ATTACHMENT B

City of Pinole
Community Development Department

Pinole Square Project

Initial Study/Mitigated Negative Declaration

February 2020

Prepared by

RANEY PLANNING & MANAGEMENT, INC. | 20 years
1501 Sports Drive, Suite A, Sacramento, CA 95834

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APPENDICES:

INITIAL STUDY

February 2020

A. BACKGROUND

1. Project Title: Pinole Square Project

2. Lead Agency Name and Address: City of Pinole
Community Development Department
2131 Pear Street
Pinole, CA 95760

3. Contact Person and Phone Number: Amalia M. Merino
Project Planner
(510) 724-9000

4. Project Location: 1201-1577 Tara Hills Drive
Pinole, CA 94564
Assessor's Parcel Numbers: 402-282-014-8, 402-282-013-0, 402-282-026-2, 402-282-027-0, 402-282-028-8, 402-282-010-6, 402-282-009-8, 402-282-008 402-282-007-2, 402-282-006-4, 402-282-016-3

5. Project Applicant's Name and Address: Carl Goldstone
Hillsboro Properties, Inc.
1300 S. El Camino Real, #525
San Mateo, CA 94406

6. Existing General Plan Designation: Appian Way Service Sub-Area

7. Existing Specific Plan Designation: Commercial Mixed Use, High Density Residential Overlay (CMU-HDRO)

8. Existing Zoning Designation: CMU-HDRO

9. Surrounding Land Uses and Setting:

The project site consists of approximately 11.89 acres located at 1201-1577 Tara Hills Drive in the City of Pinole, California. The site is identified by Assessor's Parcel Number (APN) 402-282-014-8, 402-282-013-0, 402-282-026-2, 402-282-027-0, 402-282-028-8, 402-282-010-6, 402-282-009-8, 402-282-007-2, 402-282-006-4, 402-282-016-3. In addition, 402-282-008 is owned by a different property owner than the applicant. The applicant is to request and provide a letter of authorization from the 402-282-008 parcel owner authorizing Hillsboro Properties, Inc. to reface the facades of portions of the existing shops as part of the proposed project. Currently, the site is developed with the Appian 80 Shopping Center, which includes a Safeway grocery store, a vacant CVS pharmacy, and various other smaller businesses. Per the Three Corridors Specific Plan, the project site is located within the Service Sub-Area of the Appian Way Specific Plan

area. The Specific Plan designates the site Commercial Mixed Use with a High Density Residential Overlay (CMU-HDRO), consistent with the site's zoning designation.

Surrounding land uses include a shopping center to the north, across Tara Hills Drive, a medical office building (Bay Area Laser Cosmetic Surgery Center) to the east, southwest of the Tara Hills Drive/Appian Way intersection, and a single-family residential neighborhood to the west. Interstate 80 (I-80) is located approximately 150 feet to the south of the site.

10. Project Description Summary:

The proposed project would include demolition of the existing building housing the Safeway grocery store and vacant CVS pharmacy, the car wash and antique restoration store buildings located within the western portion of the site, and a portion of the existing building housing the former O'Reilly Wheel Works and Pizza Hut. The existing China Delight restaurant building, the dry cleaner/fitness studio/seafood, and barbeque restaurant/former Chase Bank buildings located within the eastern portion of the site would remain. New structures would be constructed on-site, including, but not limited to, a Safeway fuel station and associated kiosk, a drive-through restaurant, a casual sit-down restaurant and new building space to house the Safeway grocery store and other shops. Required entitlements for the project would include approval of a Specific Plan Amendment, Comprehensive Design Review, two Variances (Variance for Safeway Fuel Station Proximity to Nearest Chevron Station on Appian and Tara Hills Drive and Variance for Wood instead of Masonry Fence between Different Land Uses), eight Conditional Use Permits (New Safeway Store Alcohol Sales, Outdoor Merchandise Sales Safeway, Commercial Pad Drive Through [Pad 3], Outdoor Dining In Line Shop Space, Outdoor Dining Pad 1, Reduced Parking, New Safeway Fuel Kiosk Alcohol Sales, and Automobile Service Station), and an One Lot Parcel Map. A Sign Program will be applied for separately.

11. Status of Native American Consultation Pursuant to Public Resources Code Section 21080.3.1:

In compliance with Assembly Bill (AB) 52 (Public Resources Code Section 21080.3.1), a project notification letter was distributed to the Amah Mutsun Tribal Band, the Amah Mutsun Tribal Band of Mission San Juan Bautista, the Indian Canyon Mutsun Band of Costanoan, the Muwekma Ohlone Indian Tribe of the SF Bay Area, the North Valley Yokuts Tribe, and the Ohlone Indian Tribe. Three of the tribes provided responses within the 30-day response period, which ended July 31, 2019; however, none of the tribes requested initiation of formal consultation. The Ohlone Indian Tribe requested from the City the depth of any planned excavations. The City will provide this information upon receipt from the applicant.

B. SOURCES

All of the technical reports and modeling results used for the project analysis are available upon request at the City of Pinole Development Services Department, located at 2131 Pear Street, Pinole. City Hall public hours are Monday through Thursday, 8:00 AM to 4:30PM and closed for lunch 12:00-1:00 PM. The following documents are referenced information sources used for the purposes of this Initial Study:

Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines*. May 2017.

Bay Area Air Quality Management District. *Recommended Methods for Screening and Modeling Local Risks and Hazards*. May 2012.

Bollard Acoustical Consultants, Inc. *Changes in noise levels associated with revised building square footages for the proposed Pinole Square Redevelopment project in Pinole, California*. February 18, 2020.

Bollard Acoustical Consultants, Inc. *Environmental Noise & Vibration Assessment, Pinole Square Redevelopment Project – Phases 1-3, Pinole, California.* January 13, 2020.

California Air Pollution Control Officers Association. *Quantifying Greenhouse Gas Mitigation Measures*. August 2010.

California Air Resources Board. *The 2017 Climate Change Scoping Plan Update*. November 2017.

California Air Resources Board. *User Manual for the Hotspots Analysis and Reporting Program Health Risk Assessment Standalone Tool, Version 2*. March 17, 2015.

California Building Standards Commission. *California Green Building Standards Code*. 2019.

California Department of Conservation. *California Important Farmland Finder*. Available at: https://maps.conservation.ca.gov/DLRP/CIFF/. Accessed September 2019.

California Department of Forestry and Fire Protection. *Contra Costa County Fire Hazard Severity Zones in SRA*. November 7, 2007.

California Department of Resources Recycling and Recovery (CalRecycle). *Facility/Site Summary Details: Keller Canyon Landfill (07-AA-0032)*. Available at: https://www2.calrecycle.ca.gov/swfacilities/Directory/07-AA-0032/. Accessed September 2019.

California Department of Transportation. *Scenic Highways.* Available at: https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways. Accessed September 2019.

City of Pinole. *2015-2023 Housing Element*. Adopted May 19, 2015.

City of Pinole. *General Plan Update Draft Environmental Impact Report, SCH #2009022057*. July 2010.

City of Pinole. *General Plan Update*. November 2010.

City of Pinole. *Three Corridors Specific Plan.* May 2010.

Contra Costa County Clean Water Program. *Stormwater C.3 Guidebook*. May 17, 2017.

Cornerstone Earth Group. *Additional Soil, Soil Vapor, and Groundwater Quality Evaluation, Pinole Square, 1211 to 1501 Tara Hills Drive, Pinole, California*. August 30, 2019.

Cornerstone Earth Group. *Design-Level Geotechnical Investigation, Pinole Square Shopping Center, 1421 Tara Hills Drive, Pinole, California*. October 31, 2019.

Cornerstone Earth Group. *Pinole Square Shopping Center, Supplemental Information on Environmental Conditions*. November 20, 2019.

Cornerstone Earth Group. *Phase I Environmental Site Assessment Update and Preliminary Soil Vapor Quality Evaluation, Appian 80 Shopping Center, 1201 to 1577 Tara Hills Drive, Pinole, California*. June 27, 2019.

East Bay Municipal Utility District. *Urban Water Management Plan*. July, 2015.

Federal Emergency Management Agency. *Flood Insurance Rate Map 06013C0231G*. Effective March 21, 2017.

Flores, Areana. Environmental Planner, Planning and Climate Protection. Personal communication [phone] with Jacob Byrne, Senior Associate/Air Quality Technician, Raney Planning and Management, Inc. September 17, 2019.

HortScience, Inc. *Arborist Report, Pinole Square, CA*. October 2017.

Native American Heritage Commission. *Pinole Square Project, City of Pinole; Richmond USGS Quadrangle, Contra Costa County, California*. July 30, 2019.

Northwestern Information Center. *Record search results for the proposed Pinole Square Project at 1200-1577 Tara Hills Drive, Pinole, CA*. August 20, 2019.

Office of Environmental Health Hazard Assessment. *Air Toxics Hot Spots Program Risk Assessment Guidelines, Guidance Manual for Preparation of Health Risk Assessments*. February 2015.

Office of Planning and Research. *Technical Advisory on Evaluating Transportation Impacts in CEQA*. December 2018.

San Joaquin Valley Air Pollution Control District. *Guidance for Air Dispersion Modeling*. August 2006.

TJKM. *Pinole Square, Transportation Impact Study*. February 21, 2020.

TJKM. *Technical Memorandum, Pinole Square Traffic Study*. January 2, 2020.

U.S. Environmental Protection Agency. *User's Guide for the AMS/EPA Regulatory Model – AERMOD*. September 2004.

C. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ **Aesthetics**	☐ **Agriculture and Forest Resources**	☐ **Air Quality**
✖ **Biological Resources**	✖ **Cultural Resources**	☐ **Energy**
✖ **Geology and Soils**	✖ **Greenhouse Gas Emissions**	✖ **Hazards and Hazardous Materials**
✖ **Hydrology and Water Quality**	☐ **Land Use and Planning**	☐ **Mineral Resources**
✖ **Noise**	☐ **Population and Housing**	☐ **Public Services**
☐ **Recreation**	☐ **Transportation**	☐ **Tribal Cultural Resources**
☐ **Utilities and Service Systems**	☐ **Wildfire**	☐ **Mandatory Findings of Significance**

D. DETERMINATION

On the basis of this initial study:

☐ I find that the Proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

× I find that although the Proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the applicant. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the Proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature	Date
David Hanham, Planning Manager	City of Pinole
Printed Name	For

E. BACKGROUND AND INTRODUCTION

This Initial Study/Mitigated Negative Declaration (IS/MND) identifies and analyzes the potential environmental impacts of the Pinole Square Project (proposed project). The information and analysis presented in this document is organized in accordance with the order of the California Environmental Quality Act (CEQA) checklist in Appendix G of the CEQA Guidelines. Where the analysis provided in this document identifies potentially significant environmental effects of the project, mitigation measures are prescribed sufficient to reduce all impacts to a less-than-significant level.

The mitigation measures prescribed for environmental effects described in this IS/MND would be implemented in conjunction with the project, as required by CEQA. The mitigation measures would be incorporated into the project through conditions of approval. The City would adopt findings and a Mitigation Monitoring/Reporting Program for the project in conjunction with approval of the project.

On October 10, 2010, the City of Pinole adopted a comprehensive update to the City's General Plan,[1] along with the Three Corridors Specific Plan (Specific Plan).[2] The purpose of the Specific Plan is to facilitate revitalization of the San Pablo Avenue, Pinole Valley Road, and Appian Way commercial corridors. In September of 2010, the City certified an associated Environmental Impact Report (EIR) that analyzed the potential environmental impacts associated with buildout of both the General Plan and Specific Plan.[3] The City of Pinole General Plan EIR was prepared as a program-level EIR, pursuant to Section 15168 of the CEQA Guidelines (Title 14, California Code of Regulations, Sections 15000 et seq.). The City of Pinole General Plan EIR identified measures to mitigate the significant adverse impacts associated with the implementation of the General Plan and Specific Plan. Pursuant to CEQA Guidelines Section 15150, this IS/MND incorporates by reference the analysis contained within the General Plan EIR.

Per the Specific Plan, the project site is located within the Service Sub-Area of the Appian Way Specific Plan area. The Specific Plan designates the site CMU-HDRO. Per the Specific Plan, the CMU designation is designed to provide for the integration of retail and service commercial uses with office and/or residential uses; a minimum of 51 percent of all on-site uses must be commercial. Per a January 28, 2019 Joint Session, the City Council and Planning Commission determined that housing is not required on the project site under the site's current land use and zoning designations. The City meets the latest Regional Housing Needs Allocation (RHNA) housing allotments without the 125 residential units previously identified for the project site per the City's Housing Element.[4]

F. PROJECT DESCRIPTION

The following provides a description of the project site's current location and setting, as well as the proposed project components and the discretionary actions required.

Project Location and Setting

The project site consists of approximately 11.89 acres located at 1201-1577 Tara Hills Drive in the City of Pinole, California (see Figure 1 and Figure 2).

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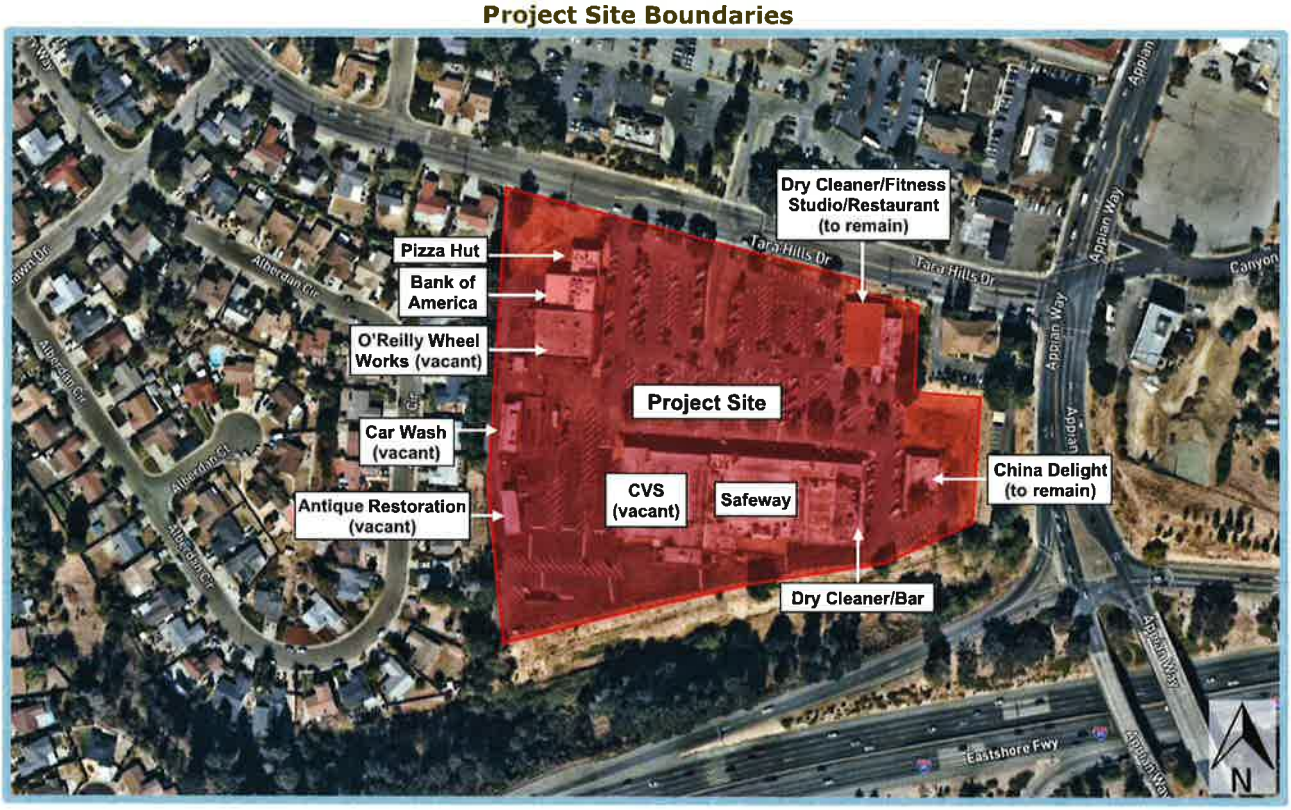
1 City of Pinole. *General Plan Update.* November 2010.
2 City of Pinole. *Three Corridors Specific Plan.* May 2010.
3 City of Pinole. *General Plan Update Draft Environmental Impact Report, SCH #2009022057.* July 2010.
4 City of Pinole. *2015-2023 Housing Element [Table 6.44].* Adopted May 19, 2015.

Figure 1
Regional Project Location

Figure 2
Project Site Boundaries



The site is identified by APN 402-282-014-8, 402-282-013-0, 402-282-026-2, 402-282-027-0, 402-282-028-8, 402-282-010-6, 402-282-009-8, 402-282-007-2, 402-282-006-4, and 402-282-016-3. In addition, 402-282-008 is owned by a different property owner than the applicant. The applicant is to request and provide a letter of authorization from the 402-282-008 parcel owner authorizing Hillsboro Properties, Inc. to reface the facades of Shops 2E and 3E as part of Phase I of the proposed project.

Currently, the site is developed with the Appian 80 Shopping Center, which includes a Safeway grocery store, a vacant CVS pharmacy, various other smaller businesses totaling approximately 93,193 square feet (sf), and associated parking. Per the Three Corridors Specific Plan, the project site is located within the Service Sub-Area of the Appian Way Specific Plan area. The Specific Plan designates the site Commercial Mixed Use with a High Density Residential Overlay (CMU-HDRO), consistent with the site's zoning designation.

The site is bound by Tara Hills Drive to the north and Appian Way to the east. Surrounding land uses include a shopping center to the north, across Tara Hills Drive, a medical office building (Bay Area Laser Cosmetic Surgery Center) to the east, and a single-family residential neighborhood to the west. I-80 is located approximately 150 feet to the south of the site. While the topography of the developed portions of the project site are relatively level, the topography in the vicinity of the site slopes to the northwest, towards San Pablo Bay. South of the southern site boundary, the ground surface slopes downward, creating a wide gully between the project site and I-80.

Primary access to the project site is provided by a driveway connecting to Tara Hills Drive at the signalized intersection near the center of the site frontage. An additional right-in, right-out driveway is provided to the west of the primary access, with a third driveway provided at the far western edge of the site frontage. The westernmost access is used primarily for delivery traffic. In addition to the three existing vehicle access points, a pedestrian staircase located at the northeastern corner of the site provides connectivity between the parking lot and the existing sidewalk along the south side of Tara Hills Drive. Parking is currently provided by 454 standard parking stalls and 10 Americans with Disabilities Act (ADA)-compliant stalls.

Project Components

The proposed project would include renovation of the existing Appian 80 Shopping Center located on the project site. The proposed improvements, including demolition and construction activities, are described below.

The proposed project would include demolition of the existing building housing the Safeway grocery store and vacant CVS pharmacy, the existing shops along the eastern side of the Safeway building, the car wash and antique restoration store buildings located within the western portion of the site, and a portion of the existing building housing the former O'Reilly Wheel Works and Pizza Hut (see Figure 3). The existing China Delight restaurant building, the dry cleaner/fitness studio/seafood, and barbeque restaurant/former Chase Bank buildings located within the eastern portion of the site would remain and not be altered as part of the proposed project. New structures would be constructed on-site, including, but not limited to, a Safeway fuel station and associated kiosk, a casual sit-down restaurant, new building space to house the Safeway grocery store and other shops, and a drive-through restaurant (see Figure 4).

Figure 3
Proposed Demolition Plan

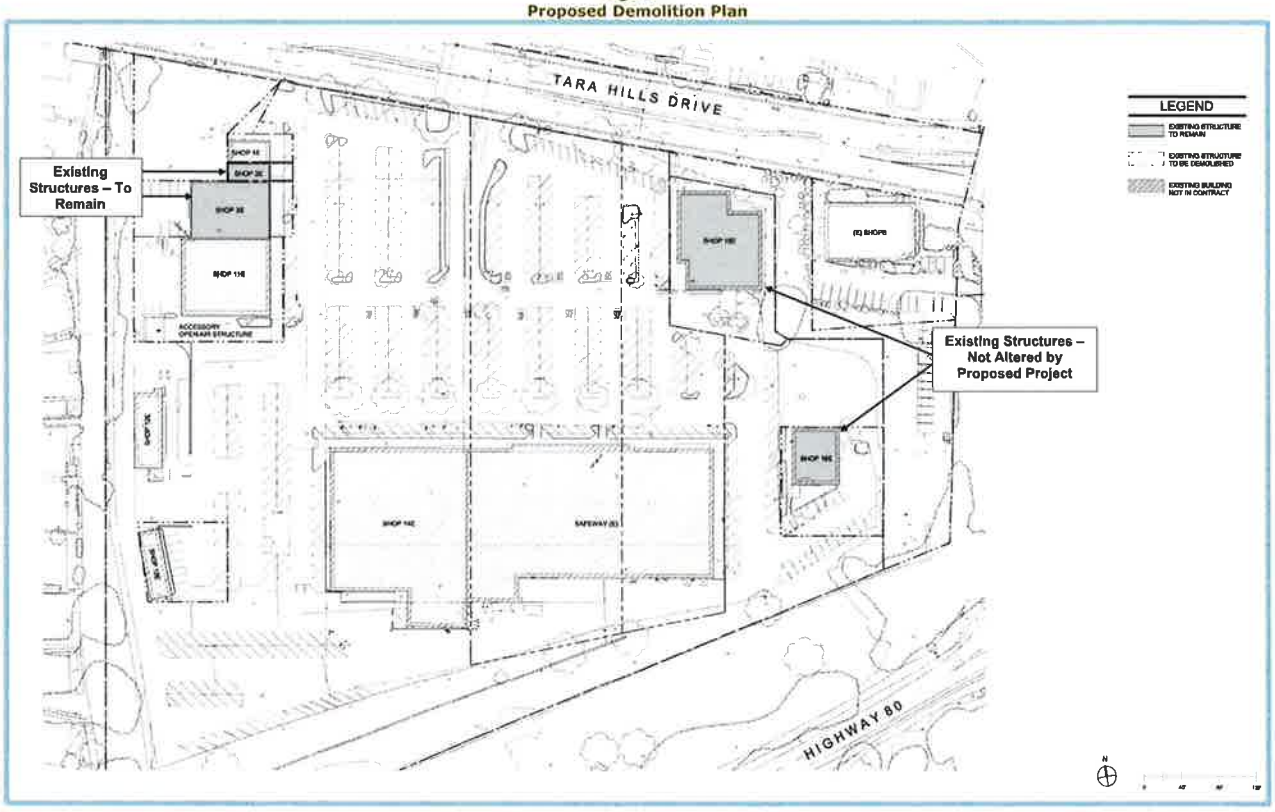
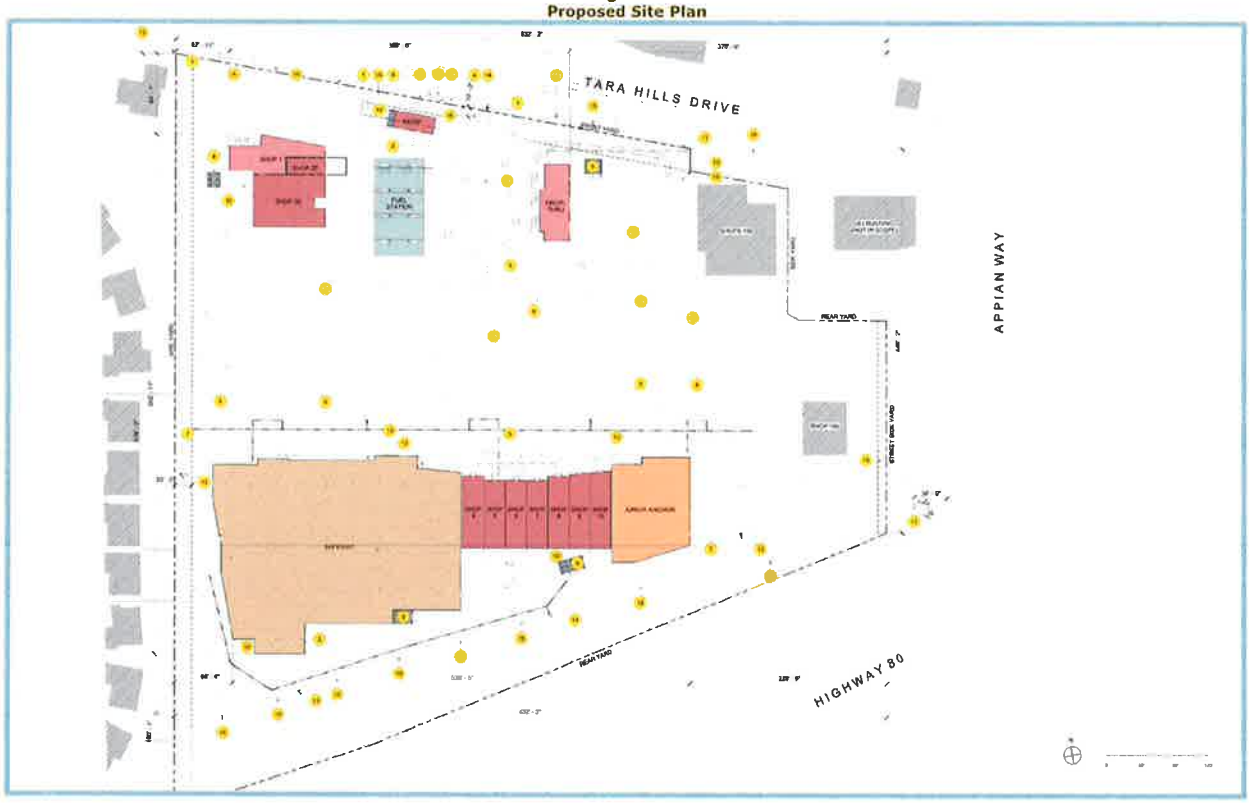


Figure 4
Proposed Site Plan



Proposed Buildings/Structures

Table 1 below provides a summary of each of the proposed buildings, along with the existing buildings that would be retained as part of the proposed project. As shown in the table, the proposed project would not include any modifications to the existing China Delight restaurant building (Shop 16E) and the dry cleaner/other businesses buildings (Shops 15E) located within the eastern portion of the site. As shown in the table, the proposed project would result in a net increase of 11,956 sf of commercial building space relative to existing conditions.

Table 1
Existing and Proposed Building Mix

Building Identifier	Existing (sf)	Proposed (sf)
Safeway	38,665	55,044
Shop 1E	942	0
Shop 2E	877	897
Shop 3E	5,298	5,038
Shop 11E	6,421	0
Shop 12E	2,491	0
Shop 13E	1,726	0
Shop 14E	24,919	0
Shop 15E*	8,689	8,689
Shop 16E*	3,165	3,165
Drive-Through Restaurant	0	3,005
Junior Anchor	0	10,357
Fueling Station Kiosk	0	1,100
Shop 1	0	3,166
Shop 4-10	0	14,688
Total	**93,193**	**105,149**

* Not altered as part of the proposed project.

The new Safeway grocery store would total 55,044 sf and would include a pharmacy, café, deli, bakery, and other typical grocery store features. Loading dock space would be provided at the south side of the building, facing away from the proposed parking areas. A total of 25,045 sf of commercial space capable of accommodating approximately seven separate tenants and one junior anchor tenant would be provided to the east of the Safeway building. Combined, the buildings would total 80,089 sf, a modest increase relative to the 63,584 sf of building space currently located in the southern portion of the site.

The Safeway gas station, to be located within the northern portion of the site, would include a total of 16 fueling stations. Two new 30,000-gallon Xerxes underground fuel storage tanks would be installed to the east of the fueling stations. The associated Safeway kiosk would include 1,100 sf and would provide convenience items for gas station patrons.

The proposed drive-through restaurant building would also be located within the northern portion of the site and would include a total of 3,005 sf. An illuminated menu display and associated speaker/intercom order station would be provided along the drive-through aisle at the north side of the building, adjacent to Tara Hills Drive. The payment and pickup window(s) would be located at the west side of the building. Consistent with Section 17.040.040(D) of the City's Municipal Code, the drive-up windows and order stations would be located over 300 feet from the nearest residential property line.

All of the buildings that would be modified or constructed as part of the proposed project would be designed to share a unified architectural theme. The proposed Safeway building would be limited to a maximum height of 33 feet, while the remainder of the proposed buildings would be limited to a height of approximately 31 feet or less. This falls well within the 75-foot maximum building height for the Appian Way Service Sub-Area. It should be noted that the proposed project would include replacement of the existing 50-foot-tall Appian 80 Shopping Center pylon sign currently located at the southeastern site boundary. The new 75-foot-tall pylon sign would be located in the same location and would include a maximum area of 750 sf, consistent with the standards established by Section 17.52.060 of the City's Municipal Code. The proposed pylon sign would require approval of a Sign Program (S19-080) pursuant to Section 17.12.110(B)(2) of the Municipal Code, which would be applied for separately than the project's other entitlements.

Operations

The proposed Safeway grocery store and gas station would be open 24 hours per day. The proposed project would not include any substantial changes to the grocery store operations or delivery schedules. As occurs currently, delivery trucks would access the loading docks south of the proposed Safeway building and other attached businesses by way of a drive aisle located along the western site boundary. Similar to the grocery store and gas station, the loading dock would be accessible 24 hours per day. The proposed Safeway gas station would include an average daily throughput of approximately 24,218 gallons.

Hours of operation for drive-through facilities are not addressed in the City's Municipal Code; rather, any limits on operations are approved by the City on a case-by-case basis prior to issuance of Conditional Use Permits. The nearest existing off-site drive-through is the McDonald's drive-through at 1402 Tara Hills Drive, which operates from 5:00 AM to 10:00 PM on Sunday through Thursday and 5:00 AM to 12:00 AM on Friday and Saturday. The dining room hours at the existing McDonalds are restricted to 5:00 AM to 10:00 PM daily. For reference, of the other eight existing drive-through restaurants within a mile of the project site, two include 24-hour operations (Jack-in-the-Box and Taco Bell); two operate until 1:00 AM/1:30 AM (Wendy's and In-N-Out); and two (Burger King and Carl's Jr.) operate until 12:00 AM on Sundays/weekdays and until 1:00 AM on weekends. The Fitzgerald Drive KFC operates until 10:00 PM daily and the associated Starbucks operates until 9:30 PM Sunday and weekdays, until 11:00 PM on Fridays, and until 10:00 PM Saturdays. Hours of operation at the proposed drive-through building would likely be similar to the existing McDonald's: 5:00 AM to 10:00 PM Sunday through Thursday and 5:00 AM to 12:00 AM on Friday and Saturday, with dining room hours limited to 5:00 AM to 10:00 PM daily.

Operations at the proposed buildings would generally be governed by two requested Variances (Variance for Safeway Fuel Station Proximity to Nearest Chevron Station on Appian and Tara Hills Drive and Variance for Wood instead of Masonry Fence between Different Land Uses) and the following eight requested Conditional Use Permits: New Safeway Store Alcohol Sales, Outdoor Merchandise Sales Safeway, Commercial Pad Drive Through [Pad 3], Outdoor Dining In Line Shop Space, Outdoor Dining Pad 1, Reduced Parking, New Safeway Fuel Kiosk Alcohol Sales, and Automobile Service Station.

Landscaping, Patios, and Fencing

As part of the proposed project, removal of a total of 44 existing on-site trees sized six inches or larger (four inches or larger for native trees) would be required in order to accommodate the proposed renovations (see Figure 5).

Figure 5
Illustrative Landscaping Plan

The trees would be replaced in accordance with Table 17.44.070-1 Tree Replacement Schedule of the City's Municipal Code. The existing off-site trees located adjacent to the western site boundary would be retained, along with one existing on-site tree located along the eastern site frontage at Tara Hills Drive. In addition, the proposed project would include planting of approximately 200 evergreen and deciduous trees throughout the on-site parking lot and drive aisles. At the project entries and at pedestrian-focused areas within the site, the proposed project would include accent plantings and special paving, including interlocking pavers. Monument signage would be provided at the primary project entry along Tara Hills Drive.

The project would include a 1,413-sf patio along the northern edge of the proposed Safeway building and a 2,961-sf patio at the associated shops to the east of the Safeway building (Figure 6). The patio areas would include shaded outdoor tables and would be buffered from the parking lot by trees, potted plants, and other landscaping elements. Use of the patios would be subject to CUPs for Outdoor Merchandise Sales Safeway and Outdoor Dining In Line Shop Space, noted above. In addition, a 568-sf patio with a covered awning would be located to the northeast of the proposed buildings in the northwestern portion of the site (see Figure 7, "Shop 1"). The 558-sf patio would serve as outdoor dining space for the attached building, pursuant to a CUP for Outdoor Dining Pad 1. In total, the project would provide for 4,942 sf of outdoor patio space, to serve as public gathering areas.

The proposed project would replace the existing fence along the western project site boundary with a seven-foot-tall wooden fence (see Figure 8). The project would seek a Variance for Fences, Walls and Screening between Different Land Uses to construct the wall of wood between residences and the project site rather than a masonry wall per Section 17.42.050 of the City of Pinole Municipal Code. The proposed project would include the construction of a new retaining wall along the eastern portion of the project site frontage at Tara Hills Drive. South of the proposed Safeway building and neighboring shops to the east, the proposed project would retain the existing vertical curb. In addition, the existing walls located to the east of the China Delight restaurant building and the dry cleaner/other businesses buildings (Shops 15E and 16E) would remain in place.

Access, Circulation, and Parking

With construction of the proposed project, vehicle access would continue to be provided by the three existing access points. However, the internal site circulation would be altered to provide greater connectivity between the on-site buildings. The existing angled parking within the on-site parking lot would be reconfigured to 90-degree parking perpendicular to the drive aisles. Per Chapter 17.48 of the City's Municipal Code, a total of 436 vehicle parking spaces are required for the proposed project. Per ADA and the 2019 California Building Standards Code (CBSC), a minimum of nine accessible parking spaces, two van accessible parking spaces, 35 Clean Air Vehicle spaces, and 27 electric vehicle (EV) charging stations are required. Overall, with a requested Reduced Parking CUP, the proposed project would provide for a total of 383 parking spaces. Of the 383 spaces, 21 would be ADA-compliant (including van-accessible spaces), 30 would be Clean Air Vehicle spaces, and 22 spaces would be EV charging stations. New pedestrian walkways would be constructed throughout the site to provide continuous pedestrian connectivity between the proposed buildings, parking areas, and the existing sidewalk along Tara Hills Drive. The existing pedestrian staircase within the northeastern portion of the site would be eliminated. The project would include eight double bike lockers with space for 16 bikes, six vertical bike lockers with space for six bikes, and 11 bike racks with space for 22 bikes. In total, 44 new bike parking spaces would be provided on-site.

Figure 6
Illustrative Landscaping Plan: Promenade Enlargement

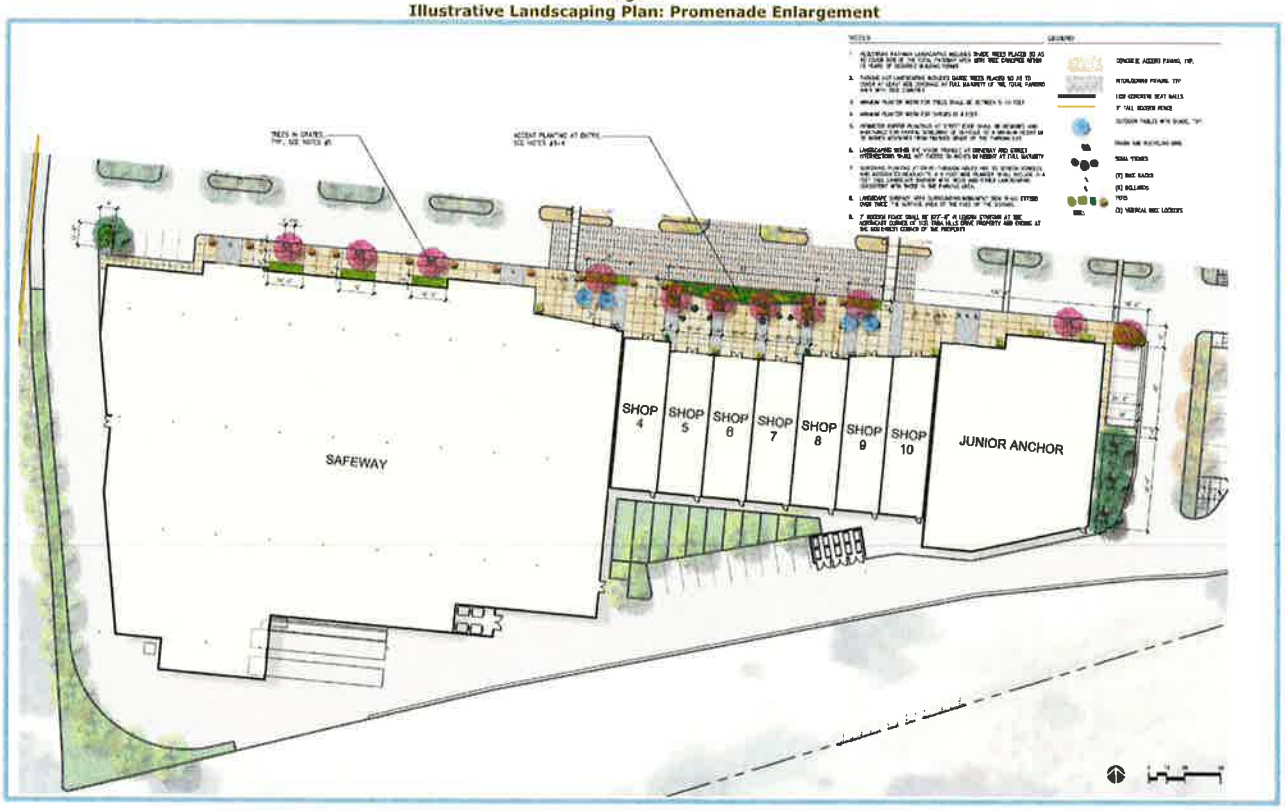


Figure 7
Illustrative Landscaping Plan: Tara Hills Drive Frontage Enlargement

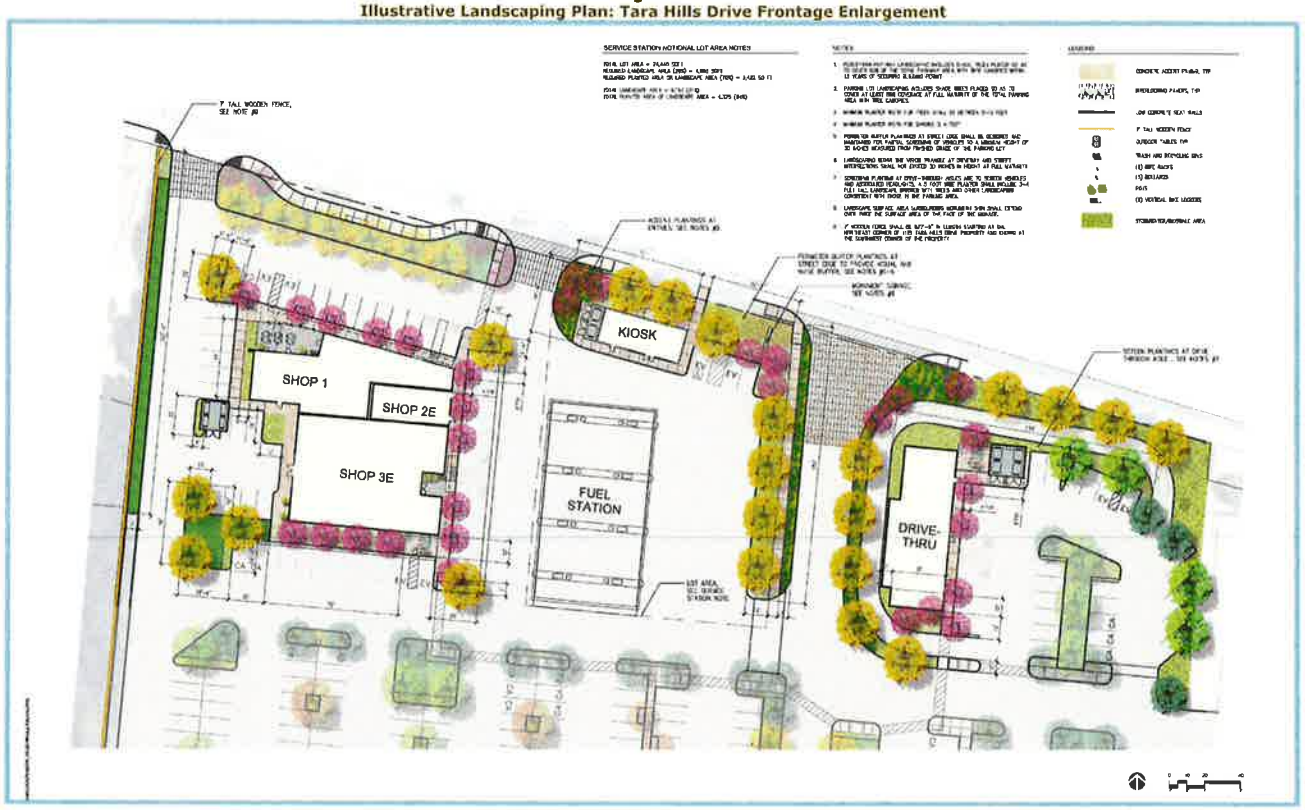
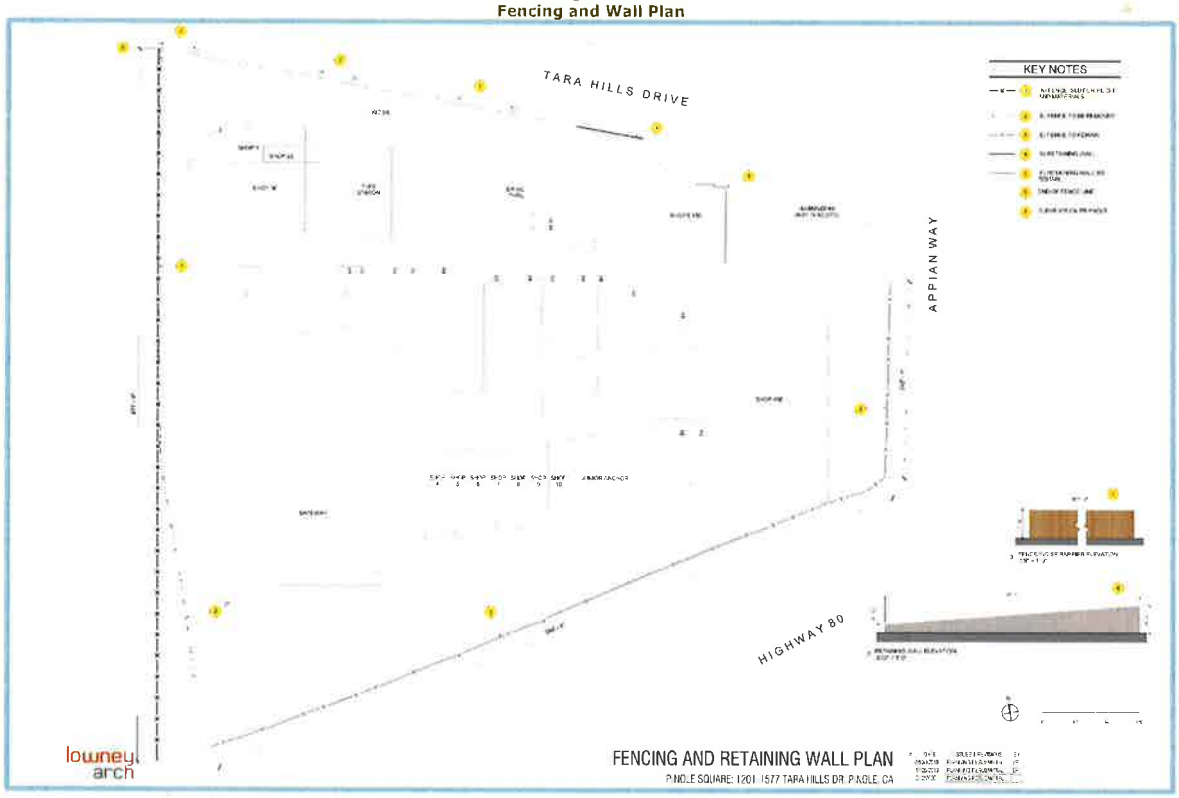


Figure 8
Fencing and Wall Plan



Utilities

Water supply service, wastewater service, and stormwater conveyance for the proposed project would continue to be provided by the City of Pinole through connections to existing utility infrastructure in the project site vicinity. As part of the proposed project, a portion of the existing water lines, water meters, storm drain pipes, and storm drain inlets within the project site would be removed. New eight-inch water mains would be installed, connecting to the City's existing water main located in Tara Hills Drive. In addition, new sanitary sewer cleanouts and grease interceptors would be provided on-site.

