mitigation measure 4.3.2, set forth in the 2010 FEIR requires the use of BAAQMD-approved basic construction mitigation measures. The 2010 FEIR concluded that impacts from construction would be less than significant with implementation of mitigations. 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), determine that the Project would not exceed criteria pollutant thresholds during construction or at operation 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(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 surrounded 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. For toxic air contaminants (TACs) and effects on sensitive groups, health risks are based on a 30-year exposure period in accordance with the Office of Environmental Health Hazard Assessment.

Based on the Air Quality Analysis conducted for the Project (**Appendix A**), it can be concluded that the Project's construction activities would not result in significant impacts with respect to health risks to sensitive receptors because they would not exceed the BAAQMD single or cumulative source thresholds. Additionally, implementation of the best management practices during construction (in accordance with mitigation measure 4.3.2) as specified in condition of approval (COA) AQ-1 would ensure that emissions are minimized.

The BAAQMD threshold for any single source of TACs is 10 in one million total cancer risk, $0.3 \mu\text{g}/\text{m}^3$ for annual $\text{PM}_{2.5}$ and 1.0 for the hazard index. The analysis found that during construction the maximally exposed individual (infant) would experience a cancer risk of 1.65, an annual $\text{PM}_{2.5}$ of $0.01 \mu\text{g}/\text{m}^3$, and a hazard index of <0.01 , which is below the single source thresholds. As such, impacts from the Project construction activities would result in less than significant health risk to surrounding sensitive receptors.

The BAAQMD threshold for cumulative sources is 100 in one million total cancer risk, $0.8 \mu\text{g}/\text{m}^3$ for annual $\text{PM}_{2.5}$ and 10.0 for the hazard index. The analysis found that including construction and other existing cumulative sources in the site vicinity (I-80, Fitzgerald Drive, Gas Station, and Generators), the maximally exposed individual (infant) would experience a cumulative cancer risk of 6.46, a cumulative annual $\text{PM}_{2.5}$ of $0.12 \mu\text{g}/\text{m}^3$, and a cumulative hazard index of <0.04 , which is below the cumulative source thresholds. As such, impacts from the Project construction activities, combined with other existing emitters in the vicinity would result in less than significant health risk to surrounding sensitive receptors. 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.

At operation, the Project would introduce new sensitive receptors (residents) to the area which contains several sources of TACs, namely vehicle traffic on Interstate 80 and Fitzgerald Drive, backup generators at the Target store and the West County Wastewater District, and at over 1000 feet away a 7-Eleven gas station. The Health Risk Analysis found that new residents introduced to the project site would experience the greatest single source from I-80 including a cancer risk of 6.35, an annual $\text{PM}_{2.5}$ of $0.23 \mu\text{g}/\text{m}^3$, and a hazard index of <0.01 , which is below the single source thresholds. New residents would experience a cumulative cancer risk of 9.65, a cumulative annual $\text{PM}_{2.5}$ of $0.44 \mu\text{g}/\text{m}^3$, and a cumulative hazard index of <0.03 , which is below the cumulative source thresholds. The health risks from the existing TAC sources upon the Project site would not exceed the BAAQMD single source or cumulative thresholds, and therefore new residents would not be exposed to excessive ambient air quality emissions and there would be no conflicts to public health and safety from project implementation.

4.3(d) (Odors) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR determined that impacts due to odors would be potentially significant and specified mitigation measure 4.3.6b to reduce such impacts to a less than significant level.

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 vehicles, but would be minimized through best management practices and impacts would be less than significant. As such the Project would not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

Furthermore, the project would not result in a potential conflict due to introducing a residential use in an area with substantial ambient odors. Major sources of potential odors include wastewater treatment plants, wastewater pumping facilities, sanitary landfills, transfer stations, composting facilities, petroleum refineries, asphalt batch plants, chemical and fiberglass manufacturing, painting/coating operations, food processing facilities, and green waste and recycling operations. The Pinole/Hercules Water Pollution Control Plant is

located approximately two miles away and ambient odors are not detectable at the Project site. The 2010 FEIR identified that automotive body repair shops may be an additional source of odor within the city. A tire repair facility is located within the Pinole Vista Shopping Center approximately 250 feet from the Project, but the business does not offer auto body repair as a service.

The Project is located in a developed urban environment proximate to uses such as restaurants and stores that produce odors from food preparation, which are commonplace in urban settings and do not constitute a potential land use conflict. Additionally, ambient odors in the Project site vicinity would be minimized through the buildings HVAC filtration system, which pursuant to building code regulation is required to be equipped with MERV-13 filtration or better. Furthermore, COA AQ-2, is imposed in accordance with mitigation measure 4.3.6b, requiring ongoing maintenance of the filtration on HVAC systems, which would further minimize particulate matter and odors from nearby urban development and operations. Therefore, there would be no potential land use conflict due to siting new residents in an area with established urban uses that generate or emit commonplace odors.

2010 FEIR Mitigation Measures

The 2010 FEIR mitigation monitoring and reporting program outlines the following mitigation measures:

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 in a shopping complex, in proximity to uses that emit particulate matter and odors. Accordingly, the Project is subject to environmental condition of approval AQ-2.

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.

AQ-2: High-efficiency particulate filtration systems shall be installed in residential heating, ventilation, and air-conditioning (HVAC) systems for residences within the Project. An ongoing maintenance plan for the buildings' HVAC air filtration system shall be required and may include the following:

1. Ensure that the use agreement and other property documents: (1) require cleaning, maintenance, and monitoring of the affected buildings for air flow leaks, (2) include assurance that new owners or tenants are provided information on the ventilation system, and (3) include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed.

4.4. BIOLOGICAL RESOURCES

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

Sources: City of Pinole General Plan/Specific Plan and EIR; Plan Set, prepared by Trachtenberg Architects, dated June 27, 2022; Biological Constraints Assessment Memorandum, prepared by WRA Environmental Consultants, October 2021; and Tree Survey Report with Tree Preservation Plan, prepared by WRA Environmental Consultants, June 2022.

General Plan and Specific Plan EIR Findings

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

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

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

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

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

As shown on Figure 4.7-2 of the 2010 FEIR, the Project site and vicinity have the potential to support special-status animal species including the pallid bat, San Pablo song sparrow, monarch butterfly, and the Yellow-headed black bird. Based on the species descriptions presented on page 4.7.22 of the 2010 FEIR, neither the San Pablo song sparrow nor the yellow-headed black bird is expected to nest onsite since the site lacks salt marshes, tidal slews, and freshwater emergent wetlands.

Biological Assessment/ Tree Survey Report

A site-specific Biological Constraints Assessment Memorandum, dated October 26, 2021, was prepared by WRA Environmental Consultants for the subject property. This memorandum includes a characterization of the existing site conditions, a preliminary analysis of potential project impacts, and recommended avoidance and minimization measures. The assessment is based on a review of available literature and database from sources such as the California Natural Diversity Database records (CNDDDB; CDFW 2021), U.S. Fish and Wildlife Service (USFWS) Information for Planning and Conservation Species Lists (USFWS 2021), and California National Plant Society (CNPS) Inventory records (CNPS 2021a), and a reconnaissance-level site survey, conducted on September 15, 2021, to identify habitat types, including potential wetlands and waters of the U.S. and state, and to determine the potential for presence of special-status species on the site.

A site-specific Tree Survey Report (Arborist Report), dated June 14, 2022, was prepared by WRA Environmental Consultants for the subject property. This report identified 83 trees onsite, 25 of which are protected pursuant to the Pinole Municipal Code (PMC) Chapter 17.98, and 58 non-protected trees. The Project would require removal of 36 trees, including eight (8) protected trees, requiring a Tree Removal Permit. The protected trees proposed for removal are three Italian Stone Pines near the frontage of the Project site and five Coast Live Oaks at the rear on the wooded hillside.

The information presented in this section is based on the site-specific Biological Constraints Assessment Memorandum and the Tree Survey Report prepared for the Project, which are included in **Appendix B** and **Appendix B-1** of this document, respectively.

Project Consistency with the 2010 FEIR

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

The subject Project site is located within the Three Corridors Specific Plan Area considered as part of the 2010 FEIR, which is an area with a diversity of common and special status species primarily located along riparian corridors, undeveloped areas, and hillsides. Although the Project site is previously disturbed situated in an urban context with limited ability to support special status species, in accordance with mitigation measure 4.7.2b, a biological constraints analysis was conducted. The analysis concluded that there are no sensitive communities or habitats on site. One special status wildlife species, the white-tailed kite (*Elanus leucurus*) was determined to have moderate nesting potential in the larger trees located on the terraced slope in the southern portion of the site. The analysis further determined that nesting birds have the potential to nest in trees, shrubs, vegetation, and in man-made structures in the project area.

In accordance with the federal Migratory Bird Treaty Act (MBTA) and Section 3503 of the California Fish and Game Code, the biological evaluation recommends that preconstruction nesting bird surveys be conducted during the nesting season. This recommendation has been imposed on the project by environmental condition of approval (COA) BIO-1. As such, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact to biological resources relative to the 2010 FEIR.

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

4.4(d) (Adverse Effect on Wildlife Movement) No Change Relative to the 2010 FEIR: The 2010 FEIR determined that implementation of the General Plan and Three Corridors Specific Plan could interfere with movement of native resident or migratory fish or wildlife species and those 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 surrounding the site, including Fitzgerald Drive to the north, commercial development to the west and east and residential development to the south. Therefore, the proposed development of the site will not result in a barrier to wildlife movement. Accordingly, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact to wildlife movement relative to the 2010 FEIR.

4.4(e) (Conflict with Local Ordinances) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR determined that the General Plan and Three Corridors Specific Plan will not result in a conflict with a local policy or ordinance protecting biological resources. Chapter 17.96 of the Zoning Code addresses tree removal and defines protected trees. In accordance with Action CC 2.2.1, a Tree Survey Report with a Tree Preservation Plan (**Appendix B-1**) was prepared for the Project. The Report included an inventory of 83 trees onsite, concluded that three of the 36 trees proposed for removal are considered protected by the City of Pinole, and presented a preservation plan for the trees to remain.

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. The project proposes to plant 183 new trees for a net increase on the site of 154 trees. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact due to a conflict with local ordinances to protect biological resources relative to the 2010 FEIR.

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

Applicable 2010 FEIR Mitigation Measures

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

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

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

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

Conclusion and Environmental Conditions of Approval

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

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 either consist of planting or replacement trees onsite as part of the development over and above the landscaping that would otherwise be required at a value equal to the value of the protected trees that will be removed, or through the payment of an in-lieu fee to the City in an amount equal to the value of the protected trees that will be removed.

4.5. CULTURAL RESOURCES

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

Sources: City of Pinole General Plan/Specific Plan and EIR; Archaeological Survey Report, prepared by ALTA Archaeological Consulting, October 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.

Archaeological Assessment

Consistent with mitigation measure 4.10.1a set forth in the 2010 FEIR, an archaeological assessment was completed for the Project site (**Appendix C**). Based on archival research and an archaeological field survey conducted on October 8, 2021, the report did not identify any cultural resources onsite or in the site vicinity.

Historic Evaluation

Consistent with mitigation measure 4.10.1a set forth in the 2010 FEIR, the archaeological survey report prepared for the Project, includes a review of historic registers and inventories, which indicated that no historical landmarks, and points of interest are present within or in the vicinity of the Project site. An evaluation of the existing vacant building (formerly K-Mart) on site determined that it is not eligible for listing as a historical resource, pursuant to CEQA.

Project Consistency with the 2010 FEIR

4.5(a) (Historic Resources) No Change Relative to the 2010 FEIR: The 2010 FEIR concluded that compliance with mitigation measure 4.10.1a and General Plan Action CC.4.2.4, would ensure that subsequent development projects result in less than significant impacts to historical resources. The Project site is currently developed with a vacant, “big box” building, (formerly a K-Mart store), which will be demolished to develop the Project. This building was constructed in 1981 along with multiple other commercial buildings associated with the Pinole Vista Shopping Center. Given the relative recency of the construction of the existing building on the Project site and the ubiquity of this type of commercial shopping centers in California from this time period, the building itself is not associated with a unique pattern of history significant to the cultural heritage of Pinole, California, or the United States. Additionally, the building is not associated with significant local, state, or national persons. Furthermore, the building does not demonstrate aesthetic qualities that speak to an investment of artistic consideration in its design. As such, the existing, vacant, building on the Project site is not considered eligible as a historical resource. Accordingly, its proposed demolition will have no impact to historic resources. Therefore, no new significant impacts or substantial increase in the severity of previously identified impacts, due to a substantial adverse change in the significance of a historical resource, would result from the Project relative to the 2010 FEIR findings.

4.5(b) (Archaeological Resources) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR concluded that compliance with mitigation measures 4.10.1a and 4.10.1b, as well as General Plan Actions CC.4.2.4 and 4.2.5, would ensure that subsequent development projects result in less than significant impacts to archaeological resources. In compliance with mitigation measure 4.10.1a, the Project completed an Archaeological Assessment including a database review, records search, and archeological site survey to evaluate the site for recorded evidence of cultural resources with negative results. However, ground surface visibility being poor or non-existent for a majority of the Project site due to hardscaped surfaces, 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 to cultural resources (archeological and/or tribal), the Project has complied with mitigation measure 4.10.1a by conducting an archaeological assessment, which recommends an evaluation by a qualified professional archaeologist in the event previously unidentified cultural resources are encountered during Project development. In accordance with mitigation measure 4.10.1b, environmental condition of approval (COA) CUL-1 is imposed on the Project. With the 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: 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 completing an Archaeological Survey Report. 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 Survey Report, 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 Survey Report, 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 professional archaeologist shall conduct a preconstruction training for construction personnel. The training shall familiarize individuals with the potential to encounter prehistoric artifacts or historic-era archaeological deposits, the types of archaeological material that could be encountered within the Project Area, and the requirement for a monitor to be present during initial ground-disturbing activities.

2. **Monitoring.** During initial ground disturbing activities on native soils, a Secretary of the Interior-qualified archeologist shall be onsite to monitor activities. The monitor shall have the authority to temporarily halt work to inspect areas as needed for potential cultural materials or deposits. Daily monitoring logs shall be completed by the monitor.
3. **Post-review Discoveries.** In the event that cultural resources are exposed during construction, all earth work occurring within 100 feet of the find shall be immediately stopped until a Secretary of Interior-qualified Archaeologist inspects the material(s), assess historical significance, consults with Tribes and other stakeholders as needed, and provides recommendations for the treatment of the discovery.
4. **Archaeological Monitoring Report.** Within 60 days following completion of construction work, an archeological monitoring report shall be submitted to the City. The report shall include the results of the monitoring program (even if negative), a summary of any findings or evaluation/data recovery efforts, and supporting documentation (e.g., daily monitoring logs).

CUL-2:

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

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/Specific 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 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 building code.

Development of the Project would be subject to standards promoting energy efficiency in new construction. The subject 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 would be required to comply with the requirements of the City's water efficient landscape ordinance, thereby contributing to a reduction in energy needed to treat and convey water. Construction of the Project is subject to the BAAQMD best management practices that requires minimizing idling time and maintaining construction equipment to manufacturer's specifications, which reduces inefficient consumption of fuel. As a multi-family residential development subject to the latest building code and construction standards, energy consumption of the Project will not be wasteful or inefficient, nor will it obstruct a state or local plan for renewable energy.

The Project is consistent with General Plan policies, such as Policy HS.5.2, to promote infill development along corridors and to locate residences near transit and services, which can reduce automobile travel and fuel consumption. The Project would introduce new residents to an area well developed with existing good and services including a grocery store, restaurants, and other retail stores. Two bus stops are located within 200-300 feet of the Project site that are served by WestCAT bus service and AC Transit with connectivity to regional destinations.

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 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 wastewater disposal systems where sewers are not available for the disposal of wastewater?	<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/Specific Plan and EIR; Plan Set, prepared by Trachtenberg Architects, dated June 27, 2022; Preliminary Demolition, Grading, and Drainage Plans, prepared by Adobe Associates, Inc., dated March 2021; Geotechnical Report, prepared by Rockridge Geotechnical, April 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 Pinole Vista Project site is not located within an Earthquake Fault Zone, as defined by the Alquist-Priolo Earthquake Fault Zoning Act, and no known active or potentially active faults exist on the site. Strong to very strong ground shaking could occur at the site during a large earthquake on one of the nearby faults. However, the risk of fault offset at the site from a known active fault and future faulting in areas where no faults previously existed is very low. Due to the Project'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 have the potential to experience ground shaking in the event of an earthquake. The Project is subject to construction standards established for seismic safety within the latest California Building Code, which would minimize the impact of ground shaking on new development.

The Project site has been previously graded to accommodate the existing building and associated improvements. The site is sloped with elevations ranges from 205 feet to 215 feet above sea level from north to south. The northwestern driveway exhibits a downward slope from north to south with elevations changed from 2018 feet above mean sea level near Fitzgerald Drive to 212 feet amsl at the rear. The upward slope along the rear of the property increases to a height of 230 feet above mean sea level.

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

4.7(b) (Erosion) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR concluded that impacts from soil erosion would be less than significant. The Project site is previously disturbed from past uses and

would be redeveloped with by removing all existing improvements, regrading the site and introducing a new building, access aisles, parking, and landscaping. As a project that will disturb more than 10,000 square feet of impervious surfaces, it is 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. Compliance with these uniformly applied development standards ensure that potential adverse affects of erosions during redevelopment are avoided. Pursuant to Municipal Code Section 15.36.190, Erosion and Sediment Control Plan, the project is subject to COA GEO-2, which requires preparation and implementation of a final erosion and sediment control plan. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

4.7(c) (Geologic Stability) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR determined that impacts from geologic or soil instability would be less than significant. The geotechnical assessment of the site, prepared by Stevens, Rockridge Geotechnical, concluded that proposed improvements are feasible provided that recommendations are incorporated as part of project implementation. The Geotechnical Report identified the primary geotechnical concerns of the site to be related to variable thickness and composition undocumented fill and the need to provide an adequate foundation support for the proposed building. The Geotechnical Report provides recommendations for site grading, foundation design, shoring design and construction, and seismic design. Further, the Report provides that a qualified engineer should review of the final project plans and specifications by to verify conformance to recommendations and on-site verification by a field engineer of preparation, placement, and compaction of fill and installation of building foundations.

The results of this comprehensive geotechnical investigation shall be provided as a report during the building permit issuance process and prepared in accordance with the most recent California Building Code. This recommendation is incorporated in COA GEO-1 below.

The design of the Project would include demolition and removal of all existing surface structures, paving, and improvements and grading with stripping of up to 3 to 4 inches where present. Retaining walls are proposed at the southwest corner of the site to retain an uphill slope that abuts the parking lot, and at the north side of the Project site where the downhill slope would undercut the parking lot and where the bioretention area must be excavated. Site retaining walls would be reviewed during the building permit process. Although the conditions in the locations of the proposed retaining walls were observed to be structurally sound, the Project would provide detailed structural analysis of this wall and all retaining walls and analysis of slope stability in the building permit review process, per recommendations of the geotechnical assessment and as imposed by COA GEO-1.

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

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

4.8(e) (Septic Tanks) No Change Relative to the 2010 FEIR: The Project would not include the use of septic tanks and connection to the existing sewer line along Fitzgerald Drive 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-4 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 Rockridge Geotechnical (April 13, 2022) into construction drawings. Prior to issuance of a grading permit, the City shall review and accept the Geotechnical Report and verify that the Report provides adequate information for construction detail including detailed drainage, earthwork, foundation, and pavement recommendations. Final grading plan, construction plans, and building plans shall demonstrate that recommendations set forth in the geotechnical reports and/or to the satisfaction of the City Engineer/Chief Building Official have been incorporated into the design of the project.