Stormwater runoff from impervious surfaces within the project site would sheet flow to a series of new bio-retention basins to be constructed throughout the project site. Each bio-retention basin would provide for treatment of incoming stormwater. Treated runoff would be collected by perforated underdrains in each basin, which would route runoff to an existing 24-inch underground storm drain within the project site before ultimately flowing to the City's existing storm drain located within Tara Hills Drive to the north of the site.

Electricity for the project site would continue to be provided by PG&E. Existing overhead electrical and telephone lines within the project site, as well as existing power poles, would be relocated to accommodate the proposed site layout. Per Section 17.50.030 of the City's Municipal Code, all on-site utilities that would have the capacity to serve the proposed project would be installed underground, as feasible. At the City's discretion, the project may not be required to include undergrounding of the existing electrical equipment within the western portion of the site, provided that the proposed project does not draw any electricity from such facilities.

Phasing

The proposed project is anticipated to be implemented over two phases (see Figure 9). Phase 1 would include construction of the proposed Safeway building, the associated Safeway fuel station and retail kiosk, improvements related to Shop 3E, Shop 2E, and Shop 1 (adjacent to the existing Bank of America building), tree removal, and all parking lot and drive aisle improvements. Phase 2 would include construction of the retail shops and junior anchor to be located directly east of the Safeway store, as well as construction of the drive-through restaurant.

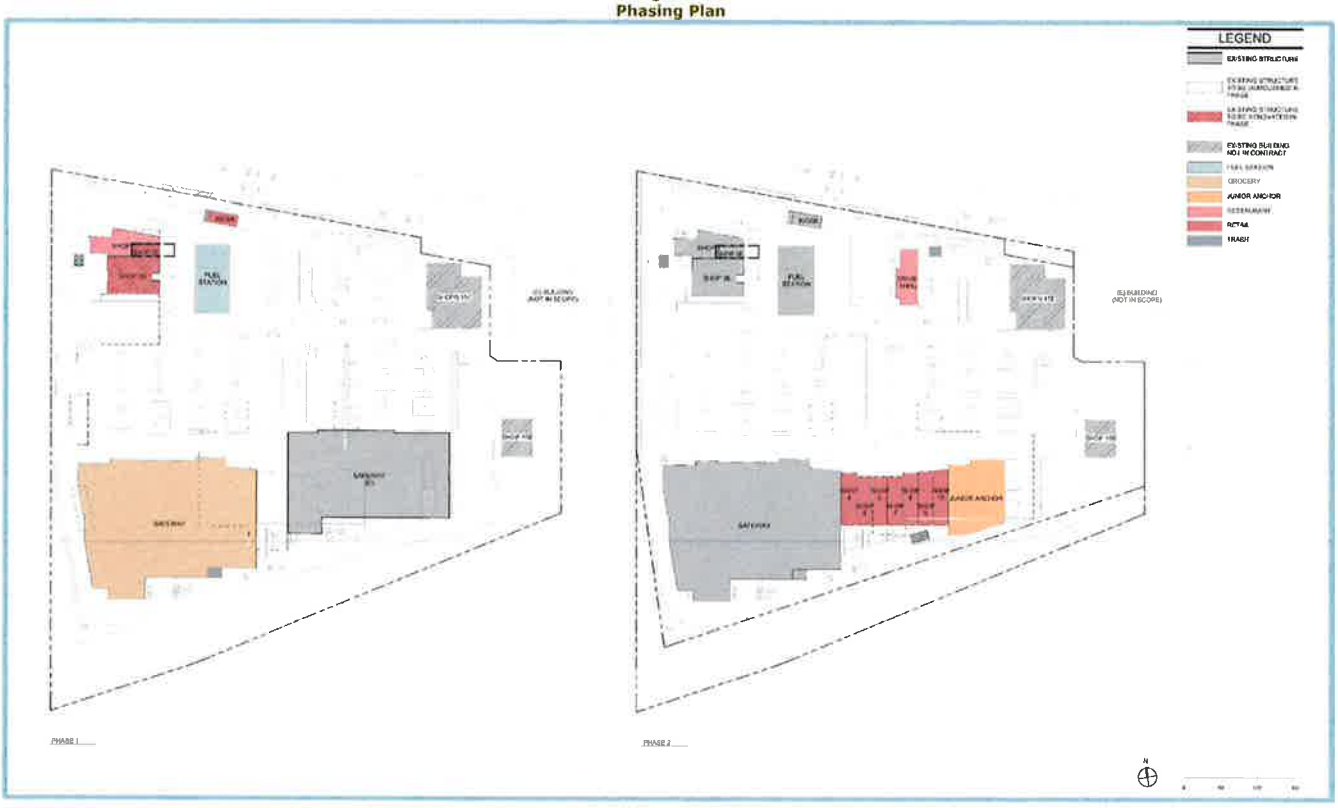
Demolition and Construction Details

As noted previously, the proposed project would include demolition of a portion of the existing on-site buildings, trenching for utility improvements, improvements to the existing parking lot and drive aisles, construction of new buildings, and landscaping improvements. Construction activities are anticipated to begin in 2020 and occur over approximately two years. Generally, substantial grading would not be required, as the site has been leveled as part of prior development activities. However, this IS/MND assumes that the majority of the site could be subject to ground disturbance, including disturbance associated with utility trenching and building foundation construction.

Specific Plan Amendment

According to Table 6.14, Permitted Use Table for Appian Way, of the Three Corridors Specific Plan, drive-in/drive-through sales/services or service stations are not permitted uses within the CMU land use designation. Thus, the proposed project would require an amendment to the Specific Plan in order to allow for the proposed drive-through restaurant and Safeway gas station on the project site.

Figure 9
Phasing Plan



The Specific Plan text amendment would allow for drive-in/drive-through sales/services and service stations land use classifications with a Conditional Use Permit in the Appian Way Service Sub-Area CMU zone, provided that such land uses are a part of a shopping center project (not stand alone) and owned by an on-site major retailer within the shopping center project.

Discretionary Actions

The proposed project would require the following approvals from the City of Pinole:

- Adoption of the IS/MND;
- Approval of a Mitigation Monitoring and Reporting Program;
- Approval of a Specific Plan Amendment to allow for the proposed drive-through restaurant and gas station on the project site;
- Approval of Design Review pursuant to Section 17.12.150 of the City of Pinole Municipal Code;
- Approval of Variance (Safeway Fuel Station Proximity to Nearest Chevron Station on Appian Way and Tara Hills Drive) pursuant to Section 17.34.040 of the City of Pinole Municipal Code;
- Approval of Variance Wood instead of Masonry Fence between Different Land Uses) pursuant to Section 17.42.050 of the City of Pinole Municipal Code;
- Approval of Conditional Use Permits;
    - CUP (New Safeway Store Alcohol Sales pursuant to Section 17.59.030 of the City of Pinole Municipal Code);
    - CUP (Outdoor Merchandise Sales Safeway pursuant to Sections 17.10.060 and 17.68.020 of the City of Pinole Municipal Code);
    - CUP (Commercial Pad Drive Through [Pad 3] within Appian Service Sub-Area CMU zoning designation pursuant to Section 17.40.030 of the City of Pinole Municipal Code);
    - CUP (Outdoor Dining In Line Shop Space pursuant to Sections 17.10.060 and 17.68.020 of the City of Pinole Municipal Code);
    - CUP (Outdoor Dining [Pad 1] pursuant to Sections 17.10.060 and 17.68.020 of the City of Pinole Municipal Code);
    - CUP (Reduced Parking pursuant to Section 17.48.060 of the City of Pinole Municipal Code) and;
    - CUP (New Safeway Fuel Center Kiosk Alcohol Sales pursuant to Section 17.59.030 of the City of Pinole Municipal Code).
    - CUP (Automobile Service Station)
- Approval of One Lot Parcel Map;

Approval of a Sign Program pursuant to Section 17.12.110(B)(2) of the City of Pinole Municipal Code for the proposed pylon sign would be applied for as a separate application from the above discretionary actions.

G. ENVIRONMENTAL CHECKLIST

The following checklist contains the environmental checklist form presented in Appendix G of the CEQA Guidelines. The checklist form is used to describe the impacts of the proposed project. A discussion follows each environmental issue identified in the checklist. For this checklist, the following designations are used:

Potentially Significant Impact: An impact that could be significant, and for which no mitigation has been identified. If any potentially significant impacts are identified, an EIR must be prepared.

Less Than Significant with Mitigation Incorporated: An impact that requires mitigation to reduce the impact to a less-than-significant level.

Less-Than-Significant Impact: Any impact that would not be considered significant under CEQA relative to existing standards.

No Impact: The project would not have any impact.

I. AESTHETICS. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?	☐	☐	✖	☐
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	☐	☐	☐	✖
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?	☐	☐	✖	☐
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	✖	☐

Discussion

a. Examples of typical scenic vistas include mountain ranges, ridgelines, or bodies of water as viewed from a highway, public space, or other area designated for the express purpose of viewing and sightseeing. Views of the San Pablo Bay and surrounding City of Pinole can be seen from nearby ridgelines. However, per the City's General Plan EIR, the City does not have any officially designated scenic vistas within the planning area.[5] Therefore, development of the proposed project would not have a substantial adverse effect on a scenic vista, and a ***less-than-significant*** impact would occur.

b. Per the California Scenic Highway Mapping System, the project site is not located within the vicinity of an officially designated State Scenic Highway.[6] Thus, the proposed project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic Highway, and ***no impact*** would occur.

c. The project site is located within an urbanized area of the City and is currently developed with a commercial shopping center. Surrounding land uses include a shopping center to the north, across Tara Hills Drive, a medical office building (Bay Area Laser Cosmetic Surgery Center) to the east, and a single-family residential neighborhood to the west. I-80 is located approximately 150 feet to the south of the site. Public views of the project site include views from I-80 to the south of the site, Tara Hills Drive to the north, Canyon Drive to the northeast, and Appian Way to the east.

The proposed project would include demolition of the existing building housing the Safeway grocery store and vacant CVS pharmacy, the car wash and antique restoration store buildings located within the western portion of the site, and a portion of the existing building housing the former O'Reilly Wheel Works and Pizza Hut. The existing China Delight restaurant building and the dry cleaner/other businesses buildings located within the eastern portion of the site would remain. New structures would be constructed on-site, including, but not limited to, a kiosk, fuel station, and new building space to house the Safeway grocery store and other shops.

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5 City of Pinole. *General Plan Update Draft Environmental Impact Report, SCH #2009022057.* July 2010.
6 California Department of Transportation. *Scenic Highways.* Available at: https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways. Accessed September 2019.

The proposed project would be subject to the City's Design Review process pursuant to Section 17.12.150 of the City of Pinole Municipal Code. The purpose of comprehensive design review is to "provide a process for promoting the orderly and harmonious growth of the City, to encourage development in keeping with the desired character of the City, and to ensure physical and functional compatibility between uses". In addition, the proposed project would require City approval of a Sign Program pursuant to Section 17.12.110 of the Municipal Code for the proposed freestanding pylon sign and the proposed Safeway fuel and tenant monument (see Figure 10). The Sign Program would include criteria for building-attached and freestanding signs for business activities within the site, as well as the integrated development itself, to establish complementary signage, consistency of sign type, location, logo, and/or letter height, lines of copy, illumination, and construction details of signs for the project. Such requirements would ensure that all signage included in the proposed development would not degrade the visual character or quality of the site, as viewed from public areas in the project vicinity.

Figure 11 below provides an overview of key public viewpoints in the project vicinity. Figure 12 through Figure 22 provide examples of existing views of the project site from each viewpoint, along with simulations depicting anticipated views of the project site upon completion of the proposed redevelopment. As shown in the figures, while the proposed project would be visible from public viewpoints in the project area, the project would be of a similar size and scale as the existing development on the project site. In addition, views of the proposed project from I-80, including views of the proposed freestanding pylon sign, would be partially screened by existing vegetation located south of the site, which would be retained as part of the proposed project.

Given that the project site is currently developed with a shopping center, the project would not be considered to substantially degrade the existing visual character or quality of public views in a non-urbanized area. In addition, the proposed project would be consistent with all applicable zoning of the site and other regulations governing scenic quality. Therefore, a ***less-than-significant*** impact would occur.

d. As noted previously, the project site is currently developed with a commercial shopping center and an associated parking lot. In addition, streetlights are provided along Tara Hills Drive and Appian Way to the north and east of the site, respectively. Thus, the project vicinity contains existing sources of light and glare.

The proposed redevelopment would introduce new sources of light and glare to the site in the form of lighting on building exteriors and signage, new lighting fixtures within the on-site parking lot, and lighting associated with the proposed freestanding pylon sign. However, such sources of light and glare would not be substantially more intensive than what currently occurs in the vicinity of the project site, and would be consistent with the type of lighting anticipated for the project site per the City's General Plan land use and zoning designations for the site.

Per the Photometric Analysis prepared for the proposed project (see Figure 23 below), upon implementation of the project, lighting from the project site would not spill onto the adjacent residential properties to the west of the site or Appian Way to the east of the site. Along the project frontage at Tara Hills Drive, lighting would be limited to 2.9 foot-candles (fc) or less. Light levels to the south of the site would be approximately 0.1 fc or less. Therefore, lighting associated with the proposed project would not adversely affect the nighttime lighting environment for sensitive receptors in the project vicinity, including the existing single-family residences located to the west of the site.

Figure 10
Proposed Signage

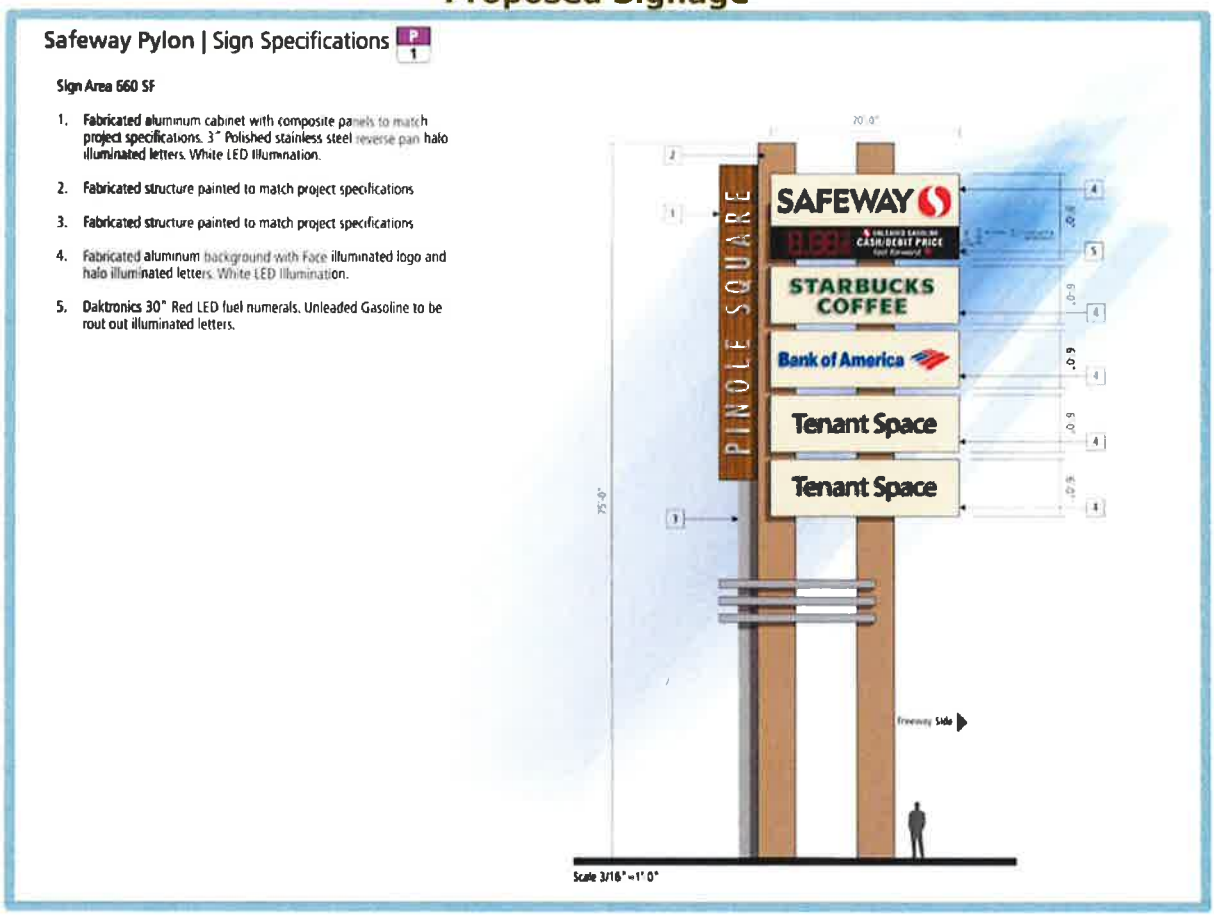


Figure 11
Photo Simulation Locations

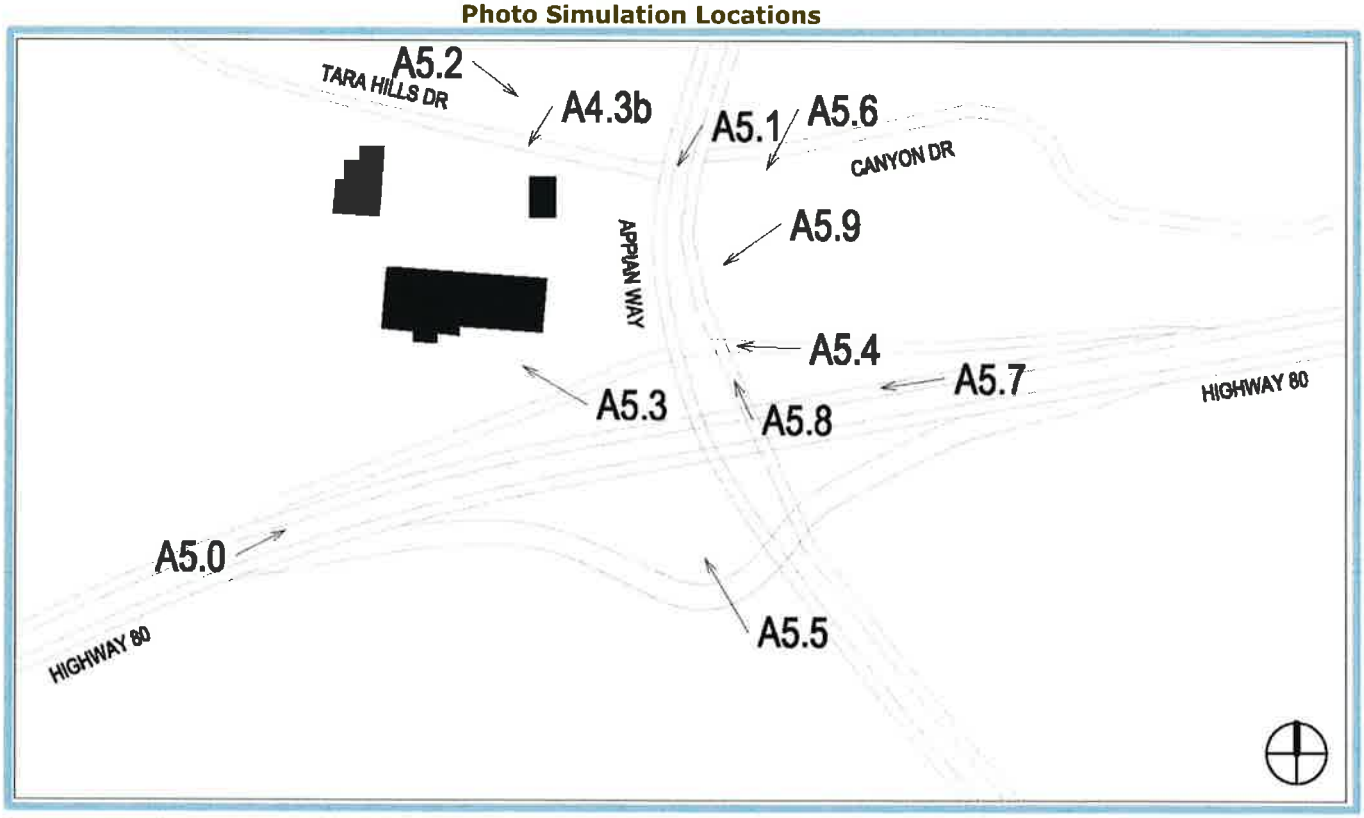


Figure 12
Proposed View from Tara Hills Drive Looking South (A4.3b)

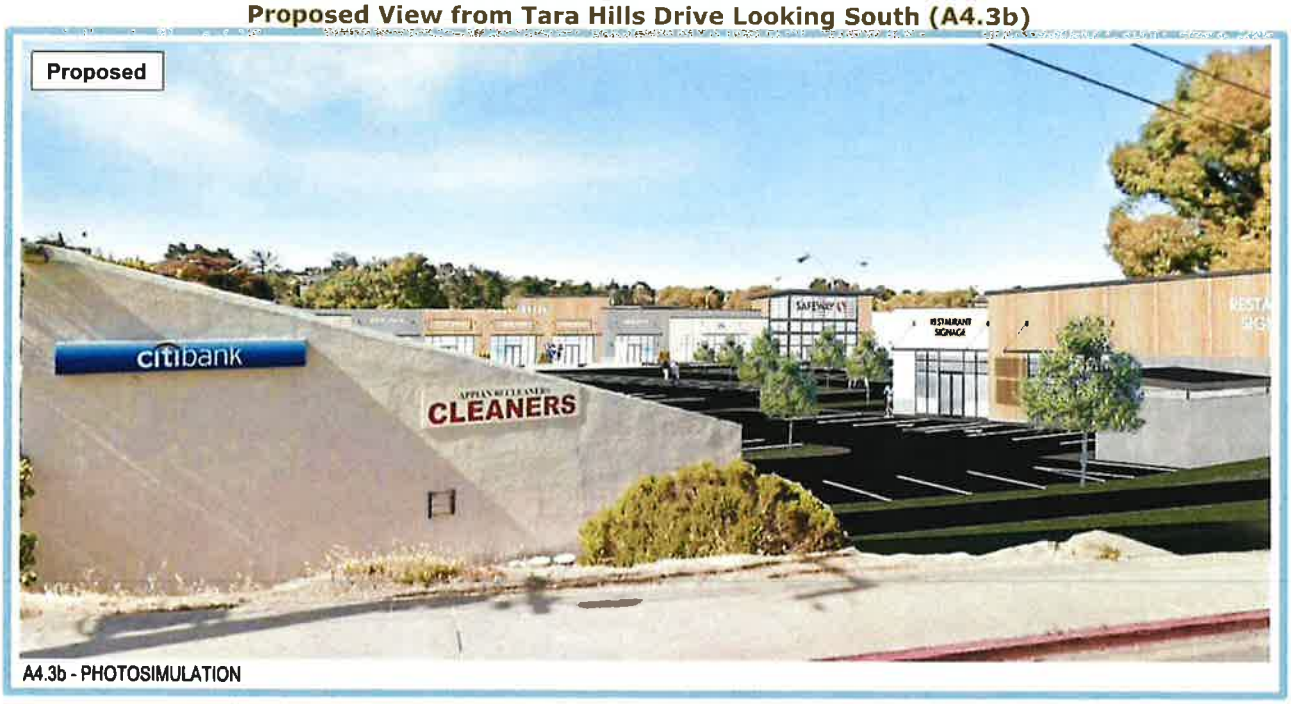
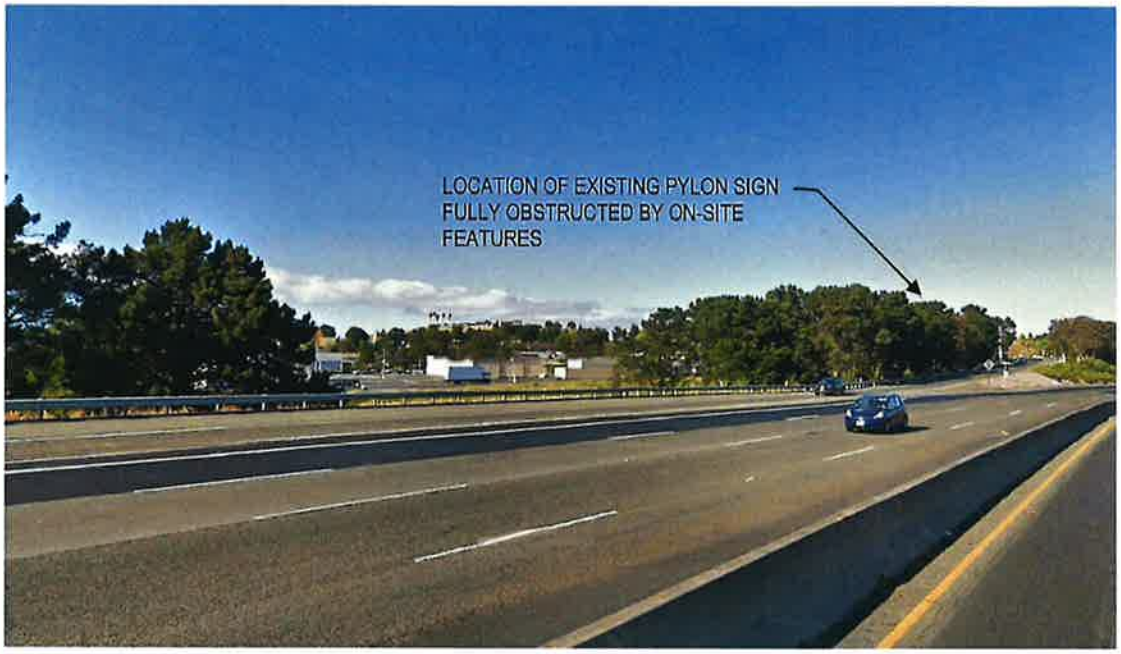


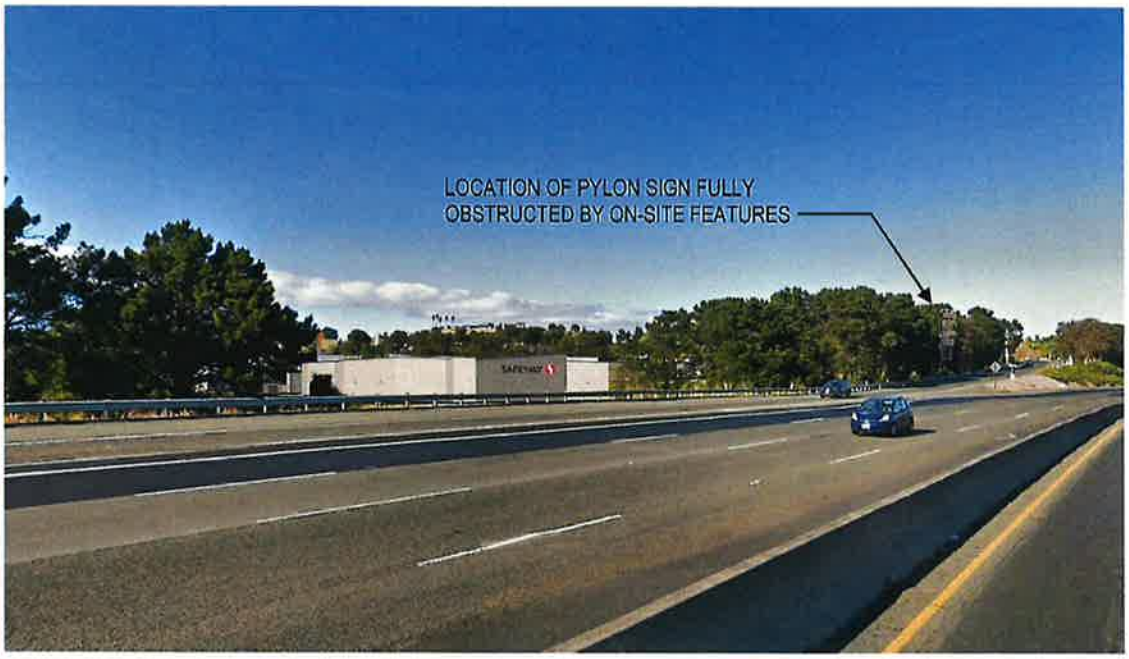
Figure 13
View from I-80 Looking Northeast (A5.0)

BEFORE



INTERSTATE 80 EASTBOUND VIEW OF THE EXISTING CONDITIONS

AFTER



INTERSTATE 80 EASTBOUND VIEW OF THE PROPOSED PROJECT

Figure 14
View from Canyon Drive Looking Southwest (A5.1)

BEFORE

CANYON DRIVE WESTBOUND DIRECTION LOOKING SOUTHWEST TOWARD THE EXISTING PYLON SIGN

AFTER

CANYON DRIVE WESTBOUND DIRECTION LOOKING SOUTHWEST TOWARD THE PROPOSED PYLON SIGN

Figure 15
View from Tara Hills Drive Looking Southeast (A5.2)

BEFORE

TARA HILLS DRIVE EASTBOUND VIEW OF THE EXISTING CONDITIONS

AFTER

TARA HILLS DRIVE EASTBOUND VIEW OF THE PROPOSED PROJECT

Figure 16
View from I-80 On-Ramp Looking Northwest (A5.3)

BEFORE

VIEW FROM WESTBOUND 180 ON RAMP VIEW OF THE EXISTING CONDITIONS

AFTER

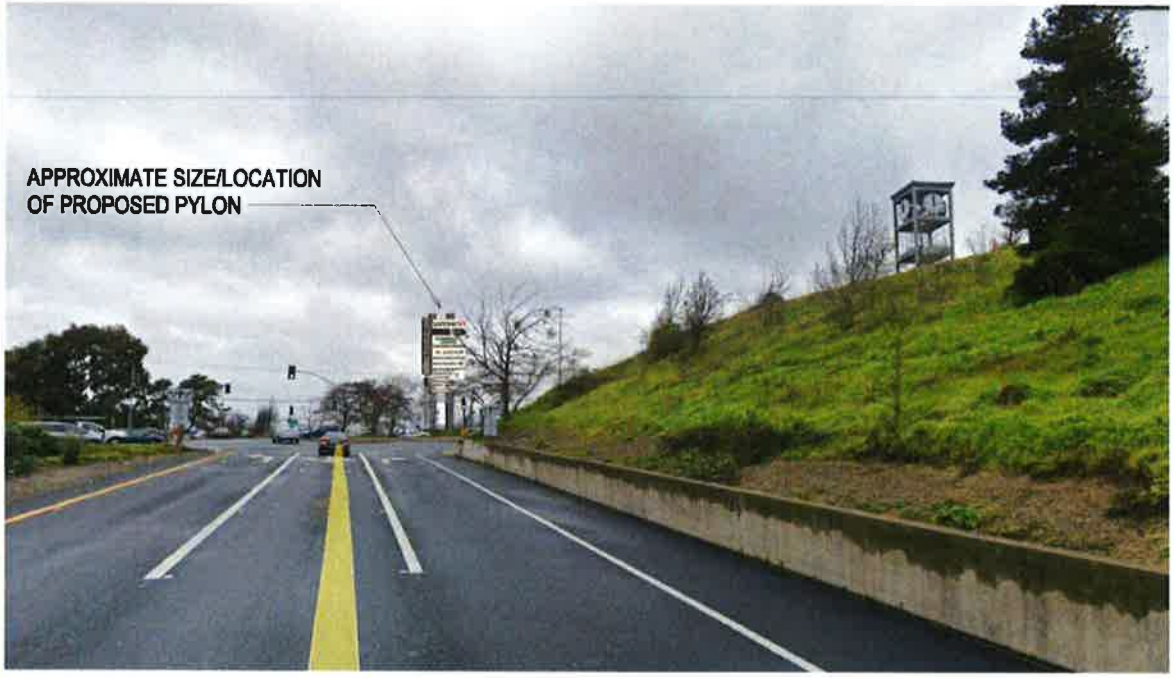
VIEW FROM WESTBOUND 180 ON RAMP VIEW OF THE PROPOSED CONDITIONS

Figure 17
View from I-80 Off-Ramp Looking West (A5.4)

BEFORE

180 AND APPIAN WAY INTERCHANGE WESTBOUND OFF RAMP

AFTER



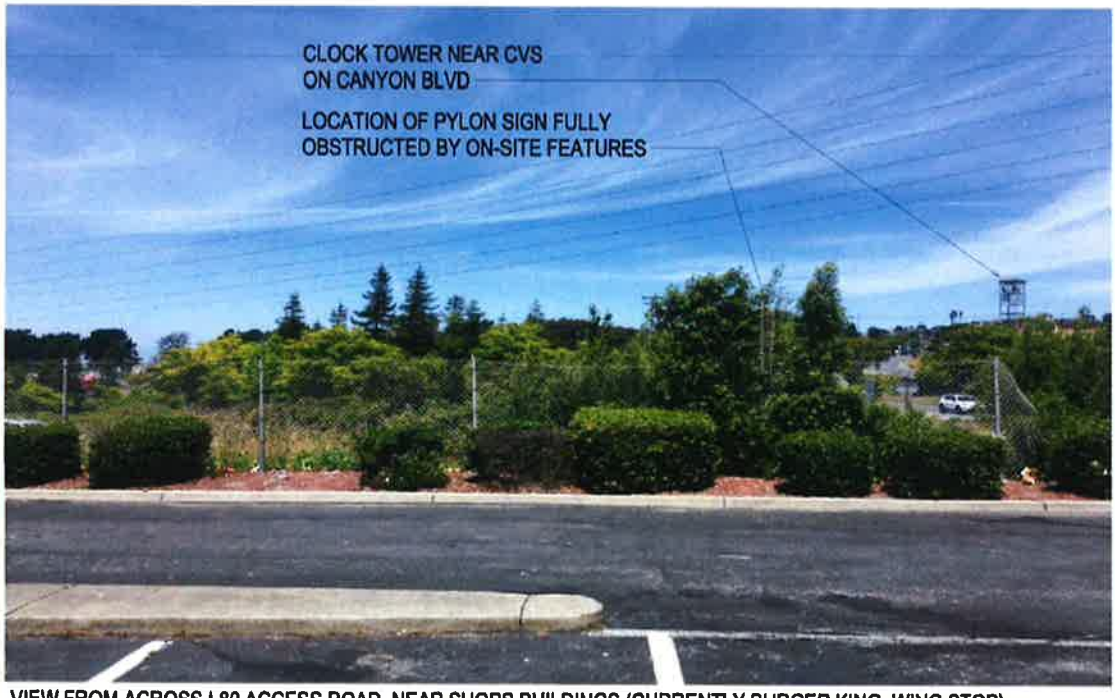
180 AND APPIAN WAY INTERCHANGE WESTBOUND OFF RAMP

Figure 18
View from South of I-80 Looking North (A5.5)

BEFORE

VIEW FROM ACROSS I-80 ACCESS ROAD, NEAR SHOPS BUILDINGS (CURRENTLY BURGER KING, WING STOP)

AFTER



VIEW FROM ACROSS I-80 ACCESS ROAD, NEAR SHOPS BUILDINGS (CURRENTLY BURGER KING, WING STOP)

Figure 19
View from Canyon Drive Looking Southwest (A5.6)

BEFORE

CANYON DRIVE LOOKING SW

AFTER

CANYON DRIVE LOOKING SW

Figure 20
View from I-80 Looking West (A5.7)

BEFORE

INTERSTATE 80 WESTBOUND VIEW OF THE EXISTING CONDITIONS

AFTER

INTERSTATE 80 WESTBOUND VIEW OF THE PROPOSED PROJECT

Figure 21
View from Appian Way Looking Northwest (A5.8)

BEFORE

INTERSTATE 80 AND APPIAN WAY INTERCHANGE LOOKING NORTHWEST OF EXISTING CONDITIONS

AFTER

INTERSTATE 80 AND APPIAN WAY INTERCHANGE LOOKING NORTHWEST VIEW OF THE PROPOSED PROJECT

Figure 22
View from Appian Way Looking West (A5.9)

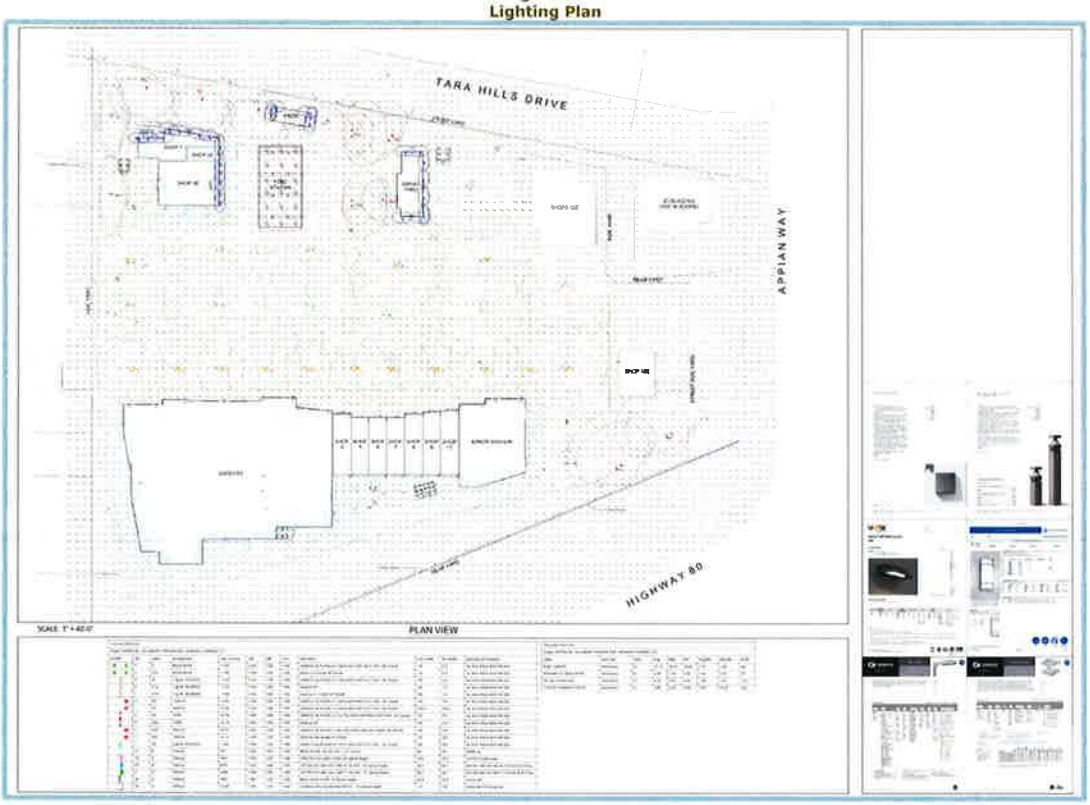
BEFORE

FROM ACROSS THE HIGHWAY

AFTER

FROM ACROSS THE HIGHWAY

Figure 23
Lighting Plan



Furthermore, all on-site lighting fixtures would be subject to the regulations included in Chapter 17.46, Lighting, of the City's Municipal Code. Per Section 17.46.050(A), all outdoor lighting must be "designed, located, installed, directed downward or toward structures, fully shielded, and maintained in order to prevent glare, light trespass, and light pollution". Section 17.46.050(C) requires that all non-exempt outdoor lighting is recessed and/or constructed with full downward shielding to reduce light and glare trespass onto adjoining properties and public rights-of-way. All signage associated with the project would comply with the lighting standards established by Section 17.52.100(B), Sign Illumination, of the City's Municipal Code.

Based on the above, the proposed project would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. Thus, a ***less-than-significant*** impact would occur.

II. AGRICULTURE AND FORESTRY RESOURCES. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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?	☐	☐	☐	✖
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	✖
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))?	☐	☐	☐	✖
d. Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	✖
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?	☐	☐	☐	✖

Discussion

a-e. The project site is currently developed with a commercial shopping center, is surrounded by existing development, and is characterized as "Urban and Built-Up Land" per the California Department of Conservation Farmland Mapping and Monitoring Program.[7] The site is zoned CMU-HDRO, which does not allow for agricultural uses. In addition, the project site is not under a Williamson Act contract. Furthermore, the project site is not considered 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)), and would not result in the loss or conversion of such land to non-forest use, nor conflict with existing zoning for, or cause for rezoning, of such land. The proposed project would not 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. Therefore, ***no impact*** to agricultural and forest resources would occur with development of the proposed project.

[7] California Department of Conservation. *California Important Farmland Finder.* Available at: https://maps.conservation.ca.gov/DLRP/CIFF/. Accessed September 2019.

III. AIR QUALITY. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	✖	☐
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?	☐	☐	✖	☐
c. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	✖	☐
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	✖	☐

Discussion

a,b. The City of Pinole is located in the San Francisco Bay Area Air Basin (SFBAAB), which is under the jurisdiction of the BAAQMD. The SFBAAB area is currently designated as a nonattainment area for the State and federal ozone, State and federal fine particulate matter 2.5 microns in diameter ($PM_{2.5}$), and State respirable particulate matter 10 microns in diameter (PM_{10}) ambient air quality standards (AAQS). The SFBAAB is designated attainment or unclassified for all other AAQS. It should be noted that on January 9, 2013, the U.S. Environmental Protection Agency (USEPA) issued a final rule to determine that the Bay Area has attained the 24-hour $PM_{2.5}$ federal AAQS. Nonetheless, the Bay Area must continue to be designated as nonattainment for the federal $PM_{2.5}$ AAQS until such time as the BAAQMD submits a redesignation request and a maintenance plan to the USEPA, and the USEPA approves the proposed redesignation.

In compliance with regulations, due to the nonattainment designations of the area, the BAAQMD periodically prepares and updates air quality plans that provide emission reduction strategies to achieve attainment of the AAQS, including control strategies to reduce air pollutant emissions through regulations, incentive programs, public education, and partnerships with other agencies. The current air quality plans are prepared in cooperation with the Metropolitan Transportation Commission and the Association of Bay Area Governments (ABAG).

The most recent federal ozone plan is the 2001 Ozone Attainment Plan, which was adopted on October 24, 2001 and approved by the California Air Resources Board (CARB) on November 1, 2001. The plan was submitted to the USEPA on November 30, 2001 for review and approval. The most recent State ozone plan is the 2017 Clean Air Plan (CAP), adopted on April 19, 2017. The 2017 CAP was developed as a multi-pollutant plan that provides an integrated control strategy to reduce ozone, PM, toxic air contaminants (TACs), and greenhouse gases (GHGs). Although a plan for achieving the State PM_{10} standard is not required, the BAAQMD has prioritized measures to reduce PM in developing the control strategy for the 2017 CAP. The control strategy serves as the backbone of the BAAQMD's current PM control program.

The aforementioned air quality plans contain mobile source controls, stationary source controls, and transportation control measures to be implemented in the region to attain the State and federal AAQS within the SFBAAB. Adopted BAAQMD rules and regulations, as well as the thresholds of significance, have been developed with the intent to ensure continued attainment of AAQS, or to work towards attainment of AAQS for which the area

is currently designated nonattainment, consistent with applicable air quality plans.[8] The BAAQMD's established significance thresholds associated with development projects for emissions of the ozone precursors reactive organic gases (ROG) and oxides of nitrogen (NO_x), as well as for PM_{10} and $PM_{2.5}$, expressed in pounds per day (lbs/day) and tons per year (tons/yr), are listed in Table 2. By exceeding the BAAQMD's mass emission thresholds for emissions of ROG, NO_X, PM_{10}, or $PM_{2.5}$, a project would be considered to conflict with or obstruct implementation of the BAAQMD's air quality planning efforts.

Table 2
BAAQMD Thresholds of Significance

Pollutant	Construction	Operational	
	Average Daily Emissions (lbs/day)	Average Daily Emissions (lbs/day)	Maximum Annual Emissions (tons/year)
ROG	54	54	10
NO_x	54	54	10
PM_{10} (exhaust)	82	82	15
$PM_{2.5}$ (exhaust)	54	54	10

Source: BAAQMD, CEQA Guidelines, May 2017.

The proposed project's construction and operational emissions were quantified using the California Emissions Estimator Model (CalEEMod) software version 2016.3.2 – a statewide model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify air quality emissions, including GHG emissions, from land use projects. The model applies inherent default values for various land uses, including construction data, trip generation rates, vehicle mix, trip length, average speed, compliance with the California Building Standards Code (CBSC), etc. Where project-specific information is available, such information should be applied in the model. Accordingly, the proposed project's modeling assumes the following project and/or site-specific information:

- Construction would occur over an approximately two-year period;
- The project would include demolition of approximately 75,300 sf of building space;[9]
- The project would include import of 550 cubic yards (CY) of material and export of 2,215 CY of material during grading;
- The project would improve pedestrian network connectivity within the project site and by providing sidewalks; and
- Trip generation data was adjusted based on the Transportation Impact Study prepared for the proposed project by TJKM.

The proposed project's estimated emissions associated with construction and operations are presented and discussed in further detail below. A discussion of the proposed project's contribution to cumulative air quality conditions is provided below as well. All CalEEMod results are included as Appendix A to this IS/MND.

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8 Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines.* May 2017.

9 It should be noted that the existing building square footage was further refined since the time the project modeling was conducted. Based on the refinement, the amount of building space anticipated to be demolished has reduced from 75,300 to 75,164 square feet. Because the building space assumed to be demolished in the modeling is greater than what is actually expected, the emissions associated with demolition of such would be similar to or less than what has been estimated and presented in this IS/MND.

Construction Emissions

According to the CalEEMod results, the proposed project would result in maximum unmitigated construction criteria air pollutant emissions as shown in Table 3. As shown in the table, the proposed project's construction emissions would be below the applicable thresholds of significance for ROG, NO_X, PM_{10}, and $PM_{2.5}$.

Table 3
Maximum Unmitigated Construction Emissions (lbs/day)

Pollutant	Proposed Project Emissions	Threshold of Significance	Exceeds Threshold?
ROG	5.71	54	**NO**
NO_X	52.85	54	**NO**
PM_{10} (exhaust)	2.20	82	**NO**
PM_{10} (fugitive)	18.21	None	**N/A**
$PM_{2.5}$ (exhaust)	2.02	54	**NO**
$PM_{2.5}$ (fugitive)	9.97	None	**N/A**

Source: CalEEMod, November 2019 (see Appendix A).

All projects under the jurisdiction of the BAAQMD are required to implement all of the BAAQMD's Basic Construction Mitigation Measures, which include the following:

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 off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
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 possible. Building pads shall be laid as soon as possible 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 visible emissions evaluator.
8. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. 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.

The proposed project's required implementation of the BAAQMD's Basic Construction Mitigation Measures listed above would help to further minimize construction-related emissions. In particular, implementation of the foregoing measures would reduce fugitive dust emissions resulting from project construction.

Even without consideration of BAAQMD's Basic Construction Mitigation Measures, as shown in Table 3, construction of the proposed project would result in emissions of criteria air pollutants below BAAQMD's thresholds of significance. Consequently, the proposed project would not conflict with air quality plans during project construction.

Operational Emissions

According to the CalEEMod results, the proposed project would result in net maximum unmitigated operational criteria air pollutant emissions as shown in Table 4. As shown in the table, the proposed project's net increase in operational emissions would be below the applicable thresholds of significance. Furthermore, even without accounting for emissions from existing on-site development that would be renovated or demolished as part of the project, total proposed project emissions would remain below the applicable thresholds of significance.

Table 4
Unmitigated Maximum Operational Emissions

Pollutant	Emissions						Threshold of Significance		Exceeds Threshold?
	Existing		Proposed		Net Change				
	lbs/ day	tons/ yr	lbs/ day	tons/ yr	lbs/ day	tons/ yr	lbs/ day	tons/ yr	
ROG	9.71	1.58	13.35	2.14	*3.64*	*0.56*	54	10	**NO**
NO_x	31.52	5.66	41.14	7.64	*9.62*	*1.98*	54	10	**NO**
PM_{10} (exhaust)	0.22	0.04	0.26	0.05	*0.04*	*0.01*	82	15	**NO**
PM_{10} (fugitive)	19.70	3.45	21.88	3.83	*2.18*	*0.38*	None	None	**N/A**
$PM_{2.5}$ (exhaust)	0.20	0.04	0.24	0.04	*0.04*	*0.00*	54	10	**NO**
$PM_{2.5}$ (fugitive)	5.27	0.93	5.85	1.03	*0.58*	*0.10*	None	None	**N/A**

Note: The above emissions estimates do not include emissions from existing on-site buildings that would not be altered as part of the proposed project.

Source: CalEEMod, November 2019 (see Appendix A).

Because the proposed project's operational emissions would be below the applicable thresholds of significance, the proposed project would not be considered to conflict with air quality plans during project operations.

Cumulative Emissions

Past, present, and future development projects contribute to the region's adverse air quality impacts on a cumulative basis. By nature, air pollution is largely a cumulative impact. A single project is not sufficient in size to, by itself, result in nonattainment of AAQS. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project's contribution to the cumulative impact is considerable, then the project's impact on air quality would be considered significant. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. The thresholds of significance presented in Table 2 represent the levels at which a project's individual emissions of criteria air pollutants or precursors would result in a cumulatively considerable contribution to the SFBAAB's existing air quality conditions. If a project

exceeds the significance thresholds presented in Table 2, the proposed project's emissions would be cumulatively considerable, resulting in significant adverse cumulative air quality impacts to the region's existing air quality conditions. Because the proposed project would not result in emissions above the applicable thresholds of significance for ROG, NO_X, PM_{10}, or $PM_{2.5}$, the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State AAQS.

Conclusion

As stated previously, the applicable regional air quality plans include the 2001 Ozone Attainment Plan and the 2017 CAP. Because the proposed project would not result in construction-related or operational emissions of criteria air pollutants in excess of BAAQMD's thresholds of significance, conflicts with or obstruction of the implementation of the applicable regional air quality plans would not occur. In addition, the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state AAQS. Thus, a ***less-than-significant*** impact would result.

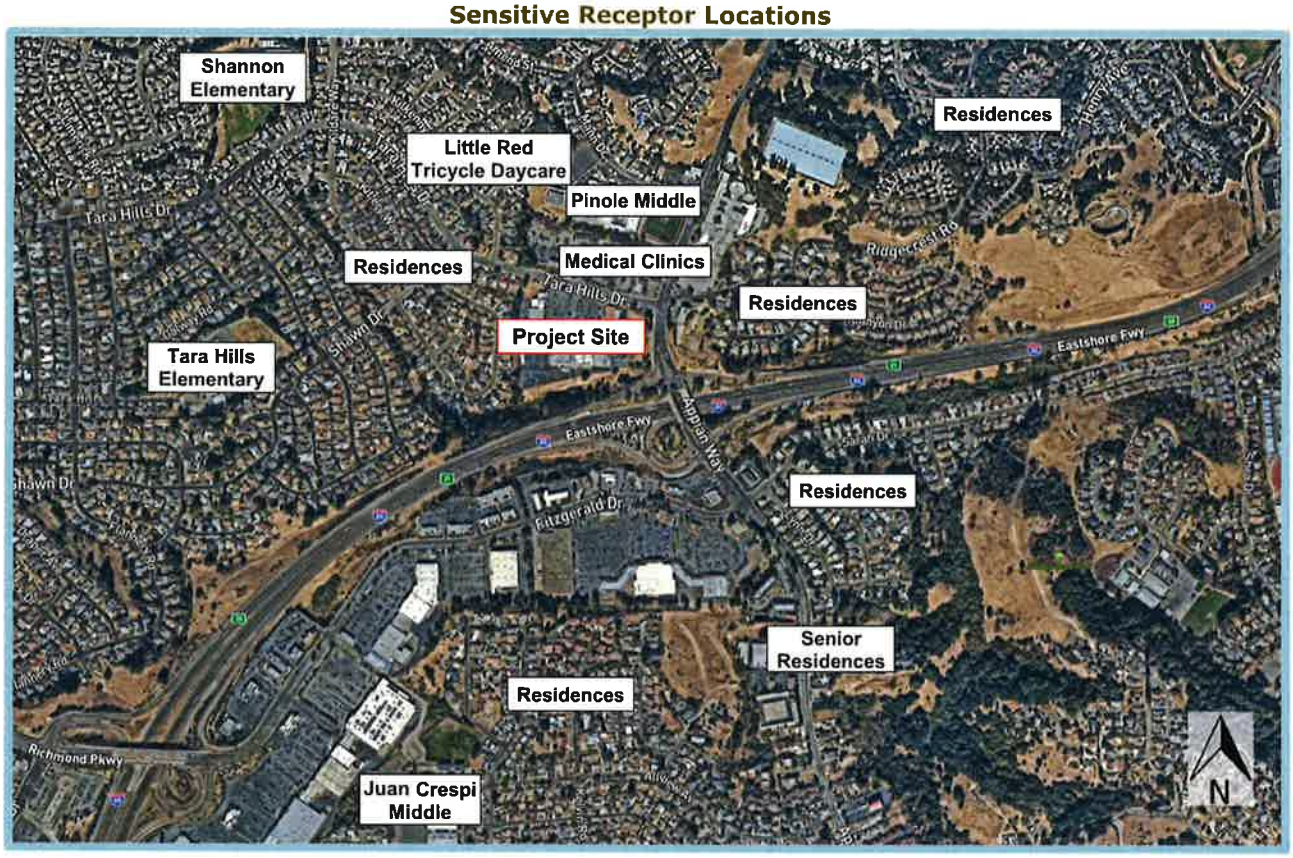
c. Some land uses are considered more sensitive to air pollution than others, due to the types of population groups or activities involved. Heightened sensitivity may be caused by health problems, proximity to the emissions source, and/or duration of exposure to air pollutants. Children, pregnant women, the elderly, and those with existing health problems are especially vulnerable to the effects of air pollution. Sensitive receptors are typically defined as facilities where sensitive receptor population groups (i.e., children, the elderly, the acutely ill, and the chronically ill) are likely to be located. Accordingly, land uses that are typically considered to be sensitive receptors include residences, schools, playgrounds, childcare centers, retirement homes, convalescent homes, hospitals, and medical clinics. The nearest existing sensitive receptors would be the residences located approximately 30 feet from the western edge of the project site (see Figure 24). Additionally, it should be noted that several schools exist within the project area, with Pinole Middle School being the closest, at a distance of approximately 450 feet. Other nearby schools include Tara Hills Elementary School, located over 1,000 feet from the project site, Shannon Elementary School, located over 2,000 feet from the site, and Juan Crespi Middle School, located approximately 2,000 feet from the site. Various medical clinics are located approximately 300 feet northeast of the site, across Tara Hills Drive.

The major pollutant concentrations of concern are localized carbon monoxide (CO) emissions and toxic air contaminant (TAC) emissions, which are addressed in further detail below.

Localized CO Emissions

Localized concentrations of CO are related to the levels of traffic and congestion along streets and at intersections. High levels of localized CO concentrations are only expected where background levels are high, and traffic volumes and congestion levels are high. Emissions of CO are of potential concern, as the pollutant is a toxic gas that results from the incomplete combustion of carbon-containing fuels such as gasoline or wood.

Figure 24
Sensitive Receptor Locations



In order to provide a conservative indication of whether a project would result in localized CO emissions that would exceed the applicable threshold of significance, BAAQMD has established screening criteria for localized CO emissions. According to BAAQMD, a proposed project would result in a less-than-significant impact related to localized CO emission concentrations if all of the following conditions are true for the project:

- The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans;
- The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour; and
- The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, underpass, etc.).

The proposed project would not conflict with any applicable provisions of the Contra Costa Transportation Authority (CCTA) 2019 Congestion Management Program (CMP). Based on the Transportation Impact Study prepared for the proposed project by TJKM (see Appendix G),[10] with addition of project-related trips, none of the study roadways experience traffic volumes in excess of 44,000 vehicles per hour, or 24,000 vehicles per hour where vertical air mixing is substantially impeded. As such, the proposed project would not be expected to result in substantial levels of localized CO at surrounding intersections or generate localized concentrations of CO that would exceed standards.

TAC Emissions

Another category of environmental concern is TACs. The CARB's *Air Quality and Land Use Handbook: A Community Health Perspective* (Handbook) provides recommended setback distances for sensitive land uses from major sources of TACs, including, but not limited to, freeways and high traffic roads, distribution centers, rail yards, and gas dispensing facilities (GDFs). The CARB has identified diesel particulate matter (DPM) from diesel-fueled engines as a TAC; thus, high volume freeways, stationary diesel engines, and facilities attracting heavy and constant diesel vehicle traffic are identified as having the highest associated health risks from DPM. Gasoline includes multiple TACs, which are released through various processes during the operation of GDFs. Such TACs include benzene, ethyl benzene, toluene, and xylene. Health risks associated with TACs are a function of both the concentration of emissions and the duration of exposure, where the higher the concentration and/or the longer the period of time that a sensitive receptor is exposed to pollutant concentrations would correlate to a higher health risk.

The proposed project would involve several components that would result in emissions of TACs. In particular, implementation of the proposed project would result in emissions related to project-construction, the use of heavy-duty diesel trucks to transport goods to and from the site, and operations of the proposed GDF. Each source of TACs is discussed in further depth in the sections below.

[10] TJKM. *Pinole Square, Transportation Impact Study*. October 31, 2019.

Construction Emissions

Short-term, construction-related activities could result in the generation of TACs, specifically DPM, from on-road haul trucks and off-road equipment exhaust emissions. Construction is temporary and occurs over a relatively short duration in comparison to the operational lifetime of the proposed project. Health risks are typically associated with exposure to high concentrations of TACs over extended periods of time (e.g., 30 years or greater), whereas the construction period associated with the proposed project would likely be limited to two-years. All construction equipment and operation thereof would be regulated per the In-Use Off-Road Diesel Vehicle Regulation, which is intended to help reduce emissions associated with off-road diesel vehicles and equipment, including DPM. Project construction would also be required to comply with all applicable BAAQMD rules and regulations, particularly associated with permitting of air pollutant sources.

Because construction equipment on-site would not operate for long periods of time and would be used at varying locations within the site, associated emissions of DPM would not occur at the same location (or be evenly spread throughout the entire project site) for long periods of time. Due to the temporary nature of construction and the relatively short duration of potential exposure to associated emissions, the potential for any one sensitive receptor in the area to be exposed to concentrations of pollutants for a substantially extended period of time would be low.

Heavy-Duty Diesel Trucks On-site

Operation of the proposed retail uses and the GDF would require the movement of goods to and from the project site through the use of trucks, which would likely include heavy-duty diesel trucks. The use of diesel trucks on-site would represent a source of DPM. The CARB considers distribution centers to be significant sources of DPM due to the high volume of heavy-duty diesel vehicles used in the distribution of goods. As defined by CARB, distribution centers are facilities that serve as a distribution point for the transfer of goods. Such facilities include cold storage warehouses, goods transfer facilities, and inter-modal facilities such as ports that attract in excess of 100 heavy-duty trucks per day.

The proposed project would not be considered a distribution center, and, thus, operations of the proposed project would not be considered to involve a substantial amount of DPM emissions from heavy-duty diesel vehicles. Furthermore, the project site is currently developed with commercial retail uses; although the proposed project would result in the introduction of new types of commercial uses, which may slightly increase the number of heavy-duty diesel vehicles accessing the site, the increase would likely be minimal, and operational emissions of DPM from the site are anticipated to remain similar to existing levels of such emissions. Based on a preliminary truck delivery schedule, total daily truck traffic would involve an estimated three Safeway trucks, 10 to 15 small vendor trucks, and one to two fuel tankers. As discussed in Section XIII, Noise, of this IS/MND, worst-case hour truck traffic at the project site would involve up to four heavy-duty trucks and eight medium-duty trucks. Given the anticipated number of truck deliveries per day, operation of the proposed project would not be considered a significant source of DPM from heavy-duty vehicles per the CARB's Handbook.

Considering that the project would not be classified as a distribution center and that the proposed project would not be anticipated to substantially increase the number of heavy-duty vehicles accessing the site, implementation of the proposed project would not result

in substantial emissions of DPM. Accordingly, nearby receptors would not be exposed to substantial concentrations of DPM from heavy-duty diesel trucks.

GDF Operations

As noted previously, GDFs are considered sources of various types of TACs. To address potential health impacts that could result from the proposed GDF (i.e., Safeway fueling station) operations upon the nearby residential neighborhood to the west, emissions of pollutants related to gasoline dispensing activities were estimated and the potential health risks were subsequently calculated. The CARB's screening threshold for GDFs is a gasoline throughput of 3.6 million gallons per year. For the purpose of this analysis, the average daily vehicle trips associated with the service station in conjunction with an average fill volume per vehicle were used to estimate an annual gasoline throughput of approximately 4.4 million gallons. Because the proposed GDF would be over the CARB's screening threshold, a detailed health risk assessment was performed, and is discussed in further detail below.

To assess the potential impacts of TACs, the BAAQMD maintains thresholds of significance for the review of local community risk and hazard impacts. The thresholds are designed to assess the impact of new sources of TACs on existing sensitive receptors. Based on the BAAQMD thresholds, the proposed project would result in a significant impact related to TACs if, due to the exposure of sensitive receptors to TACs related to operations of the GDF, nearby sensitive receptors would experience an increased cancer risk of greater than or equal to 10 in one million people, or experience a chronic or acute hazard index of greater than or equal to 1.0.[11]

Following the guidance within the BAAQMD's *Recommended Methods for Screening and Modeling Local Risks and Hazards*,[12] as well as guidance from other air districts within California such as the San Joaquin Valley Air Pollution Control District,[13] the concentrations of pollutants from operation of the GDF were calculated using the American Meteorological Society/Environmental Protection Agency (AMS/EPA) Regulatory Model (AERMOD) dispersion model. The associated cancer risk and non-cancer (chronic and acute) hazard index were calculated using the CARB's Hotspot Analysis and Reporting Program 2 Risk Assessment Standalone Tool (HARP 2 RAST),[14] which calculates the cancer and non-cancer health impacts using the risk assessment guidelines of the 2015 Office of Environmental Health Hazard Assessment (OEHHA) Guidance Manual for Preparation of Health Risk Assessments.[15] In addition to the guidance provided by the BAAQMD, further modeling guidance was obtained through the California Air Pollution Control Officers Association's (CAPCOA) Guidance document, *Gasoline Service Station Industrywide Risk Assessment Guidelines*, as well as the USEPA's *User's Guide for the AMS/EPA Regulatory Model – AERMOD*,[16] and the 2015 OEHHA Guidance Manual.

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11 Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines*. May 2017.
12 Bay Area Air Quality Management District. *Recommended Methods for Screening and Modeling Local Risks and Hazards*. May 2012.
13 San Joaquin Valley Air Pollution Control District. *Guidance for Air Dispersion Modeling*. August 2006.
14 California Air Resources Board. *User Manual for the Hotspots Analysis and Reporting Program Health Risk Assessment Standalone Tool, Version 2*. March 17, 2015.
15 Office of Environmental Health Hazard Assessment. *Air Toxics Hot Spots Program Risk Assessment Guidelines, Guidance Manual for Preparation of Health Risk Assessments* [pg. 8-18]. February 2015.
16 U.S. Environmental Protection Agency. *User's Guide for the AMS/EPA Regulatory Model – AERMOD*. September 2004.

Considering that GDFs result in the emission of various TACs, potential risks related to the exposure of receptors to benzene, ethyl benzene, toluene, and xylene were considered. As shown in Figure 24, the project site is in proximity to various receptors, with the nearest existing sensitive receptor being the residences located approximately 30 feet from the western edge of the project site. Additionally, several schools exist within the project area, with Pinole Middle School being the closest at a distance of approximately 450 feet. Other nearby schools include Tara Hills Elementary School, located over 1,000 feet from the project site, Shannon Elementary School, located over 2,000 feet from the site, and Juan Crespi Middle School, located approximately 2,000 feet from the site. Thus, pollutant concentrations at all nearby receptors were estimated. Although pollutant concentrations at all nearby receptors were estimated, for the purpose of determining potential health risks, only the highest estimated pollutant concentrations were used in calculating cancer risk and hazard indices. The receptor experiencing the highest estimated pollutant concentrations was considered to be the maximally exposed receptor, and would experience the highest potential health risks. Health risks to all other receptors would likely be lower than the health risks to the maximally exposed receptor, because all other receptors would be exposed to lower concentrations of GDF related pollutants as compared to the maximally exposed receptor. Considering that both schools and residences exist in proximity to the project site, the estimation of health risks conservatively assumed that nearby receptors would be continuously exposed to pollutants from the GDF at the maximum estimated concentrations. By using the maximum estimated concentrations and assuming continuous exposure to pollutants, the estimated health risks are considered a worst-case estimate of potential health risks, and actual health risks to receptors in the project area would likely be lower than the levels presented within this analysis.

Table 5 presents the combined cancer risks and non-cancer hazard indexes for the foregoing pollutants. It should be noted that the cancer risks and non-cancer hazard indexes presented in Table 5 represent the risks over a 30-year exposure period.

Table 5
Maximum Cancer Risk and Hazard Index Associated with the Proposed GDF Operations

	Cancer Risk (per million persons)	Acute Hazard Index	Chronic Hazard Index
At Maximally Exposed Receptor	3.29	0.12	0.02
Thresholds of Significance	*10*	*1.0*	*1.0*
Exceed Thresholds?	**NO**	**NO**	**NO**

Sources: AERMOD and HARP 2 RAST, December 2019 (see Appendix B).

As shown in Table 5 above, TAC emissions related to the operation of the proposed GDF would not result in health risks to the maximally exposed receptor in excess of the BAAQMD's thresholds for cancer risk and/or non-cancer hazard index.

Criteria Pollutants

The BAAQMD thresholds of significance were established with consideration given to the health-based air quality standards established by the NAAQS and CAAQS, and are

designed to aid the district in achieving attainment of the NAAQS and CAAQS.[17] Although the BAAQMD's thresholds of significance are intended to aid achievement of the NAAQS and CAAQS for which the SFBAAB is in nonattainment, the thresholds of significance do not represent a level above which individual project-level emissions would directly result in public health impacts. Nevertheless, a project's compliance with BAAQMD's thresholds of significance provides an indication that criteria pollutants released as a result of project implementation would not inhibit attainment of the health-based regional NAAQS and CAAQS. Because project-related emissions would not exceed the BAAQMD's thresholds, and, thus, would not inhibit attainment of regional NAAQS and CAAQS, the criteria pollutants emitted during project implementation would not be anticipated to result in measurable health impacts to sensitive receptors. Accordingly, the proposed project would not expose sensitive receptors to excess concentrations of criteria pollutants.

Conclusion

Based on the above discussion, the proposed project would not expose any sensitive receptors to substantial concentrations of criteria pollutants or localized CO or TACs during construction or operation. Therefore, the proposed project would result in a ***less-than-significant*** impact related to the exposure of sensitive receptors to substantial pollutant concentrations.

d. Emissions such as those leading to odor have the potential to adversely affect people. Emissions of principal concern include emissions leading to odors, emission that have the potential to cause dust, or emissions considered to constitute air pollutants. Air pollutants have been discussed in sections "a" through "d" above. Therefore, the following discussion focuses on emissions of odors and dust.

Per the BAAQMD CEQA Guidelines, odors are generally regarded as an annoyance rather than a health hazard.[18] Manifestations of a person's reaction to odors can range from psychological (e.g., irritation, anger, or anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, and headache). The presence of an odor impact is dependent on a number of variables including: the nature of the odor source; the frequency of odor generation; the intensity of odor; the distance of odor source to sensitive receptors; wind direction; and sensitivity of the receptor.

Due to the subjective nature of odor impacts, the number of variables that can influence the potential for an odor impact, and the variety of odor sources, quantitative analysis to determine the presence of a significant odor impact is difficult. Typical odor-generating land uses include, but are not limited to, wastewater treatment plants, landfills, and composting facilities. The proposed project would not introduce any such land uses.

Construction activities often include diesel-fueled equipment and heavy-duty trucks, which could create odors associated with diesel fumes that may be considered objectionable. However, construction activities would be temporary, and hours of operation for construction equipment would be restricted to the hours of 7:00 AM and 5:00 PM Monday through Friday on non-federal holidays, and 9:00 AM to 6:00 PM on Saturdays as long as it is interior work and does not generate significant noise per Section 15.02.070 of the City of Pinole Municipal Code. Project construction would also be required to comply with all applicable BAAQMD rules and regulations, particularly associated with permitting of air

[17] Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines*. May 2017.
[18] *Ibid.*

pollutant sources. The aforementioned regulations would help to minimize emissions, including emissions leading to odors. Accordingly, substantial objectionable odors would not be expected to occur during construction activities.

Operations of the proposed restaurant uses would have the potential to result in emissions of odors related food preparation and disposal. In particular, preparation of oily food, some baking processes, and cooking using charbroiling grills may create odorous emissions. However, commercial kitchens and cooking areas are required to comply with state and local regulations associated with cooking equipment and controls, such as grease filtration and removal systems, exhaust hood systems, and blowers to move air into the hood systems, through air cleaning equipment, and then outdoors. Such equipment would ensure that pollutants associated with smoke and exhaust from cooking surfaces would be captured and filtered, allowing only filtered air to be released into the atmosphere. In addition, the disposal of solid waste, including putrescible waste, such as food waste, is regulated under Chapter 8.08, Solid Waste, of the City's Municipal Code. Section 8.08.040 of the Municipal Code requires that waste be collected and properly disposed of at least as frequently as every seven days. The collection of such waste in a timely manner would ensure that food waste does not decompose and create substantial objectionable odors. In addition, Section 8.08.080 requires property owners to maintain sanitary solid waste receptacles, and Section 8.08.090 requires the property owners to subscribe to and pay for necessary solid waste collection service.

It should be noted that BAAQMD regulates objectionable odors through Regulation 7, Odorous Substances, which does not become applicable until the Air Pollution Control Officer (APCO) receives odor complaints from ten or more complainants within a 90-day period. Once effective, Regulation 7 places general limitation on odorous substances and specific emission limitations on certain odorous compounds, which remain effective until such time that citizen complaints have been received by the APCO for one year. The limits of Regulation 7 become applicable again when the APCO receives odor complaints from five or more complainants within a 90-day period. Thus, although not anticipated, if odor complaints are made after the proposed project is developed, the BAAQMD would ensure that such odors are addressed and any potential odor effects are minimized or eliminated.

As noted previously, all projects under the jurisdiction of BAAQMD are required to implement the BAAQMD's Basic Construction Mitigation Measures. Such measures would act to reduce construction-related dust by ensuring that haul trucks with loose material are covered, reducing vehicle dirt track-out, and limiting vehicle speeds within project site, among other methods, which would ensure that construction of the proposed project does not result in substantial emissions of dust. Following project construction, vehicles operating within the project site would be limited to paved areas of the site, and non-paved areas would be landscaped. Thus, project operations would not include sources of dust that could adversely affect a substantial number of people.

For the aforementioned reasons, construction and operation of the proposed project would not result in emissions (such as those leading to odors) adversely affecting a substantial number of people, and a ***less-than-significant*** impact would result.

IV. BIOLOGICAL RESOURCES. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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 Wildlife or U.S. Fish and Wildlife Service?	☐	✖	☐	☐
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	✖	☐
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?	☐	☐	✖	☐
d. Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	☐	☐	✖	☐
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	✖	☐	☐
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	✖

Discussion

a. Currently, the project site consists of a commercial shopping center. With the exception of a 15,214-sf parcel located to the northwest of the existing Bank of America Building (1201 Tara Hills Drive) and a rectangular area located directly to the north of the existing China Delight restaurant, the project site is developed with impervious surfaces and landscaping features. The undeveloped areas have both been subject to prior grading and, thus, are heavily disturbed. As part of Phase I, the proposed project would include removal of 44 of the 45 existing on-site trees, construction of parking lot improvements throughout the project site, and demolition of a portion of the existing on-site buildings. The unimproved 15,214-sf parcel within the northern portion of the site would be developed with parking spaces, landscaping and hardscape features, and a bus pocket. Upon completion of Phases I and II, the rectangular parcel located north of the existing China Delight restaurant would remain vacant and undeveloped.

Special-status species include plant and wildlife species that are listed as endangered or threatened, or are candidates for this listing under the Federal and State Endangered Species Acts. Special-status species are defined as follows:

- Species that are listed, formally proposed, or designated as candidates for listing as threatened or endangered under the federal Endangered Species Act (FESA);
- Species that are listed, or designated as candidates for listing, as rare, threatened, or endangered under the California Endangered Species Act (CESA);
- Plant species that are on the California Rare Plant Society (CNPS) Rank 1 and 2;

- Animal species that are designated as Species of Special Concern or Fully Protected by the California Department of Fish and Wildlife (CDFW); and
- Species that meet the definition of rare, threatened, or endangered under Section 15380 of the CEQA guidelines.

In addition to regulations for special-status species, most birds in the U.S., including non-status species, are protected by the Migratory Bird Treaty Act (MBTA) of 1918. Under the MBTA, destroying active nests, eggs, and young is illegal.

As noted above, the project site is currently developed with a shopping center. Thus, the potential for special-status species to occur on-site is very low. Nonetheless, given that the site contains two areas that are not currently developed with impervious surfaces, Raney Planning & Management, Inc. conducted a search of the California Natural Diversity Database (CNDDB) maintained by the CDFW for the project site quadrangle, the Richmond quadrangle, in order to identify documented occurrences of special-status species in the vicinity of the project area. Each species identified by CNDDB within the Richmond quadrangle was evaluated to determine the location of the species relative to the project site, as well as whether the site meets the habitat requirements of each species. Based on the results of the CNDDB search, a total of 13 special-status plant species and 19 special-status wildlife species are known to occur within the project region.

Of the 13 special-status plant species, none are likely to occur on the project site due to the developed/disturbed nature of the site and area, as well as habitat requirements that are not present on-site (i.e., salt marshes, woodland, forest, chaparral, etc.). It should be noted that Santa Cruz tarplant has been documented to the south of the site across I-80 (approximately 0.11-mile from the site boundary) and approximately 1.2 miles west of the site near Crestwood Drive. However, such occurrences are from 1982 and 1993, respectively, and predate extensive development that has since occurred in both areas. Due to the disturbed nature of the site and the absence of potentially suitable habitat, special-status plants are not anticipated to be present on the site. Thus, the proposed project would not result in substantial adverse effects to special-status plant species.

Of the 19 special-status wildlife species, 16 are unlikely to occur on the project site due to habitat requirements, including, but not limited to, aquatic features, forest, marsh, and chaparral. However, the existing on-site trees, as well as brush within the unimproved parcel located within the northern portions of the site, could provide potential nesting habitat for white-tailed kite, as well as nesting and migratory birds protected by the MBTA. In addition, pallid bat and Townsend's big-eared bat have the potential to roost in on-site tree cavities or within existing on-site buildings proposed for demolition as part of the project.

Based on the above, the proposed project would not result in any impacts to special-status plant species. However, the potential exists for construction activities to result in adverse effects to select special-status wildlife species. Therefore, the proposed project could result in a ***potentially significant*** impact related to species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or U.S. Fish and Wildlife Service.

Mitigation Measure(s)

Implementation of the following mitigation measures would reduce the above potential impact to a *less-than-significant* level.

White-Tailed Kite and Nesting and Migratory Birds

IV-1 *The project applicant shall implement the following measures prior to initiation of demolition activities, tree removal, or other ground-disturbing activities:*

- *If any site disturbance or construction activity for any phase of development begins outside the February 1 to August 31 breeding season, a preconstruction survey for active nests shall not be required.*
- *If any site disturbance or construction activity for any phase of development is scheduled to begin between February 1 and August 31, a qualified biologist shall conduct a preconstruction survey for active nests from publicly accessible areas within 14 days prior to site disturbance or construction activity for any phase of development. The survey area shall cover the construction site and the area surrounding the construction site, including a 50- to 100-foot radius for MBTA birds, and a 250-foot radius for birds of prey, if accessible. If an active nest of a bird of prey, MBTA bird, or other protected bird is not found, then further mitigation measures shall not be necessary. The results of the preconstruction survey shall be submitted to the City of Pinole Community Development Department for review.*
- *If an active nest of a bird of prey, MBTA bird, or other protected bird is discovered that may be adversely affected by any site disturbance or construction, or an injured or killed bird is found, the project applicant shall comply with the following measures:*
    - *Notify the City of Pinole Community Development Department.*
    - *The biologist shall establish a minimum 250-foot Environmentally Sensitive Area (ESA) around the nest if the nest is of a bird of prey, and a 50- to 100-foot ESA around the nest if the nest is of an MBTA bird other than a bird of prey. The ESA may be reduced if the biologist determines that a smaller ESA would still adequately protect the active nest. Work may not occur within the ESA until the biologist determines that the nest is no longer active.*

Roosting Bats

IV-2 *The project applicant shall implement the following measures prior to initiation of demolition activities or tree removal:*

- *A qualified biologist shall conduct a pre-construction survey for roosting bats at the project site within 14 days prior to initiation of building demolition or tree removal at the project site.*

- *Survey results shall be submitted to the City of Pinole. If active maternity bat roosts are not found within the survey area, further mitigation is not required.*
- *If active bat roosts are found, the biologist shall identify a suitable construction-free buffer around the maternity roost. An example of a suitable construction free buffer is 50 feet; however, each buffer distance should be determined on a case-by-case basis by the qualified biologist. The buffer shall be identified on the ground with flagging or fencing, and shall be maintained until a qualified biologist has determined that the tree and snag impacts would not adversely affect bat survival or survival of their young.*

b,c Currently, the project site is developed with a commercial shopping center. The project site does not include any existing wetlands, waterways, or other sensitive habitat. It should be noted that an existing gully is located to the south of the site, between the southern site boundary and I-80. However, while the proposed on-site renovations would include paving activities uphill from the gully, the project would be required to comply with various Best Management Practices to be described in the Storm Water Pollution Prevention Plan (SWPPP) to be prepared for the site, as discussed in Section X of this IS/MND. Such Best Management Practices would prevent the discharge of polluted runoff to the gully. Therefore, the proposed project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFW or U.S. Fish and Wildlife Service, or on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.). Thus, a ***less-than-significant*** impact would occur.

d. The project site is currently developed with commercial buildings, a parking lot, and associated improvements. In addition, the site is bordered by existing development to the north, east, and west. I-80 is located approximately 150 feet to the south of the site. Thus, the project site does not support any substantial wildlife movement corridors. The project site does not contain streams or other waterways that could be used by migratory fish or as a wildlife corridor for other wildlife species. While an existing gully is located to the south of the site, the proposed on-site renovations would not include any construction activities within close proximity to the gully. Thus, the proposed project would not result in any effects related to wildlife movement associated with the feature. As such, the project would not interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites, and a ***less-than-significant*** impact would occur.

e. Per the City of Pinole's Tree Removal Ordinance, as included in Chapter 17.96 of the Municipal Code, trees that are considered "protected" are defined as follows:

- Trees with a single perennial stem of 12 inches or larger in circumference (four inches in diameter) measured at 4.5 feet above grade, of the following species: Coast live oak, Madrone, Buckeye, Black Walnut, Redwood, Big Leafed Maple, Redbud, California Bay, Toyon; and
- Any other tree with a single stem greater than 56" or larger in circumference (18" in diameter) and 4.5 feet above the natural grade; nut and fruit trees, palms, and eucalyptus are not protected.