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

GEO-2: Prior to issuance of a grading permit, an erosion control plan along with grading and drainage plans shall be submitted to the City Engineer for review. The project shall comply with stormwater management requirements and guidelines established by Contra Costa County under the Contra Costa Clean Water Program Stormwater C.3 Guidebook and incorporate

Contra Costa County best management practices for erosion and sediment control for construction. All earthwork, grading, trenching, backfilling, and compaction operations shall be conducted in accordance with the City's Erosion Control requirements, Chapter 15.36.190 of the Municipal Code. Plans shall detail erosion control measures such as site watering, sediment capture, equipment staging and laydown pad, and other erosion control measures to be implemented during all construction activity.

GEO-3: Should any potentially unique paleontological resources (fossils) be encountered during development activities, work shall be suspended within 50 feet of the discovery and the City of Pinole Planning Division of the Development Services Department shall be immediately notified. At that time, the City will coordinate any necessary investigation of the discovery with a qualified paleontologist. The Project proponent shall be required to implement any mitigation necessary for the protection of paleontological resources. The City and the Project applicant shall consider the mitigation recommendations of the qualified paleontologist for any unanticipated discoveries. The City and the Project applicant shall consult and agree upon implementation of a 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/Specific Plan and EIR; Plan Set, prepared by Trachtenberg Architects, dated June 27, 2022; BAAQMD 2017 Bay Area Clean Air Plan; and BAAQMD CEQA Guidelines May 2017; Air Quality and Greenhouse Gas Assessment, prepared by Illingworth & Rodkin, Inc., October 25, 2021.

General Plan and Specific Plan EIR Findings

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

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

Project Consistency with the 2010 FEIR

4.8(a) (Greenhouse Gas Generation) No Change Relative to the 2010 FEIR: The 2010 FEIR determined that greenhouse gas emissions generation for buildout of the General Plan was a less than significant impact. The greenhouse gas emissions (GHG) generated by the Project would be attributable to GHG generation during construction and operation of the Project. Construction impact would consist primarily of emissions from equipment exhaust and worker and vendor trips. Long-term operational emissions would be associated with vehicular traffic within the project vicinity, energy and water usage, and solid waste disposal.

The Air Quality and Greenhouse Gas Analysis (**Appendix A**) prepared for the Project indicates GHG emissions 588 MT of CO₂e for the total construction period. Neither the City nor BAAQMD have an adopted threshold of significance for construction related GHG emissions. However, the BAAQMD recommends quantifying emissions, disclosing that GHG emissions would occur during construction, and the incorporation of best management practices to reduce GHG emissions during construction where feasible and applicable. The Project would be required to comply with COA AQ-1, which imposes the latest BAAQMD best management practices, and is consistent with mitigation measure 4.3.2

With respect to operational emissions, the Air Quality and Greenhouse Gas Analysis uses a "Substantial Progress" efficiency metric of 2.8 MT CO₂e/year/service population and a bright-line threshold of 660 MT CO₂e/year based on the GHG reduction goals of EO B-30-15. The calculated annual emissions resulting from

operation of the proposed project are predicted to be 1,216 MT of CO₂e in 2025 and 1,125 MT of CO₂e in 2030, which exceed the GHG significance threshold in metric tons per year. The service population³ emission for the year 2025 and 2030 are predicted to be 1.9 and 1.8 MT CO₂e/year/service population, which are within the service population threshold of significance for service population. However, to be considered an exceedance, the project must exceed both the GHG significance threshold in metric tons per year and the service population significance threshold in 2030. 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 implementation of the General Plan and Three Corridor Specific Plan would have a less than significant cumulatively considerable impact with implementation of relevant policies and actions in the General Plan. The Project is consistent with the General Plan and Three Corridors Specific Plan as a higher density residential infill development along the Appian Way corridor within a priority development area (PDA) pursuant to the Sustainable Community Strategy (SCS). Furthermore, the proposed buildings would be constructed in conformance with CALGreen and the Title 24 Building Code, which requires high-efficiency water fixtures, water-efficient irrigation systems, and compliance with current energy efficacy standards. As such, the Project would not conflict or otherwise interfere with the statewide GHG reduction measures identified in CARB's Scoping 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.

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.

³ Service population refers to the number of future residents of a development. The project service population efficiency rate is based on the number of future residents.

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 Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sources: City of Pinole General Plan/Specific Plan and EIR; Plan Set, prepared by Trachtenberg Architects, dated June 27, 2022; Phase 1 Environmental Site Assessment Report, prepared by Partner Engineering and Science, Inc., February 2022; 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 1500 Fitzgerald Project site in February 2022, in conformance with the scope and limitations of ASTM Standard Practice E1527-13, the Environmental Protection Agency Standards and Practices for All Appropriate Inquiries 'AAI' (40 CFR Part 312). (**Appendix E**). The Phase I ESA discusses the Recognized Environmental Conditions (RECs), Controlled Recognized Environmental Conditions (CRECs), Historical Recognized Environmental Conditions (HRECs), and environmental issues of the project site. The Phase I ESA included review of regulatory information, records research, and a site reconnaissance of the project site and neighboring properties on January 21, 2022.

The Phase I ESA did not identify RECs or CRECs during the course of the assessment. The site is listed in one or more historical databases as containing an inactive 1,000 gallon underground storage tank for waste oil that was listed as removed in June of 1990. Chemical analyses of soil samples documented the presence of Total Petroleum Hydrocarbons as oil and grease (TPH-og) at concentrations up to 78 parts per million (ppm), and the presence of TPH as diesel (TPH-d) and as gasoline (TPH-g) at concentrations below 10 ppm. These records constitute an HREC. However, given the record of tank removal and a Contra Costa County Health Services Department letter of no further action dated March 20, 1990, the tendency of petroleum hydrocarbons in the subsurface to degrade naturally over time, and the time elapsed since the tank was removed, this listing is not expected to represent a significant environmental concern.

The report notes that, based on the age of the building there is a potential for asbestos-containing materials (ACMs) but access to the structure could not be gained at the time of the site assessment to determine its presence. Therefore, it is recommended that prior to any demolition, a comprehensive asbestos survey of the property be conducted to determine the presence, condition, friability, and likely future condition of suspect or confirmed ACM. All suspect materials must be handled as ACM according to local, state, and federal regulations until the results of sampling and analysis indicate the material is a non-ACM. Lead based paint is not likely to be used in buildings constructed after 1977 and due to the age of the structure, circa 1981, it is not likely to contain lead-based paints.

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 Pinole Vista 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 due to the proposed residential use.

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

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

The nearest public school is Harbour Way Elementary, located 0.25 miles south of the Project Site. Pinole Middle School is located approximately 0.4 miles north of I-80 on the west side of Appian Way, and Little Genius Montessori is about 0.25 miles east of the site on Appian Way south of I-80. There are no activities associated with the proposed Project that would pose a threat to nearby 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 identified environmental concerns associated with past uses onsite and the potential presence of ACM, due to the age of the building onsite, as described above. It indicates that asbestos containing materials may be present but could not be verified at the time of survey. Prior to demolition, the Phase I ESA recommended submittal of an asbestos survey report to evaluate the presence of ACM and make recommendations for removal, if warranted. Environmental condition of approval (COA) HAZ-1 shall be imposed on the Project requiring the submittal of an asbestos survey report and the preparation and implementation of an Operations and Maintenance Plan if ACM removal is warranted. Similarly, due to the identified environmental concern associated with past uses onsite, the Project is subject to COA HAZ-2, which requires best management practices regarding potential soil hazards in the event that unknown contamination is encountered during construction. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

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

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

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

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

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

Applicable 2010 FEIR Mitigation Measures

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

Conclusion and Environmental Conditions of Approval

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

HAZ-1: Prior to issuance of any demolition, grading, or building permit, the applicant shall submit a report resulting from a comprehensive asbestos survey and, if asbestos containing materials (ACM) are identified onsite, plans for safe removal. If ACM are verified, the applicant shall prepare an Operations and Maintenance (O&M) Safety Plan and receive approval of the O&M Plan by the City of Pinole Fire Department. The purpose of the O&M Plan is to establish protocol for the removal and disposal of ACM and shall also address the potential for accidental discovery of hazards and hazardous materials during construction activities including lead-based paints and groundwater contamination. Said plans shall be implemented during demolition and construction activities including the following:

- a) Use appropriate site control measures such as wet methods to minimize airborne dust generation.
- b) Identify construction worker protection plan for handling ACM.
- c) Characterize material export and proper disposal requirements.
- d) Notification requirements to the Bay Area Air Quality Management District in accordance with the Asbestos Demolition and Renovation Program requirements.

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

- a) Soil generated by construction activities shall be stockpiled onsite in a secure and safe manner or if designated for off-site disposal at a permitted facility, the soil shall be loaded, transported, and disposed of in a safe and secure manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state, and federal laws, the Regional Water Quality Control Board (RWQCB), the Contra Costa Environmental Health Services Department, and the City of Pinole.
- b) Groundwater pumped from the subsurface shall be contained onsite in a secure and safe

manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies of the City of Pinole, the RWQCB and/or Contra Costa Environmental Health Services Department.

4.10. HYDROLOGY AND WATER QUALITY

Would the project:	New Significant Impact Not Identified in 2010 FEIR	More Severe Impact Relative to 2010 FEIR	No Substantial Change Relative to 2010 FEIR	No Change Relative to the 2010 FEIR
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Sources: City of Pinole General Plan/Specific Plan and EIR; Plan Set, prepared by Trachtenberg Architects, dated June 27, 2022; Stormwater Control Plan, prepared by Adobe Associates, Inc., March 2021; FEMA FIRMeTte maps, accessed May 2022; and Department of Conservation Tsunami Hazard Area Map, accessed May 2022.

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: Based on the analysis in the 2010 FEIR, implementation of the General Plan and Three Corridor Specific Plan would have a potentially significant impact due to discharge of polluted runoff that may be reduced to less than significant with implementation of mitigation measure 4.9.1a.