In order to evaluate the eligibility of the existing on-site trees for protection under the Tree Removal Ordinance, an Arborist Report was prepared for the proposed project by HortScience, Inc. (see Appendix B).[19] As part of the Arborist Report, all on-site trees with diameters measuring six inches or greater at 4.5 feet above grade, or four inches or greater for native species, were surveyed, tagged with an identifying number, and evaluated for health and structural condition.

A total of 70 trees were assessed, including 45 on-site trees and 25 off-site trees, representing 25 species. All on-site trees were determined to be planted as landscaping features, rather than indigenous to the site. A total of 61 of the 70 trees were rated as "fair" condition; three were rated as "poor", and six were rated as "good". HortScience, Inc. determined that 42 of the 70 surveyed trees are protected by the City's Municipal Code. Of the 42 protected trees, 23 are located off-site.

As part of the proposed project, removal of 44 of the 45 existing on-site trees sized six inches or larger (four inches or larger for native trees) would be required in order to accommodate the proposed renovations; 19 of the trees proposed for removal are considered protected. The 23 protected trees located off-site, adjacent to the western site boundary, would be retained, as well as one existing on-site protected tree located along the eastern site frontage at Tara Hills Drive. Chapter 17.96 of the City's Municipal Code requires a tree removal permit be obtained prior to removal of any protected trees, as well as tree replacement at a ratio of 1:1.

Considering the above, the proposed project could conflict with the City's Tree Protection Ordinance, which would be considered a ***potentially significant*** impact.

Mitigation Measures

Implementation of the following mitigation measure would reduce the above potential impact to a *less-than-significant* level.

IV-3 *Removal of protected trees shall comply with the tree removal permit requirements outlined in Section 17.96.060 of the Pinole Municipal Code, as follows:*

1. *The project applicant shall file an application for a tree removal permit with the Development Services Department for all 19 protected trees proposed for removal as part of the proposed project. The applicant shall file the application concurrently with submittal of final construction drawings.*

2. *The application shall contain the precise number, species, size and location of the protected tree(s) to be cut down, destroyed, or removed and a statement of the reason for removal, the signature of the property owner authorizing such removal, the signature of the person actually performing the work if different than the property owner and if known at the time of the application, as well as any other pertinent information the Development Services Department may require. The applicant shall submit five copies of drawing and*

[19] HortScience, Inc. *Arborist Report, Pinole Square, CA*. October 2017.

a fee prescribed by City Council resolution to cover the cost of investigation and processing.

3. *Any tree removed shall be replaced in accordance with Section 17.44.070 of the City's Zoning Ordinance, at the expense of the project applicant.*

4. *The project applicant shall provide a tree survey plan specifying the precise location and dripline of all existing trees (protected trees and non-protected trees) on the property.*

For the single protected tree to be retained (identified as Tree #3 in the 2017 Arborist Report prepared for the proposed project by HortScience, Inc.), ongoing maintenance of the tree shall comply with the tree preservation requirements outlined in Section 17.96.070 of the Pinole Municipal Code, as follows:

1. *Prior to and during any demolition, grading or construction, all protected trees within a development area shall be protected by a six (6) foot high chain link (or other material approved by the Development Services Department) fence installed around the outside of the dripline of each tree.*

2. *No oils, gas, chemicals, liquid waste, solid waste, heavy construction machinery or other construction materials shall be stored or allowed to stand within the dripline of any tree.*

3. *No equipment washout will be allowed to occur within the dripline of any tree.*

4. *No signs or wires, except those needed for support of the tree, shall be attached to any tree. Should protected trees be damaged, the developer, contractor, or any agent thereof shall comply with the requirements outlined in Section 17.96.090 of the Pinole Municipal Code, as described below.*

5. *If any damage occurs to a protected tree during construction, the developer, contractor, or any agent thereof shall immediately notify the Development Services Department so that professional methods of treatment accepted by the Development Services Department may be administered. The repair of the damage shall be at the expense of the responsible party and shall be by professional standards, approved by the Development Services Department. Failure to comply shall result in a stop work order.*

f. The project site is not located within an area that is subject to an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan. Therefore, the proposed project would have ***no impact*** related to a conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan.

V. CULTURAL RESOURCES. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	☐	☐	✖	☐
b. Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5?	☐	✖	☐	☐
c. Disturb any human remains, including those interred outside of dedicated cemeteries.	☐	✖	☐	☐

Discussion

a. Historical resources are features that are associated with the lives of those of historical significance and/or particular significant events. Various characteristics of the type of significance, or method of construction may be likely to yield important information about the history of the local area. The City's General Plan and the General Plan EIR provide a list of historic buildings in the City of Pinole.[20] In addition, The National Register of Historic Places (NRHP) lists multiple historic buildings, districts, events, and artifacts found in Contra Costa County. Examples of structures having identified cultural significance in the City of Pinole are the Bank of Pinole and the Fernandez Mansion. The Bank of Pinole is located approximately one mile east and the Fernandez Mansion is located approximately one-mile northeast of the proposed project site.

A records search of the California Historic Resources Information System (CHRIS) was performed by the Northwest Information Center for cultural resource site records and survey reports within the project area.[21] Based on the results of the CHRIS search, per the State Office of Historic Preservation Directory (which includes listings of the California Register of Historical Resources, California State Historical Landmarks, California State Points of Historical Interest, and the National Register of Historic Places), listed recorded buildings or structures do not occur in or adjacent to the project site.

The project site is currently developed with the Appian 80 Shopping Center, which includes a Safeway grocery store, a vacant CVS pharmacy, and various other smaller businesses. The structures were developed between 1968 and 1993, with various renovations and demolition activities occurring up to 1998. Structures that are 50 years of age or older may be eligible for consideration as historic resources under the California Register of Historic Places (CRHP). The CRHR eligibility criteria include the following per CEQA Guidelines Section 15064.5(a)(3):

(1) It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the U.S.;
(2) It is associated with the lives of persons important to local, California, or national history;
(3) It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values; or
(4) It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

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20 City of Pinole. *General Plan Update Draft Environmental Impact Report, SCH #2009022057*. July 2010.
21 Northwestern Information Center. *Record search results for the proposed Pinole Square Project at 1200-1577 Tara Hills Drive, Pinole, CA*. August 20, 2019.

In addition, the resource must retain integrity. Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association.

While a portion of the on-site structures may be at least 50 years old, none of the existing structures are known to be associated with any significant historical events in the project region or California, and the structures are not likely to yield information important to the prehistory or history of the local area, California, or the nation. In addition, the structures have not been occupied or owned by any persons important to local, State, or national history, and do not possess any unique architectural elements. Many of the structures are vacant and dilapidated. Therefore, the existing on-site structures are not eligible for consideration as historical resources per the CRHR eligibility criteria, and, thus, would not be considered historical resources.

Based on the above, the proposed project would not cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5, and a ***less-than-significant*** impact would occur.

b,c. According to the CHRIS search, the project site has been subject to one cultural resource study, conducted in 2011, that covered approximately half of the site. The study did not identify any recorded archaeological resources within the project site. In addition, a search of the Native American Heritage Commission (NAHC) Sacred Lands File yielded negative results.[22] The site has been subject to extensive disturbance associated with development of the existing on-site structures, parking areas, and associated improvements. However, per the CHRIS search, a moderate potential exists for unrecorded archaeological resources or Native American tribal cultural resources to occur within the project area.

Based on the above, unknown archaeological resources, including human remains, have the potential to be uncovered during ground-disturbing construction and excavation activities at the project site. If previously unknown resources are encountered during construction activities, the proposed project could cause a substantial adverse change in the significance of a unique archaeological resource pursuant to CEQA Guidelines Section 15064.5 and/or disturb human remains, including those interred outside of dedicated cemeteries, during construction. Therefore, impacts could be considered ***potentially significant***.

Mitigation Measure(s)

Implementation of the following mitigation measures would reduce the above potential impact to a ***less-than-significant*** level.

V-1 *In the event a potentially significant cultural resource is encountered during subsurface earthwork activities, all construction activities within a 100-foot radius of the find shall cease and workers should avoid altering the materials until an archaeologist who meets the Secretary of Interior's Professional Qualification Standards for archaeology has evaluated the find. The Applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The qualified archeologist shall make recommendations to the Lead Agency on the measures that shall be implemented to protect the discovered*

[22] Native American Heritage Commission. *Pinole Square Project, City of Pinole; Richmond USGS Quadrangle, Contra Costa County, California*. July 30, 2019.

resources, including but not limited to, culturally appropriate temporary and permanent treatment, which may include avoidance of cultural resources, in-place preservation, and/or re-burial on project property so the resource(s) are not subject to further disturbance in perpetuity. If avoidance is determined to be infeasible, pursuant to CEQA Guidelines Section 15126.4(b)(3)(C), a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. If necessary, excavation and evaluation of the finds shall comply with Section 15064.5 of the CEQA Guidelines.

Potentially significant cultural resources include, but are not limited to, stone, bone, glass, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. Any previously undiscovered resources found during construction within the project site shall be recorded on appropriate Department of Parks and Recreation (DPR) 523 forms and will be submitted to the City of Pinole, the Northwest Information Center, and the State Historic Preservation Office (SHPO), as required.

V-2 *If human remains, or remains that are potentially human, are found during construction, a professional archeologist shall ensure reasonable protection measures are taken to protect the discovery from disturbance. The archaeologist shall notify the Contra Costa County Coroner (per §7050.5 of the State Health and Safety Code). The provisions of §7050.5 of the California Health and Safety Code, §5097.98 of the California Public Resources Code, and Assembly Bill 2641 shall be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, then the Coroner shall notify the Native American Heritage Commission (NAHC), which then shall designate a Native American Most Likely Descendant (MLD) for the project (§5097.98 of the Public Resources Code). The designated MLD shall have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the applicant does not agree with the recommendations of the MLD, the NAHC can mediate (§5097.94 of the Public Resources Code). If an agreement is not reached, the qualified archaeologist or most likely descendent must rebury the remains where they shall not be further disturbed (§5097.98 of the Public Resources Code). This shall also include either recording the site with the NAHC or the appropriate Information Center, using an open space or conservation zoning designation or easement, or recording a reinternment document with the county in which the property is located (AB 2641). Work cannot resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.*

VI. ENERGY. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	✖	☐
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	✖	☐

Discussion

a,b. The main forms of available energy supply are electricity, natural gas, and oil. A description of the 2019 California Green Building Standards Code and the Building Energy Efficiency Standards, with which the proposed project would be required to comply, as well as discussions regarding the proposed project's potential effects related to energy demand during construction and operations, is provided below.

California Green Building Standards Code

The 2019 CBSC, otherwise known as the CAL Green Code (CCR Title 24, Part 11), became effective on January 1, 2020.[23] The purpose of the CAL Green Code is to improve public health, safety, and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices. The CBSC standards regulate the method of use, properties, performance, types of materials used in construction, alteration repair, improvement and rehabilitation of a structure or improvement to property. The provisions of the code apply to the planning, design, operation, construction, use, and occupancy of every newly constructed building or structure throughout California. Requirements of the CALGreen Code include, but are not limited to, the following measures:

- Compliance with relevant regulations related to future installation of Electric Vehicle charging infrastructure in non-residential structures;
- Indoor water use consumption is reduced through the establishment of maximum fixture water use rates;
- Outdoor landscaping must comply with the California Department of Water Resources' Model Water Efficient Landscape Ordinance (MWELO), or a local ordinance, whichever is more stringent, to reduce outdoor water use;
- Diversion of 65 percent of construction and demolition waste from landfills;
- Mandatory periodic inspections of energy systems (i.e., heat furnace, air conditioner, mechanical equipment) for nonresidential buildings over 10,000 sf to ensure that all are working at their maximum capacity according to their design efficiencies; and
- Mandatory use of low-pollutant emitting interior finish materials such as paints, carpet, vinyl flooring, and particle board.

Building Energy Efficiency Standards

The 2019 Building Energy Efficiency Standards were implemented as the new standard for all development on January 1, 2020. The new non-residential building standards

[23] California Building Standards Commission. *California Green Building Standards Code*. 2019.

enable the use of highly efficient air filters and improve ventilation systems, as well as lighting improvements, requiring approximately 30 percent less energy than those built under the previous 2016 standards.

Construction Energy Use

Construction of the proposed project would involve on-site energy demand and consumption related to use of oil in the form of gasoline and diesel fuel for construction worker vehicle trips, hauling and materials delivery truck trips, and operation of off-road construction equipment. In addition, diesel-fueled portable generators may be necessary to provide additional electricity demands for temporary on-site lighting, welding, and for supplying energy to areas of the site where energy supply cannot be met via a hookup to the existing electricity grid. Project construction would not involve the use of natural gas appliances or equipment.

Even during the most intense period of construction, due to the different types of construction activities (e.g., demolition, site preparation, grading, building construction), only portions of the project site would be disturbed at a time, with operation of construction equipment occurring at different locations on the project site, rather than a single location. In addition, all construction equipment and operation thereof would be regulated per the CARB In-Use Off-Road Diesel Vehicle Regulation. The In-Use Off-Road Diesel Vehicle Regulation is intended to reduce emissions from in-use, off-road, heavy-duty diesel vehicles in California by imposing limits on idling, requiring all vehicles to be reported to CARB, restricting the addition of older vehicles into fleets, and requiring fleets to reduce emissions by retiring, replacing, or repowering older engines, or installing exhaust retrofits. The In-Use Off-Road Diesel Vehicle Regulation would subsequently help to improve fuel efficiency. Technological innovations and more stringent standards are being researched, such as multi-function equipment, hybrid equipment, or other design changes, which could help to reduce demand on oil and emissions associated with construction.

The CARB has prepared the 2017 Climate Change Scoping Plan Update (2017 Scoping Plan),[24] which builds upon previous efforts to reduce GHG emissions and is designed to continue to shift the California economy away from dependence on fossil fuels. Appendix B of the 2017 Scoping Plan includes examples of local actions (municipal code changes, zoning changes, policy directions, and mitigation measures) that would support the State's climate goals. The examples provided include, but are not limited to, enforcing idling time restrictions for construction vehicles, utilizing existing grid power for electric energy rather than operating temporary gasoline/diesel-powered generators, and increasing use of electric and renewable fuel-powered construction equipment. The In-Use Off Road regulation described in the Air Quality section of this IS/MND, with which the proposed project must comply, would be consistent with the intention of the 2017 Scoping Plan and the recommended actions included in Appendix B of the 2017 Scoping Plan.

Based on the above, the temporary increase in energy use occurring during construction of the proposed project would not result in a significant increase in peak or base demands or require additional capacity from local or regional energy supplies. In addition, the proposed project would be required to comply with all applicable regulations related to energy conservation and fuel efficiency, which would help to reduce the temporary increase in demand.

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[24] California Air Resources Board. *The 2017 Climate Change Scoping Plan Update*. November, 2017.

Operational Energy Use

Energy use associated with operation of the proposed project would be typical of retail development uses, requiring electricity and natural gas for interior and exterior building lighting, heating, ventilation, and air conditioning (HVAC), electronic equipment, machinery, appliances, security systems, and more. Maintenance activities during operations, such as landscape maintenance, would involve the use of electric or gas-powered equipment. In addition to on-site energy use, the proposed project would result in transportation energy use associated with vehicle trips generated by employee commutes and the movement of goods.

The proposed project would be subject to all relevant provisions of the most recent update of the CBSC, including the Building Energy Efficiency Standards. Adherence to the most recent CALGreen Code and the Building Energy Efficiency Standards would ensure that the proposed structures would consume energy efficiently through the incorporation of such features as door and window interlocks, direct digital controls for HVAC systems, and high efficiency outdoor lighting. For example, all lighting fixtures to be included in the project would be high-efficiency LED. Required compliance with the CBSC would ensure that the building energy use associated with the proposed project would not be wasteful, inefficient, or unnecessary. In addition, electricity supplied to the project by PG&E would comply with the State's Renewable Portfolio Standard (RPS), which requires investor-owned utilities, electric service providers, and community choice aggregators to increase procurement from eligible renewable energy resources to 33 percent of total procurement by 2020 and to 60 percent by 2030. Thus, a portion of the energy consumed during project operations would originate from renewable sources.

Due to the age of the existing buildings, redevelopment of the site and compliance with the more stringent Building Energy Efficiency Standards currently in place would result in less energy consumption than what currently occurs on the site.

Conclusion

Based on the above, construction and operation of the proposed project would not result in wasteful, inefficient, or unnecessary consumption of energy resources or conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Thus, a ***less-than-significant*** impact would occur.

VII. GEOLOGY AND SOILS. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
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 based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	✖	☐
ii. Strong seismic ground shaking?	☐	☐	✖	☐
iii. Seismic-related ground failure, including liquefaction?	☐	☐	✖	☐
iv. Landslides?	☐	☐	✖	☐
b. Result in substantial soil erosion or the loss of topsoil?	☐	☐	✖	☐
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?	☐	✖	☐	☐
d. Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	✖	☐	☐
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?	☐	☐	☐	✖
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	✖	☐	☐

Discussion

ai-ii. As noted in the City of Pinole General Plan EIR, sufficiently active faults are defined as faults that have evidence of surface displacement within the last 10,000 years.[25] The nearest active faults relative to the City's Planning Area are the Pinole Fault, located approximately 0.9-mile east of the project site, and the Hayward Fault, located approximately 1.5 to 3.9 miles west of the City.[26] Known active or potentially active faults do not exist on the project site. In addition, per the City of Pinole General Plan, the City is not located within a State-designated Alquist-Priolo Fault Zone. Thus, the potential for fault rupture risk at the project site is relatively low.

Earthquakes of moderate to high magnitude generated by the above faults could cause considerable ground shaking at the project site. However, proper engineering of the proposed buildings in compliance with the standards included in the 2019 CBSC would ensure that the project would not be subject to substantial risks related to seismic ground shaking. Conformance with the design standards is enforced through building plan review and approval by the City to ensure proper engineering of the buildings to reduce the risks related to seismic ground shaking to the extent feasible. Based on the above, a ***less-than-significant*** impact would occur related to seismic surface rupture and strong seismic ground shaking.

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25 City of Pinole. *General Plan Update Draft Environmental Impact Report, SCH #2009022057.* July 2010.
26 City of Pinole. *General Plan Update, Draft Environmental Impact Report* [Figure 4.8-2]. 2010.

aiii-aiv. Liquefaction is a phenomenon in which granular material is transformed from a solid state to a liquefied state as a consequence of increased pore-water pressure and reduced effective stress. Increased pore-water pressure is induced by the tendency of granular materials to densify when subjected to cyclic shear stresses associated with earthquakes. Per the General Plan EIR, based upon known soil, groundwater, and ground shaking conditions within the City's Planning Area, the potential for liquefaction within the Planning Area is considered low.[27]

As part of a Geotechnical Investigation prepared for the proposed project by Cornerstone Earth Group (see Appendix C), the project site was screened for liquefaction potential by retrieving samples from the site, performing visual classification of sampled materials, and performing various tests to further classify soil properties.[28] Based on the results of the screening analysis, the soils within the project site have a low potential for liquefaction. Thus, the proposed structures would not be subject to substantial risk from seismically induced liquefaction.

Seismically-induced landslides may be triggered by both natural and human induced changes to the environment, which can create slope instability. The risk of landslide hazard is greatest in areas with steep, unstable slopes. South of the southern site boundary, the ground surface slopes downward, creating a wide gully between the project site and I-80. However, the proposed project would not involve any work within the southern slope areas. In addition, the site has been subject to prior grading and development associated with the Appian 80 Shopping Center. The proposed project would not include any modifications that would result in substantially increased landslide risk relative to existing conditions.

Based on the above, seismically induced landslides and liquefaction would not be likely to pose a risk to the proposed project. Thus, a ***less-than-significant*** impact would occur.

b. Issues related to erosion are discussed in Section X, Hydrology and Water Quality, of this IS/MND. As noted therein, with implementation of Mitigation Measure X-1 the proposed project would not result in substantial soil erosion or the loss of topsoil. Thus, a ***less-than-significant*** impact would occur.

c,d. As noted above, the proposed project would not be subject to substantial risks related to landslide or liquefaction. Issues related to lateral spreading, subsidence, collapse, and expansive soils are discussed below.

Lateral spreading is horizontal/lateral ground movement of relatively flat-lying soil deposits towards a free face such as an excavation, channel, or open body of water; typically, lateral spreading is associated with liquefaction of one or more subsurface layers near the bottom of the exposed slope. Per the Geotechnical Investigation, given that the potential for liquefaction at the project site is relatively low, the potential for lateral spreading to affect the proposed project is also low.

As noted in the Geotechnical Investigation, loose, unsaturated, sandy soils have the potential to settle during strong seismic shaking. Based on the stiff to very stiff clays and

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27 City of Pinole. *General Plan Update Draft Environmental Impact Report, SCH #2009022057.* July 2010.
28 Cornerstone Earth Group. *Design-Level Geotechnical Investigation, Pinole Square Shopping Center, 1421 Tara Hills Drive, Pinole, California.* October 31, 2019.

medium dense to dense sands encountered on-site by Cornerstone Earth Group, the potential for substantial differential seismic settlement to affect the proposed improvements is low. However, as discussed in greater detail in Section IX, Hazards and Hazardous Materials, former Underground Storage Tank (UST) locations on the project site have been subject to prior backfilling associated with UST removal. Such fill is considered undocumented and may be susceptible to densification following potential future strong ground shaking in the project region. Such undocumented soils would require removal and replacement with compacted fill.

Expansive soils can undergo significant volume change with changes in moisture content. Specifically, such soils shrink and harden when dried and expand and soften when wetted. Per the Geotechnical Investigation, moderately expansive to highly expansive surficial soils were encountered at varying depths throughout the project site. To reduce the potential for damage of the proposed structures, slabs-on-grade would require sufficient reinforcement and support by a layer of non-expansive fill, with footings extending below the zone of seasonal moisture fluctuation. In the absence of project-specific design considerations, a potentially significant impact could occur related to expansive soils.

Based on the above, the proposed project could be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and could be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code. Thus, a ***potentially significant*** impact could occur.

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above potential impact to a *less-than-significant* level.

VII-1 *All grading and foundation plans for the proposed project shall be designed by a Civil and Structural Engineer and reviewed and approved by the Director of Public Works/City Engineer, Chief Building Official, and a qualified Geotechnical Engineer prior to issuance of grading and building permits to ensure that all geotechnical recommendations specified in the Geotechnical Investigation are properly incorporated and utilized in the project design, including recommendations related to undocumented fill, and expansive soils.*

e. The proposed project would connect to existing City sewer services. Thus, the construction or operation of septic tanks or other alternative wastewater disposal systems is not included as part of the project. Therefore, ***no impact*** regarding the capability of soil to adequately support the use of septic tanks or alternative wastewater disposal systems would occur.

f. The City's General Plan does not note the existence of any unique geologic features within the City. Consequently, implementation of the proposed project would not be anticipated to have the potential to result in direct or indirect destruction of unique geologic features.

The City's General Plan indicates that known paleontological resources do not exist within the City Planning Area. However, development allowed under the General Plan could result in the discovery and disturbance of previously unknown or undiscovered

paleontological resources. As noted in the City's General Plan EIR,[29] paleontological resources include fossilized remains of vertebrate and invertebrate organisms, fossil tracks and trackways, and plant fossils. A unique paleontological site would include a known area of fossil bearing rock strata.

Although the proposed project is not anticipated to have the potential to result in the destruction of unique geologic features, previously unknown paleontological resources could exist within the project site. Thus, ground-disturbing activity associated with the proposed project, including grading and trenching, would have the potential to disturb or destroy such resources if present. Therefore, the proposed project could result in the direct or indirect destruction of a unique paleontological resource, and a ***potentially significant*** impact could occur.

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above potential impact to a *less-than-significant* level.

VII-2 *Should construction or grading activities result in the discovery of unique paleontological resources, all work within 100 feet of the discovery shall cease. Examples of paleontological resources can include, but are not limited to, vertebrate fossils (e.g., teeth, bones), unusually large or dense accumulations of intact invertebrates, and well-preserved plant material (e.g., leaves). The Community Development Department shall be notified, and the resources shall be examined by a qualified archaeologist, paleontologist, or historian, at the developer's expense, for the purpose of recording, protecting, or curating the discovery as appropriate. The archaeologist, paleontologist, or historian shall submit to the Community Development Department for review and approval a report of the findings and method of curation or protection of the resources. Work may only resume in the area of discovery when the preceding work has occurred.*

[29] City of Pinole. *General Plan Update Draft Environmental Impact Report, SCH #2009022057.* July 2010.

VIII. GREENHOUSE GAS EMISSIONS. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	✖	☐	☐
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses?	☐	✖	☐	☐

Discussion

a,b. Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. Therefore, the cumulative global emissions of GHGs contributing to global climate change can be attributed to every nation, region, and city, and virtually every individual on Earth. An individual project's GHG emissions are at a micro-scale level relative to global emissions and effects to global climate change; however, an individual project could result in a cumulatively considerable incremental contribution to a significant cumulative macro-scale impact. As such, impacts related to emissions of GHG are inherently considered cumulative impacts.

Implementation of the proposed project would cumulatively contribute to increases of GHG emissions. Estimated GHG emissions attributable to future development would be primarily associated with increases of carbon dioxide (CO_2) and, to a lesser extent, other GHG pollutants, such as methane (CH_4) and nitrous oxide (N_2O) associated with area sources, mobile sources or vehicles, utilities (electricity and natural gas), water usage, wastewater generation, and the generation of solid waste. The primary source of GHG emissions for the project would be mobile source emissions. The common unit of measurement for GHG is expressed in terms of annual metric tons of CO_2 equivalents ($MTCO_2e$/yr).

The BAAQMD developed a threshold of significance for project-level GHG emissions in 2009. The District's approach to developing the threshold was to identify a threshold level of GHG emissions for which a project would not be expected to substantially conflict with existing California legislation. At the time that the thresholds were developed, the foremost legislation regarding GHG emissions was AB 32, which established an emissions reductions goal of reducing statewide emissions to 1990 levels by 2020.[30] The GHG emissions threshold of significance recommended by BAAQMD to determine compliance with AB 32 is 1,100 $MTCO_2e$/yr. If a project generates GHG emissions above the BAAQMD's adopted threshold level, the project is considered to generate significant GHG emissions and conflict with AB 32.

It should be noted that the foregoing threshold is intended for use in assessing operational GHG emissions only. Construction of a proposed project would result in GHG emissions over a short-period of time in comparison to the operational lifetime of the project. To capture the construction-related GHG emissions due to buildout of the proposed project, such emissions are amortized over the duration of the construction period and added to the operational GHG emissions. Given that construction-related GHG emissions would

[30] Bay Area Air Quality Management District. *California Environmental Quality Act Guidelines Update: Proposed Thresholds of Significance*. December 7, 2009.

not occur concurrently with operational emissions and would cease upon completion of construction activities, combining the two emissions sources represents a conservative estimate of total project GHG emissions.

Since the adoption of BAAQMD's GHG thresholds of significance, the State legislature has passed SB 32, which builds upon AB 32 and establishes a statewide GHG reduction target of 40 percent below 1990 levels by 2030. Considering the legislative progress that has occurred regarding statewide reduction goals since the adoption of BAAQMD's standards, the emissions thresholds presented above would determine whether a proposed project would be in compliance with the 2020 emissions reductions goals of AB 32, but would not necessarily demonstrate whether a project would be in compliance with SB 32. In accordance with the changing legislative environment, the BAAQMD has begun the process of updating their CEQA Guidelines; however, updated GHG thresholds of significance have not yet been adopted. Consequently, the GHG emissions resulting from the proposed project have been assessed in relation to other existing statewide, regional, and Citywide plans related to climate change, including the 2017 Scoping Plan, Plan Bay Area 2040, and applicable City General Plan goals and policies.

Based on the above, project-related GHG emissions have been quantitatively assessed in comparison to BAAQMD's adopted emissions thresholds for compliance with AB 32, and qualitatively assessed in comparison with the recommended mitigation measures in the 2017 Scoping Plan for compliance with SB 32. In addition, the project's consistency with the goals of the Plan Bay Area 2040 and applicable goals and policies of the City's General Plan is discussed.

BAAQMD Thresholds

Construction GHG emissions are a one-time release and are, therefore, not typically expected to generate a significant contribution to global climate change. Neither the City nor BAAQMD has an adopted threshold of significance for construction-related GHG emissions and does not require quantification. Nonetheless, the proposed project's construction GHG emissions have been estimated. The proposed project's construction-related and operational GHG emission estimations were conducted using CalEEMod and the same assumptions discussed in Section III, Air Quality, of this IS/MND, and are included in Appendix A. In addition, compliance with the State's RPS was assumed in the modeling. The emissions estimates prepared for the proposed project determined that unmitigated project construction would result in total GHG emissions of 1,093.46 $MTCO_2e$ over the course of approximately two years.

As discussed above, the total construction GHG emissions were amortized and included in the annual operational GHG emissions. Amortizing the construction GHG emissions (a one-time release that would occur only during construction of the project) and including them in the annual operational emissions (which would occur every year over the lifetime of the entire project) represents a conservative analysis for the annual operational GHG emissions. For the purpose of this analysis, project construction emissions were amortized over the two-year period that would include the construction phase, resulting in annual construction emissions of 546.73 $MTCO_2e$/yr.

As shown in Table 6, the existing on-site development results in annual GHG emissions of approximately 3,946.04 MTCO2e/yr. With implementation of the proposed project, operational GHG emissions associated with operations on the project site would be approximately 4,582.16 $MTCO_2e$/yr, for a net project increase of 636.12 $MTCO_2e$/yr

relative to existing conditions. The project's total unmitigated annual GHG emissions in the first year of project operation, 2022, including amortized construction-related emissions, were estimated to be approximately 1,182.85 $MTCO_2e$/yr, which is above BAAQMD's 1,100 $MTCO_2e$/yr threshold of significance for GHG emissions. Thus, the proposed project could conflict with the emissions reductions targets of AB 32.

Table 6
Unmitigated Annual Project GHG Emissions

		Annual GHG Emissions
Construction-Related GHG Emissions		546.73 $MTCO_2e$/yr
Operational GHG Emissions	Existing	3,946.04 $MTCO_2e$/yr
	Proposed	4,582.16 $MTCO_2e$/yr
	Net Change	*+636.12 $MTCO_2e$/yr*
Total Annual GHG Emissions		**1,182.85 $MTCO_2e$/yr**
BAAQMD Threshold		**1,100 $MTCO_2e$/yr**
Source: CalEEMod, November 2019 (see Appendix A).		

Consistency with 2017 Scoping Plan

In the absence of adopted GHG emissions thresholds to assess compliance with SB 32, the BAAQMD has directed jurisdictions to qualitatively assess a project's compliance with the recommended mitigation measures within the *California's 2017 Climate Change Scoping Plan* (2017 Scoping Plan) as an alternative means of assessing a project's potential impacts related to GHG emissions.[31]

Appendix B to the CARB's 2017 Scoping Plan provides examples of potentially feasible mitigation measures that could be considered to assess a project's compliance with the State's 2030 GHG emissions reductions goals. Thus, general compliance with the Local Actions within the 2017 Scoping Plan could be considered to demonstrate the project's compliance with SB 32. The project's consistency with the applicable Local Actions within the 2017 Scoping Plan is assessed in Table 7 below.

Table 7
Project Consistency with the 2017 Scoping Plan

Suggested Measure	Consistency Discussion
Construction	
Enforce idling time restrictions for construction vehicles.	As required by CARB standards, idling times for on-road and off-road construction vehicles associated with the proposed project would be limited to five minutes or less. Thus, the proposed project would comply with the suggested measure.
Require construction vehicles to operate with the highest tier engines commercially available.	Mitigation Measure VIII-1 requires use of off-road heavy-duty construction equipment meeting CARB's Tier 4 emissions standards (or cleaner), to the extent feasible. Thus, with implementation of mitigation, the proposed project would comply with the suggested measure.
Divert and recycle construction and demolition waste, and use locally-sourced building materials with a high	The CALGreen Code requires the diversion of construction and demolition waste, and the proposed project would be required to comply with the

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[31] Flores, Areana. Environmental Planner, Planning and Climate Protection. Personal communication [phone] with Jacob Byrne, Senior Associate/Air Quality Technician, Raney Planning and Management, Inc. September 17, 2019.

Table 7
Project Consistency with the 2017 Scoping Plan

Suggested Measure	Consistency Discussion
recycled material content to the greatest extent feasible.	requirements within the most up-to-date CALGreen Code. Thus, the project would be considered to comply with the suggested measure.
Minimize tree removal, and mitigate indirect GHG emissions increases that occur due to vegetation removal, loss of sequestration, and soil disturbance.	As part of the proposed project, removal of a total of 44 existing on-site trees would be required in order to accommodate the proposed renovations. The existing off-site trees located adjacent to the western site boundary would be retained, along with one existing on-site tree located along the eastern site frontage at Tara Hills Drive. In addition, the project would include planting of approximately 200 evergreen and deciduous trees throughout the on-site parking lot and drive aisles. Given that the project site has been subject to previous grading and is currently developed with a commercial shopping center, soil disturbance associated with the proposed project would be relatively limited. Consequently, the project would generally comply with the suggested measure.
Utilize existing grid power for electric energy rather than operating temporary gasoline/diesel powered generators.	The project applicant has not committed to the use of grid power for electric energy rather than operating temporary power generators; however, Mitigation Measure VIII-1 would require the project contractor to use grid power to the maximum extent feasible. Accordingly, with implementation of mitigation, the project would comply with the suggested measure.
Increase use of electric and renewable fuel powered construction equipment and require renewable diesel fuel where commercially available.	The project applicant has not committed to the use of alternatively fueled construction equipment. Furthermore, the commercial availability of renewable diesel in the project area is currently unknown. Mitigation Measure VIII-1 would require the use of alternatively fueled construction equipment and renewable diesel where commercially available. Thus, with implementation of mitigation, the proposed project would comply with the suggested measure.
Require diesel equipment fleets to be lower emitting than any current emission standard.	Mitigation Measure VIII-1 requires the use of off-road heavy-duty construction equipment meeting CARB's Tier 4 emissions standards (or cleaner), to the extent feasible. Thus, with implementation of mitigation, the proposed project would comply with the suggested measure.
Operations	
Comply with lead agency's standards for mitigating transportation impacts under SB 743.	The provisions of SB 743, as implemented by CEQA Section 15064.3, apply only prospectively; determination of impacts based on VMT is not required statewide until July 1, 2020. The City of Pinole has not yet adopted standards for analyzing or mitigating transportation impacts under SB 743. In addition, per the Office and Planning and Research (OPR) Technical Advisory On Evaluating Transportation Impacts in CEQA, if a redevelopment project "[...] leads to a net increase in provision of locally-serving retail, transportation impacts from the retail portion of the

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Table 7
Project Consistency with the 2017 Scoping Plan

Suggested Measure	Consistency Discussion
	development should be presumed to be less than significant."[32] Given that the project would be anchored by a major grocery store, the project would be considered to provide locally-serving retail and, thus, the aforementioned OPR guidance is applicable to the proposed project. Thus, the project is considered to comply with the suggested measure. Additional discussion of VMT is provided in Section XVII, Transportation, of this IS/MND.
Require on-site EV charging capabilities for parking spaces serving the project to meet jurisdiction-wide EV proliferation goals.	The proposed project would provide a total of 22 EV charging spaces on-site. Thus, the project would comply with the suggested measure.
Dedicate on-site parking for shared vehicles.	Given that the proposed project includes a CUP to allow for a reduction in on-site parking spaces, per Section 17.48.060 of the City's Municipal Code, the project applicant would be required to provide on-site shared parking. Thus, the project would comply with the suggested measure.
Provide adequate, safe, convenient, and secure on-site bicycle parking and storage in multi-family residential projects and in non-residential projects.	The proposed project would provide for on-site bicycle parking consistent with the ratios established by Section 17.48.120 of the City's Municipal Code. Accordingly, the project would comply with the suggested measure.
Provide on- and off-site safety improvements for bike, pedestrian, and transit connections, and/or implement relevant improvements identified in an applicable bicycle and/or pedestrian master plan.	As part of the project, new pedestrian walkways would be constructed throughout the site to provide continuous pedestrian connectivity between the proposed buildings, parking areas, and the existing sidewalk along Tara Hills Drive. Consequently, the project would comply with the suggested measure. Additional discussion of bicycle, pedestrian, and transit facilities is provided in Section XVII, Transportation, of this IS/MND.
Require on-site renewable energy generation.	The proposed project would not include on-site renewable energy generation. However, the roofs of the proposed buildings would be wired to be solar-ready. Consequently, the project would partially comply with the suggested measure.
Prohibit wood-burning fireplaces in new development, and require replacement of wood-burning fireplaces for renovations over a certain size development.	The proposed project would not include wood-burning fireplaces. Thus, the proposed project would comply with the suggested measure.
Require cool roofs and "cool parking" that promotes cool surface treatment for new parking facilities as well as existing surface lots undergoing resurfacing.	The 2019 Building Energy Efficiency Standards contain requirements for the thermal emittance, three-year aged reflectance, and Solar Reflectance Index (SRI) of roofing materials used in new construction and re-roofing projects. Such standards, with which the project would be required to comply, would help to reduce

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[32] Office of Planning and Research. *Technical Advisory on Evaluating Transportation Impacts in CEQA*. December 2018.

Table 7
Project Consistency with the 2017 Scoping Plan

Suggested Measure	Consistency Discussion
	heating and cooling costs associated with the proposed project. Therefore, the proposed project would generally comply with the suggested measure.
Require solar-ready roofs.	Consistent with the requirements of the 2019 Building Energy Efficiency Standards, as noted in Chapter 9 of the 2019 Nonresidential Compliance Manual, all of the proposed buildings would include solar-ready roofs. Consequently, the project would comply with the suggested measure.
Require organic collection in new developments.	Within the City of Pinole, Republic Services provides collection or organic waste for commercial uses. Consistent with AB 1826, all businesses within the City that generate four CY of waste or more each week are required to arrange for organic waste collection. Thus, the proposed project would include organic collection and the project would comply with the suggested measure.
Require low-water landscaping in new developments (see CALGreen Divisions 4.3 and 5.3 and the Model Water Efficient Landscape Ordinance [MWELO], which is referenced in CALGreen). Require water efficient landscape maintenance to conserve water and reduce landscape waste.	Project landscaping has been designed to integrate very low, low, and moderate water use plants to the maximum extent feasible. The project would be required to comply with the MWELO and, consequently, the proposed project would include low-water use landscaping in compliance with the suggested measure.
Achieve Zero Net Energy performance building standards prior to dates required by the Energy Code.	The project applicant has not committed to achieving Zero Net Energy. Thus, compliance with the suggested measure is uncertain at this time. It should be noted that the CBSC does not require new commercial development to achieve Zero Net Energy at this time.
Encourage new construction, including municipal building construction, to achieve third-party green building certifications, such as the GreenPoint Rated program, LEED rating system, or Living Building Challenge.	The project applicant has not committed to achieving third-party green building certification. Consequently, compliance with the suggested measure is uncertain at this time.
Require the design of bike lanes to connect to the regional bicycle network.	Appian Way does not include any dedicated bicycle facilities within the project vicinity. The nearest bicycle infrastructure in the vicinity of the project site is a Class II bike lane that begins 200 feet south of Appian Way and Mann Drive and continues north without providing any connection to the project site. Per the Circulation Element of the City's General Plan, Class I and Class II bicycle facilities are planned in the vicinity of the project area on Appian Way. The addition of two right-in, right-out driveways at the project site would offer bicyclists the opportunity to safely access the proposed development. The project would not include any new bicycle lanes on-site, as on-site vehicle circulation would be limited primarily to

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Table 7
Project Consistency with the 2017 Scoping Plan

Suggested Measure	Consistency Discussion
	parking areas. Given that the project would not conflict with existing or planned bicycle facilities, the project would comply with the suggested measure.
Expand urban forestry and green infrastructure in new land development.	The project would include landscaping throughout the site, which would result in an increase in the total number of trees on-site, compared to the existing site conditions. Therefore, the project would expand urban forestry and comply with the suggested measure.
Require preferential parking spaces for park and ride to incentivize carpooling, vanpooling, commuter bus, electric vehicles, and rail service use.	The proposed project would include 22 EV charging spaces, but would not include dedicated vanpool or carpool spaces. Thus, the project would partially comply with the suggested measure. It should be noted that carpool spaces are typically more effective for high employment-generating uses, such as office complexes, and are not necessarily appropriate for local-serving retail/commercial centers such as the proposed project.
Require the installation of energy conserving appliances such as on-demand tank-less water heaters and whole-house fans.	The proposed project would be required to comply with the 2019 Building Energy Efficiency Standards, a component of the CBSC, which includes standards related to installation of energy-efficient appliances. Thus, the project would generally comply with the suggested measure.
Require each residential and commercial building equip buildings [sic] with energy efficient AC units and heating systems with programmable thermostats/timers.	The proposed project would be required to comply with the 2019 Building Energy Efficiency Standards, a component of the CBSC, which includes standards related to energy-efficient heating and cooling systems. Thus, the project would generally comply with the suggested measure.
Require large-scale residential developments and commercial buildings to report energy use, and set specific targets for per-capita energy use.	The proposed project would not necessarily be considered to include large-scale commercial buildings. The project applicant has not committed to reporting energy use or setting specific energy use targets. Accordingly, compliance with the suggested measure is uncertain at this time.
Require each residential and commercial building to utilize low flow water fixtures such as low flow toilets and faucets (see CALGreen Divisions 4.3 and 5.3 as well as Appendices A4.3 and A5.3).	The proposed project would be required to comply with the non-residential water efficiency regulations within the CALGreen Code. Thus, the proposed project would comply with the suggested measure.
Require the use of energy-efficient lighting for all street, parking, and area lighting.	All proposed exterior lighting would be LED type, consistent with the 2019 Building Energy Efficiency Standards. Thus, the proposed project would comply with the suggested measure.
Require the landscaping design for parking lots to utilize tree cover and compost/mulch.	The proposed landscaping plans include tree planting throughout the proposed parking areas. As shown in Figure 5, the project would include a total parking lot area of approximately 60,142 sf. The estimated shade coverage after 15 years of receiving building permits would exceed 50 percent. The shade trees would achieve over 85 percent coverage of the parking area at

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Table 7
Project Consistency with the 2017 Scoping Plan

Suggested Measure	Consistency Discussion
	full maturity. In addition, the pedestrian pathways within the project site would include shade trees capable of providing over 60 percent canopy coverage at 15 years. Consistent with Section 15.54.026 of the City's Municipal Code, a minimum two-inch layer of mulch would be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contradicted. Thus, the proposed project would comply with the suggested measure.
Incorporate water retention in the design of parking lots and landscaping, including using compost/mulch.	The proposed project would include use of mulch within all non-lawn landscape areas to aid in water retention. In addition, all stormwater runoff from parking areas would be routed to bio-retention basins, which would allow stormwater to infiltrate underlying soils. Thus, the proposed project would comply with the suggested measure.
Require the development project to propose an off-site mitigation project which should generate carbon credits equivalent to the anticipated GHG emission reductions. This would be implemented via an approved protocol for carbon credits from California Air Pollution Control Officers Association (CAPCOA), the California Air Resources Board, or other similar entities determined acceptable by the local air district. The project may alternatively purchase carbon credits from the CAPCOA GHG Reduction Exchange Program, American Carbon Registry (ACR), Climate Action Reserve (CAR) or other similar carbon credit registry determined to be acceptable by the local air district.	The suggested mitigation measures included in the 2017 Scoping Plan are not considered to be requirements for local projects under CEQA, but instead represent options for projects to demonstrate compliance with the 2017 Scoping Plan. The inclusion of GHG off-set mitigation projects or the purchase of carbon credits is typically dependent on a project's exceedance of previously identified quantitative GHG thresholds. Considering that the project is expected to exceed BAAQMD's GHG emissions threshold, the City has chosen to require the project to purchase GHG reduction credits. As such, the proposed project would comply with the suggested measure.

Source: California Air Resources Board. AB 32 Scoping Plan [Appendix B]. Accessible at: https://www.arb.ca.gov/cc/scopingplan/scopingplan.htm. Accessed September 2019.

As shown in Table 7, the proposed project would generally comply with many of the suggested measures. However, in the absence of mitigation, the project's compliance with the construction-related and operational measures in the 2017 Scoping Plan cannot be ensured. Because the 2017 Scoping Plan is the CARB's strategy for meeting the State's 2030 emissions goals established by SB 32, the project would be considered to potentially conflict with SB 32.

Consistency with Plan Bay Area 2040

The San Francisco Bay area's Plan Bay Area 2040 has been prepared jointly by the San Francisco Bay Area Metropolitan Transportation Commission (MTC) and the ABAG. Plan

Bay Area 2040 is a regional plan intended to provide a strategy for the reduction of GHG emissions and air pollutants within the San Francisco Bay Area. The Plan Bay Area 2040 is a long-range plan that serves as a Regional Transportation Plan and Sustainable Communities Strategy (SCS). As an SCS, the Plan Bay Area 2040 is required to comply with regional targets for reducing GHG emissions through the integration of transportation and land use planning. ABAG has not provided a specified means of identifying an individual development project's compliance with the Plan Bay Area 2040; however, for the purposes of this analysis, the conformance of the proposed project with the overall goal of the Plan Bay Area 2040 to reduce regional GHG emissions is generally considered.

Overall, the Plan Bay Area 2040 supports further growth in the region's housing stock and increases in employment opportunities in the area. In order to achieve the identified GHG reduction targets for the region while still accommodating such growth, the Plan Bay Area 2040 identifies Priority Development Areas (PDAs), where existing public transit and neighborhoods make compact development desirable. Compact development within PDAs allows for decreases in VMT as residents of existing areas can use alternative means of transportation to access new development. The project site is within a PDA identified in the Plan Bay Area 2040, and would result in an increased intensity of use within the project site, as compared to the existing conditions.

The level of growth anticipated in the PDAs was determined by considering various factors, including the existing land use and zoning designations implemented by local jurisdictions. Consequently, a project's compliance with the existing land use and zoning designations for a project site is an indication that a project would be within the growth assumptions used in the Plan Bay Area 2040. As discussed throughout this IS/MND, the project would be consistent with the intensity of development anticipated for the project site per the site's land use and zoning designations, and, as such, development of the project was generally included in the growth estimates for the region used as the basis of analysis in the Plan Bay Area 2040.

In addition, as discussed in Section XVII, Transportation, of this IS/MND, most of the vehicle trips associated with the proposed project would be made by customers and shoppers. To the extent that the project grows in daily and peak hour traffic, a commensurate reduction in traffic in other similar locations in the region is assumed to occur, either due to the project being located closer for new customers or because the project has newer and more attractive facilities. The redevelopment of the existing on-site shopping center with the convenience of a major grocery store, several restaurants and other retail facilities would discourage such extra miles travelled to access grocery stores and retail facilities far off, and help reduce the VMT in the area. Furthermore, the proposed project would include access to public transit and pedestrian facilities, and would include on-site bike racks to encourage increased mode sharing.

Because the project would support compact development within a PDA, which could contribute to reduced regional VMT, the proposed project would be considered consistent with the Plan Bay Area 2040, and would not conflict with the regional GHG reduction targets therein.

City of Pinole General Plan

The Sustainability Element of the City's General Plan includes goals, policies, and actions related to GHG emissions reductions and climate change. The project's consistency with

the applicable goals and policies is assessed in Table 8 below. As shown in the table, the proposed project would be generally consistent with the City's Sustainability Element.

Table 8
Project Consistency with the Sustainability Element of the City of Pinole General Plan

Policy	Consistency Discussion
Operation	
Policy SE.1.4 Require all newly constructed, purchased, or leased municipal buildings or facilities to meet minimum standards for green building as appropriate.	The proposed project would be required to comply with the 2019 Building Energy Efficiency Standards, a component of the CBSC, which includes standards related to green building. Thus, the project would generally comply with Policy SE.1.4.
Policy SE.3.1 Reduce greenhouse gas emissions from City operations and community sources by a minimum of 15 percent below current or baseline levels by the year 2020.	Operations of the proposed project would not occur until the year 2022. Nonetheless, as discussed above, the project site is currently developed with commercial uses and the proposed project would not substantially increase on-site development. In addition, the project would involve improvements to the existing buildings to meet the 2019 Building Energy Efficiency Standards. The required compliance with such standards would include GHG emissions reduction measures sufficient to meet Policy SE.3.1.
Policy SE.3.3 Pinole will mitigate climate change by decreasing heat gain from pavement and other hard surfaces associated with infrastructure (i.e. heat island effect).	The project site is currently developed with commercial buildings, and the number of on-site trees would increase as a result of the proposed project. Per Section 17.44.050 of the City's Municipal Code, light-colored, high-albedo materials or vegetation would be installed for at least 50 percent of all sidewalks, patios, and driveways. In addition, the project would include planting approximately 200 evergreen and deciduous trees throughout the on-site parking lot and drive aisles. Overall, the project proposes 43,160 sf of landscape area and 28,550 sf of high-albedo paving. The total parking space area is 60,142 sf. Thus, the proposed project would provide shade and decrease heat gain from pavement to mitigate climate change, and thus, comply with Policy SE.3.3.
Policy SE.3.4 Reduce GHG emissions by reducing vehicle miles traveled and by increasing or encouraging the use of alternative fuels and transportation technologies.	The project would include a major grocery store, several restaurants and other retail facilities that would discourage extra miles travelled to access grocery stores and retail facilities far off, and therefore help reduce the VMT in the area. Furthermore, the proposed project would include access to public transit and pedestrian facilities, and would include on-site bike racks to encourage increased mode sharing. In addition, the proposed project would include EV charging spaces that would encourage the use of alternative fuels. As such, the project would comply with the Policy.

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Table 8
Project Consistency with the Sustainability Element of the City of Pinole General Plan

Policy	Consistency Discussion
Goal SE.4 Optimize energy efficiency and renewable energy.	The proposed project would not include on-site renewable energy generation. However, the 2019 CBSC includes standards for energy efficiency that would be required as part of the proposed project. Consequently, the project would generally comply with Goal SE.4.
Policy SE.4.3 Pinole will promote and require renewable energy generation and cogeneration where feasible and appropriate.	The proposed project would not include on-site renewable energy generation. However, consistent with the requirements of the 2019 Building Energy Efficiency Standards, all of the proposed buildings would include solar-ready roofs, which would allow an opportunity for future on-site renewable energy generation. Thus, the project would generally comply with the Policy.
Goal SE.5 Achieve a solid waste diversion of 75% of the waste stream by 2020.	Operations of the proposed project would not occur until the year 2022. The project applicant has not yet committed to a solid waste diversion plan. However, the project would be required to comply with Section 5.408 of the CALGreen Code, which mandates that over 65 percent of construction waste must be diverted and includes measures to limit waste generation. Therefore, the project would generally comply with Goal SE.5.
Goal SE.6 Integrate green building standards into all new and rehabilitated development.	The proposed project would be required to comply with the 2019 Building Energy Efficiency Standards, a component of the CBSC, which includes standards related to green building. As such, the project would comply with Goal SE.6.
Goal SE.8 Utilize transit options and reduce vehicle miles traveled and single-occupancy vehicle use.	The proposed project would help reduce VMT by providing a local-serving grocery store, restaurants, and retail stores that would thereby reduce the need for nearby residents to travel far for such amenities. Furthermore, the proposed project would include access to public transit and pedestrian facilities, and would include on-site bike racks to encourage increased mode sharing. As such, the project would comply with Goal SE.8.

Source: City of Pinole, 2010.

Conclusion

Based on the above, the proposed project would not conflict with the Plan Bay Area 2040 or the Sustainability Element of the City's General Plan. While the project generally complies with most applicable measures included in Appendix B to the CARB's 2017 Scoping Plan, compliance with a few measures would require mitigation. In addition, the project is expected to exceed BAAQMD's adopted GHG threshold, and a conflict with AB 32 could occur. Thus, the project could generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, and could conflict with applicable plans, policies, and regulations adopted for the purpose of reducing the emissions of GHGs. Therefore, a ***potentially significant*** impact could occur.

Mitigation Measure(s)

Implementation of the following mitigation measures would reduce the above potential impact to a *less-than-significant* level.

VIII-1 *Prior to issuance of a grading permit, the project applicant shall show on the grading plans via notation that the contractor will comply with the following requirements, to the maximum extent feasible:*

- *Off-road heavy-duty diesel-powered equipment (e.g., rubber-tired dozers, excavators, graders, scrapers, pavers, paving equipment, and cranes) to be used for each phase of construction of the project (i.e., owned, leased, and subcontractor vehicles) shall meet CARB Tier 4 emissions standards or cleaner;*
- *Temporary power necessary for construction activities shall be supplied by the existing power grid, as opposed to portable generators;*
- *Alternatively-fueled construction equipment and renewable diesel shall be used for on-site construction, if such equipment is commercially available; and*
- *A construction waste management/diversion plan shall be followed.*

VII-2 *Prior to issuance of a grading permit, the project applicant shall provide proof of purchase of GHG reduction credits to mitigate for the project's threshold exceedance of 82.85 $MTCO_2e$. The project applicant may purchase carbon credits from a verified carbon credit registry that has been approved by the CAPCOA GHG Reduction Exchange Program, the American Carbon Registry (ACR), Climate Action Reserve (CAR), and/or the Verified Carbon Standard and meets the requirements of the CARB.[33] The purchase of off-site credits shall be negotiated with the City and BAAQMD at the time that credits are sought.*

[33] Off-set credits are purchased on a per metric tonne basis. Many carbon credit registries offer multiple options in the type of off-sets offered. For example, many carbon credit registries offer ongoing contracts (e.g., five-year contracts or longer) or one-time, single purchases. In addition, the credits go towards varying types of projects. Project applicants can elect to purchase off-sets from non-region/non-project-specific portfolios, where the carbon credit registry uses the monies towards any type of project in any location. Whereas, project applicants also have the option to purchase off-set credits towards specific projects or projects in specific areas. For example, a project applicant may prefer that their payment contribute towards a specific forestry or landfill gas capture project in California. Typically, increased specificity in projects correlates to higher costs per off-set. Most registries offer online access, where a quote can be requested and final purchase can be made. Worldwide, the range of carbon off-set prices in the voluntary off-set market can be anywhere from $0.10 per tonne to $44.80 per tonne.

IX. HAZARDS AND HAZARDOUS MATERIALS. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	✖	☐
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	☐	✖	☐	☐
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	✖	☐
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?	☐	☐	✖	☐
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?	☐	☐	☐	✖
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	✖	☐
g. Expose people or structures, either directly or indirectly, to the risk of loss, injury or death involving wildland fires?	☐	☐	✖	☐

Discussion

a. The proposed project would include a variety of uses, including, but not limited to, a kiosk, fuel station, and new building space to house the Safeway grocery store and other shops. Retail uses are not typically associated with the transport, use, or disposal of hazardous materials. With regard to the proposed fuel station, the project would be required to obtain a Variance and adhere to all requirements set forth by the City in the permit related to operational use. Fuel would be stored on-site in two new 30,000-gallon Xerxes underground storage tanks (USTs), which would dispense fuels through a total of 16 pumps. The USTs would be equipped with leak detection alarm systems and emergency shut off capabilities.

It should be noted that the underground storage of hazardous materials is subject to the provisions of the California Health and Safety Code and Title 23 of the California Code of Regulations. The Contra Costa Health Services Hazardous Materials Programs (CCHSHM) is the designated local agency assigned to implement the program to protect the public health from exposure to hazardous materials stored in USTs, including the protection of groundwater from contamination. In order to meet the requirements of the CCHSHM, the project would be subject to annual inspections and the issuance of operating permits, which are issued for UST system installation, removals, upgrades, and repairs. CCHSHM personnel would witness specified phases of the work being conducted on the UST system to ensure that the work is conforming to plans approved by the CCHSHM. Furthermore, transport of fuels to the project site would be required to adhere to the Hazardous Materials Regulations stipulated in the Code of Federal Regulations,

Title 49, Parts 100-185, which regulate the transportation of hazardous material and hazardous waste.

Based on the above, the proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. The impact would be ***less than significant***.

b. The following discussion provides an analysis of potential hazards and hazardous materials associated with upset or accident conditions related to the proposed construction activities and existing on-site conditions.

Construction Activities

Construction activities associated with the proposed project would involve the use of heavy equipment, which would contain fuels and oils, and various other products such as concrete, paints, and adhesives. Small quantities of potentially toxic substances (e.g., petroleum and other chemicals used to operate and maintain construction equipment) would be used at the project site and transported to and from the site during construction. However, the project contractor would be required to comply with all California Health and Safety Codes and local City ordinances regulating the handling, storage, and transportation of hazardous and toxic materials. Thus, construction of the proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment.

Existing On-Site Hazardous Conditions

A Phase I Environmental Site Assessment (ESA) was prepared for the proposed project by Cornerstone Earth Group (Cornerstone) for the purpose of identifying potential recognized environmental conditions (RECs) associated with the project site. The Phase I ESA was prepared in November 2015 (2015 Phase I ESA) and was subsequently updated by Cornerstone in June of 2019 (2019 Phase I ESA Update) (see Appendix D).[34]

The Phase I ESAs included a reconnaissance of the site and neighboring properties and a review of regulatory agency database reports of public records for the site area, aerial photography, historic maps, and various other documentation. Based on information reviewed as part of the Phase I ESAs, the project site was vacant and undeveloped until approximately 1966, when structures were built at the addresses of 1201, 1211 to 1221, and 1401 to 1499 Tara Hills Drive. Initially, the businesses consisted of a Chevron service station, retail commercial businesses, restaurants, pharmacy, grocery store, photograph processing business, and a dry cleaner. Additions to the shopping center occurred by 1978 (1251, 1271, 1501, and 1565 to 1577 Tara Hills Drive) and by 1993 (1261 Tara Hills Drive). The Chevron station was reportedly demolished by 1997. A second fueling station (Rent-A-Rack) was formerly located at 1271 Tara Hills Drive from approximately 1972 until 1986. The dry cleaner business located at 1441 Tara Hills Drive operated from at least 1975 until closure in approximately 2017. The following sections provide a summary of the various on-site Recognized Environmental Conditions (RECs) identified by Cornerstone, as well as a few other notable site conditions identified in the Phase I ESA.

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[34] Cornerstone Earth Group. *Phase I Environmental Site Assessment Update and Preliminary Soil Vapor Quality Evaluation, Appian 80 Shopping Center, 1201 to 1577 Tara Hills Drive, Pinole, California.* June 27, 2019.

Former USTs (1201 Tara Hills Drive)

The previous 2015 Phase I ESA and 2019 Phase I ESA Update identified former USTs at the former Chevron gas station located at 1201 Tara Hills Drive, within the northwestern corner of the project site. The former Chevron station previously included three 1,000-gallon gasoline USTs and one 1,000-gallon waste oil UST, as well as three hydraulic hoists. All four USTs and the three hydraulic hoists were removed in 1997. Confirmation sampling conducted during removal of the USTs at the Chevron station site did not indicate that a release had occurred, and the County required no further action. Thus, according to Cornerstone, the former Chevron gas station USTs would not pose a substantial risk to the proposed project.[35]

Former USTs (1271 Tara Hills Drive)

The former Rent-A-Rack facility located at 1271 Tara Hills Drive, within the southwestern portion of the project site, included two 1,000-gallon gasoline USTs and one 500-gallon waste oil UST. The USTs near the former Rent-A-Rack location were removed in 1986. Soil sampling conducted in 2013 indicated isolated areas of gasoline-related soil impacts in the vicinity of the former USTs. However, as noted in the Site Management Plan prepared for the former Rent-A-Rack facility, contaminants were not detected in a sample collected downgradient from the former USTs.[36] The Rent-A-Rack UST case was closed by the California Regional Water Quality Control Board (RWQCB) in 2014, having determined that the case met the criteria under the low-threat closure policy, though also indicating that residual petroleum-related impacts could be encountered during any future excavation.[37]

In December 2015, Cornerstone performed additional due diligence as part of a Phase I ESA for the property and advanced four borings to depths of approximately 10 feet at the former Rent-A-Rack. A petroleum odor and green discoloration were observed in all borings. Cornerstone attempted to collect soil vapor samples from the borings but was unsuccessful due to water intrusion from precipitation. Subsequently, on August 22, 2017, Cornerstone collected soil samples from four borings (boring locations EB-1 through EB-4) advanced to depths of up to approximately 10 feet. The samples were analyzed for petroleum hydrocarbons (TPHd, TPHo, and TPHg) and fuel-related VOCs (benzene, toluene, ethylbenzene, and xylenes). Based on the results of the laboratory analysis, all such chemicals were detected, but at concentrations that did not exceed the respective commercial or construction direct exposure Environmental Screening Levels (ESLs). Removal of the undocumented fill associated with the former USTs is being coordinated with Contra Costa County Department of Environmental Health. Residual petroleum impacts within the fill material and/or soil adjacent to the former UST pit likely are the source of the elevated VOC and TPHg soil vapor concentrations detected. Thus, contamination associated with the former USTs is not likely to pose a substantial risk to the proposed commercial development. Nonetheless, as noted in the Site Management Plan prepared for the former Rent-A-Rack facility, the potential exists for unexpected areas of apparent soil contamination to be encountered during excavation activities in the vicinity of the former USTs, and a significant impact could occur.

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35 Cornerstone Earth Group. *Phase I Environmental Site Assessment Update and Preliminary Soil Vapor Quality Evaluation, Appian 80 Shopping Center, 1201 to 1577 Tara Hills Drive, Pinole, California* [pg. 13]. June 27, 2019.

36 Cornerstone Earth Group. *Site Management Plan, Appian 80 Shopping Center, 1271 Tara Hills Drive, Pinole, California*. September 20, 2017.

37 Cornerstone Earth Group. *Pinole Square Shopping Center, Supplemental Information on Environmental Conditions* [pg. 1]. November 20, 2019.

Former Hydraulic Lifts and Oil Tanks (1251 and 1201 Tara Hills Drive)

While not specifically identified as an REC within the Phase I ESA, Cornerstone has identified potential hazards associated with the former Super Auto site located at 1251 Tara Hills Drive, within the northwestern portion of the site. According to a 1997 Hydraulic Lift Removal Report, five hydraulic lifts and associated oil tanks were removed from the former Super Auto site. TPHo impacted soil was reportedly encountered around two of the tanks, and soil was subsequently excavated. However, the report indicates that some TPHo soil was not excavated due to the risk of undermining the building. Based on the 1997 Hydraulic Lift Removal Report, TPHo impacted soil may occur underneath the facility. Thus, the potential exists for contaminated soils to be encountered during demolition and excavation activities within the vicinity of the former oil tanks. Although the extent appears limited to the former tanks, any impacted soils encountered during construction would require special handling and disposal. Thus, a significant impact could occur.

Former Dry Cleaner Facility (1441 Tara Hills Drive)

As noted above, a dry cleaner formerly operated at 1441 Tara Hills Drive, within the southeastern portion of the project site, from at least 1975 until approximately 2017 under the names of One Hour Martinizing, Holiday Cleaners, and Four Mile Express Cleaners. Hazardous materials records for the site indicate the prior use of tetrachloroethene (PCE) as a dry-cleaning solvent at the facility. As part of the 2019 Phase I ESA Update, Cornerstone collected soil vapor samples from beneath and adjacent to the 1441 Tara Hills Drive facility. Results from the soil vapor sample analysis indicated elevated concentrations of the chlorinated VOCs trichloroethene (TCE), cis-1,2-dichloroethene (cDCE), trans-1,2-dichloroethene (tDCE), and vinyl chloride adjacent to the facility. Such VOCs are degradation products of PCE, a dry-cleaning solvent. In addition, PCE was detected in soil vapor samples, but at a concentration below the Tier 1 ESL.

Cornerstone subsequently conducted an Additional Soil, Soil Vapor, and Groundwater Quality Evaluation, dated August 30, 2019, to further investigate contamination at the 1441 Tara Hills Drive dry cleaning facility (see Appendix E).[38] Four borings (SV-7, SV-8, SV-9, and SV-10) were advanced to depths of approximately five feet for soil vapor sample collection. Four borings (GW-1, GW-2, GW-3, and GW-4) were advanced to depths of approximately 22.5 feet for groundwater sample collection.

The additional subsurface evaluation performed by Cornerstone detected elevated concentrations of chlorinated-VOCs (cVOCs – PCE, TCE, cDCE, trans-1,2-dichloroethene [tDCE], and vinyl chloride) in soil vapor. According to Cornerstone, the cVOCs detected appear to have migrated from the adjacent Appian 80 Cleaners facility. Remediation of the Appian 80 Cleaners facility is being performed under a cleanup agreement with DTSC, as discussed below. In addition, soil vapor concentrations of benzene and gasoline-range petroleum hydrocarbons (TPHg) exceeding the Tier 1 soil vapor ESL were detected in the soil vapor samples. Potential fuel-related on-site sources were not identified in the area near the former dry cleaner; however, the property adjacent and to the northeast contains a closed leaking UST. Thus, the fuel-related impacts within the eastern portion of the project site may be associated with residual fuel-related impacts at the off-site property.

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[38] Cornerstone Earth Group. *Additional Soil, Soil Vapor, and Groundwater Quality Evaluation, Pinole Square, 1211 to 1501 Tara Hills Drive, Pinole, California*. August 30, 2019.

Based on the above, the potential exists for construction activities within the vicinity of the former dry cleaner at 1441 Tara Hills Drive to result in upset of VOC contaminants. Thus, a significant impact could occur.

Appian 80 Cleaners Facility (1577 Tara Hills Drive)

Dry cleaning businesses have operated at 1577 Tara Hills Drive, within the northeastern portion of the project site, since approximately 1981. Cornerstone reviewed documents provided by the Contra Costa County Hazardous Materials Program that indicate PCE was previously used as the primary dry-cleaning solvent at the facility, followed by a synthetic aliphatic hydrocarbon (DF-2000) solvent. Releases associated with the prior use of PCE were discovered in 2008.

In June 2018, West Environmental submitted a Final Removal Action Work Plan to the Department of Toxic Substances Control (DTSC) to propose a remediation method to address the release of PCE in groundwater at the facility. The work plan included an assessment of various alternative remediation options and recommended to install a soil vapor extraction system, a bioremediation system to facilitate enhanced in-situ degradation of VOCs within ground water, and monitor ground water attenuation over time. The Final Removal Action Work Plan was approved by DTSC in July 2018, and remediation is currently being performed in accordance with the plan.

Once DTSC has completed a review of the cleanup efforts at 1577 Tara Hills Drive (Appian 80 Cleaners, active dry-cleaning facility), Cornerstone would meet with the caseworker to discuss the next steps to further assess the 1441 Tara Hills Drive dry cleaner site (i.e., former Four Mile dry-cleaning facility). Additional subsurface investigation work would be coordinated with DTSC due to their oversight of the Appian 80 Cleaners dry cleaner property and the fact that the VOC detections appear to be related. DTSC would be responsible for determining the appropriate future remedial measures necessary based on existing and future investigations at the former Four Mile dry cleaner site.

While the Appian 80 Cleaners facility is located within the project site, the building housing the facility would not be altered as part of the proposed redevelopment. Nonetheless, given the potential for VOC contamination within the area surrounding the facility, including the on-site parking lot, construction activities within the vicinity of the facility could potentially result in upset of hazardous materials, and a significant impact could occur.

Oil/Water Separators (1251 Tara Hills Drive and 1261 Tara Hills Drive)

Oil/water separators (OWSs) were previously observed at 1251 Tara Hills Drive (former Wheel Works) and 1261 Tara Hills Drive (former Bubbles Car Wash). OWSs treat wash water by allowing oils and greases to float to the surface for separation and substances heavier than water to sink. If OWSs are not maintained on a regular basis, oil and grease, as well as potentially other chemicals used on-site, can be discharged to the sewer during high flow period. Sludge can also build up in OWSs. Per the 2019 Phase I ESA Update, the soils underlying the former Wheel Works and Bubbles Car Wash structures would require evaluation by an environmental professional following demolition of the structures to ensure that stained and/or discolored soils are not present.

Planned Safeway Fueling Station

Tetra Tech, Inc. (Tetra Tech) has prepared a Pre-Fuel Center Baseline Phase II Environmental Site Assessment (Phase II ESA) for the proposed Safeway fuel station

site,[39] the results of which are summarized in a supplemental memorandum prepared by Cornerstone.[40] As part of the Phase II ESA, Tetra Tech collected soil and groundwater samples from six borings advanced in the area of the proposed Safeway fuel station. The soil analytical data reported by Tetra Tech did not indicate soil impacts in the area sampled. The groundwater sample results reported one or more detections of gasoline-range petroleum hydrocarbons (TPHg), methyl tert-butyl ether (MTBE), cis-1,2-dichloroethene (cDCE), PCE, and trichloroethene (TCE) at elevated concentrations. The detections of cDCE, PCE, and TCE likely are from the Appian 80 Cleaners facility discussed above. TPHg and MTBE are fuel-related compounds that are likely from an up-gradient source. Two closed leaking UST facilities are located upgradient from where the samples were collected and are possible sources: the former BP, now Chevron station (2290 Appian Way) and the former Texaco station (1599 Tara Hills Drive). The TPHg and MTBE detections likely are not from the on-site former Rent-A-Rack station or the on-site former Chevron station, as both are located downgradient of the sample locations.

Tetra Tech documented groundwater at depths of approximately 24 to 40 feet in the area of the proposed fuel station. The proposed Safeway fuel station USTs would be installed to depths of approximately 15 feet. As such, groundwater is not expected to be encountered during installation of the USTs; thus, exacerbation of an existing environmental hazardous condition would not result from the project. Given that installation of the USTs and associated improvements would not result in upset of contaminated soil or groundwater, a less-than-significant impact would occur.

Asbestos-Containing Building Material

Asbestos is the name for a group of naturally occurring silicate minerals that are considered to be "fibrous" and, through processing, can be separated into smaller and smaller fibers. The fibers are durable, chemical resistant, and withstand heat and fire. They are also long, thin and flexible, so they can even be woven into cloth and other fabrics. Some building products such as vinyl floor tile, asbestos cement board, and roofing materials have been used in the construction of buildings. However, later discoveries found that, when inhaled, the material caused serious illness.

For buildings constructed prior to 1980, the Code of Federal Regulations (29 CFR 1926.1101) states that all thermal system insulation (boiler insulation, pipe lagging, and related materials) and surface materials must be designated as "presumed asbestos-containing material" unless proven otherwise through sampling in accordance with the standards of the Asbestos Hazard Emergency Response Act. Because all of the existing on-site structures were built prior to 1980, the potential exists that asbestos-containing materials were used in construction of the structures. Asbestos-containing materials can include but are not limited to: plaster, ceiling tiles, thermal systems insulation, floor tiles, vinyl sheet flooring, adhesives, and roofing materials. As such, the proposed demolition of the existing on-site structures could result in a potentially significant impact related to asbestos-containing materials.

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39 Tetra Tech, Inc. *Pre-Fuel Center Baseline Phase II Environmental Site Assessment Report, Proposed Safeway Store #3079, 1421 Tara Hills Drive, Pinole, California.* September 19, 2017.

40 Cornerstone Earth Group. *Pinole Square Shopping Center, Supplemental Information on Environmental Conditions.* November 20, 2019.

Lead-Based Paints

Lead Based Paint (LBP) is defined as any paint, varnish, stain, or other applied coating that has ≥1 mg/cm2 (5,000 µg/g or 5,000 ppm) of lead by federal guidelines. Lead is a highly toxic material that may cause a range of serious illnesses, and in some cases death. Structures built prior to 1978 and especially prior to the 1960s should be expected to contain LBP. The existing structures on the property were constructed before the phase-out of LBPs in the 1970s. Thus, the potential exists that the structures contain LBPs. As such, the proposed demolition of the existing on-site structures could result in a potentially significant impact related to LBP.

Off-Site UST Releases

As noted in the 2019 Phase I ESA Update, UST releases have been documented at the facilities located at 2298 Appian Way and 1599 Tara Hills Drive. Investigations conducted at both facilities indicate that impacts appear limited to the soil and groundwater beneath each facility and do not appear to have migrated to the project site. The facility at 1599 Tara Hills Drive was granted regulatory closure. As such, the facilities are not likely to impact the soil and/or groundwater quality beneath the project site.

Conclusion

Based on the above, equipment and chemicals associated with project construction would not directly result in the release of hazardous materials into the environment. However, ground disturbance associated with construction activities could involve upset of existing contaminants associated with the former USTs at 1271 Tara Hills Drive, the former hydraulic lifts and oil tanks at 1251 and 1201 Tara Hills Drive, the former dry cleaner facility at 1441 Tara Hills Drive, and the Appian 80 Cleaners facility at 1577 Tara Hills Drive. In addition, the proposed demolition activities could result in worker hazards related to asbestos-containing materials and LBP. Therefore, a ***potentially significant*** impact could occur related to creating a hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment.

Mitigation Measure(s)

Implementation of the following mitigation measures would reduce the above potential impact to a *less-than-significant* level.

IX-1 *Prior to initiation of any ground-disturbing activities, the project applicant shall prepare a Site Management Plan (SMP) that presents protocols for managing soil and groundwater encountered during construction, and potential vapor intrusion mitigation measures into future on-site buildings. In addition, the project applicant shall, prior to start of any remedial grading, consult with the Department of Toxic Substances and Control (DTSC) regarding the current status of investigation and/or remedial activities associated with the Appian 80 Cleaners facility (1577 Tara Hills Drive). The project applicant shall provide reasonable access in the vicinity of the former Four Mile dry cleaners for on-site investigation, monitoring or remedial actions (if any) required by DTSC that are associated with the Appian 80 Cleaners facility. Methods of investigation and remediation on-site that are associated with the facility may include, but are not necessarily limited to, the following:*

- *Installation of groundwater and/or soil vapor monitoring wells;*
- *Groundwater and soil vapor sampling/monitoring;*
- *In-situ remediation through enhanced bioremediation or chemical oxidation; and*
- *Soil vapor and/or groundwater extraction.*

All cleanup activities shall be conducted in consultation with DTSC and performed in accordance with local, State, and federal regulatory requirements to assure protection of human health and the environment.

IX-2 *Prior to issuance of a demolition permit for any on-site structures, the project applicant shall consult with certified Asbestos and/or Lead Risk Assessors to complete and submit an asbestos and lead survey to the City of Pinole Community Development Department for review and approval. If asbestos-containing materials (ACMs) or lead-containing materials are not discovered during the survey, further mitigation related to ACMs or lead containing materials will not be required. If ACMs and/or lead-containing materials are discovered by the survey, the project applicant shall prepare a work plan to demonstrate how the on-site ACMs and/or lead-containing materials shall be removed in accordance with current California Occupational Health and Safety (Cal-OSHA) Administration regulations and disposed of in accordance with all California Environmental Protection Agency regulations, prior to the demolition and/or removal of the on-site structures. The plan shall include the requirement that work shall be conducted by a Cal-OSHA registered asbestos and lead abatement contractor in accordance with Title 8 California Code of Regulations (CCR) 1529 and Title 8 CCR 1532.1 regarding asbestos and lead training, engineering controls, and certifications. The applicant shall submit the work plan to the City and the Contra Costa County Department of Conservation and Development for review and approval. Materials containing more than one percent asbestos that is friable are also subject to BAAQMD regulations. Removal of materials containing more than one percent friable asbestos shall be completed in accordance with BAAQMD Section 11-2-303.*

c. Pinole Middle School is located approximately 0.1-mile to the north of the site. As noted above, operations associated with the proposed project would result in less-than-significant impacts related to the transport, use, or disposal of hazardous materials. In addition, as discussed in Section III, Air Quality, of this IS/MND, the proposed project would not involve any substantial pollutant concentrations or increase in associated health risks. With implementation of Mitigation Measures IX-1 and IX-2, all potential impacts related to upset of existing hazardous materials at the project site would be reduced to less-than-significant levels. Therefore, the proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school, and a ***less-than-significant*** impact would occur.

d. Per the 2019 Phase I ESA Update, the project site is included on multiple listings of hazardous materials sites compiled pursuant to Government Code Section 65962.5. However, implementation of Mitigation Measures IX-1 and IX-2 would ensure that all

potential impacts related to upset of existing hazardous materials at the project site would be reduced to less-than-significant levels. Therefore, the proposed project would not create a substantial hazard to the public related to being located on a hazardous materials site, and a ***less-than-significant*** impact would occur.

e. The nearest airport to the project site is Buchanan Field Airport, located approximately 13 miles east of the site. As such, the project site is not located within two miles of any public airports, and does not fall within an airport land use plan area. Therefore, ***no impact*** would occur related to the project site being located within an airport land use plan or within two miles of a public airport or public use airport, thereby resulting in a safety hazard or excessive noise for people residing or working in the project area.

f. The proposed project would not include substantial alterations to the existing roadway network. Similar to existing conditions, access to the site would continue to be provided by three driveways along Tara Hills Drive. As a result, the project would have a ***less-than-significant*** impact with respect to impairing the implementation of or physically interfering with an adopted emergency response plan or emergency evacuation plan.

g. According to the CAL FIRE Fire and Resource Assessment Program, the project site is not located in or near a State Responsibility Area and is not classified as Very High Fire Hazard Severity Zone.[41] The nearest Very High Fire Hazard Severity Zone is located approximately 0.28-mile south of the site, across I-80. In addition, the project site is currently developed and surrounded by other existing urban development to the north, east, and west. Given the urbanized nature of the site and surrounding area, the potential for wildland fires to reach the project site would be limited. Therefore, the proposed project would not expose people or structures to the risk of loss, injury or death involving wildland fires, and a ***less-than-significant*** impact would occur.

[41] California Department of Forestry and Fire Protection. *Contra Costa County Fire Hazard Severity Zones in SRA.* November 7, 2007.

X. HYDROLOGY AND WATER QUALITY. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	✖	☐	☐
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	✖	☐
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:				
i. Result in substantial erosion or siltation on- or off-site;	☐	✖	☐	☐
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	✖	☐	☐
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	☐	✖	☐	☐
iv. Impede or redirect flood flows?	☐	☐	☐	✖
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	✖	☐
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	✖	☐

Discussion

a. During the early stages of construction activities, topsoil would be exposed due to grading and excavation of the site. After grading and prior to overlaying the ground surface with impervious surfaces and structures, the potential exists for wind and water erosion to discharge sediment and/or urban pollutants into stormwater runoff, which could adversely affect water quality.

The State Water Resources Control Board (SWRCB) regulates stormwater discharges associated with construction activities where clearing, grading, or excavation results in a land disturbance of one or more acres. Performance Standard NDCC-13 of the City's National Pollutant Discharge Elimination System (NPDES) permit requires implementation of appropriate source control and site design measures and stormwater treatment measures for projects that create or replace one acre or more of impervious surface under the State's General Construction Permit prior to receipt of any construction permits. The State's General Construction Permit requires a SWPPP to be prepared for the site. A SWPPP describes Best Management Practices to control or minimize pollutants from entering stormwater and must address both grading/erosion impacts and non-point source pollution impacts of the development project, including post-construction impacts. Thus, the proposed construction activities would be subject to applicable SWRCB regulations. Furthermore, the project would be subject to Section 15.36.190 of the City's Municipal Code, which would require the project to include preparation of an Erosion and Sediment Control Plan.