The Project is required to implement applicable requirements for stormwater control and apply best management practices to the Project's management of stormwater on site, in compliance with Pinole Municipal Code Chapter 8.20. Compliance with municipal code requirements is a standard condition of approval for

construction, which has been incorporated as condition of approval (COA) HYD-1. With adherence to the municipal code, the Project satisfies mitigation measure 4.9.1. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

4.9(b) (Groundwater) No Substantial Change Relative to the 2010 FEIR: Based on the analysis in the 2010 FEIR, implementation of the General Plan and Three Corridor Specific Plan would have a less than significant impact to degradation of groundwater and no impact on the extraction of groundwater. 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 proposed Pinole Vista Project would comply with these requirements pursuant to COA HYD-1. 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. The Project would result in the reduction of impervious area on site and will include biorientation areas for infiltration. The Project does not involve the extraction and use of groundwater. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

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

The City is served by an existing storm drain system, and the City Engineering Division confirms infrastructure capacity for new developments. As new development has the potential to incrementally increase the use of storm drains, the City has established development impact fees levies on new developments to contribute to any needed new or expanded infrastructure. Payment of development impact fees, as well as review of final drainage plans, is a requirement in the building permit process. Development impacts fees are used to maintain and build out the city's storm drain system as planned. The 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 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 December 2021, the site is located in Zone X, outside of the Special Flood Hazard Areas. The Project site is not located on the shoreline and is not subject to associated risk of flooding in these areas. Tsunamis and seiches were not identified as significant flood hazards that may affect the Project: San Francisco Bay significantly attenuates tsunamis before they reach Pinole, and the Project is located approximately 1.4 miles from the shoreline. The site is not located in a tsunami hazard area, as shown in the California Department of Conservation Tsunami Hazard Area Map, accessed December 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 set forth 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 pertinent local, state, and federal agency requirements, and that with mitigation measure 4.9.1 and compliance with water quality

regulation including NPDES requirements, potential impacts to water quality would be reduced to less than significant levels.

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

Applicable 2010 FEIR Mitigation Measures

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

Status: Applicable. The Project is required to adhere to local, state, and federal regulations on stormwater management. Compliance with the Pinole Municipal Code, under Chapter 8.20, requires implementation of best management practices. Application of the latest guidance on best management practices from Contra Costa County, including the Contra Costa Clean Water Program Stormwater C.3 Guidebook, is a standard condition of new development and has been imposed as environmental COA HYD-1.

MM 4.9.6a The City of Pinole shall work with the Bay Conservation and Development Commission (BCDC) to implement strategies to adapt to Bay-related impacts of climate change. The City shall work with BCDC to develop a vulnerability analysis 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/Specific Plan and EIR; City Council Resolution No. 2018-02; Plan Set, prepared by Trachtenberg Architects, dated June 27, 2022; Pinole Vista Apartments: An Economic Impact Brief, prepared by Marin Economic Consulting, dated July 13, 2022.

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.

Economic Impact Brief

A market analysis was prepared to assess the fiscal impacts of removal of an anchor retail development versus the addition of 223 units of housing to Pinole's inventory at the project site. The analysis concluded that the addition of the housing would have a net increase of 33 jobs, a net increase of \$892,444 in state and local tax revenues, and an increase of \$7,316,536 in gross revenues to local businesses from the increase in resident spending. K-Mart vacated the anchor site prior to 2020 and is no longer a viable tenant.

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 create a refinement of the established urban form and allow for more intensive, concentrated development; implementation does not divide or separate a portion of the community. The Project is consistent with the projected land use (as amended by Ordinance No. 2018-02) 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, with the use of a concession pursuant to the State Density Bonus Law. In consideration of the predominantly commercial design of surrounding buildings, the Project proposes floor-to-ceiling fenestration of communal use areas of the building including the lobbies, leasing office, club rooms, and fitness center to provide a coherent and consistent look to the ground floor of the building that will help the residential building to blend in with the neighboring land uses.

The Project is located on a previously developed site within the Pinole Vista Shopping center and contains an existing, vacant commercial building and associated improvements. The proposed multifamily residential development is a use permitted by right under the Pinole Municipal Code, Table 17,20,020-1.

As described above, the base density of the site allows for up to 178 units. The proposed project will rely on a Density Bonus that increases the allowed number of units to 223 units. The Project proposes seven percent of the base units for Very-Low-Income households and eight percent of the base units for Low Income households, through the provision of which the project is eligible for a 25 percent density bonus pursuant to the State Density Bonus Law, resulting in 45 density bonus units. The Project meets all zoning standards such as height and setbacks and is, therefore, requesting no waivers as allowed for under the State Density Bonus Law. The Project is relying for concession as provided in the State Density Bonus Law to eliminate the requirement for commercial uses onsite. Therefore, the Project is consistent with the State Density Bonus law, and the City's land use designation, zoning provisions, and not present any conflicts with land use regulations.

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

Applicable 2010 FEIR Mitigation Measures

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

Conclusion

The Project would not result in any new or more severe impacts to land use relative to what was identified in the 2010 FEIR. The Project consists of development consistent with the land use as provided.

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/Specific Plan and EIR; Plan Set, prepared by Trachtenberg Architects, dated June 27, 2022; and Noise and Vibration Assessment, prepared by Illingworth & Rodkin, October 25, 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 as a result of concentrating high density residential and commercial activities along major corridors. This would be a cumulatively considerable impact that remains significant and unavoidable with mitigation. Resolution 2010-88 adopted a statement of overriding consideration for this significant and unavoidable impact citing economic and sustainability benefits and included the following rationale: 1) Locating residential projects adjacent to commercial development allows for greater pedestrian and bicycle access for those residents to commerce, employment opportunities, and transit which reduces vehicle trips and increases the sustainability of the community; and 2) Including residential uses along predominantly commercial corridors provides urban-level activity and potential patrons for existing and future commercial uses, conferring an economic benefit to the city.

Project Consistency with the 2010 FEIR

4.13(a) (Increase in Ambient Noise) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR determined that implementation of the General Plan may have potentially significant impacts that could be reduced to less than significant with mitigation. The proposed Project consists of a multi-family residential development in the Appian Way corridor, consistent with the land use, zoning and State Density Bonus Law. Consistent with the 2010 FEIR mitigation measures 4.5.3a and 4.5.6, a project level noise study (**Appendix G**) was conducted that evaluates ambient noise conditions and provides recommendations to minimize potential noise conflicts.

Although the effect of ambient noise on the Project is not considered an environmental impact under CEQA, the Project is subject to condition of approval (COA) NOI-1, which requires noise insulation features in order to achieve the interior noise standard of 45 dBA (A-Weighted sound level), pursuant to mitigation measure 4.5.3a. In general, projects exposed to greater than 65 dBA and not exceeding 75 dBA day-night average sound level (DNL) require a minimum of 5 dB additional sound attenuation for buildings with noise-sensitive uses. Residential units proposed along the north façade of the proposed building, facing Fitzgerald Drive, would be exposed to future exterior noise levels up to 69 dBA DNL. Units located on the western and eastern façades of the proposed building would be partially shielded from traffic noise; however, exterior noise levels up to 66 dBA DNL are anticipated. Additionally, the unit-by-unit acoustical analysis required by COA NOI-1 will identify any units that will require additional sound attenuation measures to achieve the interior noise standard of 45 dBA.

Development introduced onsite will result in noise at operation, including from outdoor uses, HVAC and mechanical equipment, driveways, and parking areas. The greatest potential noise source generated by the proposed Project would be vehicular traffic. As concluded in the Noise Report, the addition of the proposed project trips to the existing traffic along Fitzgerald Drive would result in no measurable change to the existing traffic noise levels and concluded that impacts would be less than significant.

The proposed site plan shows that mechanical, electrical and plumbing rooms are located on the west side of the building and fully enclosed, which would ensure that mechanical equipment noise at operation would be undetectable offsite. Therefore, potential impact from a permanent increase in noise levels as result of Project operation would be less than significant. Furthermore, like any use within the City, the ongoing use at the 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 Project will result in a temporary noise increase from construction equipment, activities, and material 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 and from 9:00am to 6:00pm on Saturdays, provided that work is interior. Compliance with construction hours and best management practices to minimize noise during construction activities is imposed under COA NOI-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.

4.13(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 project level noise study included an analysis of Project related groundborne vibration in compliance with mitigation measure 4.5.6. The Project would not result in long-term and excessive groundborne vibration and groundborne noise once it is operational as residential use. 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. The proposed project would not require pile driving, which can cause excessive vibration. The noise study determined that while groundborne vibration from Project construction may be perceptible, it is not expected to cause risk of building damage in the vicinity. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

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

Applicable 2010 FEIR Mitigation Measures

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

Status: Applicable. A project-specific noise study has been prepared and identifies ambient noise levels that exceed standards due to existing traffic noise on Fitzgerald Drive. To ensure that interior noise standards for new residents are achieved, and that the project does not introduce a potential conflict due to noise incompatibility, the Project is subject to Condition of Approval NOI-1, which requires sound-rated windows on facades with elevated noise levels, and that interior noise levels within individual units be verified by an acoustical analysis to identify

appropriate sound attenuation measures and that this be provided to the City prior to final of the building permit.

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 and augmented as environmental conditions of approval NOI-2 set forth below.

Conclusion and Environmental Conditions of Approval

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

NOI-1: The following measures shall be incorporated to reduce interior noise levels to 45 dBA DNL or less at residential interiors:

1. Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, for all residential units on the project site, so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards.
2. Residential units along the northern building façade should be provided with windows and doors having a minimum rating of 30 Sound Transmission Class (STC) and adequate forced-air mechanical ventilation in order to meet the interior noise threshold of 45 dBA DNL.
3. Residential units along the western and eastern building façades should be provided with windows and doors having a minimum rating of 28 STC and adequate forced-air mechanical ventilation in order to meet the interior noise threshold of 45 dBA DNL.
4. A qualified acoustical specialist shall conduct a unit-by-unit analysis of interior residential noise levels and recommend building treatments to reduce interior noise levels to 45 dBA DNL or less. Treatments would include, but are not limited to, sound-rated windows and doors, sound-rated wall and window constructions, acoustical caulking, protected ventilation openings, etc. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans and approved design, prior to final of a building permit.

NOI-2: Construction activities including delivery and hauling shall comply with construction hours as provided under Pinole Municipal Code Section 15.02.070 and in accordance with construction best management practices for minimizing noise including:

1. Construction shall be limited to the hours of 7:00 a.m. to 5:00 p.m. Monday through Friday, excluding holidays. Saturday work is allowed in commercial zones only, from 9:00 a.m. to 6:00 p.m., as long as it is interior work and does not generate significant noise. Any work outside of these hours by the construction contractors should require a special permit from

the City Manager. There should be compelling reasons for permitting construction outside of these designated hours.