Following completion of project construction, the site would be covered with landscaping and impervious surfaces and topsoil would not be exposed. Stormwater runoff from impervious surfaces within the project site would sheet flow to a series of new bio-retention basins to be constructed throughout the project site (see Figure 25). Each bio-retention basin would provide for treatment of incoming stormwater by allowing for runoff to infiltrate through layers of vegetated soil and gravel that would filter out pollutants. Treated runoff would be collected by perforated underdrains in each basin, which would route runoff to an existing 24-inch underground storm drain within the project site. Thus, all stormwater runoff on the project site would be properly treated prior to discharge to the City's storm drain system. As shown in Table 9 below, the proposed bio-retention basins within each Drainage Management Area (DMA) would exceed the minimum 20,728 sf of treatment area required for the proposed impervious surfaces.

Table 9
Proposed Bio-Retention Basin Sizing

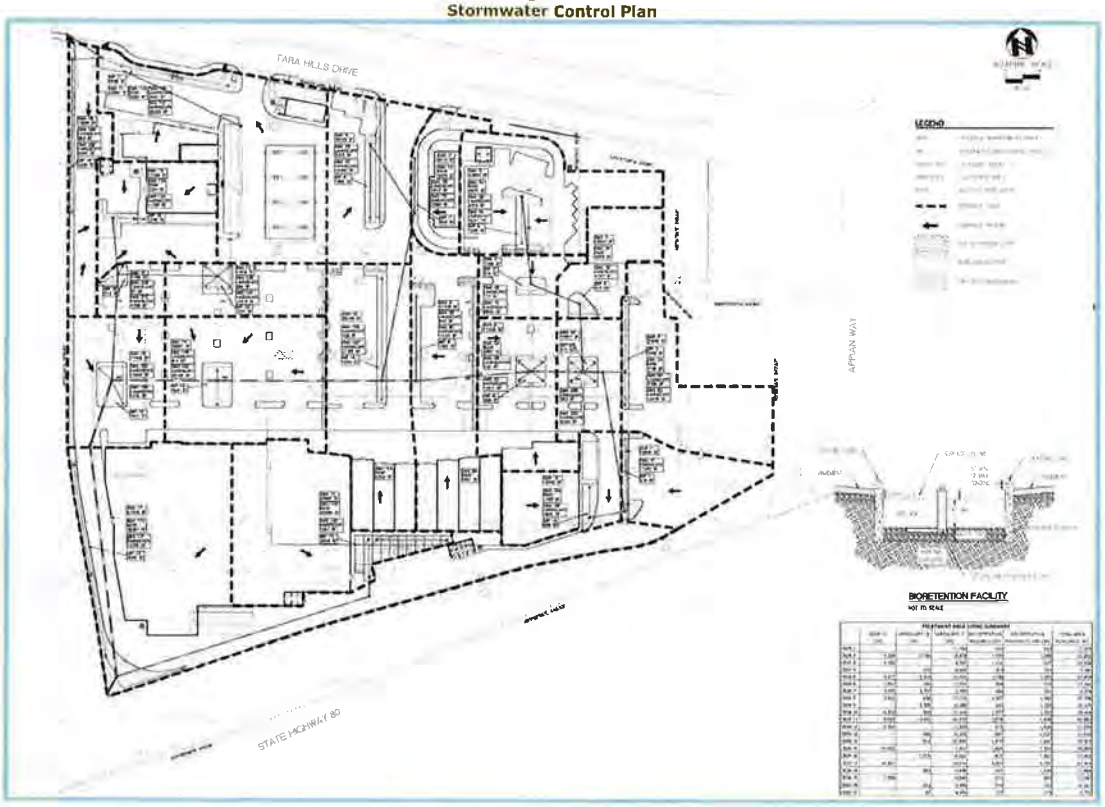
DMA	Roof (sf)	Landscape (sf)	Hardscape (sf)	Bio-Retention Required (sf)	Bio-Retention Provided (sf)	Total DMA Area (sf)
1		264	19,544	1,053	1,763	21,571
2		351	20,274	1,095	1,608	22,233
3		150	9,246	499	1,123	10,519
4		236	6,588	359	831	7,655
5	8,726	730	9,155	977	1,112	19,723
6		500	13,825	753	928	15,253
7	3,060	950	3,000	350	502	7,512
8		698	27,127	1,471	1,484	29,309
9		2,350	16,524	947	1,300	20,174
10		1,199	20,885	1,150	1,287	23,371
11	12,150	1,831	27,979	2,197	2,252	44,212
12	5,007	1,038	10,209	842	1,134	17,388
13		1,542	13,311	754	1,619	16,472
14		639	26,848	1,454	1,728	29,215
15	22,010			1,178	1,317	23,327
16		639	26,848	1,454	1,641	29,128
17	31,543	771	35,980	3,635	3,721	72,015
18		1,681	9,613	560	1,241	12,535
Total:	**31,543**	**3,091**	**72,441**	**20,728**	**26,591**	**421,612**

Because the proposed project would adhere to all applicable standards and regulations set forth by the NPDES permit and the City of Pinole, the proposed project is not anticipated to violate any water quality standards or waste discharge requirements or otherwise substantially degrade water quality. However, long-term maintenance of the proposed bio-retention basins is necessary in order to ensure that the basins continue to properly treat runoff throughout the lifespan of the project. In the absence of a guaranteed maintenance mechanism, a ***potentially significant*** impact could occur.

Mitigation Measure(s)

Implementation of the following mitigation measures would reduce the above potential impact to a *less-than-significant* level.

Figure 25
Stormwater Control Plan



X-1 *Prior to the issuance of a grading permit, the project applicant shall retain a registered civil engineer to prepare an Erosion and Sediment Control Plan for submittal to the City Engineer for review and approval. The Erosion and Sediment Control Plan shall include provisions to effectively minimize soil erosion and sedimentation from the redeveloped project site and provide for the control of runoff from the site in accordance with Section 15.36.190 of the City Municipal Code. Provisions may include, but shall not be limited to, the following:*

- *Hydroseeding;*
- *Placement of erosion control measures within drainage areas and ahead of drop inlets;*
- *Temporary lining (during construction activities) of drop inlets with "filter fabric;*
- *Placement of straw wattles along slope contours;*
- *Use of a designated equipment and vehicle "wash-out" location;*
- *Use of siltation fences;*
- *Use of on-site rock/gravel road at construction access points, as necessary; and*
- *Use of sediment basins and dust palliatives.*

X-2 *Prior to approval of final improvement plans, the applicant shall prepare and submit, for the City's review, an acceptable Stormwater Control Operation and Maintenance Plan. In addition, prior to the sale, transfer, or permanent occupancy of the site the applicant shall be responsible for paying for the long-term maintenance of treatment facilities, and executing a Stormwater Management Facilities Operation and Maintenance Agreement and Right of Entry in the form provided by the City of Pinole. The applicant shall accept the responsibility for maintenance of stormwater management facilities until such responsibility is transferred to another entity.*

The applicant shall submit, with the application of building permits, a draft Stormwater Facilities and Maintenance Plan, including detailed maintenance requirements and a maintenance schedule for the review and approval by the Director of Public Works/City Engineer. Typical routine maintenance consists of the following:

- *Limit the use of fertilizers and/or pesticides. Mosquito larvicides shall be applied only when absolutely necessary.*
- *Replace and amend plants and soils as necessary to ensure the planters are effective and attractive. Plants must remain healthy and trimmed if overgrown. Soils must be maintained to efficiently filter the storm water.*
- *Visually inspect for ponding water to ensure that filtration is occurring.*
- *After all major storm events remove trash, inspect drain pipes and bubble-up risers for obstructions and remove if necessary.*
- *Continue general landscape maintenance, including pruning and cleanup throughout the year.*

- *Irrigate throughout the dry season. Irrigation shall be provided with sufficient quantity and frequency to allow plants to thrive.*
- *Excavate, clean and or replace filter media (sand, gravel, topsoil) to ensure adequate infiltration rate (annually or as needed).*

b,e. Water supplies for the project site are supplied by the City of Pinole, and would continue to be provided by the City upon completion of the proposed redevelopment. Per the City's General Plan EIR (Chapter 4.9-11), the City receives water supplies from the East Bay Municipal Utility District (EBMUD).[42] EBMUD is a public agency that provides drinking water to 1.3 million people and wastewater systems for 640,000 people in portions of Contra Costa County. EBMUD's water supplies are obtained primarily from the Mokelumne River watershed (nine percent) and from local area watersheds (10 percent). While the EBMUD has identified increased water storage in groundwater aquifers as a potential future alternative water supply to meet demands in dry periods, the EBMUD does not currently obtain any water supplies from groundwater sources. Furthermore, given that the proposed project is consistent with the intensity of development anticipated for the site per the project site's current General Plan/Specific Plan land use and zoning designations, the project would not result in increased use of groundwater supplies beyond what has been anticipated for the site by the City and accounted for in regional planning efforts.

Consequently, the proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project would impede sustainable groundwater management, and would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Therefore, the project would result in a ***less-than-significant*** impact.

ci-iii. All municipalities within Contra Costa County are required to develop more restrictive surface water control standards for new development projects as part of the renewal of the Countywide NPDES permit. Known as the "C.3 Standards", new development and redevelopment projects that create or replace 10,000 or more square feet of impervious surface area must contain and treat stormwater runoff from the site. According to the Stormwater Control Plan (SWCP) prepared for the project, implementation of the proposed project would involve the creation of new impervious surfaces, including roofs and hardscape areas. A substantial portion of the impervious surfaces created would replace existing impervious surfaces on the project site. Because the proposed project would replace more than 10,000 square feet of impervious surface area, the proposed project would be considered a C.3 regulated project and is required to include appropriate site design measures, source controls, and stormwater treatment measures.

The SWCP prepared for the proposed project incorporates the most recent Stormwater C.3 Guidebook and Contra Costa Clean Water Program requirements,[43] as well as all applicable City stormwater requirements. As noted previously, the proposed project would include an on-site stormwater drainage system to capture and treat runoff from each DMA within the site prior to discharging treated runoff to an existing 24-inch underground storm drain within the project site, which would ultimately convey runoff into the City's off-site storm drainage system. As shown in Table 9 above, the proposed bio-retention basins meet the minimum sizing requirement with respect to each DMA.

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42 City of Pinole. *General Plan Update Draft Environmental Impact Report [pg. 4.9-11].* July 2010.
43 Contra Costa County Clean Water Program. *Stormwater C.3 Guidebook.* May 17, 2017.

Given that the site is currently developed with a commercial shopping center and associated parking areas, the proposed project would not substantially increase the amount of on-site impervious surfaces relative to what currently exists. Thus, the surrounding infrastructure has been designed and built to accommodate stormwater runoff associated with development of the area, including the project site.

Furthermore, the project would be required to pay drainage fees to the City prior to issuance of building permits. Drainage fees would be used to maintain and expand the City's existing stormwater drainage system. Although the proposed BMPs could adequately treat stormwater, without a long-term maintenance plan, continued operation of the proposed BMPs cannot be assured. Should the proposed water quality treatment facilities not be maintained properly, a ***potentially significant*** impact could occur with respect to creating or contributing runoff water which would exceed the capacity of existing or planned stormwater drainage systems, providing substantial additional sources of polluted runoff, or altering existing drainage in a manner which would result in flooding, erosion, or siltation on- or off-site.

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above potential impact to a *less-than-significant* level.

X-3 *Implement Mitigation Measure X-2.*

civ. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map for the project site, the project site is located within an Area of Minimal Flood Hazard (Zone X).[44] The site is not classified as a Special Flood Hazard Area or otherwise located within a 100-year or 500-year floodplain. Therefore, development of the proposed project would not impede or redirect flood flows and ***no impact*** would result.

d. As discussed under question 'civ' above, the project site is not located within a flood hazard zone. Tsunamis are defined as sea waves created by undersea fault movement, whereas a seiche is a long-wavelength, large-scale wave action set up in a closed body of water such as a lake or reservoir. The General Plan EIR states that the likelihood for a tsunami to occur in the City's Planning Area is relatively low.[45] Seiches do not pose a risk to the proposed project, as the project site is not located adjacent to any large closed body of water. Based on the above, the risk of pollutant release due to inundation of the project by flooding, tsunami, or seiche would be ***less-than-significant***.

[44] Federal Emergency Management Agency. *Flood Insurance Rate Map 06013C0231G*. Effective March 21, 2017.
[45] City of Pinole. *General Plan Update Draft Environmental Impact Report, SCH #2009022057*. July 2010.

XI. LAND USE AND PLANNING. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Physically divide an established community?	☐	☐	✖	☐
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?	☐	☐	✖	☐

Discussion

a. The project site is currently developed with a commercial shopping center. The proposed redevelopment project would represent a continuation of the type and intensity of uses currently occurring on-site. Therefore, the proposed project would have a ***less-than-significant*** impact related to the physical division of an established community.

b. Per the Three Corridors Specific Plan, the project site is located within the Service Sub-Area of the Appian Way Specific Plan area. The Specific Plan designates the site CMU-HDRO. Per the Specific Plan, the CMU designation is designed to provide for the integration of retail and service commercial uses with office and/or residential uses; a minimum of 51 percent of all on-site uses must be commercial. Per a January 28, 2019 Joint Session, the City Council and Planning Commission determined that housing is not required on the project site under the site's current land use and zoning designations, as the City meets the latest RHNA housing allotments without the 125 residential units previously identified for the project site per the City's Housing Element.

According to Table 6.14, Permitted Use Table for Appian Way, of the Three Corridors Specific Plan, drive-in/drive-through sales/services or service stations are not permitted uses within the CMU land use designation. Thus, the proposed project would require an amendment to the Specific Plan in order to allow for the proposed drive-through restaurant and Safeway gas station on the project site. The Specific Plan text amendment would allow for drive-in/drive-through sales/services and service stations land use classifications with a Conditional Use Permit in the Appian Way Service Sub-Area CMU zone, provided that such land uses are a part of a shopping center project (not stand alone) and owned by an on-site major retailer within the shopping center project.

While the proposed project would require an amendment to the Specific Plan, the project would be generally consistent with the intensity of uses anticipated for the site per the site's current land use designation. In addition, with approval of various Conditional Use Permits and a Variance, the project would be consistent with the site's current CMU-HDRO zoning designation. Furthermore, as discussed throughout this IS/MND, the proposed project would not conflict with any City policies or regulations adopted for the purpose of avoiding or mitigating an environmental effect, including, but not limited to, the City's noise standards and applicable SWRCB regulations related to stormwater. Implementation of Mitigation Measure IV-3 would ensure that the project would comply with the applicable provisions of the City's Tree Protection Ordinance. Furthermore, as discussed in Section VIII, Greenhouse Gas Emissions, of this IS/MND, implementation of Mitigation Measures VII-1 and VII-2 would ensure that the proposed project would be consistent with the 2017 Scoping Plan, Plan Bay Area 2040, and applicable City General Plan goals and policies related to GHG emissions.

Based on the above, the project would not cause a significant environmental impact due to conflicts with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, a ***less-than-significant*** impact would occur.

XII. MINERAL RESOURCES. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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?	☐	☐	☐	✖
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?	☐	☐	☐	✖

Discussion

a,b. The City's General Plan does not identify any locally important mineral resources within the project area. In addition, the project site is currently developed with a commercial shopping center, and is designated for commercial development per the General Plan and Specific Plan. Therefore, the proposed redevelopment project would not 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, or a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. Thus, ***no impact*** would occur.

XIII. NOISE. *Would the project result in:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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?	☐	✖	☐	☐
b. Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	✖	☐
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?	☐	☐	☐	✖

Discussion

The following is based primarily on an Environmental Noise & Vibration Assessment (Noise Assessment) prepared for the proposed project by Bollard Acoustical Consultants, Inc. (see Appendix F).[46]

a. The following sections present information regarding sensitive noise receptors in proximity to the project site, the existing noise environment, and the potential for the proposed project to result in noise-related impacts during project construction and operation. The following terms are referenced in the sections below:

- Decibel (dB): A unit of sound energy intensity. An A-weighted decibel (dBA) is a decibel corrected for the variation in frequency response to the typical human ear at commonly encountered noise levels. All references to decibels (dB) in this section are A-weighted unless noted otherwise.
- Day-Night Average Level (L_{dn}): The average sound level over a 24-hour period, with a penalty of 10 dB applied to noise occurring during nighttime hours (10:00 PM to 7:00 AM).
- Equivalent Sound Level (L_{eq}): The average sound level over a given time-period.
- Sound Exposure Level (SEL): SEL is similar to L_{eq}, as the total sound energy is integrated over a measurement period. However, instead of averaging over the measurement period, a reference duration of one second is used.
- Maximum Sound Level (L_{max}): The maximum sound level over a given time-period.
- Median Sound Level (L_{50}): The sound level exceeded 50 percent of the time over a given time-period.

Sensitive Noise Receptors

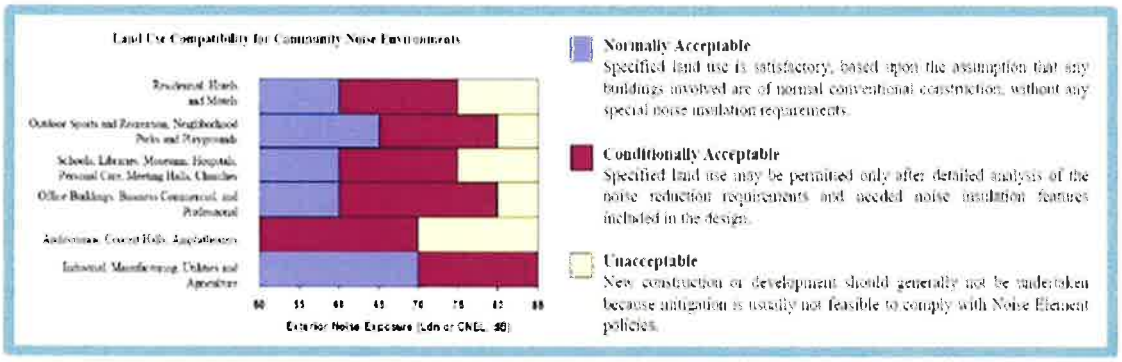
Noise-sensitive land uses are generally defined as locations where people reside or where the presence of unwanted sound could adversely affect the primary intended use of the land. Places where people live, sleep, recreate, worship, and study are generally considered to be sensitive to noise because intrusive noise can be disruptive to such activities.

[46] Bollard Acoustical Consultants, Inc. *Environmental Noise & Vibration Assessment, Pinole Square Redevelopment Project – Phases 1-3, Pinole, California.* January 13, 2020.

The noise-sensitive land uses which would potentially be affected by the proposed project consist of residential uses. Specifically, single-family residential land uses are located to the west of the project site. Existing commercial uses are located to the east of the project site, which are typically not considered to be noise-sensitive.

Standards of Significance

General Plan Policy HS 8.1 states that new development projects should meet acceptable exterior noise level standards. The normally acceptable noise standards for new land uses are established in Land Use Compatibility for Community Exterior Noise Environments (as shown below). As shown below, 60 dB is considered the maximum normally acceptable noise level at a residential land use.



General Plan Policy HS 9.1 states that noise created by commercial or industrial sources associated with new projects or developments should be controlled so as not to exceed the noise level standards set forth in Table 10 below.

Table 10
City of Pinole Maximum Allowable Noise Exposure from Stationary Sources[1]

	Daytime[5] (7 AM to 10 PM)	Nighttime[2,5] (10 PM to 7 AM)
Hourly L_{eq}, dB[3]	55	45
Maximum Level, dB[3]	70	65
Maximum Level, dB – Impulsive Noise[4]	65	60

[1] As determined at the property line of the receiving land use. When determining effectiveness of noise mitigation measures, the standards may be applied on the receptor side of noise barriers or other property line noise mitigation measures.
[2] Applies only where the receiving land use operates or is occupied during nighttime hours.
[3] Sound level measurements shall be made with "slow" meter response.
[4] Sound level measurement shall be made with "fast" meter response.
[5] Allowable levels shall be raised to the ambient noise levels where the ambient levels exceed the allowable levels. Allowable levels shall be reduced 5 dB if the ambient hourly L_{eq} is at least 10 dB lower than the allowable level.

Source: City of Pinole General Plan Update Draft EIR, July 2010.

As mentioned above, the Pinole Municipal Code does not include noise standards applicable to transportation or non- transportation noise sources. However, Section 15.02.070 of the City's Municipal Code includes the following hourly restrictions and nuisance provisions related to construction activities:

- Work is allowed from 7:00 AM to 5:00 PM on non-federal holidays, but no inspections would be performed.
- Saturday work is allowed in commercial zones only, from 9:00 AM to 6:00 PM, as long as it is interior work and does not generate significant noise.
- The City Council designates the City Manager (or his/her designee) to further modify on a case-by-case basis the hours of construction in commercial zones. Additionally, the City Manager (or his/her designee) has the ability to modify the construction hours on a case-by-case basis based on inclement weather conditions or certain construction procedures (such as setting up from a concrete pour) that may require working beyond 5:00 PM on weekdays or 6:00 PM on Saturday.
- Administrative citations and penalties penalize responsible parties who fail or refuse to comply with any City ordinance or fail to promptly abate a public nuisance.

As mentioned above, the City of Pinole has not established a threshold for significant increases in traffic noise. However, the Federal Interagency Committee on Noise (FICON) has developed guidance to be used for the assessment of project-generated increases in noise levels that consider the ambient noise level. Such guidance is considered a conservative approach to analyzing substantial increases in noise levels. Based on the FICON research, as shown in Table 11, a 5 dB increase in noise levels due to a project is required for a finding of significant noise impact where ambient noise levels without the project are less than 60 dB. Where pre-project ambient conditions are between 60 and 65 dB, a 3 dB increase is applied as the standard of significance. Finally, in areas already exposed to higher noise levels, specifically pre-project noise levels in excess of 65 dB, a 1.5 dB increase is considered by FICON as the threshold of significance.

Table 11
FICON Noise Level Increase Standards

Ambient Noise Level Without Project (L_{dn} or CNEL)	Change in Ambient Noise Level Due to Project
<60 dB	+5.0 dB or more
60 to 65 dB	+3.0 dB or more
<65 dB	+1.5 dB or more

Source: Bollard Acoustical Consultants, Inc., 2020.

Existing Noise Environment

The existing ambient noise environment within the project vicinity is defined primarily by noise from traffic on I-80, Tara Hills Drive, and Appian Way. To generally quantify the existing ambient noise environment at the nearest existing sensitive uses to the project site, short-term (15-minute) ambient noise surveys were conducted at four locations on July 8, 2019 (see Figure 26). A summary of the measurement results is provided in Table 12. As shown in the table, ambient noise levels ranged from 54 to 66 dB L_{eq}, with maximum noise levels ranging from 68 to 82 dB L_{max}.

Figure 26
Noise Measurement Location

Source: Bollard Acoustical Consultants, Inc., 2020.

Table 12
Short-Term Ambient Noise Monitoring Results

Site	Description	Time	Measured Noise Levels, dB	
			L_{eq}	L_{max}
ST-1	Centrally located along the western project boundary	2:58 PM	54	68
ST-2	Located along the northwest project boundary	3:15 PM	60	81
ST-3	Located along the southwest project boundary	3:32 PM	62	82
ST-4	North of project site, adjacent to Tara Hills Drive	3:57 PM	66	75

Source: Bollard Acoustical Consultants, Inc., 2020.

Based on the measured ambient noise levels, the adjusted General Plan daytime and nighttime noise level limits that would be applicable to the proposed project are summarized in Table 13 below.

Table 13
Adjusted General Plan Noise Level Standards

Adjacent Residential Locations	Unadjusted Standards				Adjusted Based on Measured Ambient Noise Levels?				Applicable Standards			
	Daytime		Nighttime		Daytime		Nighttime		Daytime		Nighttime	
	L_{eq}	L_{max}	L_{eq}	L_{max}	L_{eq}	L_{max}	L_{eq}	L_{max}	L_{eq}	L_{max}	L_{eq}	L_{max}
West	55	70	45	65	N	N	Y	N	55	70	54	65
Northwest	55	70	45	65	Y	Y	Y	N	60	81	54	65
Southwest	55	70	45	65	Y	Y	Y	N	62	82	54	65

Source: Bollard Acoustical Consultants, Inc., 2020.

Project Construction Noise

During construction of the proposed project, heavy-duty equipment would be used for demolition, grading, excavation, paving, and building construction, which would result in temporary noise level increases while in operation. Noise levels would vary depending on the type of equipment used, how the equipment is operated, and how well the equipment is maintained. In addition, noise exposure at any single point outside the project site would vary depending on the proximity of construction activities to that point. The property lines of the nearest existing residential uses are located approximately 30 feet away from where construction activities would occur on the project site.

Table 14 includes the range of maximum noise levels for equipment commonly used in general construction projects at full-power operation at a distance of 50 feet. Not all of the construction activities included in the table would be required of the proposed project. Table 14 data also include predicted maximum equipment noise levels at the property lines of the nearest sensitive uses located approximately 30 feet away, which assume a standard spherical spreading loss of 6 dB per doubling of distance.

Based on the equipment noise levels in Table 14, worst-case on-site project construction equipment noise levels at the property lines of the nearest existing residential uses located 30 feet away are expected to range from approximately 80 to 94 dB. Thus, the project construction equipment could result in a substantial short-term increase in noise over ambient maximum noise levels at the nearest existing sensitive uses. Such noise levels could exceed the applicable City of Pinole General Plan noise level limits. As a result, a potentially significant impact could occur related to construction noise.

Table 14
Construction Equipment Noise

Type of Equipment	Maximum Level, dB at 50 feet	Maximum Level, dB at 30 feet
Air compressor	80	84
Backhoe	80	84
Ballast equalizer	82	86
Ballast tamper	83	87
Compactor	82	86
Concrete mixer	85	89
Concrete pump	82	86
Concrete vibrator	76	80
Crane, mobile	83	87
Dozer	85	89
Generator	82	86
Grader	85	89
Impact wrench	85	89
Jack hammer	88	92
Loader	80	84
Paver	85	89
Pneumatic tool	85	89
Pump	77	81
Rail saw	90	94
Saw	76	80
Scarifier	83	87
Scraper	85	89
Shovel	82	86
Spike driver	77	81
Tie cutter	84	88
Tie handler	80	84
Tie inserter	85	89
Truck	84	88

Source: Bollard Acoustical Consultants, Inc., 2020.

Project Operational Noise

The following sections describe potential traffic and operational noise impacts at existing sensitive uses in the project vicinity.

It should be noted that subsequent to preparation of the January 2020 Noise Assessment, the existing and proposed building square footages were refined, which resulted in slight decreases in the total existing and proposed building areas. In response to the building area refinements, the project traffic consultant (TJKM Transportation Consultants) identified that, although the changes in square footage would result in a slight increase in the number of net new vehicle trips, the increase would not change the conclusions presented in the Transportation Impact Study prepared for the project. Accordingly, revisions to the Transportation Impact Study were not necessary as a result of the refinement in square footages. Similarly, noise levels associated with the slight increase in net new vehicle trips would not be appreciable and would not change the conclusions presented in the Noise Assessment prepared by BAC.[47]

[47] Bollard Acoustical Consultants, Inc. *Changes in noise levels associated with revised building square footages for the proposed Pinole Square Redevelopment project in Pinole, California.* February 18, 2020.

Traffic Noise – Existing Plus Project

Potential traffic noise increases occurring as a result of the project were evaluated using the traffic volumes for the Existing Plus Project conditions obtained from TJKM. The resulting noise levels were calculated using a computer program that replicates the Federal Highway Administration (FHWA) Traffic Noise Prediction Model- FHWA-RD-77-108. Table 15 below summarizes the calculated traffic noise levels at a standard distance of 50 feet from the centerline of the area roadways for the Existing Plus Project conditions.

As shown in the table, traffic generated by the project under Existing Plus Project conditions would not result in a significance increase of traffic noise levels on the local roadway network in excess of the applicable FICON significance criteria identified in Table 11. As a result, off-site traffic noise impacts related to increases in traffic resulting from the implementation of the proposed project would be considered less than significant under Existing Plus Project conditions.

Table 15
Traffic Noise – Existing Plus Project

#	Intersections	Direction	Traffic Noise at 50 feet (dB, L_{dn})			Substantial Increase?
			No Project	With Project	Change	
1	Project Drive/Tara Hills Drive	North	56.0	56.0	0.0	No
2		South	57.8	59.2	1.4	No
3		East	65.2	65.6	0.4	No
4		West	64.2	64.3	0.1	No
5	Appian Way/Tara Hills Drive	North	64.5	64.6	0.1	No
6		South	69.3	69.4	0.1	No
7		East	56.5	56.7	0.2	No
8		West	65.3	65.6	0.3	No
9	Appian Way/I-80 WB Ramps	North	69.4	69.4	0.0	No
10		South	69.1	69.2	0.1	No
11		East	67.4	67.5	0.1	No
12		West	66.7	66.7	0.0	No
13	Appian Way/I-80 EB Ramps	North	69.2	69.2	0.0	No
14		South	69.8	69.8	0.0	No
15		East	67.2	67.2	0.0	No
16		West	66.7	66.7	0.0	No

Source: Bollard Acoustical Consultants, Inc., 2020.

Traffic Noise – Cumulative Plus Project

Potential traffic noise increases occurring as a result of the proposed project were evaluated using the traffic volumes for the Cumulative Plus Project conditions obtained from TJKM. Table 16 below summarizes the calculated traffic noise levels at a standard distance of 50 feet from the centerline of the project area roadways for the Cumulative Plus Project conditions.

As shown in the table, traffic generated by the proposed project under Cumulative Plus Project conditions would not result in an increase of traffic noise levels on the local roadway network in excess of the applicable FICON significance criteria identified in Table 11. As a result, off-site traffic noise impacts related to increases in traffic resulting from the implementation of the proposed project would be considered less than significant under Cumulative Plus Project conditions.

Table 16
Traffic Noise – Cumulative Plus Project

#	Intersections	Direction	Traffic Noise at 50 feet (dB, L_{dn})			Substantial Increase?
			No Project	With Project	Change	
1	Project Drive/Tara Hills Drive	North	56.3	56.4	0.1	No
2		South	58.2	59.5	1.3	No
3		East	65.6	65.9	0.3	No
4		West	64.5	64.6	0.1	No
5	Appian Way/Tara Hills Drive	North	64.8	64.9	0.1	No
6		South	69.7	69.8	0.1	No
7		East	56.9	57.1	0.2	No
8		West	65.7	66.0	0.3	No
9	Appian Way/I-80 WB Ramps	North	69.7	69.8	0.1	No
10		South	69.5	69.5	0.0	No
11		East	67.8	67.8	0.0	No
12		West	67.0	67.1	0.1	No
13	Appian Way/I-80 EB Ramps	North	69.5	69.6	0.1	No
14		South	70.1	70.1	0.0	No
15		East	67.6	67.6	0.0	No
16		West	67.0	67.1	0.1	No

Source: Bollard Acoustical Consultants, Inc., 2020.

On-Site Operational Noise

The primary on-site operational noise sources associated with the proposed project would include on-site delivery truck circulation, loading dock activities, rooftop mechanical equipment (HVAC), restaurant drive-through operations, and parking lot movements. An assessment of each project-related noise source is provided below. The locations of the on-site noise sources included in this analysis are shown on Figure 27.

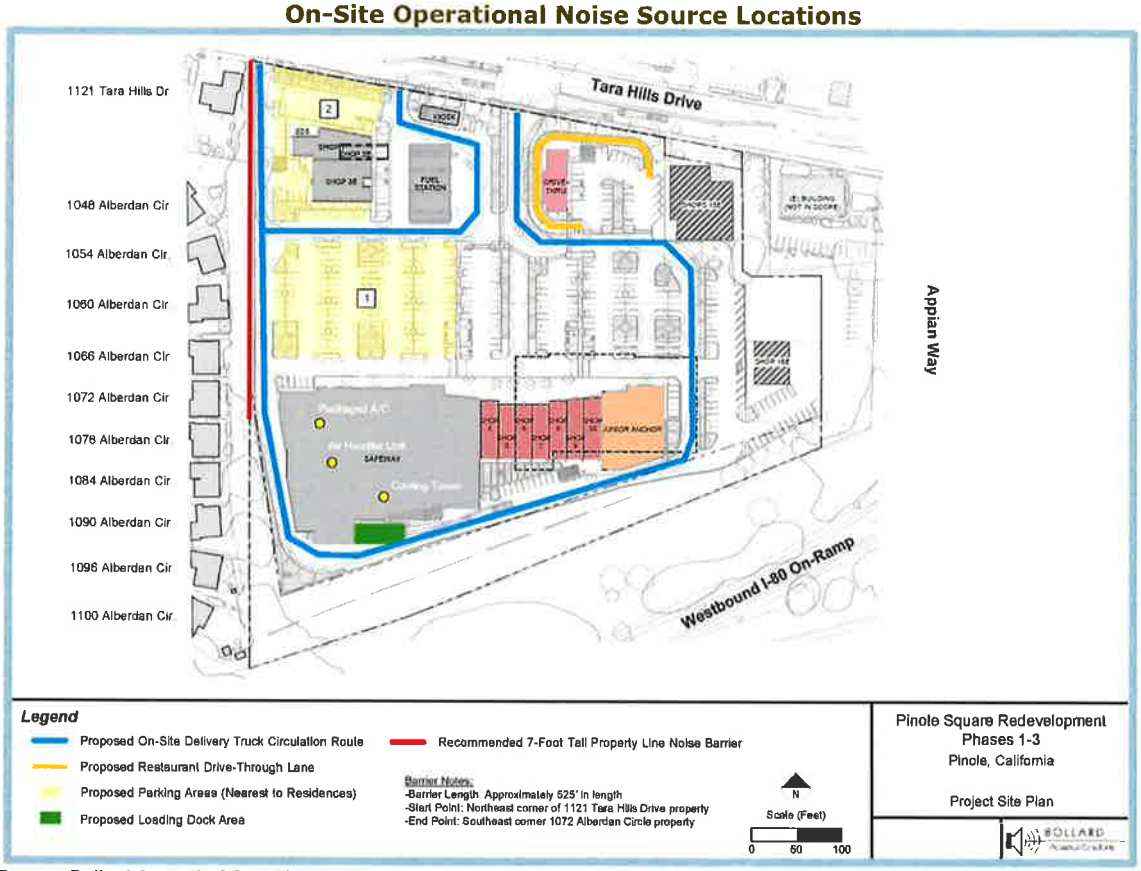
It should be noted that the project site plans indicate that a seven-foot tall solid wood fence is proposed along the entire western project property boundary. However, it is unclear whether the proposed wood fence would be constructed such that it would provide the necessary attenuation needed to perform as a noise barrier. As a result, the following analyses of project-generated noise exposure at the nearest existing residential uses (to the west) do not include offsets associated with a seven-foot tall noise barrier.

On-Site Delivery Truck Circulation Noise

Delivery trucks would access the project site from the westernmost driveway at Tara Hills Drive, similar to existing conditions. Figure 27 shows the proposed on-site delivery truck routes. Heavy truck deliveries would primarily be associated with the fuel station, the Safeway grocery store, and adjacent retail shops near the southern end of the development. Based on this expectation, only medium-duty trucks/vans or smaller would deliver product to the remaining buildings of the development. Such assumptions are based on the proposed building capacities, orientation, and delivery access points indicated in the project site plan.

As noted in the Noise Assessment, similar projects with commercial uses typically can have deliveries during both daytime and nighttime hours. Thus, the following conservative assumptions were made regarding deliveries at the project site:

Figure 27
On-Site Operational Noise Source Locations



Source: Bollard Acoustical Consultants, Inc., 2020.

- Fuel station: 1 heavy truck/2 medium trucks during worst-case hour;
- Shops 1, 2E, and 3E: 2 medium trucks during worst-case hour;
- Safeway and adjacent retail: 3 heavy trucks/5 medium trucks during worst-case hour; and
- Drive-through restaurant: 1 medium truck during worst-case hour.

It is important to note that, with respect to the threshold related to a substantial permanent increase in ambient noise levels, stationary loading dock noises are not expected to increase substantially from existing conditions. The current on-site uses have regular truck deliveries in the rear area, similar to the proposed operations. Thus, the CEQA baseline includes loading dock operations similar to that which would occur under the proposed project. Given that the analysis presented herein does not account for noise associated with existing on-site deliveries, the analysis represents a conservative, worst-case scenario.

Truck deliveries are expected to be relatively brief and would occur at low speeds. To predict noise levels generated by truck deliveries, Bollard Acoustical Consultants, Inc. relied on file data obtained from measurements of heavy- and medium-duty truck passbys. According to Bollard Acoustical Consultants, Inc. data, single-event heavy truck passby noise levels are approximately 74 dB L_{max} and 83 dB SEL at a reference distance of 50 feet. In addition, such file data indicate that single-event medium truck passby noise levels are approximately 66 dB L_{max} and 76 SEL at a reference distance of 50 feet.

Because the City of Pinole General Plan noise standards are provided in terms of both individual maximum noise levels and hourly average noise levels, it is necessary to identify the number of truck movements occurring during a typical busy hour of operations to assess compliance with the L_{eq}-based standards. Based on the worst-case hour truck delivery assumptions discussed above, the following delivery truck hourly average (L_{eq}) reference noise levels at a distance of 50 feet from the truck passby route were computed:

- Fuel station: 48 dB L_{eq} (maximum of 74 dB L_{max});
- Pads 1 and 2 businesses: 43 dB L_{eq} (maximum of 66 dB L_{max});
- Safeway and adjacent retail: 53 dB L_{eq} (maximum of 74 dB L_{max}); and
- Drive-through restaurant: 40 dB L_{eq} (maximum of 66 dB L_{max}).

Based on the reference noise levels above, and assuming standard spherical spreading loss (-6 dB per doubling of distance), on-site delivery truck circulation noise exposure at the property lines of the nearest existing residential uses to the west, northwest, and southwest of the project site was calculated and the results of those calculations are presented in Table 17.

As indicated in the table, on-site delivery truck circulation noise levels are predicted to exceed the applicable City of Pinole General Plan hourly average (L_{eq}) and maximum (L_{max}) adjusted daytime and nighttime noise level standards at a portion of the nearest existing residences to the west, northwest, and southwest of the project site. In addition, project delivery truck circulation noise exposure could be above ambient daytime and nighttime noise levels at the existing sensitive uses. As a result, a potentially significant impact could occur.

Table 17
Predicted On-Site Truck Circulation Noise Levels at the Nearest Existing Sensitive Uses

Nearest Residential Property Lines	Distance from Truck Lane (ft)[1]	Predicted Noise Level (dB)		Applicable City Noise Standards[2]			
				Daytime		Nighttime	
		L_{eq}	L_{max}	L_{eq}	L_{max}	L_{eq}	L_{max}
West	25	59	80	55	70	54	65
Northwest	25	61	80	60	81	54	65
Southwest	35	57	77	62	82	54	65

[1] Distances measured from the center of the nearest truck circulation lane to the nearest residential property lines.
[2] Applicable noise levels based upon measured ambient conditions from ambient noise level surveys.

Source: Bollard Acoustical Consultants, Inc., 2020.

Loading Dock Activity Noise

The proposed project would include a primary loading dock at the southern side of the Safeway grocery store (see Figure 27). The primary noise sources associated with loading dock areas is the heavy trucks stopping (air brakes), backing into the loading docks (back-up alarms), and pulling out of the loading dock area (revving engines).

To quantify the noise generated by truck loading dock operations, Bollard Acoustical Consultants, Inc. relied on noise level data obtained from field measurements of a commercial warehouse facility. According to the measurement data, loading dock average and maximum noise levels are approximately 63 dB L_{eq} and 75 dB L_{max} at a reference distance of 50 feet.

The existing residential uses to the west and northwest of the project site (located farthest away) would be completely shielded from view of the loading dock area by the proposed grocery store building itself. The worst-case loading dock noise exposure would be at the nearest existing residential uses to the southwest of the project site. Assuming standard spherical spreading loss (-6 dB per doubling of distance), loading dock noise exposure at the property line of the nearest existing residential use to the southwest of the project site was calculated (see Table 18).

Table 18
Predicted Loading Dock Noise Levels at the Nearest Existing Sensitive Uses

Nearest Residential Property Line	Distance from Loading Dock (ft)[1]	Predicted Noise Level (dB)		Applicable City Noise Standards[2]			
				Daytime		Nighttime	
		L_{eq}	L_{max}	L_{eq}	L_{max}	L_{eq}	L_{max}
Southwest	180	52	64	62	82	54	65

[1] Distances measured from the center of the loading dock area to the property line of the nearest residential use.
[2] Applicable noise levels based upon measured ambient conditions from ambient noise level surveys.

Source: Bollard Acoustical Consultants, Inc., 2020.

As shown in the table, noise levels generated by project loading dock activities are predicted to satisfy the applicable City of Pinole General Plan daytime and nighttime noise

level standards at the property lines of the nearest existing residential uses (southwest of the project site). The predicted average hourly (L_{eq}) and maximum (L_{max}) noise levels shown in the table are also below the ambient daytime and nighttime noise levels measured at the nearest existing residential uses to the southwest.