2. Construct temporary noise barriers, where feasible, to screen adjoining land uses. Temporary noise barrier fences would provide a 5 dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps.
3. The contractor shall use “new technology” power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components.
4. The unnecessary idling of internal combustion engines shall be prohibited.
5. Staging areas and stationary noise-generating equipment shall be located as far as possible from noise-sensitive receptors.
6. Ensure that generators, compressors, and pumps are housed in acoustical enclosures.
7. Locate cranes as far from adjoining noise-sensitive receptors as possible.
8. Substitute nail guns for manual hammering and electrically powered tools for noisier pneumatic tools, where feasible.
9. A “noise disturbance coordinator” shall be designated to respond to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator would be conspicuously posted at the construction site.

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/Specific 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 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 223 residential units, which is within the projected 1,076 units for the Specific Plan corridors analyzed in the 2010 FEIR, and more specifically the projected 633 units within the Appian Way corridor. Since the adoption of the General Plan and Specific Plan, the city has experienced substantial development of residential units in the Specific Plan corridors – to date only one other residential project has been approved, the Appian Village Project with 214 unit, but has not yet been constructed. The Project would introduce a higher density residential development consistent with the increased residential development as planned for the Three Corridors Specific Plan, the General Plan, and as provided through the State Density Bonus law. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

4.14(b) (Displacement). No Change Relative to the 2010 FEIR: The 2010 FEIR determined that impacts from displacement would be less than significant. The General Plan and Specific Plan have designated areas for the

development of housing in the Appian Way Corridor and throughout the city, with the intent to increase the amount and variety of housing opportunities. The Project involves the development of new housing units without demolishing existing housing units or causing displacement. Therefore, the Project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

Applicable 2010 FEIR Mitigation Measures

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

Conclusion

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

4.15. PUBLIC SERVICES

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

Sources: City of Pinole General Plan/Specific Plan and EIR; Plan Set, prepared by Trachtenberg Architects, dated June 27, 2022.

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. Fire and Police services share the Public Safety Building located at 880 Tennent Avenue. The typical automobile travel time between this location (City Hall) and the Project site is approximately six minutes. The 2010 FEIR analyzed the impacts of intensification of development under the General Plan and the Three Corridors Specific Plan on emergency services response times. Development intensification is expected to generally increase traffic and therefore increase the likelihood of conflicts with existing emergency response and/or emergency evacuation plans by making emergency response activities more difficult and increasing response times. However, the 2010 FEIR concluded that there is a less than significant impact on emergency services because development activities would include roadway improvements to ensure adequate access and traffic management.

General Plan policies CS.2.1 and CS.2.3.5 call for 5-minute response times from the Police Department and the Fire Department. Police and Fire vehicles travel more swiftly than typical vehicles using sirens and bypassing traffic lights, and therefore Fire and Police services are expected to be able to reach the site with adequate response times. The only roadway improvement implemented by the project will be an adjacent pedestrian crossing of Fitzgerald Drive. The Project will not negatively impact the emergency response times to the area. Therefore, Police and Fire services are expected to be able to reach the site with adequate response times.

The 2010 FEIR determined that General Plan buildout would increase demand for Fire and Emergency response services but indicated that agencies would receive a portion of funding from property taxes and development impact fees. Impacts to Fire and Emergency services and response were determined to be less than significant and be less than cumulatively considerable. Similarly, impacts on Police services were determined to be less than significant and less than cumulatively considerable by the 2010 FEIR, which found that no new or expanded facilities were needed to maintain service and funding from property taxes on new development would be received as development occurs. Upon review of the proposed development plans for the Pinole Vista Project, the Fire and Police Departments did not indicate concerns about 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 Project, as a multifamily residential development, could potentially create direct impacts on educational services provided by schools. The 2010 FEIR determined that impacts associated with increased student enrollment to schools would be less than significant. The 2010 FEIR also determined that the cumulative impacts of General Plan buildout to schools would be less than cumulatively considerable. The determination indicated that new schools planned within the West Contra Costa Unified School District (WCCUSD) would have the capacity to accommodate future development. Additionally, development would be subject to payment of school fees to mitigate potential impacts. WCCUSD monitors development in the district and assesses school fees on new residential and commercial development to fund facility improvements. Confirming the payment of school fees is a standard part of the building permit process. As a multi-family residential development, the Project would be subject to development impact fees. Therefore, the Project would result in less than significant impacts to schools consistent with the determination made in the 2010 FEIR.

The increase in demand for parks and recreational facilities associated with population growth and development was considered in the 2010 FEIR. The Project is consistent with the projected build out analyzed in the General Plan and Specific Plan EIR, which determined impacts to existing parks and recreational resources would be less than significant and cumulative impacts would be less than cumulatively considerable. As described in 4.16 Recreation, new residents would have access to existing parks and recreational facilities in the City of Pinole, and the Project is subject to development impact fees to fund maintenance, acquisition, and development of City of Pinole 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 facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sources: City of Pinole General Plan/Specific Plan and EIR; Plan Set, prepared by Trachtenberg Architects, dated June 27, 2022; and the City of Pinole Recreation Department, Park and Facilities, accessed May 2022.

General Plan and Specific Plan EIR Findings

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

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

Project Consistency with the 2010 FEIR

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

New residents introduced by the Project would increase use of surrounding parks and recreational facilities. While the anticipated increase would be consistent with the expected use generated by the Three Corridors Specific Plan, increased use by the residents of the proposed development on existing local and regional Parks is not expected to cause substantial or accelerated physical deterioration. However, the City of Pinole periodically updates the Recreation Park and Facility Master Plan in accordance with General Plan Action CS.1.3.4 to monitor the condition of recreational facilities and ensure community needs are adequately addressed. Pursuant to Action CS.3.1.1 the Master Plan is used to identify areas that underserved by recreation facilities and identify opportunity sites that may satisfy existing and projected park and recreation needs. The Project is in compliance with Action CS.3.4.3, which directs that the Recreation Department review development proposals. The Recreation Department was routed the development proposal and determined that existing park and recreation facilities were adequate to meet recreational demands of the Project. Additionally, the Project, would include two courtyards for passive outdoor recreation of residents including gathering spaces, a fire pit, recreational lawn, BBQ areas, and bench seating. Furthermore, the Project includes an onsite fitness room for

active recreation and a club room. As a multi-family development, the Project is also subject to Development Impact Fees, levied by the City per Resolution No. 2018029/4-3-2018 or as subsequently amended, which are used to fund maintenance, acquisition, and development of Pinole parks and recreational facilities.

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

Applicable 2010 FEIR Mitigation Measures

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

Conclusion and Environmental Conditions of Approval

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

4.17. TRANSPORTATION

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

Sources: City of Pinole General Plan/Specific Plan and EIR; Plan Set, prepared by Trachtenberg Architects, dated June 27, 2022; Technical Advisory on Evaluating Transportation Impacts in CEQA, prepared by the State of California Governor's Office of Planning and Research, December 2018; Traffic Analysis, prepared by W-Trans, dated January 27, 2022; Vehicle Miles Traveled Evaluation, prepared by W-Trans, dated August 27, 2021; and Draft Transportation Demand Management Plan, prepared by W-Trans, dated February 2, 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. Resolution 2010-88 adopted a statement of overriding consideration citing economic and sustainability benefits as follows: 1) Locating residential projects adjacent to commercial development allows for greater pedestrian and bicycle access for those residents to commerce, employment opportunities, and transit which reduces vehicle trips and increases the sustainability of the community; and 2) Including residential uses along predominantly commercial corridors provides urban-level activity and potential patrons for existing and future commercial uses, conferring an economic benefit to the city.
- Impact 4.4.2- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would result in an increase in volume to capacity (v/c) ratios and a decrease in LOS on study intersections during the AM and PM peak hours. This is considered a potentially significant impact and is reduced to less than significant with modification to the LOS policy allowing for LOS F standard within Old Town.
- Impact 4.4.3- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would conflict with the multimodal transportation service objectives (MTSOs) identified in the West County Action Plan. This is considered a significant impact and is remains significant and unavoidable with mitigation. Resolution 2010-88 adopted a statement of overriding consideration citing a sustainability benefit and included the following rationale: Locating residential projects along commercial corridors allows for greater access to commerce, employment opportunities, and transit which reduces vehicle trips and increases the sustainability of the community.

- 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. Resolution 2010-88 adopted a statement of overriding consideration for this significant and unavoidable impact citing a sustainability benefit and included the following rationale: Locating residential projects along commercial corridors allows for greater access to commerce, employment opportunities, and transit which reduces vehicle trips and increases the sustainability of the community.
- 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 within the City of Pinole. Pursuant to SB 743, as of July 1, 2020, lead agencies are required to evaluate transportation impacts of a project using a Vehicle Miles Traveled (VMT) metric, which focuses on balancing the needs of congestion management with statewide goals related to infill development, promotion of public health through increased active transportation facilitated by closer proximity to alternative travel modes and reduces greenhouse gas emissions.

In December 2018, the California Governor's Office of Planning and Research (OPR) published the Technical Advisory on Evaluating Transportation Impacts in CEQA, which provides recommendations for evaluating a project's transportation impact using a VMT metric, thresholds of significance, and mitigation measures. Pursuant to Government Code Section 15064.3(b), lead agencies have discretion to select the most appropriate methodology for evaluating a project's VMT impacts. To date (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. The Advisory provides qualitative thresholds for which projects are considered to have characteristics that will not result in significant VMT impacts and are therefore not required to conduct transportation analyses. Examples of project types that screen out from additional VMT impact analysis include projects that are consistent with the applicable Sustainable Communities Strategy (SCS) and do not exceed a level of 15 percent existing VMT per capita, which may be measured as regional VMT per capita or as city VMT per capita.

Vehicle Miles Traveled (VMT) Screening Analysis

In accordance with SB 743, a VMT Screening Analysis was completed for the Project (**Appendix H-1**). Senate Bill (SB) 743 established a change in the metric to be applied for determining traffic impacts associated with development projects. The project-related VMT impacts were assessed based on guidance provided by the California Governor's Office of Planning and Research (OPR) in the publication Transportation Impacts (SB 743) CEQA Guidelines Update and Technical Advisory, 2018.

Transportation Demand Management Plan

A draft Transportation Demand Management Plan (TDM) was prepared by W-Trans (**Appendix H-2**) which details measures to be undertaken by the Pinole Vista Project during operation and carried out by a designated Transportation Coordinator staff person to promote a reduction in vehicle trips. The measures described are intended to increase usage of transit services, increase incidence of carpooling, and increase the rate at which residents choose to walk or bike.

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 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 and that impact would be significant and unavoidable.

The Project is consistent with the land use designation established through the Three Corridors Specific Plan, and as provided through the State Density Bonus Law. The Traffic Analysis (**Appendix H**) estimates that the Project would be expected to generate an average of 1,213 trips per day, including 80 trips during the a.m. peak hour (between 7:00-9:00 am) and 98 trips during the p.m. peak hour (between 4:00-6:00 pm). This represents a net 877 daily trip decrease from the previous department store use, with a 27-trip net increase in AM peak and 80 trip net decrease in PM peak trips. The Project's Traffic Analysis indicates that overall, the study intersections, as described in the Traffic Analysis, and Project driveways operate at mid-LOS D or better under existing plus Project conditions. Per the City of Pinole's level of service (LOS) standards, the minimum desired service level for intersections located on Fitzgerald Drive is LOS D. Therefore, the Project will not conflict with the City's LOS policy.

The Three Corridors Specific Plan identifies roadway improvements on Appian Way. The closest of these improvements to the Project site are proposed on Appian Way between Mann Drive and Dalessi Lane and include a five to six-foot bicycle lane and two 11-foot travel lanes in each direction with a median/turn lane.

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

The 2010 FEIR imposed mitigation measure 4.4.11 which is relevant to this project. Mitigation measure 4.4.11 directs the city to work with transit to construct additional bus turnouts along Pinole roadways including Fitzgerald Drive. Correspondence with WestCAT indicated that bus turnouts are Fitzgerald Drive are sufficient

to provide adequate transit access and requested that bus stops be upgraded to shelters. The Project site is served by Transit via West Contra Costa Transit Authority (WestCAT) Route 16 on weekdays and Route 19 on Saturday, and by Alameda Contra Costa Transit District (AC Transit) Bus Route 70 all day throughout the week and Route 376 at nights throughout the week. WestCAT Route 16 and Route 19 provide fixed-route bus services in the cities of Hercules and Pinole and serve stops on both sides of Fitzgerald Lane at Pinole Vista Shopping Center in which the Project is located. AC Transit Route 70 provides fixed route bus services to the cities of El Sobrante, Pinole, Richmond, and San Pablo. AC Transit Route 376 provides service to the cities of El Cerrito, Richmond, North Richmond, Pinole, and San Pablo. Both AC Transit bus routes serve stops at the Pinole Vista Shopping Center. WestCAT Route JPX which also serves the Project site on weekday off-peak times is currently out of service. The Project proposes to retrofit three adjacent bus stops into covered bus shelters to improve comfort, convenience, and access to bus transit proximity to the Project site.

As such, the Project will not result in new or more severe impacts beyond those analyzed in the 2010 FEIR by way of increasing VMT impacts.

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

Absent locally adopted VMT thresholds, the City of Pinole is relying upon the Technical Advisory for Evaluating VMT issued by the Office of Planning Research. As provided in the Technical Advisory, several types of land use projects screen out from the need for further VMT analysis if certain criteria are met. Residential project generating vehicle travel that is 15 or more percent below the existing countywide residential VMT per capita may indicate a less than significant VMT impact. Data from the Contra Costa Transportation Authority (CCTA) 2020 travel demand model indicates that the county has a baseline average residential VMT of 17.3 miles per capita. 15 percent of 17.3 miles per capita is 14.7 miles per capita. The Project is located in a traffic analysis zone (TAZ 10190) with a baseline VMT per capita of 13.6 miles, which is less than the VMT screening threshold of 14.7 miles per capita. Therefore, consistent with OPR's VMT Advisory it can be determined that the Project will not conflict with CEQA Guidelines section 15064.3, subdivision (b).

Nonetheless, in an effort to minimize VMT for all new development projects, in accordance with Action SE.7.8.1, COA TRAN-5 requires a project-level Transportation Demand Management (TDM) Plan to be prepared and submitted to the Development Services Department for review and approval prior to issuance of the certificate of occupancy. The draft TDM Plan prepared for the Project (**Appendix H-2**) details four measures including: 1) a transit pass subsidy; 2) a ridesharing program; 3) an education, outreach, and marketing initiative; and 4) a bikeshare program. The TDM Plan measures are estimated to reduce trips by 5.7% with the greatest reductions coming from the transit pass subsidy (2.4% reduction) and the education, outreach, and marketing initiative (2.3% reduction).

As such, the Project will not result in new or more severe impacts beyond those analyzed in the 2010 FEIR by way of conflicting with local plans, policies, and ordinances.

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 Project will be provided via two existing driveways from Fitzgerald Drive on the north portion of the site. Internal circulation on the site will occur via 27 to 29 foot wide drive aisles in the reconfigured parking lot that will provide access to 275 vehicle parking stalls.

The Project would be required to comply with the public realm standards and design guidelines established in the Three Corridors Specific Plan. Consistent with Policy 1 (safe and efficient movement of people and goods) and Policy 2 (road and intersection improvements to consider pedestrian and traffic safety) of the Three Corridors Specific Plan, the Project is subject to COA TRAN-2 which requires that signage, trees, and landscaping elements within a clear vision triangle, including driveways and street intersections, maintain clear

sight lines at heights between two and one-half feet and seven feet, pursuant to Pinole Zoning Code Section 17.98.020.

The Project's Traffic Analysis (**Appendix H**) recommends reconstruction of the westerly driveway to the Project site such that it is at grade with Fitzgerald Drive as opposed to the existing condition which exhibits a steep slope. COA TRAN-3 requires reconstruction of the westerly driveway to the Project site such that it is at grade with Fitzgerald Drive to improve sightlines.

Within the project vicinity, sidewalks are present along both sides of Fitzgerald Drive, including along the Project site frontage. Internal pedestrian walkways proposed on the Project site would connect to the existing pedestrian facilities on Fitzgerald Drive. Additionally, the Project proposes a pedestrian connection, in the southern portion of the site, between the proposed development and the existing pedestrian walkway in front of the commercial buildings of the Pinole Valley Shopping Center east of the site. As such, on-site pedestrian facilities serving the project site would be adequate.

The Project's Traffic Impact Study (**Appendix H**) recommends off-site improvements to the unsignalized pedestrian cross walk at the intersection of Fitzgerald Drive and the easterly driveway to the Project for pedestrian safety. These recommended improvements include a pedestrian-refuge median island along with high visibility continental markings and yield line striping with a flashing "Yield Here to Pedestrian" sign. COA TRAN-4 requires these improvements at the intersection of the easterly driveway to the Project and Fitzgerald Drive.

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. During construction activities, temporary lane closures on Fitzgerald Drive are expected to occur during frontage improvements and utility work that will be coordinated with Fire, Police, and emergency responders to ensure that through access is maintained and adequate response times are achievable as discussed in Section 4.15(a).

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

Applicable 2010 FEIR Mitigation Measures

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

Status: Applicable. The City should coordinate with AC Transit and WestCAT to identify any needed improvements to transit facilities serving Fitzgerald Drive and intent and timing to resume WestCAT route JPX.

Conclusion and Environmental Conditions of Approval

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

- TRAN-1:** Prior to the issuance of Building Permit, the applicant shall provide the Project's fair share contribution as established by the City towards multi-modal improvements in the Project vicinity as identified in the Three Corridors Specific Plan.
- TRAN-2:** 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, on-street parking on Fitzgerald Drive is prohibited, and vegetation shall be trimmed to about one foot in height on the west sides of the driveways.
- TRAN-3:** Prior to final occupancy, the applicant shall reconstruct the westerly driveway to the Project site such that it is at grade with Fitzgerald Drive to improve sightlines.
- TRAN-4:** Prior to final occupancy, the applicant shall construct a pedestrian-refuge median island along with high visibility continental markings, yield line striping, and a flashing "Yield Here to Pedestrian" sign at the intersection of the easterly driveway to the Project and Fitzgerald Drive.
- TRAN-5:** Prior to issuance of the certificate of occupancy, a final Transportation Demand Management Plan shall be provided to the Development Services Department for review and approval. The TDM Plan shall include example materials that will be used to educate residents about the programs, designate a staff position as the Transportation Coordinator, and detail the program implementation schedule which should commence with occupation of the building.

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; Plan Set, prepared by Trachtenberg Architects, dated June 27, 2022; Archaeological Survey Report, prepared by Alta Archeological Consulting, October 2021; and AB 52 Notification issued by the City of Pinole January 5, 2022.

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 tribes below on January 5, 2022, which included a brief description of the proposed Project and its location, the City of Pinole contact information, and a notification that the Tribes have 30 days to request consultation. Notified tribal organizations include:

- The Ohlone Indian Tribe

- Amah Mutsun Tribal Band of Mission San Juan Bautista
- North Valley Yokuts Tribe
- The Confederated Villages of Lisjan
- Guidiville Indian Rancheria
- Indian Canyon Mutsun Band of Costanoan
- Nashville Enterprise Miwok-Maidu-Nishinam Tribe
- Chicken Ranch Rancheria of Me-Wuk Indians
- Muwekma Ohlone Indian Tribe of the SF Bay Area
- Tule River Indian Tribe
- Wilton Rancheria
- Wuksache Indian Tribe/Eshom Valley Band

The City received a request to consult from The Confederated Villages of Lisjan on January 20, 2022. The City responded to the consultation request and provided the Tribe with materials and information, as well as draft conditions regarding training, treatment, and monitoring for buried archaeological and tribal cultural resources. Those conditions have been imposed on the project. No other responses from 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 (General Plan Update and Three Corridor Specific Plan) 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 including a database review, records search, and archeological site survey to evaluate the site for recorded evidence of cultural resources, yielded negative results. However, ground surface visibility being poor or non-existent for a majority of the Project site due to hardscaped surfaces limited the effectiveness of the onsite survey for resources. Demolition and ground-disturbing activities from project development could result in potentially significant impacts to buried tribal resources eligible for listing if present. Environmental conditions of approval TCUL-1 will be imposed on the Project in compliance with mitigation measure 4.10.1b and 4.10.1c incorporated in the 2010 FEIR. Therefore, the Project would not result in new or more severe impacts relative to the 2010 FEIR as it relates to a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).