Because project loading dock activity noise level exposure is predicted to satisfy the applicable City of Pinole General Plan daytime and nighttime noise level limits, and because loading dock noise levels are not predicted to significantly increase ambient noise levels at existing sensitive uses, impacts related to loading dock activity noise would be considered less than significant.

Rooftop Mechanical Equipment Noise

The proposed project would include the installation of rooftop mechanical equipment for the proposed commercial development. Such mechanical equipment would be shielded from view of nearby existing residential uses by the building parapets on top of the proposed commercial buildings. Figure 27 shows the proposed locations of the rooftop mechanical equipment. Because mechanical equipment operation typically generates sustained, steady-state, noise levels, impacts of project rooftop mechanical equipment are assessed relative to the City of Pinole General Plan hourly average (L_{eq}) noise level standards.

Noise from rooftop mechanical equipment has been measured by Bollard Acoustical Consultants, Inc. to be 45 to 50 dB at a reference distance of 100 feet from the building facades of similar commercial uses, including shielding by the building parapet. When projected to the property line of the nearest existing residential use located approximately 120 feet from any project-related rooftop mechanical equipment, noise levels are calculated to be approximately 43 dB L_{eq} (including shielding from the building parapet). The predicted rooftop mechanical equipment noise level of 43 dB L_{eq} at the property line of the nearest existing residential use southwest of the project site would satisfy the applicable City of Pinole adjusted daytime and nighttime hourly average noise level limits of 62 and 54 dB L_{eq}, respectively. In addition, the predicted average hourly (L_{eq}) noise level of 43 dB L_{eq} would be below ambient daytime and nighttime noise levels measured at the nearest existing residential uses to the southwest.

Because project rooftop mechanical equipment noise exposure is predicted to satisfy the applicable City of Pinole General Plan daytime and nighttime noise level limits, and because mechanical equipment noise levels are not predicted to significantly increase ambient noise levels at existing sensitive uses, impacts related to HVAC equipment noise would be considered less than significant.

Restaurant Drive-Through Operations Noise

The proposed project would include operation of a restaurant with a drive-through. To quantify the noise exposure of proposed drive-through vehicle passages and speaker usage at the nearest existing residential uses, Bollard Acoustical Consultants, Inc. relied on noise measurement data collected for similar drive-through operations. According to the file data, drive-through speaker and vehicle idling noise levels are approximately 50 dB L_{eq} and 55 dB L_{max} at a reference distance of 50 feet. It should be noted that the proposed speaker would be oriented to face the vehicle occupant. Based on the arrangement of the drive-through aisle, the speaker would face away from existing homes in the project area.

The nearest existing residential uses to the proposed restaurant drive-through lane are located to the west and northwest of the project site. Using the above-mentioned measured reference noise levels, and assuming standard spherical spreading loss (-6 dB per doubling of distance), restaurant drive-through noise exposure at the property lines of the nearest existing residential uses was calculated and the results of those calculations are presented in Table 19.

As shown in the table, noise levels generated by restaurant drive-through operations are predicted to satisfy the applicable City of Pinole General Plan adjusted daytime and nighttime noise level standards at the property lines of the nearest existing residential uses west and northwest of the project site. In addition, the predicted average hourly (L_{eq}) and maximum (L_{max}) noise levels shown in the table are below ambient daytime and nighttime noise levels measured at the nearest existing residential uses to the west and northwest.

Table 19
Predicted Restaurant Drive-Through Noise Levels at the Nearest Existing Sensitive Uses

Nearest Residential Property Lines	Distance from Drive-Through Lane (ft)[1]	Predicted Noise Level (dB)		Applicable City Noise Standards[2]			
				Daytime		Nighttime	
		L_{eq}	L_{max}	L_{eq}	L_{max}	L_{eq}	L_{max}
West	430	31	36	55	70	54	65
Northwest	420	32	37	60	81	54	65

[1] Distances measured from the drive-through lane to the property lines of the nearest residential uses.
[2] Applicable noise levels based upon measured ambient conditions from ambient noise level surveys.

Source: Bollard Acoustical Consultants, Inc., 2020.

Because project restaurant drive-through operations noise level exposure is predicted to satisfy the applicable City of Pinole General Plan daytime and nighttime noise level limits, and because restaurant drive-through noise levels are not predicted to significantly increase ambient noise levels at existing sensitive uses, impacts related to drive-through operation noise would be considered less than significant.

Parking Lot Activity Noise

As a means of determining potential noise exposure due to project parking lot activities, Bollard Acoustical Consultants, Inc. conducted specific parking lot noise level measurements of multiple vehicle types arriving and departing a parking area, including engines starting and stopping, car doors opening and closing, and persons conversing as they entered and exited the vehicles. The results of such measurements revealed that individual parking lot movements generated mean noise levels of approximately 70 dB SEL at a reference distance of 50 feet. The maximum noise level associated with parking lot activity typically did not exceed 65 dB L_{max} at the same reference distance.

To compute hourly average (L_{eq}) noise levels generated by parking lot activities, the approximate number of hourly operations in any given area and distance to the effective noise center of the activities is required. The parking areas proposed nearest to existing residential uses are located on the west and northwest sides of the project area, identified as Parking Areas 1 and 2 in Figure 27. Parking Areas 1 and 2 would accommodate approximately 150 and 50 parking spaces, respectively. For the purposes of this analysis, all of the parking stalls are conservatively assumed to fill or empty during any given peak

hour (worst-case). However, parking area activity would likely be more spread out. Using the information provided above, and assuming standard spherical spreading loss of -6 dB per doubling of distance, worst-case parking area noise exposure at the property lines of the nearest existing residential uses to the west and northwest of the project site was calculated and the results of such calculations are presented in Table 20.

As shown in the table, noise levels generated by project parking lot movements are predicted to satisfy the applicable City of Pinole General Plan adjusted daytime and nighttime noise level standards at the property lines of the nearest existing residential uses (west and northwest of the project site). In addition, the predicted average hourly (L_{eq}) and maximum (L_{max}) noise levels shown in the table are below measured ambient daytime and nighttime noise levels measured at the nearest existing residential uses to the west and northwest. Because project parking area noise level exposure is predicted to satisfy the applicable City of Pinole General Plan adjusted daytime and nighttime noise level limits, and because parking area noise levels are not predicted to significantly increase ambient noise levels at existing sensitive uses, impacts related to parking lot area noise would be considered less than significant.

Table 20
Predicted Parking Area Noise Levels at the Nearest Existing Sensitive Uses

Nearest Residential Property Lines	Distance from Noise Center of Parking Area (ft)[1]	Predicted Noise Level (dB)		Applicable City Noise Standards[2]			
				Daytime		Nighttime	
		L_{eq}	L_{max}	L_{eq}	L_{max}	L_{eq}	L_{max}
West	250 (Parking Area 1)	42	51	55	70	54	65
Northwest	100 (Parking Area 2)	45	59	60	81	54	65

[1] Distances measured from the effective noise center the parking areas to the property lines of the nearest residential uses.
[2] Applicable noise levels based upon measured ambient conditions from ambient noise level surveys.

Source: Bollard Acoustical Consultants, Inc., 2020.

Combined Noise Levels from On-Site Operations

The calculated combined noise levels associated with all of the on-site operational noise sources described above at the nearest existing residential uses are presented in Table 21. It should be noted that due to the logarithmic nature of the decibel scale, the sum of two noise values that differ by 10 dB equates to an overall increase in noise levels of 0.4 dB. When the noise sources are equivalent, the sum would result in an overall increase in noise levels of 3 dB.

As shown in the table, the combined noise levels from all on-site operational sources discussed in the preceding sections could exceed the applicable City of Pinole General Plan hourly average (L_{eq}) and maximum (L_{max}) adjusted daytime and nighttime noise level standards at a portion of the nearest existing residential property lines. In addition, the combined noise levels could be above ambient daytime and nighttime noise levels at existing sensitive uses. As a result, a potentially significant impact could occur associated with on-site operational noise.

Table 21
Predicted Combined Noise Levels at the Nearest Existing Sensitive Uses

Nearest Residential Property Lines	Predicted Noise Level (dB)[1]											Applicable City Noise Standards[2]			
	Truck Circulation		Loading Dock		HVAC	Drive-Through		Parking Area		Combined		Daytime		Nighttime	
	L_{eq}	L_{max}	L_{eq}	L_{max}	L_{eq}	L_{eq}	L_{max}	L_{eq}	L_{max}	L_{eq}	L_{max}	L_{eq}	L_{max}	L_{eq}	L_{max}
West	59	80	31	43	39	31	36	42	51	59	80	55	70	54	65
Northwest	61	80	27	39	33	32	37	45	59	61	80	60	81	54	65
Southwest	57	77	52	64	43	<20	<20	26	34	58	77	62	82	54	65

[1] Distances measured from the effective noise center the parking areas to the property lines of the nearest residential uses.
[2] Applicable noise levels based upon measured ambient conditions from ambient noise level surveys.

Source: Bollard Acoustical Consultants, Inc., 2020.

Conclusion

Based on the above, construction activities associated with the proposed project could result in a temporary increase in ambient noise levels at the nearest existing sensitive uses to the site and could conflict with the stationary source noise standards established by General Plan Policy HS 9.1. In addition, on-site delivery truck circulation noise levels, as well as the combined noise levels associated with all on-site operational noise sources, are predicted to exceed the applicable City of Pinole General Plan hourly average (L_{eq}) and maximum (L_{max}) daytime and nighttime noise level standards at a portion of the nearest existing residences to the west, northwest, and southwest of the project, and could be above ambient daytime and nighttime noise levels at existing sensitive uses. Thus, the proposed project could generate 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, and a ***potentially significant*** impact could occur.

Mitigation Measure(s)

Per the Noise Assessment, implementation of the measures included in Mitigation Measure XIII-1 below would reduce the identified construction noise impact to a less-than-significant level.

With regard to on-site operational noise sources, implementation of Mitigation Measures XIII-2 and XIII-3 below would ensure satisfaction of the applicable General Plan daytime noise level limits at the nearest existing residential uses to west, northwest, and southwest of the project, for both truck circulation noise only and (see Table 22) and for combined noise from all on-site operations (see Table 23). The resulting noise levels at the nearest residential uses, after construction of the required seven-foot tall barrier, includes consideration of a shielding offset to account for the substantial difference in elevations between the elevated project site and depressed sensitive areas of the of the adjacent residential uses, which is estimated to be approximately -3 dB.

Based on the above, implementation of the following mitigation measures would reduce the above potential impact to a *less-than-significant* level.

XIII-1 *To the maximum extent practical, the following measures shall be included, via written notation, on final improvement plans for the project prior to review and approval by the City:*

- *Pursuant to City of Pinole General Plan Action HS.8.1.5, the project shall utilize temporary construction noise control measures including the use of temporary noise barriers, or other appropriate measures as mitigation for noise generated during construction of projects.*
- *Pursuant to Pinole Municipal Code Section 15.02.070(A), construction work is allowed from 7:00 AM to 5:00 PM on non-federal holidays. Construction work is allowed on holidays recognized by the City of Pinole, but not acknowledged federally, which include Cesar Chavez's Birthday and the Day after Thanksgiving; however, inspections will not be performed.*

Table 22
Predicted On-Site Truck Circulation Noise Levels at the Nearest Existing Sensitive Uses – with Mitigation

Nearest Residential Property Lines	Predicted Noise Level (dB)		Applicable City Noise Standards[2]	
	L_{eq}	L_{max}	L_{eq}	L_{max}
West	59	80	55	70
Northwest	61	80	60	81

[1] Predicted noise levels take into consideration the screening provided by a seven-foot tall noise barrier along the property line (as indicated in Figure 27), shielding provided by intervening on-site buildings (where applicable, as well as for a shielding offset to account for a difference in elevations between the elevated truck lane and depressed sensitive areas of adjacent residential uses.
[2] Applicable noise levels based upon measured ambient conditions from ambient noise level surveys.

Source: Bollard Acoustical Consultants, Inc., 2020.

Table 23
Predicted Combined Noise Levels at the Nearest Existing Sensitive Uses – with Mitigation

Nearest Residential Property Lines	Predicted Noise Level (dB)[1]											Applicable City Noise Standards[2]			
	Truck Circulation		Loading Dock		HVAC	Drive-Through		Parking Area		Combined		Daytime		Nighttime	
	L_{eq}	L_{max}	L_{eq}	L_{max}	L_{eq}	L_{eq}	L_{max}	L_{eq}	L_{max}	L_{eq}	L_{max}	L_{eq}	L_{max}	L_{eq}	L_{max}
West	49	70	20	32	29	20	25	30	40	49	70	55	70	54	65
Northwest	51	70	<20	28	23	21	26	34	58	51	70	60	81	54	65
Southwest	57	77	52	64	43	<20	<20	26	34	58	77	62	82	54	65

[1] Predicted noise levels take into consideration the screening provided by a seven-foot tall noise barrier along the property line (as indicated in Figure 27), shielding provided by intervening on-site buildings (where applicable, as well as for a shielding offset to account for a difference in elevations between the elevated project site and depressed sensitive areas of adjacent residential uses.
[2] Applicable noise levels based upon measured ambient conditions from ambient noise level surveys.

Source: Bollard Acoustical Consultants, Inc., 2020.

- *Pursuant to Pinole Municipal Code Section 15.02.070(B), construction work on Saturdays is allowed in commercial zones only, from 9:00 AM to 6:00 PM, as long as the work is interior work and does not generate significant noise.*
- *All noise-producing project equipment and vehicles using internal-combustion engines shall be equipped with manufacturers-recommended mufflers and be maintained in good working condition.*
- *All mobile or fixed noise-producing equipment used on the project site that are regulated for noise output by a federal, State, or local agency shall comply with such regulations while in the course of project activity.*
- *Electrically powered equipment shall be used instead of pneumatic or internal-combustion-powered equipment, where feasible.*
- *Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors.*
- *Project area and site access road speed limits shall be established and enforced during the construction period.*
- *Nearby residences shall be notified of construction schedules so that arrangements can be made, if desired, to limit their exposure to short-term increases in ambient noise levels.*

XIII-2 *Prior to approval by the City, final improvement plans for the proposed project shall provide for the construction of a solid noise barrier measuring seven-feet in height along the project property boundary, as indicated in Figure 27 of this IS/MND. The design and materials for the noise barrier shall be subject to approval by the City Engineer.*

XIII-3 *The project applicant shall ensure that all future vendor contracts include language limiting project truck deliveries to daytime hours only (7:00 AM to 10:00 PM), to the satisfaction of the City of Pinole.*

b. Per the Noise Assessment, project operations would not generate an appreciable level of vibration. However, during project construction, heavy equipment would be used for grading, excavation, paving, and building construction, which would generate localized vibration in the immediate vicinity of the construction activities. The nearest existing sensitive uses are residential structures located approximately 50 feet from where construction activities would occur within the project site. For structural damage, the California Department of Transportation (Caltrans) uses a vibration limit of 0.50 inches/second, peak particle velocity (in/sec, PPV), for modern industrial/commercial/residential buildings, and 0.30 in/sec PPV for older residential structures.

Table 24 includes the range of vibration levels for equipment commonly used in general construction projects at a distance of 25 feet. The Table 16 data also include predicted equipment vibration levels at the nearest existing residences to the project site located approximately 50 feet away. As shown in the table, vibration levels generated from on-site construction activities at the nearest existing residences are predicted to be below the strictest Caltrans threshold for damage to residential structures of 0.30 in/sec PPV.

Furthermore, the predicted vibration levels are below the applicable Caltrans thresholds for annoyance.

Table 24
Vibration Source Levels for Construction Equipment and Predicted Levels at 50 Feet

Equipment	Maximum PPV (in/sec)	
	Maximum PPV at 25 Feet	Maximum PPV at 50 Feet
Hoe ram	0.089	0.032
Large bulldozer	0.089	0.032
Caisson drilling	0.089	0.032
Loaded trucks	0.076	0.027
Jackhammer	0.035	0.012
Small bulldozer	0.003	0.011

Source: Bollard Acoustical Consultants, Inc., 2019.

Consequently, vibration generated by construction activities associated with the proposed project are not expected to be perceptible at nearby sensitive receptors, and the construction-generated vibrations would not be expected to result in structural damage to nearby buildings. Furthermore, construction activities associated with implementation of the proposed project would be temporary and construction equipment would operate intermittently throughout the course of a day, would be restricted to daytime hours per the City's Municipal code, and would likely only occur over portions of the improvement area at a time. Therefore, the project would not involve the generation of excessive groundborne vibration or noise levels and a ***less-than-significant*** impact would result.

c. The nearest airport to the project site is Buchanan Field Airport, located approximately 13 miles east of the site. As such, the project site is not located within two miles of any public airports, and does not fall within an airport land use plan area. Given that the proposed project is not located within two miles of a public or private airport, the proposed project would not expose people residing or working in the project area to excessive noise levels associated with airports. Thus, ***no impact*** would occur.

XIV. POPULATION AND HOUSING. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	☐	☐	✖	☐
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	✖

Discussion

a. Currently, the site is developed with the Appian 80 Shopping Center, which includes a Safeway grocery store, a vacant CVS pharmacy, and various other smaller businesses totaling approximately 93,193 sf. The proposed project would include demolition of a portion of the existing on-site structures and construction of new commercial buildings. Upon completion of the proposed redevelopment, the project site would include a total of 105,149 sf of commercial uses. While the project would represent a slight increase in the amount of commercial development on-site, the project would be consistent with the intensity of development anticipated for the site per the site's current General Plan/Specific Plan land use and zoning designations. Thus, indirect population growth associated with continued operation of commercial uses on the site has been planned by the City, and associated impacts have been analyzed in the General Plan EIR.[48] Therefore, the proposed project would not induce substantial unplanned population growth, and a ***less-than-significant*** impact would occur.

b. The project site does not contain any existing housing, and many of the commercial structures that would be demolished as part of the proposed project are currently vacant. Therefore, the proposed project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere, and ***no impact*** would occur.

[48] City of Pinole. *General Plan Update Draft Environmental Impact Report, SCH #2009022057.* July 2010.

XV. PUBLIC SERVICES.

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:	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Fire protection?	☐	☐	✖	☐
b. Police protection?	☐	☐	✖	☐
c. Schools?	☐	☐	✖	☐
d. Parks?	☐	☐	✖	☐
e. Other Public Facilities?	☐	☐	✖	☐

Discussion

a-e. The Pinole Fire Department (PFD) shares the Public Safety Building located approximately 1.3 miles east of project site, with the Pinole Police Department (PPD). In September of 2000, the PFD, the Contra Costa County Fire Protection District, and the Rodeo-Hercules Fire Protection District began a cooperative agreement to establish and function as "Battalion 7." The purpose of Battalion 7 was to respond to the large percentage of calls involving automatic or mutual aid between the departments. The City of Pinole's fire stations are located at 880 Tennent Avenue in the Public Safety Building (Station 73) and 3700 Pinole Valley Road (Station 74).

The proposed redevelopment project would result in a net increase of approximately 11,956 sf relative to the 93,193 sf of existing on-site commercial uses. Given the relatively minor increase in square footage that would occur as a result of the proposed project, the project would not substantially increase demand for fire protection, police protection, or other public services relative to what currently occurs. Additionally, the proposed project would incorporate a sprinkler system that would reduce fire risk at the site and reduce the likelihood of PFD services being needed at the project site. The project includes a lighting plan, which when implemented, would provide security lighting at the project site to reduce demand on PPD to the extent feasible. Thus, the project would not require the provision of new or physically altered fire or police protection facilities beyond what was analyzed in the General Plan EIR.[49]

Furthermore, the proposed project would not result in direct population growth, and, consequently, would not increase the demand for schools, parks, or other public facilities. Therefore, the proposed project would have a ***less-than-significant*** impact related to the need for new or physically altered fire protection, police protection, schools, parks, or other public facilities, the construction of which could cause significant environmental impacts.

[49] City of Pinole. *General Plan Update Draft Environmental Impact Report, SCH #2009022057.* July 2010.

XVI. RECREATION. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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?	☐	☐	☐	✖
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?	☐	☐	☐	✖

Discussion

a,b. The proposed project would consist solely of commercial uses and, thus, would not introduce any new residents to the project site. The proposed project would not result in population growth that could result in increased use of existing recreational facilities, nor would the proposed project include or require construction or expansion of recreational facilities. Thus, a ***less-than-significant*** impact would occur.

XVII. TRANSPORTATION. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	☐	☐	✖	☐
b. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	✖	☐
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	✖	☐
d. Result in inadequate emergency access?	☐	☐	✖	☐

Discussion

a. The following is based primarily on a Transportation Impact Study prepared for the proposed project by TJKM (see Appendix G).[50]

TJKM evaluated traffic conditions at four study intersections during the AM and PM peak hours for a typical weekday. The peak periods observed were between 7:00 and 10:00 AM and 4:00 and 7:00 PM. The highest single one hour recorded for each peak period was used in the analysis. The study intersections and associated traffic controls are as follows (see Figure 28):

1. Tara Hills Drive at project entrance (Signalized);
2. Appian Way and Tara Hills Drive (Signalized);
3. Appian Way and I-80 westbound (WB) Ramps (Signalized); and
4. Appian Way and I-80 eastbound (EB) Ramps (Signalized).

Study Scenarios

Conditions at each intersection were analyzed under the following scenarios:

- Existing Conditions – This scenario describes existing transportation conditions relevant to the study area, including characteristics of key roadways and transit service, and existing conditions for walking and bicycling.
- Existing Plus Project Conditions – This scenario describes the anticipated effects of the proposed project relative to Existing conditions, including the addition of traffic from the proposed project to study intersections.
- Cumulative No Project Conditions – This scenario describes anticipated transportation conditions in 2040 using a growth rate based on the volumes obtained from the CCTA 2040 travel demand model.
- Cumulative Plus Project Conditions – This scenario describes anticipated transportation conditions in 2040 that include the proposed project. Cumulative impacts resulting from the project are assessed based on the net change from Cumulative No Project conditions.

[50] TJKM. *Pinole Square, Transportation Impact Study.* February 21, 2020.

Figure 28
Study Intersection Locations

Source: TJKM, 2019.

Thresholds of Significance

Operations at each of the study intersections were evaluated based on Level of Service (LOS), a qualitative measure that describes operational conditions as they relate to the traffic stream and perceptions by motorists and passengers. The LOS generally describes these conditions in terms of such factors as speed and travel time, delays, freedom to maneuver, traffic interruptions, comfort, convenience, and safety. The operational LOS are given letter designations from A to F, with A representing the best operating conditions (free-flow) and F the worst (severely-congested flow with high delays). Intersections generally are the capacity-controlling locations with respect to traffic operations on arterial and collector streets. Table 25 summarizes the relationship between the control delay and LOS for signalized intersections.

Table 25
Signalized Intersection LOS Criteria

LOS	Description
A	Very low control delay, up to 10 seconds per vehicle. Progression is extremely favorable, and most vehicles arrive during the green phase. Many vehicles do not stop at all. Short cycle lengths may tend to contribute to low delay values.
B	Control delay greater than 10 and up to 20 seconds per vehicle. Good progression or short cycle lengths are available, or both. More vehicles stop causing higher levels of delay.
C	Control delay greater than 20 and up to 35 seconds per vehicle. Higher delays are caused by fair progression or longer cycle lengths or both. Individual cycle failures may begin to appear. Cycle failure occurs when a given green phase does not serve queued vehicles, and overflow occurs. The number of vehicles stopping is significant, though many still pass through the intersection without stopping.
D	Control delay greater than 35 and up to 55 seconds per vehicle. The influence of congestions becomes more noticeable. Longer delays may result from some combination of unfavorable progression, long cycle lengths, or high volumes. Many vehicles stop, the proportion of vehicles not stopping declines. Individual cycle failures are noticeable.
E	Control delay greater than 55 and up to 80 seconds per vehicle. The limit of acceptable delay. High delays usually indicate poor progression, long cycle lengths, and high volumes. Individual cycle failures are frequent.
F	Control delay in excess of 80 seconds per vehicle. Unacceptable to most drivers. Oversaturation, arrival flow rates exceed the capacity of the intersection. Many individual cycle failures. Poor progression and long cycle lengths may also be contributing factors to higher delay.

Source: TJKM, 2019.

City of Pinole Traffic Impact Criteria

City of Pinole LOS standards specify that the minimum acceptable operation for signalized intersections is LOS D or better. The Pinole General Plan notes that increases in daily volumes on San Pablo Avenue, Appian Way, and Pinole Valley Road associated with anticipated growth in the region will slowly begin to exceed the capacity of the roadways.

Caltrans Traffic Impact Criteria

Per Caltrans guidelines, Caltrans endeavors to maintain a target LOS at the transition between LOS C and LOS D on State highway facilities; however, Caltrans acknowledges that such standards may not always be feasible and recommends that the lead agency consult with Caltrans to determine the appropriate target LOS. If an existing State highway

facility is operating at less than the appropriate target LOS, the existing Measure of Effectiveness should be maintained. For the purposes of this analysis, LOS thresholds were considered to be LOS D for those within both the City and Caltrans jurisdiction.

Pedestrian and Bicycle Impact Criteria

Impacts to pedestrian and bicycle circulation would be considered potentially significant if the proposed project would result in the following:

- Create a hazardous condition that currently does not exist for pedestrians or bicyclists, or otherwise interfere with pedestrian accessibility to the project and adjoining areas;
- Conflict with an existing or planned pedestrian or bicycle facility; or
- Conflict with policies related to bicycle and pedestrian activity adopted by the City of Pinole.

Transit Impact Criteria

Impacts to transit would be considered potentially significant if the proposed project would result in the following:

- Conflict with existing or planned transit services;
- Create demand for public transit services above the capacity that is provided or planned; or
- Conflict with transit policies adopted by the City of Pinole or CCTA.

Trip Generation and Distribution

Project vehicle trip generation was estimated using rates from the Institute of Transportation Engineers (ITE) Trip Generation Manual (10th Edition). Table 26 shows the trip generation was based on the difference between the number of vehicle trips generated by the proposed building areas and the existing building areas. It should be noted that trip generation calculations do not include Shops 15E and Shop 16E, which remain unaltered as a part of the proposed project. Existing traffic volumes from the two buildings use the main project driveway, and are, thus, included in both the existing and cumulative scenarios based on existing field counts. As discussed in Section XIII, Noise, of this IS/MND, subsequent to preparation of the Transportation Impact Assessment, the existing and proposed building square footages were refined, which resulted in slight decreases in the total existing and proposed building areas. In response to the building area refinements, TJKM identified that, although the changes in square footage would result in a slight increase in the number of net new vehicle trips, the increase would not change the conclusions presented in the Transportation Impact Study prepared for the project.

The proposed project is expected to generate a net increase of approximately 87 weekday AM peak hour trips (44 inbound trips, 43 outbound trips), and 151 weekday PM peak hour trips (76 inbound trips, 74 outbound trips), and a total of 2,919 net new daily trips. It should be noted that since the preparation of the Transportation Impact Study, the total square footage of the existing on-site development was revised slightly; however, per TJKM, the revision does not affect the analysis, conclusions, or recommendations provided in the Transportation Impact Study.[51]

[51] TJKM. *Technical Memorandum, Pinole Square Traffic Study*. January 2, 2020.

Table 26
Project Vehicle Trip Generation

Land Use	ITE Code	Size	Daily		AM Peak Hour						PM Peak Hour					
			Rate	Trips	Rate	In %	Out %	In	Out	Total	Rate	In %	Out %	In	Out	Total
EXISTING BUILDING AREAS																
Shopping Center[1] (Excludes parcel 15e+16e)	820	82,860	63.85	5,290	2.33	62	38	120	73	193	5.71	48	52	227	246	473
Pass-By Trip Reduction (PM Peak Hour-34%)[2]														-77	-84	-161
Total Vehicle Trips				5,290				120	73	193				150	162	312
Total Vehicle Trips				5,290				120	73	193				150	162	312
PROPOSED BUILDING AREAS																
Shopping Center[1] (See note 9)	820	89,190 sq. ft.	62.36	5,562	2.20	62	38	122.0	74.4	196.4	5.6	48.0	52.0	240	259	499
Pass-By Trip Reduction (PM Peak Hour-34%)[2]														-81	-89	-170
Total Trips for Shopping Center				5,562				122.0	74.4	196.4				159	170	329
Gasoline/Service Station[3]	944	16 Fueling Positions	172.01	2,752	10.28	50	50	82	82	164	14.03	50	50	112	112	224
Internal Trip Reduction (AM Peak Hour-50%, PM Peak Hour-50%)[4]				-1,376				-41	-41	-82				-56	-56	-112
Pass-by Trip Reduction (AM Peak Hour-58%, PM Peak Hour-42%)[5]								-24	-24	-48				-24	-23	-47
Total Trips for Gasoline Station				1,376				17	17	34				32	33	65
Drive Through Restaurant[6]	934	3,005 sq. ft.	470.95	1,413	40.2	51.0	49.0	62	59	121	33	52	48	51	47	98
Internal Trip Reduction (AM Peak Hour-10%, PM Peak Hour-10%)[7]				-141.3				-6	-6	-12				-5	-5	-10
Pass-by Trip Reduction (AM Peak Hour-49%, PM Peak Hour-21%)[8]								-31	-29	-59				-11	-9	-20
Total Trips for Drive Through Restaurant				1,272				25	24	50				35	33	68
Total Vehicle Trips				8,210				164	116	280				226	237	462
TRIP DIFFERENCE																
Total Vehicle Trips From Proposed Building Areas				8,210				164	116	280				226	237	462
Total Vehicle Trips From Existing Building Areas				5,290				120	73	193				150	162	312
Net New Vehicle Trips (Proposed-Existing)				2,919				44	43	87				76	74	150

Source - Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition, 2017.

[1] Shoping Center (ITE Land Use Code 820) fitted curve equations are based upon number of thousand square feet gross leasable area. Fitted curve equation for Daily: Ln(T)=0.68 Ln(X)+5.57; AM Peak: T=0.50(X)+151.78; PM Peak: Ln(T)=0.74 Ln(X)+2.89. Where T=Average Vehicle Trip Ends; X=Land Use Size in ksf (One Thousand Square Feet).

[2] ITE Pass-By reduction rate of 34% in the PM peak hour for Retail Land Use.

[3] Gasoline/Service Station (ITE Land Use Code 944) vehicle trip rates are based upon number of fueling positions.

[4] Internal trip reduction of 50% applied to reflect internal trips between the Safeway Grocery Store and Safeway Gasoline Pump.

[5] ITE Pass-By reduction rate of 58% in the AM peak hour and 42% in the PM peak hour was applied to internal trips for From Safeway Grocery Store to Safeway Gasoline Pump.

[6] Drive Through Restaurant or Fast-Food Restaurant with Drive-Through Window (ITE Land Use Code 934) vehicle trip rates are based upon number of thousand square feet gross leasable area.

[7] Internal trip reduction of 10% applied to reflect internal trips between Shopping Center and Drive Through Restaurant.

[8] ITE Pass-By reduction rate of 49% in the AM peak hour and 21% in the PM peak hour for Drive Through Restaurant.

[9] Site Plan shows total of 105,149 square feet. Excluding sites 15e+16e (11,854 square feet), service station kiosk (1,100 square feet), and Drive-Through (3,005 square feet) yields 89,190 square feet.

[10] It should be noted that the existing project area was reduced by 1,521 square feet (resulting in 81,339 square feet of analysis area) and the proposed project area increased by 178 square feet (resulting in 89,368 square feet of analysis area) post completion of traffic analysis of this report. However, these changes do not change the conclusions of the Traffic Impact Analysis.

Trip distribution assumptions for the proposed project were developed based on existing travel patterns and knowledge of the study area. Table 27 illustrates the predicted distribution of project vehicle trips.

Existing Plus Project Conditions

Project trips, as represented in the project trip assignment discussed above, were added to the existing traffic volumes to obtain Existing Plus Project traffic volumes. The results of the intersection LOS analysis under Existing Plus Project conditions are summarized in Table 27 below. As shown in the table, while the addition of project traffic would slightly increase average delay at the study intersections, the overall intersection operations would not degrade beyond the established LOS standard. Thus, impacts to study intersections under Existing Plus Project conditions would be less than significant.

Table 27
Study Intersection LOS: Existing Plus Project Conditions

Intersection	Control	Peak Hour	Existing			Existing Plus Project		
			LOS	Delay	V/C Ratio	LOS	Delay	V/C Ratio
1. Tara Hills Drive at project entrance	Signal	AM	B	12.1	0.44	B	14.0	0.47
		PM	B	15.5	0.42	B	18.2	0.49
2. Appian Way and Tara Hills Drive	Signal	AM	D	37.5	0.61	D	38.4	0.63
		PM	C	34.4	0.57	D	35.8	0.60
3. Appian Way and I-80 WB Ramps	Signal	AM	D	36.6	0.87	D	37.4	0.88
		PM	C	31.4	0.74	C	31.8	0.75
4. Appian Way and I-80 EB Ramps	Signal	AM	A	8.6	0.54	A	8.7	0.54
		PM	A	7.8	0.63	A	8.0	0.63

Note: Whole intersection weighted average control delay expressed in seconds per vehicle for signalized intersections.

Source: TJKM, 2020.

Cumulative Plus Project Conditions

Cumulative No Project volumes were forecasted using an annual growth factor of 0.38 percent for the year 2040 based on the volumes obtained from the current version of the CCTA Travel Demand Model. The Cumulative Plus Project traffic volumes were based on the trip generation, distribution, and assignment as applied to the analysis of Existing Plus Project conditions.

The growth rate from 2018 to 2040 was calculated for four locations on Appian Way: between Tara Hills Drive and I-80 WB Ramps; I-80 WB and EB Ramps; I-80 EB Ramps and Fitzgerald Drive; and Fitzgerald Drive and Michael Drive. The average growth rate for the AM peak hour was found to be 0.38 percent and for PM peak hour was found to be 0.33 percent. The higher growth rate of 0.38 percent was assumed for both AM and PM peak hours for the project.

The results of the intersection LOS analysis under Cumulative Plus Project conditions are summarized in Table 28. As shown in the table, the addition of project traffic would slightly increase average delay at the study intersections. However, the overall intersection operations would not degrade beyond the established LOS standard. Thus, impacts to study intersections under Cumulative Plus Project conditions would be ***less than significant***.

Figure 29
Vehicle Trip Distribution

Source: TJKM, 2020.

Table 28
Study Intersection LOS: Cumulative Plus Project Conditions

Intersection	Control	Peak Hour	Cumulative No Project			Cumulative Plus Project		
			LOS	Delay	V/C Ratio	LOS	Delay	V/C Ratio
1. Tara Hills Drive at project entrance	Signal	AM	B	12.9	0.47	B	14.9	0.50
		PM	B	16.6	0.45	B	19.4	0.52
2. Appian Way and Tara Hills Drive	Signal	AM	D	39.1	0.67	D	40.3	0.68
		PM	D	35.5	0.61	D	36.9	0.65
3. Appian Way and I-80 WB Ramps	Signal	AM	D	50.3	0.95	D	52.9	0.96
		PM	C	33.4	0.80	C	33.7	0.82
4. Appian Way and I-80 EB Ramps	Signal	AM	A	9.3	0.59	A	9.5	0.59
		PM	A	8.7	0.68	A	8.8	0.69

Note: Whole intersection weighted average control delay expressed in seconds per vehicle for signalized intersections.

Source: TJKM, 2020.

Pedestrian, Bicycle, and Transit Facilities

The proposed project's potential impacts related to pedestrian, bicycle, and transit facilities are discussed below.

Pedestrian Facilities

Pedestrian facilities are comprised of crosswalks, sidewalks, pedestrian signals, and off-street paths, which provide safe and convenient routes for pedestrians to access destinations such as institutions, businesses, public transportation, and recreation facilities. The existing sidewalk network in the project vicinity provides connections to the project site from all nearby areas. All study intersections in the project vicinity are equipped with marked crosswalks, push buttons, and pedestrian countdown heads. Existing pedestrian facilities in the study area are shown in Figure 30. Per the Transportation Impact Analysis, the proposed project would not conflict with an existing or planned pedestrian facility, nor would the project conflict with policies related to pedestrian travel adopted by the City of Pinole. Thus, a less-than-significant impact would occur with regard to pedestrian facilities.

Bicycle Facilities

The existing bicycle facilities in the study area are shown in Figure 30. As shown the figure, Appian Way does not include any dedicated bicycle facilities within the project vicinity. The nearest bicycle infrastructure in the vicinity of the project site is a Class II bike lane that begins 200 feet south of Appian Way and Mann Drive and continues north without providing any connection to the project site. Per the Circulation Element of the City's General Plan, Class I and Class II bicycles facilities are planned in the vicinity of the project area on Appian Way.

The addition of two right-in, right-out driveways at the project site would offer bicyclists the opportunity to safely access the proposed development. In addition, the proposed shopping center would provide bike racks to encourage active transportation. The project is expected to add a few trips to the existing and planned facilities, but is not anticipated to create a hazardous condition for bicyclists or otherwise interfere with bicycle accessibility to the project and adjoining areas.

Figure 30
Existing Pedestrian and Bicycle Facilities

Source: TJKM, 2020.

The project would not conflict with an existing or planned bicycle facility or conflict with policies related to bicycle activity adopted by the City of Pinole. Thus, a ***less-than-significant impact*** would occur.

Transit Facilities

Bus service in the City of Pinole is provided by WestCAT, which operates local fixed routes, Express and transbay routes, and Paratransit within its service area. Five local fixed routes, 16, 17, 18, 19, and C3-Connection, serve the City's residential and commercial areas. The closest bus stop to the project entrance is approximately 0.2-mile east on Appian Way, serving bus route 17. The existing transit facilities in the study area are shown in Figure 31. It should be noted that while a portion of the bus stops along Tara Hills Drive are currently inactive, WestCAT will consider reactivating such stops in the future based on ridership levels.

WestCAT routes 16 and 17 currently operate below capacity. Additional trips generated by the proposed project could be accommodated by the existing transit service and are not anticipated to create significant demand for public transit services above the capacity that is provided or planned. The project would not conflict with transit policies adopted by the City of Pinole or WestCAT for their respective facilities in the study area. Therefore, impacts to transit services and facilities would be less than significant.

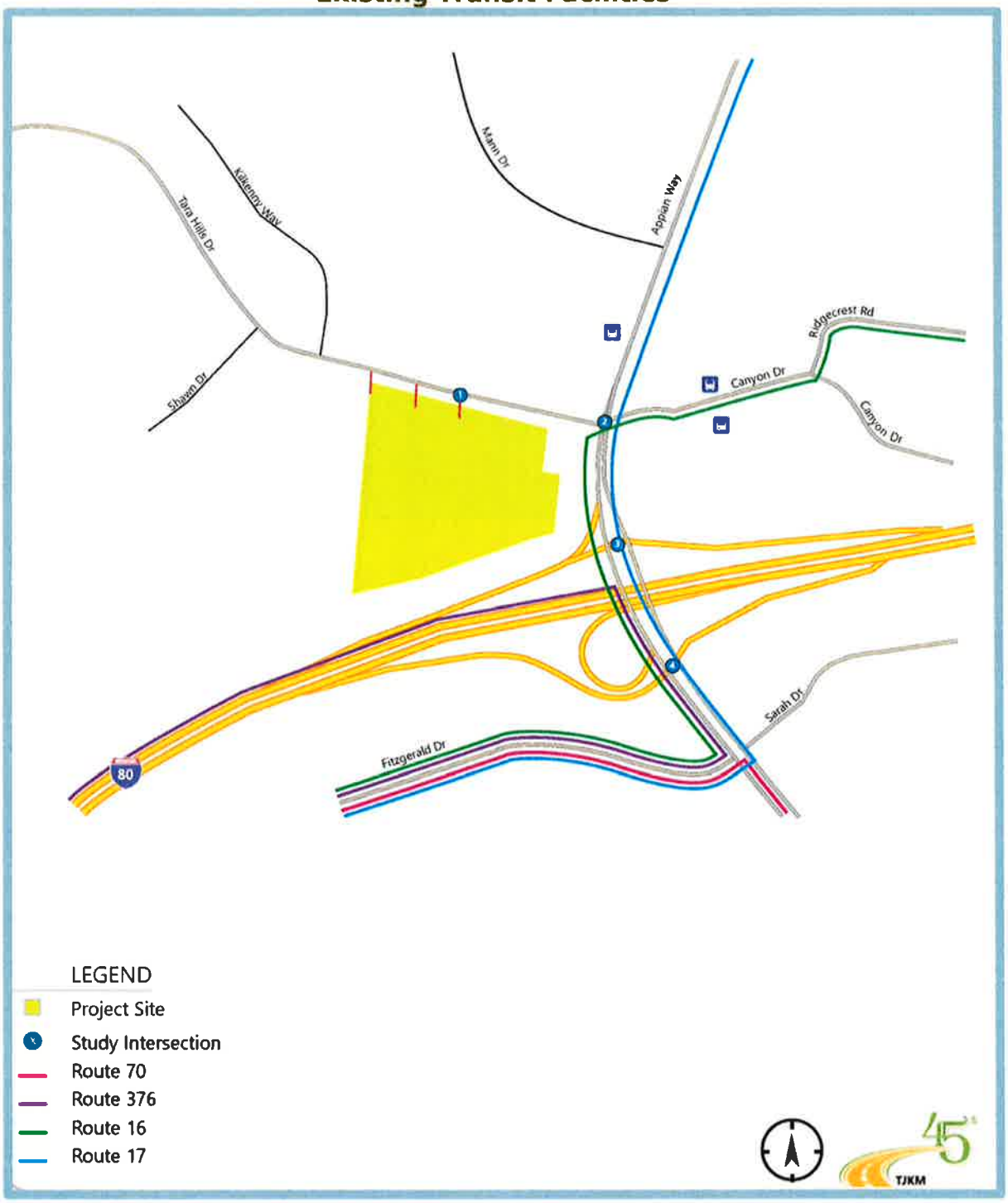
Conclusion

Based on the above, the proposed project would not result in significant impacts to any of the study intersections under Existing Plus Project or Cumulative Plus Project conditions. In addition, the project would not conflict with any applicable standards related to pedestrian facilities, bicycle facilities, or transit services and facilities. Therefore, the proposed project would not conflict with an applicable plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities, and a ***less-than-significant*** impact would occur.

b. Section 15064.3 of the CEQA Guidelines provides specific considerations for evaluating a project's transportation impacts. Per Section 15064.3, analysis of vehicle miles travelled (VMT) attributable to a project is the most appropriate measure of transportation impacts. Other relevant considerations may include the effects of the project on transit and non-motorized travel. Except as provided in Section 15064.3(b)(2) regarding roadway capacity, a project's effect on automobile delay does not constitute a significant environmental impact under CEQA. It should be noted that currently, the provisions of Section 15064.3 apply only prospectively; determination of impacts based on VMT is not required Statewide until July 1, 2020.