4.18(b) (Significant Resources) No Substantial Change Relative to the 2010 FEIR: As described above, the City of Pinole provided notification of the Project to tribes and tribal organizations on January 5, 2022, consistent with AB 52. On January 20, 2022, the City received a formal request for consultation from The Confederated Villages of Lisjan tribe. The City proceeded with tribal consultation and provided draft environmental conditions of approval regarding training, monitoring, and treatment of buried archaeological and tribal cultural resources to The Confederated Villages of Lisjan tribe. Those conditions are imposed via TCUL-1. No other requests to enter into consultation were received on the Pinole Vista Project. Therefore, condition TCUL-1 is set forth below and includes presence of a approved monitor during excavation and initial earthwork and follow up with the tribe in the event that a resource or potential resource is encountered during construction.

As identified in the 2010 FEIR, archeological resources are prevalent in the Pinole area and have the potential to be encountered during build out of the Specific Plan. The Project site has a potential to contain buried tribal cultural resources that may be unearthed during construction. 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/Specific Plan and EIR; Plan Set, Utility Plan, prepared by Adobe Associates, Inc., Sheets C3.0, 3.1, dated March 22, 2021; and Stormwater Control Plan, prepared by Adobe Associates, Inc., March 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 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 223 dwelling units, providing multi-family housing, which will generate demand for utilities and services. The site vicinity is well served by existing utilities, including water, wastewater, electricity, natural gas, telecommunication, cable, and storm drain infrastructure, which will be extended onsite to provide services to residents.

The existing drainage system drains to the south and outfalls in Wildcat Creek. As indicated in the Project's Stormwater Control Plan (**Appendix F**), the Project proposes bioretention facilities throughout the site designated to receive all on-site runoff for treatment and infiltration before being discharged into the City's municipal storm drain system. Each of these facilities will be designed and constructed to the Costa County Clean Water Program, Stormwater C.3 Guidebook criteria.

Demand for utilities and service systems generated by the 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 Pinole Vista 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 to the site is provided via the existing municipal water system and will be conveyed to the Project through a water line on the site that connects to the potable water main within the Fitzgerald Drive right-of-way.

The Project proposes residential development, within the residential capacity analyzed in the 2010 FEIR, which determined that the City's water supplies are sufficient to meet the needs of Pinole during normal, dry, and multiple dry years. In accordance with Action GM2.2.1 verification by EBMUD is required for approval of new development 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 Project site via an existing service line located within the Fitzgerald Drive right-of-way. The Project includes installation of a sanitary sewer pipe to collect wastewater from the Project and discharge to the existing sanitary sewer infrastructure for conveyance, treatment, and processing.

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

4.19(d,e) (Solid Waste Generation/Compliance with Solid Waste Management) No Substantial Change Relative to the 2010 FEIR: The FEIR concluded that development resulting from buildout of the General Plan Update and Three Corridors Specific Plan would increase solid waste generation and the demand for related services and impacts would be less than significant. The proposed Project will contribute to the generation of solid waste within the Three Corridors Specific Plan area, as anticipated by the 2010 FEIR. The Project applicant is required to adhere to all regulations governing the disposal of solid waste.

Republic Services provides solid waste collection services for recycling and waste disposal. Although the waste stream generated by the Project is expected to increase during construction and operation, it is not expected to exceed landfill capacity and is not expected to result in violations of federal, state, and local statutes and regulations related to solid waste. In accordance with General Plan Action CS.8.1.3 construction sites shall provide for the salvage, reuse or recycling of construction and demolition materials. This is imposed through environmental COA UTIL-3 set forth below. Pursuant to Action SE.5.1.2 improve and expand curbside recycling services; the Project is subject to environmental COA UTIL-4 and UTIL-5 set forth below. Therefore, the disposal of solid waste resulting from project construction and operation would not result in new or more severe impacts relative to those identified in the 2010 FEIR.

2010 FEIR Mitigation Measures

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

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

Conclusion and Environmental Conditions of Approval

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

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/Specific 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 emissions that contain particulate matter (soot, tar, water vapor, and minerals) and gases (carbon monoxide, carbon dioxide, nitrogen oxides). Public health impacts associated with wildfires include difficulty in breathing, odor, and reduction in visibility.

Due to the urban development pattern of Pinole and surrounding jurisdictions, wildfire risk is relatively low within the Appian Way corridor of the Three Corridors Specific Plan including the Project site. Areas of the City that are most susceptible to wildfire hazards are located east of Appian Way, 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 multi-family residential development on a site at a density planned for in the Three Corridors Specific Plan. During construction activities, temporary lane closures on Fitzgerald Drive can be expected to occur during frontage improvements and utility work that will be coordinated with Fire, Police, and emergency responders to ensure that through access is maintained and adequate response times are achievable. There are no elements of the project that would impair emergency response or evacuation routes. Therefore, the proposed Project is not expected to substantially impair an adopted emergency response plan or emergency evacuation plan and there would be no change in impacts relative to the 2010 FEIR.

4.20(b-d) (Wildfire Risk Exacerbation, Infrastructure Contributing to Wildfire Risk, Exposure to Wildfire-Related Risks) No Change Relative to the 2010 FEIR: The Project site is generally flat with the exception of steep slopes along the site's southeastern boundary. Very High Fire Hazard Severity Zone in Local Responsibility Area (LRA) is located approximately 2,300 feet to the east of the Project site, across Appian Way. 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. The Project would not change the risk for wildfire relative to the findings of the 2010 FEIR. Therefore, the project would not exacerbate risks due to the uncontrolled spread of a wildfire, pollutant concentrations from a wildfire, post-fire slope instability, or post-fire flooding.

The Project site is 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 not have impacts related to exposure of people or structures to a significant risk of loss, injury, or death involving fires. Therefore, impacts due to wildfire risk 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 within a Non-VHFHZ 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 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 and environmental conditions of approval have been identified that avoid, reduce, or offset impacts consistent with the 2010 FEIR. This analysis identifies requirements and includes environmental conditions of approval to address applicable regulations related to suitable habitat and special-status species. With implementation of conditions of approval related to Biological Resources and Cultural Resources, as well as adherence to the City's uniformly applied development standards, the Project's potential to degrade the quality of the environment would be substantially the same as those identified in the 2010 FEIR. As such, the Project will not degrade the quality of the environment, reduce habitat, or affect cultural resources beyond what has already been disclosed and analyzed in the certified 2010 FEIR.

4.21(b) (Cumulatively Affect the Environment) No Change Relative to the 2010 FEIR: The CEQA Guidelines define cumulative impacts as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. The individual effects may be changes resulting from a single project or increase in environmental impacts. The cumulative impact from

several projects is the change in the environment which results from the incremental impact of the proposed project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time" (Guidelines, Section 15355(a)(b)).

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

Cumulative impacts are evaluated using the 2010 FEIR as discussed throughout this document. Development of the proposed Project, in combination with past, present, and future development in the city, would result in less than cumulatively considerable impacts to Visual Resources (aesthetics), Air Quality/Greenhouse Gases, Biological Resources, Cultural Resources, Geology and Soils, Hydrology and Water Quality, Land Use, Public Services, Population and Housing, and Transportation. 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 as identified in the 2010 FEIR 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 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 Pinole Vista Project will not result in new or more severe impacts beyond those identified in the 2010 FEIR that would directly or indirectly impact human beings onsite or in the Project vicinity.

Applicable 2010 FEIR Mitigation Measures

No applicable mitigation measures beyond those identified in Section 4.1 through 4.20 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. 1500 Fitzgerald Drive Residential Development Air Quality and Greenhouse Gas Assessment, prepared by Illingworth & Rodkin, October 25, 2021.
- B. Biological Constraints Assessment for ROIC Pinole Vista Mixed Use Project, prepared by WRA Environmental Consultants, October 26, 2021.
- B-1. Tree Survey Report for ROIC Pinole Vista Mixed Use Project, prepared by WRA Environmental Consultants, June 14, 2022.
- C. Archaeological Survey Report, prepared by ALTA Archaeological Consulting, October 2021
- D. Geotechnical Investigation, prepared by Rockridge Geotechnical, April 2022.
- E. Phase 1 Environmental Site Assessment Report, prepared by Partner Engineering and Science, Inc., February 3, 2022.
- F. Stormwater Control Plan, prepared by Adobe Associates, Inc., March 2021.
- G. 1500 Fitzgerald Drive Residential Development Noise and Vibration Assessment, prepared by Illingworth & Rodkin, October 25, 2021.
- H. Revised Traffic Analysis for the Pinole Vista Project, prepared by W-Trans, January 27, 2022.
- H-1. Vehicle Miles Traveled Evaluation for the Pinole Vista Project, prepared by W-Trans, August 27, 2021.
- H-2. DRAFT Pinole Vista Transportation Demand Management Plan, prepared by W-Trans, February 2, 2022.

5.2. OTHER DOCUMENTS REFERENCED

- 1. 2019 California Green Building Standards Code (CalGreen), Effective January 1, 2020.
- 2. BAAQMD 2017 Bay Area Clean Air Plan, prepared by the Bay Area Air Quality Management District, April 2017.
- 3. BAAQMD Recommended Methods for Screening and Modeling Local Risks and Hazards, prepared by the BAAQMD, May 2011.
- 4. California Environmental Quality Act Air Quality Guidelines, prepared by the Bay Area Air Quality Management District, May 2017.
- 5. California Scenic Highway Mapping System, Scenic Highway System Lists, 2019. <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>, accessed August 2021.
- 6. City Council Resolution 2018-02. City of Pinole. June 19, 2018.
- 7. Contra Costa County Local Hazard Mitigation Plan, January 2018.
- 8. National Flood Hazard Layer. FEMA. August 2021. <https://www.fema.gov/flood-maps/national-flood-hazard-layer>

9. Parking Study for the Pinole Vista Shopping Center, prepared by W-Trans, May 25, 2022.
10. Pinole Vista Apartments: An Economic Impact Brief, prepared by Marin Economic Consulting, July 13, 2022.
11. Technical Advisory on Evaluating Transportation Impacts in CEQA, prepared by the State of California Governor's Office of Planning and Research, December 2018
12. Tsunami Hazard Area Map. California Department of Conservation.
<https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps>
13. Fire Hazard Maps, Office of the State Fire Marshal, November 12, 2021, [Osfm.fire.ca.gov](https://osfm.fire.ca.gov)
14. California Department of Conservation Farmland Mapping and Monitoring.
15. Urban Water Management Plan 2020 East Bay Municipal Utility District, Water Resources Planning Division EBMUD, June 2021.

6. ENVIRONMENTAL CONDITIONS OF APPROVAL

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

AES-1: The applicant shall ensure, and the City shall verify that the final lighting plan incorporates applicable requirements set forth in Chapter 17.46 of the Pinole Municipal Code, including that all outdoor lighting fixtures be designed, shielded, aimed, located, and maintained to shield adjacent properties and to not provide glare onto adjacent properties or roadways.

AQ-1: During all construction activities including demolition and ground disturbance activities, on and offsite, the contractor shall implement the latest BAAQMD recommended Best Management Practices (BMPs) to control for fugitive dust and exhaust as follows:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material shall be covered.
3. All visible mud and dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as practicable. Building pads shall be laid as soon as practicable after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper working condition prior to operation.
8. A publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints shall be posted on the project site prior to the initiation of construction activities. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

AQ-2: High-efficiency particulate filtration systems shall be installed in residential heating, ventilation, and air-conditioning (HVAC) systems for residences within the Project. An ongoing maintenance plan for the buildings' HVAC air filtration system shall be required and may include the following:

1. Ensure that the use agreement and other property documents: (1) require cleaning, maintenance, and monitoring of the affected buildings for air flow leaks, (2) include assurance that new owners or tenants are provided information on the ventilation system, and (3) include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed.

- BIO-1:** To avoid and minimize potential impacts to nesting birds including passerines and raptors, the following measures shall be implemented:
1. Grading or removal of potentially occupied habitat should be conducted outside the nesting season, which occurs between approximately February 1 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 either consist of planting or replacement trees onsite as part of the development over and above the landscaping that would otherwise be required at a value equal to the value of the protected trees that will be removed, or through the payment of an in-lieu fee to the City in an amount equal to the value of the protected trees that will be removed.
- CUL-1:** To ensure the Project does not result in impacts to buried archaeological resources onsite, if present, the following shall be implemented:
1. **Training.** Prior to commencement of ground-disturbing activities, a professional archaeologist shall conduct a preconstruction training for construction personnel. The training shall familiarize individuals with the potential to encounter prehistoric artifacts or historic-era archaeological deposits, the types of archaeological material that could be encountered within the Project Area, and the requirement for a monitor to be present during initial ground-disturbing activities.
 2. **Monitoring.** During initial ground disturbing activities on native soils, a Secretary of the Interior-qualified archeologist shall be onsite to monitor activities. The monitor shall have the authority to temporarily halt work to inspect areas as needed for potential cultural materials or deposits. Daily monitoring logs shall be completed by the monitor.

3. **Post-review Discoveries.** In the event that cultural resources are exposed during construction, all earth work occurring within 100 feet of the find shall be immediately stopped until a Secretary of Interior-qualified Archaeologist inspects the material(s), assess historical significance, consults with Tribes and other stakeholders as needed, and provides recommendations for the treatment of the discovery.
4. **Archaeological Monitoring Report.** Within 60 days following completion of construction work, an archeological monitoring report shall be submitted to the City. The report shall include the results of the monitoring program (even if negative), a summary of any findings or evaluation/data recovery efforts, and supporting documentation (e.g., daily monitoring logs).

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

GEO-1: The applicant shall incorporate the recommendations of the Project Geotechnical Report prepared by Rockridge Geotechnical (April 13, 2022) into construction drawings. Prior to issuance of a grading permit, the City shall review and accept the Geotechnical Report and verify that the Report provides adequate information for construction detail including detailed drainage, earthwork, foundation, and pavement recommendations. Final grading plan, construction plans, and building plans shall demonstrate that recommendations set forth in the geotechnical reports and/or to the satisfaction of the City Engineer/Chief Building Official have been incorporated into the design of the project.

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

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

GEO-3: Should any potentially unique paleontological resources (fossils) be encountered during development activities, work shall be suspended within 50 feet of the discovery and the City of Pinole Planning Division of the Development Services Department shall be immediately notified. At that time, the City will coordinate any necessary investigation of the discovery with a qualified paleontologist. The Project proponent shall be required to implement any mitigation

necessary for the protection of paleontological resources. The City and the Project applicant shall consider the mitigation recommendations of the qualified paleontologist for any unanticipated discoveries. The City and the Project applicant shall consult and agree upon implementation of a 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 applicant shall submit a report resulting from a comprehensive asbestos survey and, if asbestos containing materials (ACM) are identified onsite, plans for safe removal. If ACM are verified, the applicant shall prepare an Operations and Maintenance (O&M) Safety Plan and receive approval of the O&M Plan by the City of Pinole Fire Department. The purpose of the O&M Plan is to establish protocol for the removal and disposal of ACM and shall also address the potential for accidental discovery of hazards and hazardous materials during construction activities including lead-based paints and groundwater contamination. Said plans shall be implemented during demolition and construction activities including the following:

- a) Use appropriate site control measures such as wet methods to minimize airborne dust generation.
- b) Identify construction worker protection plan for handling ACM.
- c) Characterize material export and proper disposal requirements.
- d) Notification requirements to the Bay Area Air Quality Management District in accordance with the Asbestos Demolition and Renovation Program requirements.

HAZ-2:

The Project applicant shall implement the following Best Management Practices (BMPs) regarding potential soil hazards:

- a) Soil generated by construction activities shall be stockpiled onsite in a secure and safe manner or if designated for off-site disposal at a permitted facility, the soil shall be loaded, transported, and disposed of in a safe and secure manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state, and federal laws, the Regional Water Quality Control Board (RWQCB), the Contra Costa Environmental Health Services Department, and the City of Pinole.
- b) Groundwater pumped from the subsurface shall be contained onsite in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies of the City of Pinole, the RWQCB and/or Contra Costa Environmental Health Services Department.

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: The following measures shall be incorporated to reduce interior noise levels to 45 dBA DNL or less at residential interiors:

1. Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, for all residential units on the project site, so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards.
2. Residential units along the northern building façade should be provided with windows and doors having a minimum rating of 30 Sound Transmission Class (STC) and adequate forced-air mechanical ventilation in order to meet the interior noise threshold of 45 dBA DNL.
3. Residential units along the western and eastern building façades should be provided with windows and doors having a minimum rating of 28 STC and adequate forced-air mechanical ventilation in order to meet the interior noise threshold of 45 dBA DNL.
4. A qualified acoustical specialist shall conduct a unit-by-unit analysis of interior residential noise levels and recommend building treatments to reduce interior noise levels to 45 dBA DNL or less. Treatments would include, but are not limited to, sound-rated windows and doors, sound-rated wall and window constructions, acoustical caulking, protected ventilation openings, etc. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans and approved design, prior to final of a building permit.

NOI-2: Construction activities including delivery and hauling shall comply with construction hours as provided under Pinole Municipal Code Section 15.02.070 and in accordance with construction best management practices for minimizing noise including:

1. Construction shall be limited to the hours of 7:00 a.m. to 5:00 p.m. Monday through Friday, excluding holidays. Saturday work is allowed in commercial zones only, from 9:00 a.m. to 6:00 p.m., as long as it is interior work and does not generate significant noise. Any work outside of these hours by the construction contractors should require a special permit from the City Manager. There should be compelling reasons for permitting construction outside of these designated hours.
2. Construct temporary noise barriers, where feasible, to screen adjoining land uses. Temporary noise barrier fences would provide a 5 dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps.
3. The contractor shall use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical

condition to minimize noise created by faulty or poorly maintained engines or other components.

4. The unnecessary idling of internal combustion engines shall be prohibited.
5. Staging areas and stationary noise-generating equipment shall be located as far as possible from noise-sensitive receptors.
6. Ensure that generators, compressors, and pumps are housed in acoustical enclosures.
7. Locate cranes as far from adjoining noise-sensitive receptors as possible.
8. Substitute nail guns for manual hammering and electrically powered tools for noisier pneumatic tools, where feasible.
9. A “noise disturbance coordinator” shall be designated to respond to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator would be conspicuously posted at the construction site.

TRAN-1: Prior to the issuance of Building Permit, the applicant shall provide the Project’s fair share contribution as established by the City towards multi-modal improvements in the Project vicinity as identified in the Three Corridors Specific Plan.

TRAN-2: 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, on-street parking on Fitzgerald Drive is prohibited, and vegetation shall be trimmed to about one foot in height on the west sides of the driveways.

TRAN-3: Prior to final occupancy, the applicant shall reconstruct the westerly driveway to the Project site such that it is at grade with Fitzgerald Drive to improve sightlines.

TRAN-4: Prior to final occupancy, the applicant shall construct a pedestrian-refuge median island along with high visibility continental markings, yield line striping, and a flashing “Yield Here to Pedestrian” sign at the intersection of the easterly driveway to the Project and Fitzgerald Drive.

TRAN-5: Prior to issuance of the certificate of occupancy, a final Transportation Demand Management Plan shall be provided to the Development Services Department for review and approval. The TDM Plan shall include example materials that will be used to educate residents about the programs, designate a staff position as the Transportation Coordinator, and detail the program implementation schedule which should commence with occupation of the building.

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.