Per the Transportation Impact Study, most of the vehicle trips associated with the proposed project would be made by customers and shoppers. To the extent that the project grows in daily and peak hour traffic, a commensurate reduction in traffic in other similar locations in the region is assumed to occur, either due to the project being located closer for new customers or because the project has newer and more attractive facilities.

Figure 31
Existing Transit Facilities



Source: TJKM, 2020.

The location of the project site is central to the communities outside of, but near, the City of Pinole north of I-80, including Tara Hills, Bayview and Montalvin Manor. The only other shopping center inclusive of a major grocery store such as Safeway near the project area is the Pinole Vista Shopping Center, which includes Lucky, a grocery store, on Fitzgerald Drive south of I-80. Making trips for groceries to Pinole Vista Shopping Center requires community members, especially in the community of Tara Hills, to traverse local streets in Tara Hills to San Pablo Avenue, connect to Richmond Parkway, and finally reach Fitzgerald Drive.

The redevelopment of the existing on-site shopping center with the convenience of a major grocery store, several restaurants and other retail facilities would discourage such extra miles travelled to access grocery stores and retail facilities far off, and help reduce the VMT in the area. Per the Office of Planning and Research (OPR) Technical Advisory On Evaluating Transportation Impacts in CEQA, if a redevelopment project "[...] leads to a net increase in provision of locally-serving retail, transportation impacts from the retail portion of the development should be presumed to be less than significant."[52] Given that the project would be anchored by a major grocery store, the project would be considered to provide locally-serving retail and, thus, the aforementioned OPR guidance is applicable to the proposed project.

In addition, as noted in question 'a' above, the proposed project would include access to public transit and pedestrian facilities, and would include on-site bike racks and lockers to encourage increased bicycle mode share. The proximity of alternative transportation infrastructure would encourage use of non-vehicle means of transportation to and from the project site.

Based on the above, the proposed project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3(b), and a ***less-than-significant*** impact would occur.

c. Currently, the project site is accessible at three locations on Tara Hills Drive, including an access at a signalized intersection and two driveways with right-in and right-out access to the site. The proposed project would retain the existing site access configuration.

Per the Transportation Impact Study, the proposed internal circulation plan would provide truck traffic with direct access to the back of Safeway and other stores on the site. A convenient access to the Safeway gasoline station would be provided directly from Tara Hills Drive. In the event that traffic might back-up to fuel at the gasoline station, the circulation around the gasoline station ensures that hindrance to traffic approaching or exiting other stores and restaurants on the site would not occur.

Ample queue length is provided for vehicular traffic anticipated at the drive-through restaurant. As per the proposed site plan, a queue length of twelve vehicles is provided at the restaurant with a provision to accommodate an additional three more vehicles prior to blocking any internal circulation isles. Per TJKM, the estimated maximum vehicular traffic that could queue up at most drive-through restaurants is 15 vehicles. Consequently, the queue length provided for the proposed drive-through restaurant would be adequate.

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[52] Office of Planning and Research. *Technical Advisory on Evaluating Transportation Impacts in CEQA.* December 2018.

Based on the above, the proposed project would not substantially increase hazards due to design features or incompatible uses, and a ***less-than-significant*** impact would occur.

d. Sufficient emergency access is determined by factors such as number of access points, roadway width, and proximity to fire stations. The proposed project includes three vehicle access points for emergency vehicles and the internal drive aisles within the project site would be able to adequately accommodate emergency vehicles. Therefore, the proposed project would not result in inadequate emergency access, and a ***less-than-significant*** impact would occur.

XVIII. TRIBAL CULTURAL RESOURCES. *Would the project 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:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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).	☐	✖	☐	☐
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.	☐	✖	☐	☐

Discussion

a,b. As discussed in Section V, Cultural Resources, of this IS/MND, the NAHC Sacred Lands File did not yield any information regarding the presence of Tribal Cultural Resources within the project site or immediate area. However, per the CHRIS search, a moderate potential exists for unrecorded Native American Tribal Cultural Resources to occur within the project area.

In compliance with AB 52 (Public Resources Code Section 21080.3.1), a project notification letter was distributed to the Amah Mutsun Tribal Band, the Amah Mutsun Tribal Band of Mission San Juan Bautista, the Indian Canyon Mutsun Band of Costanoan, the Muwekma Ohlone Indian Tribe of the SF Bay Area, the North Valley Yokuts Tribe, and the Ohlone Indian Tribe. Three of the tribes provided responses within the 30-day response period, which ended July 31st, 2019; however, none of the tribes requested initiation of formal consultation.

Based on the results of the CHRIS search, the possibility exists that construction associated with the proposed project could result in a substantial adverse change in the significance of a Tribal Cultural Resource if previously unknown Tribal Cultural Resources are uncovered during grading or other ground-disturbing activities. Thus, a ***potentially significant*** impact to Tribal Cultural Resources could occur.

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above potential impact to a *less-than-significant* level.

XVIII-1 *Implement Mitigation Measures V-1 and V-2.*

XIX. UTILITIES AND SERVICE SYSTEMS. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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?	☐	☐	✖	☐
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	☐	☐	✖	☐
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?	☐	☐	✖	☐
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	✖	☐
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	✖	☐

Discussion

a,c. Water supply service, wastewater service, and stormwater conveyance for the proposed project would continue to be provided by the City of Pinole through connections to existing utility infrastructure in the project site vicinity. The utility improvements included in the proposed project are shown in Figure 32 and Figure 33 below. As part of the proposed project, a portion of the existing water lines, water meters, storm drain pipes, and storm drain inlets within the project site would be removed. New eight-inch water lines would be installed, connecting to the City's existing water main located in Tara Hills Drive. In addition, new sanitary sewer cleanouts and grease interceptors would be provided on-site.

Electricity for the project site would continue to be provided by PG&E. Existing overhead electrical and telephone lines within the project site, as well as existing power poles, would be relocated to accommodate the proposed site layout. Per Section 17.50.030 of the City's Municipal Code, all on-site utilities that would have the capacity to serve the proposed project would be installed underground. At the City's discretion, the project may not be required to include undergrounding of the existing electrical equipment within the western portion of the site, provided that the proposed project does not draw any electricity from such facilities.

The proposed redevelopment project would result in a net increase of approximately 11,956 sf relative to the 93,193 sf of existing on-site commercial uses. Given the relatively minor increase in square footage that would occur as a result of the proposed project, the project would not substantially increase water demand or wastewater generation relative to the existing on-site development.

Figure 32
Utility Plan (North)

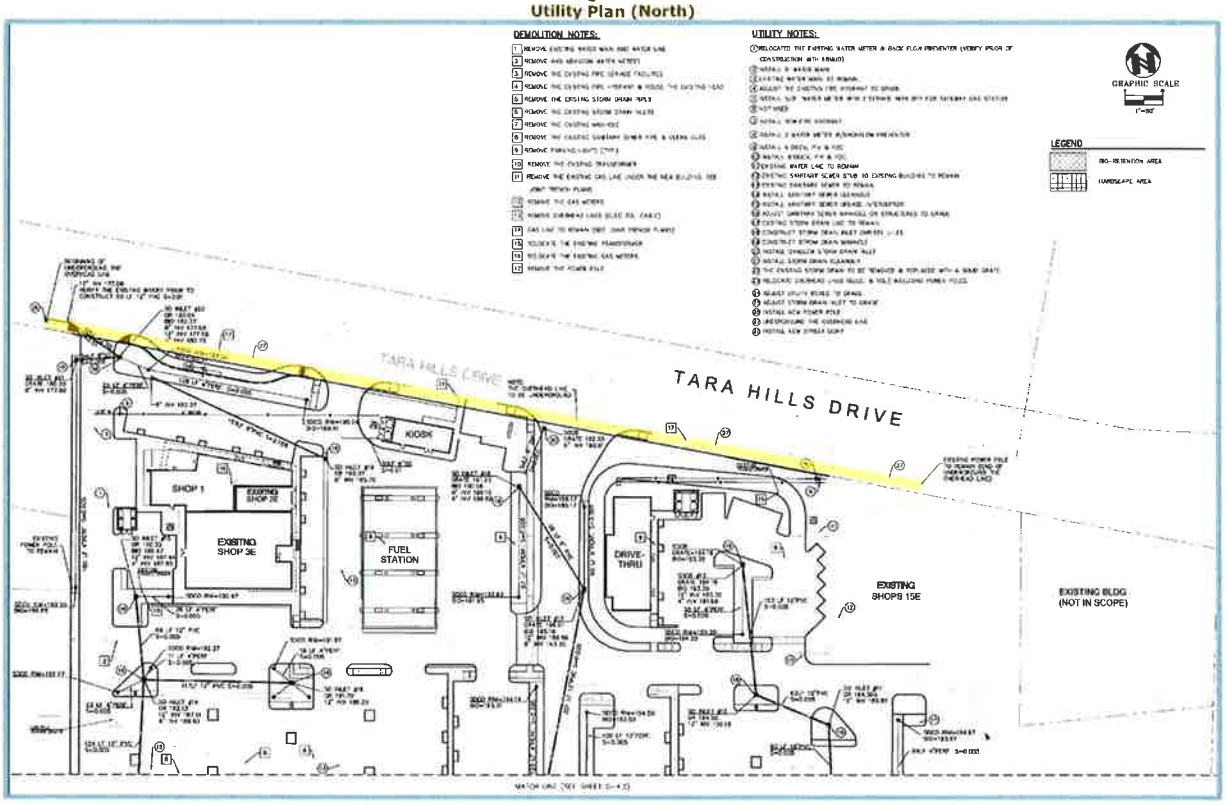
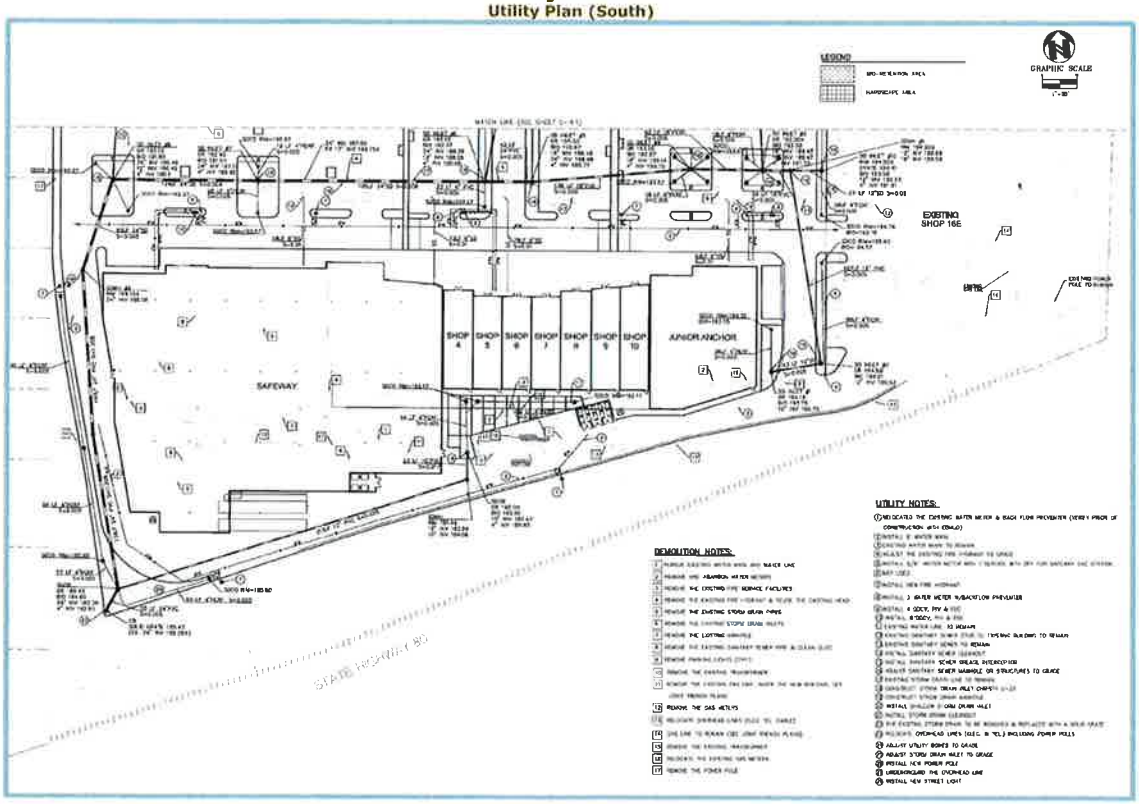


Figure 33
Utility Plan (South)



Wastewater from the proposed project would be treated at the Pinole/Hercules Water Pollution Control Plant (WPCP). The City's General Plan EIR estimates the 2030 wastewater flow amount to the Pinole/Hercules WPCP will be 3.93 million gallons per day (mgd), which is below the WPCP's total capacity of 4.06 mgd.[53] Thus, sufficient wastewater treatment capacity would be available to accommodate the proposed project.

As discussed in Section X, Hydrology and Water Quality, of this IS/MND, the proposed bio-retention facilities would be sized to adequately manage runoff from all impervious surfaces within the project site prior to discharge of runoff to the City's storm drain system.

In addition, given that the proposed project is consistent with the intensity of development that has been anticipated for the project site per the site's current General Plan/Specific Plan land use and zoning designations, the utility infrastructure within the project vicinity has been designed with adequate capacity to accommodate demand from development of the project site, as well as other existing and planned uses in the project area. Therefore, the project would result in a ***less-than-significant*** impact related to the relocation or construction of new or expanded water, wastewater treatment, or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

b. As noted previously, water supplies for the City are provided by the EBMUD. Based on predictions within the EBMUD 2015 UWMP, the EBMUD is projected to have sufficient water supplies to meet projected water needs through 2040 during normal water years, as well as first and second consecutive drought years.[54] During multiple dry years, the need for EBMUD to develop supplemental supplies to meet customer demand exists. Rationing in the first and second drought years allow the city to meet supply needs. The water demand projections presented in the 2015 UWMP are based on existing and future development anticipated to occur within the EBMUD service area, including ongoing demands associated with operation of commercial uses on the project site.

Given that the proposed project is consistent with the intensity of development that has been anticipated for the project site per the City's General Plan/Specific Plan land use designation for the site, water demand associated with the project has been planned for by the City and accounted for in regional projections, including the 2015 UWMP. The project would not substantially increase water demand relative to the existing on-site commercial uses. In addition, the proposed project would be subject to any rationing measures implemented by EBMUD during dry years. Thus, while EBMUD anticipates potential supply shortfalls in the third consecutive dry year after 2025, the proposed project would not result in a substantial increase in the anticipated supply shortfall, as demand from the project site has been generally anticipated. Considering the above, the project would not have a substantial effect related to the provision of sufficient water supplies to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years, and a ***less-than-significant*** impact would occur.

d,e. Republic Services provides solid waste collection, disposal, recycling, and yard waste services to the City of Pinole, including the project site. Solid waste and recyclables from the City are taken to the Contra Costa Transfer and Recovery Station in Martinez. Solid

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[53] City of Pinole. *General Plan Update Draft Environmental Impact Report, SCH #2009022057* [pg. 4.12-62]. July 2010.

[54] East Bay Municipal Utility District. *Urban Water Management Plan* [pg. 4.3-57]. July, 2015.

waste is transferred from the Transfer and Recovery Station to the Keller Canyon Landfill in Pittsburg. The Keller Canyon Landfill site is 1,399 acres, 244 of which comprise the actual current disposal acreage. The site currently handles 2,500 tons of waste per day, although the permit for the site allows up to 3,500 tons of waste per day to be managed at the facility. According to the California Department of Resources Recycling and Recovery (CalRecycle), the Keller Canyon Landfill has a remaining capacity of 63,408,410 cubic yards out of a total permitted capacity of 75,018,280, or 85 percent remaining capacity.[55]

Because the proposed project is consistent with the project site's current General Plan land use and zoning designations, construction and operation of the proposed project would not result in increased solid waste generation beyond what has been previously anticipated for the site by the City and analyzed in the General Plan EIR.[56] In addition, the project would be required to comply with all applicable provisions of Chapter 8.08, Solid Waste, of the City's Municipal Code. Therefore, the proposed project would not 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 and would comply with federal, State, and local management and reduction statutes and regulations related to solid waste. Thus, a ***less-than-significant*** impact related to solid waste would occur as a result of the proposed project.

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55 California Department of Resources Recycling and Recovery (CalRecycle). *Facility/Site Summary Details: Keller Canyon Landfill (07-AA-0032).* Available at: https://www2.calrecycle.ca.gov/swfacilities/Directory/07-AA-0032/. Accessed September 2019.

56 City of Pinole. *General Plan Update Draft Environmental Impact Report, SCH #2009022057.* July 2010.

XX. WILDFIRE. *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	✖	☐
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?	☐	☐	✖	☐
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?	☐	☐	✖	☐
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?	☐	☐	✖	☐

Discussion

a-d. According to the CAL FIRE Fire and Resource Assessment Program, the project site is not located in or near a State Responsibility Area and is not classified as Very High Fire Hazard Severity Zone.[57] The nearest Very High Fire Hazard Severity Zone is located approximately 0.28-mile south of the site, across I-80. Therefore, the proposed project would not be subject to substantial risks related to wildfires and a ***less-than-significant*** impact would occur.

[57] California Department of Forestry and Fire Protection. *Contra Costa County Fire Hazard Severity Zones in SRA*. November 7, 2007.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE.	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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?	☐	☐	✖	☐
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)?	☐	☐	✖	☐
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	✖	☐

Discussion

a. As discussed in Section IV, Biological Resources, of this Initial Study, while a limited potential exists for white-tailed kite, other nesting migratory birds, and roosting bats to occur on-site, Mitigation Measures IV-1 and IV-2 would ensure that any impacts related to special-status species would be reduced to less-than-significant levels. In addition, while the project site contains protected trees that would need to be removed, Mitigation Measure IV-3 would ensure that associated impacts would be reduced to less-than-significant levels. The project site is currently developed with a shopping center and does not contain any known historic or prehistoric resources. Thus, implementation of the proposed project is not anticipated to have the potential to result in impacts related to historic or prehistoric resources. Nevertheless, Mitigation Measures V-1 and V-2 would ensure that in the event that historic or prehistoric resources are discovered within the project site during construction activities, such resources are protected in compliance with the requirements of CEQA.

Considering the above, the proposed project would not degrade the quality of the environment, substantially reduce or impact the habitat of fish or wildlife species, cause fish or wildlife populations to drop below self-sustaining levels, threaten to eliminate a plant or animal community, 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. Therefore, a ***less-than-significant*** impact would occur.

b. The proposed project in conjunction with other development within the City of Pinole could incrementally contribute to cumulative impacts in the area. However, as demonstrated in this IS/MND, all potential environmental impacts that could occur as a result of project implementation would be reduced to a less-than-significant level through compliance with the mitigation measures included in this IS/MND, as well as applicable General Plan/Specific Plan policies, Municipal Code standards, and other applicable local and State regulations. In addition, the project would be consistent with the type and intensity of development that has been anticipated for the site per the site's current Specific Plan

land use and zoning designations. Therefore, when viewed in conjunction with other closely related past, present, or reasonably foreseeable future projects, development of the proposed project would not result in a cumulatively considerable contribution to cumulative impacts in the City of Pinole, and the project's incremental contribution to cumulative impacts would be ***less than significant***.

c. As described in this IS/MND, the proposed project would comply with all applicable General Plan/Specific Plan policies, Municipal Code standards, other applicable local and State regulations, and mitigation measures included herein. In addition, as discussed in the Air Quality, Geology and Soils, Hazards and Hazardous Materials, Greenhouse Gas Emissions, and Noise sections of this IS/MND, the proposed project would not cause substantial effects to human beings, which cannot be mitigated to less-than-significant levels, including effects related to exposure to air pollutants, geologic hazards, GHG emissions, hazardous materials, and excessive noise. Therefore, the proposed project's impact would be ***less than significant***.

RESPONSES TO COMMENTS

INTRODUCTION

This Responses to Comments document contains comments received during the public review period of the Pinole Square Project Initial Study/Mitigated Negative Declaration (IS/MND).

According to CEQA Guidelines Sections 15073 and 15074, the lead agency must consider the comments received during consultation and review periods together with the IS/MND. However, unlike with an Environmental Impact Report (EIR), comments received on an IS/MND are not required to be attached to the negative declaration, nor must the lead agency make specific written responses to public agencies. Nonetheless, the lead agency has chosen to provide responses to those specific public comments that are related to the environmental analysis contained in the IS/MND.

BACKGROUND

The City of Pinole used the following methods to solicit public input on the IS/MND: a Notice of Completion of the IS/MND was posted with the State Clearinghouse on March 2, 2020. The IS/MND was distributed to applicable public agencies, responsible agencies, and interested individuals. In addition, copies of the document were made available for public review at the Community Development Department, located at 2131 Pear Street, and at the Pinole Library, located at 2935 Pinole Valley Road. Electronic copies were available at the following website address: https://www.ci.pinole.ca.us/city_government/planning/current_projects. The public review period ended March 31, 2020.

LIST OF COMMENTERS

The City of Pinole received two comment letters during the open comment period on the IS/MND for the proposed project. The comment letters were received from the following representatives and are included in the Responses to Comments section below:

Letter 1 .....Areana Flores, Bay Area Air Quality Management District
Letter 2 ..... Mark Leong, California Department of Transportation

RESPONSES TO COMMENTS

The Responses to Comments section below includes each comment letter as well as responses to each comment. Each bracketed comment letter is followed by numbered responses to each bracketed comment. Where revisions to the IS/MND text were made, new text is double underlined and deleted text is ~~struck through~~.

All revisions to the IS/MND are relatively minor, and do not affect the adequacy of the conclusions presented therein. CEQA Guidelines Section 15073.5 states the following regarding recirculation requirements for negative declarations:

(c) Recirculation is not required under the following circumstances:

(1) Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1.

(2) New project revisions are added in response to written or verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects.

(3) Measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.

(4) New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.

Based on the above, pursuant to CEQA Guidelines Section 15073.5, recirculation of the IS/MND is not warranted.

Letter 1

From: Areana Flores <aflores@baaqmd.gov>
Sent: Monday, March 23, 2020 12:15 PM
To: David Hanham <DHanham@ci.pinole.ca.us>
Subject: Pinole Square Project re. comments on air quality analysis

Hi David,

1-1 Thanks again for the call. Below are comments that we recommend be part of the air quality analysis for the Pinole Square Project.

1-2 No construction HRA was conducted. Reasoning: Health risks are typically associated with exposure to high concentrations of TACs over extended periods of time (e.g., 30 years or greater), whereas the construction period associated with the proposed project would likely be limited to two-years. *Comment: 2-year HRA's are available as an option in AERMOD. We recommend this be included as there is a school and residential community within 1000ft from the project.*

1-3 Project is below CARB's recommendation for analyzing Heavy-Duty diesel trucks. *Comment: We recommend that the analysis include emissions from diesel truck deliveries and analyze impacts from idling, particularly if loading docks are not electrified.*

1-4 Project is over CARB's screening threshold for TAC's from Gas Stations. Conducted HRA for gas station only. *Comment: We recommend a cumulative HRA be conducted and include existing and new potential sources (i.e. mobile and stationary within 1000 ft).*

1-5 Please let me know if you have any questions or would like to discuss further. I can be reached at 415-610-1684 or via email.

Thank you,

AREANA FLORES
ENVIRONMENTAL PLANNER
Bay Area Air Quality Management District
375 Beale St. Suite 600 | San Francisco, CA 94105
415-749-4616 | aflores@baaqmd.gov

LETTER 1: AREANA FLORES, BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Response to Comment 1-1

The comment is an introductory statement, and does not address the adequacy of the IS/MND.

Response to Comment 1-2

According to BAAQMD CEQA Guidelines, the analysis of construction-related TAC emissions shall disclose the following about construction-related activities:

1. Types of off-site receptors and their proximity to construction activity within approximately 1,000 feet;
2. Duration of construction period;
3. Quantity and types of diesel-powered equipment;
4. Number of hours equipment would be operated each day;
5. Location(s) of equipment use, distance to nearest off-site sensitive receptors, and orientation with respect to the predominant wind direction;
6. Location of equipment staging area; and
7. Amount of on-site diesel-generated PM2.5 exhaust (assuming that all on-site diesel PM2.5 exhaust is diesel PM) if mass emission levels from construction activity are estimated.

All of the above items are provided within the analysis of the IS/MND and Appendix A to the IS/MND. Neither the BAAQMD CEQA Guidelines, nor the City, nor any other regulating authority for the proposed project specifically require a full HRA for construction emissions or provide screening levels to determine when such an analysis is necessary.

Construction-related TAC emissions are discussed on page 49 of the IS/MND. In order to provide further justification to support the conclusions of the IS/MND related to construction TAC emissions, the discussion on page 49 is hereby revised as follows:

> Construction Emissions
> Short-term, construction-related activities could result in the generation of TACs, specifically DPM, from on-road haul trucks and off-road equipment exhaust emissions. Although receptors are located in close proximity to the western project site boundary, the overall project site is approximately 11.89 acres. Considering the large development area, off-road construction equipment would operate at various locations throughout the project site intermittently. In addition, the proposed project is anticipated to be implemented over two phases. Phase 1 would include the proposed Safeway building, the associated Safeway fuel station and retail kiosk, improvements related to Shop 3E, Shop 2E, and Shop 1 (adjacent to the existing Bank of America building), tree removal, and all parking lot and drive aisle improvements. Phase 2 would include the retail shops and junior anchor to be located directly east of the Safeway store and the drive-through restaurant. Substantial grading would not be required, as the site has been leveled as part of prior development activities. DPM is highly dispersive (i.e., concentrations decrease substantially with distance). Furthermore, the prevailing wind direction in the area is from the west, away from the nearest sensitive receptors. Thus, operation of construction equipment at varying distances from the nearest sensitive receptors intermittently would allow for dispersal of DPM, which would reduce the exposure of nearby receptors.

Construction is temporary and occurs over a relatively short duration in comparison to the operational lifetime of the proposed project. Methodologies for conducting ~~H~~health risk assessments are typically associated with exposure to high concentrations of TACs over extended periods of time (e.g., 30 years or greater), whereas the construction period associated with the proposed project would likely be limited to two-years. While overall construction activity would occur over approximately two years, construction of any portion of the project, for example, the improvements in proximity to existing receptors west of the site, would occur over a shorter period of time. In addition, hours of operation for construction equipment would be restricted to the hours of 7:00 AM and 5:00 PM Monday through Friday on non-federal holidays, and 9:00 AM to 6:00 PM on Saturdays as long as it is interior work and does not generate significant noise per Section 15.02.070 of the City of Pinole Municipal Code. Limitation of construction activity to certain hours would ensure that emissions only occur intermittently throughout the course of a day, as opposed to emissions being generated constantly throughout an entire day. All construction equipment and operation thereof would be regulated per the In-Use Off-Road Diesel Vehicle Regulation, which is intended to help reduce emissions associated with off-road diesel vehicles and equipment, including DPM, through limitations on vehicle idling, disclosure, reporting, and labeling requirements for existing vehicles, as well as standards relating to fleet average emissions and the use of Best Available Control Technologies.. Project construction would also be required to comply with all applicable BAAQMD rules and regulations, particularly associated with permitting of air pollutant sources.

Because construction equipment on-site would not operate for long periods of time and would be used at varying locations within the site, associated emissions of DPM would not occur at the same location (or be evenly spread throughout the entire project site) for long periods of time. Due to the temporary nature of construction and the relatively short duration of potential exposure to associated emissions, the potential for any one sensitive receptor in the area to be exposed to concentrations of pollutants for a substantially extended period of time would be low. Furthermore, as presented in the Greenhouse Gas Emissions section of this IS/MND, Mitigation Measure VIII-1 requires all off-road heavy-duty diesel-powered equipment to meet CARB Tier 4 emissions standards or cleaner, which would substantially reduce the DPM emissions associated with use of such equipment.

Considering the above, construction of the proposed project would not be expected to expose sensitive receptors to substantial concentrations of TACs.

In addition, in order to provide assurance that Tier 4 engines would be used during construction, Mitigation Measure VIII-1 is hereby revised as follows:

VIII-1 *Prior to issuance of a grading permit, the project applicant shall show on the grading plans via notation that the contractor will comply with the following requirements~~, to the maximum extent feasible~~:*

- *Off-road heavy-duty diesel-powered equipment (e.g., rubber-tired dozers, excavators, graders, scrapers, pavers, paving equipment, and cranes) to be used for each phase of construction of the project (i.e., owned, leased, and subcontractor vehicles) shall meet CARB Tier 4 emissions standards or cleaner;*
- *Temporary power necessary for construction activities shall be supplied by the existing power grid, if available, as opposed to portable generators;*
- *Alternatively-fueled construction equipment and renewable diesel shall be used for on-site construction, if such equipment is*

commercially available; and

- *A construction waste management/diversion plan shall be followed.*

The above changes are for clarification purposes and do not alter the conclusions of the IS/MND.

Response to Comment 1-3

As stated on page 49 of the IS/MND:

> The proposed project would not be considered a distribution center, and, thus, operations of the proposed project would not be considered to involve a substantial amount of DPM emissions from heavy-duty diesel vehicles. Furthermore, the project site is currently developed with commercial retail uses; although the proposed project would result in the introduction of new types of commercial uses, which may slightly increase the number of heavy-duty diesel vehicles accessing the site, the increase would likely be minimal, and operational emissions of DPM from the site are anticipated to remain similar to existing levels of such emissions. Based on a preliminary truck delivery schedule, total daily truck traffic would involve an estimated three Safeway trucks, 10 to 15 small vendor trucks, and one to two fuel tankers. As discussed in Section XIII, Noise, of this IS/MND, worst-case hour truck traffic at the project site would involve up to four heavy-duty trucks and eight medium-duty trucks. Given the anticipated number of truck deliveries per day, operation of the proposed project would not be considered a significant source of DPM from heavy-duty vehicles per the CARB's Handbook.

Because, as noted on page 109 of the IS/MND, the current on-site uses have regular truck deliveries in the rear area, similar to the proposed operations, the CEQA baseline includes loading dock operations similar to that which would occur under the proposed project. As stated above, due to the proposed use of the site compared to existing uses, the proposed project is expected to result in a minimal increase in the number of heavy-duty diesel vehicles accessing the site, and operational emissions of DPM from the site are anticipated to remain similar to existing levels of such emissions. A maximum of 19 daily trucks, and a total of 12 trucks during the worst-case hour, are expected, which would not be considered to result in a significant source of DPM from heavy-duty vehicles. For comparison, as also discussed on page 49 of the IS/MND, CARB considers distribution centers, particularly attracting 100 heavy-duty trucks per day or more, to be major sources of TACs, and recommends further analysis be conducted. CARB further defines distribution centers as facilities that serve as a distribution point for the transfer of goods, including cold storage warehouses, goods transfer facilities, and inter-modal facilities such as ports. The proposed project would not involve any such facilities.

In addition, accordingly to BAAQMD, studies have demonstrated that solid barriers, similar to sound walls, between buildings and sources of air pollution can reduce air pollutant levels, while also reducing noise (co-benefit).[1] Recent research indicates that sound walls, in conjunction with vegetation, between land uses and the source of emissions is more effective than either strategy implemented on its own to reduce air pollutant levels. As shown in Figure 5 on page 15 of the IS/MND, a number of existing trees would remain along the western boundary of the site, adjacent to the nearest sensitive receptors. Landscaping is also proposed along the western boundary of the site, with larger trees being proposed in the southwestern corner of the site, between the proposed loading dock area and the nearest sensitive receptors. Mitigation Measure XIII-2 of the IS/MND requires construction of a solid noise barrier measuring seven-feet in height along the

[1] BAAQMD. *Planning Healthy Places*. May 2016.

project's western property boundary. Accordingly, such features would help to reduce exposure of the nearest sensitive receptors to pollutants associated with heavy-duty diesel trucks on-site during project operations. Furthermore, the prevailing wind direction in the area is from the west, which would help disperse any pollutants associated with the proposed project away from the nearest sensitive receptors.

Response to Comment 1-4

Based on the comment, page 51 of the IS/MND is hereby revised to include the following discussion:

> Aggregate Total TAC Emissions
>
> According to BAAQMD, an impact associated with TACs would also occur if the aggregate total of all past, present, and foreseeable future sources within a 1,000-foot radius from the fence line of a source, or from the location of a receptor, plus the contribution from the project, would exceed the following:
>
> - An increase in cancer risk levels (from all local sources) of more than 100 persons in one million;
> - A chronic non-cancer hazard index (HI) (from all local sources) greater than 10.0; or
> - An annual average $PM_{2.5}$ concentration (from all local sources) of 0.8 micrograms per cubic meter ($\mu g/m^3$) or greater.
>
> Based on the above, in addition to the project's sources of TAC emissions described above, other sources of TACs within 1,000 feet of the maximally exposed receptor nearest to the project site include I-80 diesel truck traffic and existing permitted stationary sources, which are discussed in further detail below. Due to the high level of emissions associated with I-80, the sensitive receptors located nearest to the freeway and also the proposed project (i.e., the residences located southwest of the project site) were considered in this analysis to be the maximally exposed receptors.
>
> The project site is located near a portion of I-80 that meets the CARB's definition of a high-volume roadway. Although a portion of the project-generated vehicle trips would travel along I-80, the total number of project-related vehicles traveling on I-80 would be limited relative to the existing traffic volume along I-80. In addition, only a portion of the project's generated vehicle trips would be associated with heavy-duty diesel trucks that would be associated with DPM emissions. As discussed above, due to the proposed use of the site compared to existing uses, the proposed project is expected to result in a minimal increase in the number of heavy-duty diesel vehicles accessing the site. A maximum of 19 daily trucks, and a total of 12 trucks during the worst-case hour, are expected, which would not be considered to result in a significant source of DPM from heavy-duty vehicles. Therefore, with regard to I-80 truck traffic, the project would not be considered to exacerbate the existing health risk posed by I-80 to nearby receptors.
>
> Nonetheless, for informational purposes, the potential health risk to nearby sensitive receptors due to the nearby freeway has been estimated based on previous analyses conducted for the freeway in the area. Based on the analysis included in the Pinole Gateway Shopping Center Initial Study prepared and adopted by the City, receptors located 100 feet north of the link of I-80 near the project site could be subjected to DPM concentrations of 0.714 $\mu g/m^3$, an associated increase in cancer risks of 86.472 in one million people, a chronic HI of 0.080, and an acute HI of 0.031.[2] The outdoor area of the

[2] Raney Planning and Management, Inc. *Pinole Gateway Shopping Center Initial Study* [pg. 64]. January 2015.

nearby residence closest to the freeway would be located approximately 200 feet, at a minimum, from the edge of the nearest travel lane of I-80. As stated above, DPM is highly dispersive (i.e., concentrations decrease substantially with distance). According to the CARB Handbook, DPM concentrations decrease by approximately 70 percent at a distance of 500 feet from freeways. In addition, as stated above, the prevailing wind direction in the area is from the west, which would help to direct any potential pollutants away from the nearby sensitive receptors. The increased distance from the freeway would result in a lower concentration of DPM and lower associated risks.

Furthermore, a heavily vegetated buffer is located between the nearest sensitive receptor and the freeway. Recent scientific studies have shown that roadside landscaping can reduce roadway-generated pollutant exposure for nearby sensitive receptors. According to BAAQMD,[3] some trees and vegetation may trap and filter coarse and fine particulates in the leaves, stems, and twigs. Trapped particles are eventually washed to the ground by rainfall. The effectiveness of fine PM removal depends on the tree species planted. Large trees with foliage year-round and long-life spans are best. In addition, trees with branches and leaves that have a sticky surface are best at trapping fine PM. Trees with a fine, complex foliage structure that allows significant in-canopy airflow will also perform better at trapping PM. In addition to the type of tree, the placement of the trees, relative to major roadways or other diesel emission sources, and how densely they are planted, are important considerations in reducing air pollution exposure. Trees should be planted between land uses and the source of emissions, and as densely as feasible, while still maintaining the health of the trees. Research is continuing to determine and quantify the effectiveness of planting of trees near a source of PM in reducing exposure.

In light of recent studies, the Sacramento Metropolitan Air Quality Management District (SMAQMD) published *Landscaping Guidance for Improving Air Quality Near Roadways*.[4] The landscaping guidance provides considerations based on general roadway frontage factors, as well as recommended best practices including, species mix, horizontal and vertical clearances, barrier length, vegetation spacing and long-term maintenance suggestions. The existing buffer area would largely comply with SMAQMD's recommendations by extending along the entire fence line of the receptor, including vertically mixed vegetation, and generally exceeding the recommended 33-foot width.

Considering the characteristics of the existing vegetated area between the nearest receptor to the freeway and the edge of the nearest travel lane of I-80, such vegetation would reduce exposure of the sensitive receptors to risks related to I-80. The data from the previous City analysis does not take into consideration such features and, thus, the actual concentration of DPM and associated risks at the nearest sensitive receptor would be lower. Nonetheless, the data from the previous City analysis was assumed, which would provide a worst-case analysis.

With regard to stationary sources, based on BAAQMD's Permitted Sources Risk and Hazards Map, two existing permitted stationary sources are located within 1,000 feet of the maximally exposed sensitive receptor, which include the following:

- BAAQMD Stationary Source ID 16197 (generators) located at 1330 Fitzgerald Drive; and
- BAAQMD Stationary Source ID 17434 (generators) located at 1400 Fitzgerald Drive.

[3] BAAQMD. *Planning Healthy Places*. May 2016.
[4] Sacramento Metropolitan Air Quality Management District. *Landscaping Guidance for Improving Air Quality Near Roadways*. April 2017.

As stated above, due to the high level of emissions associated with I-80, the sensitive receptors located nearest to the freeway and also the proposed project (i.e., the residences located southwest of the project site) were considered in this analysis to be the maximally exposed receptors.

Based on the above, the estimated cancer risk, chronic non-cancer HI, and $PM_{2.5}$ concentration associated with the proposed GDF operations, as well as existing sources of TAC emissions in the vicinity, at the maximally exposed receptor are presented in Table 6.

Table 6
Aggregate Total Cancer Risk, Non-Cancer HI, and $PM_{2.5}$ Concentration At Maximally Exposed Receptor

TAC Source	Cancer Risk (per million persons)	Chronic Non-Cancer HI	Annual Average $PM_{2.5}$ Concentration ($\mu g/m^3$)
Proposed GDF Operations (i.e., Safeway fueling station)	3.29	0.02	0.00[1]
I-80 Traffic DPM	86.47	0.08	0.031
Stationary Source ID 16197 (Generators)	0.00	0.00	0.00
Stationary Source ID 17434 (Generators)	0.01	0.00	0.00
Aggregate Total	**89.77**	**0.10**	**0.031**
Thresholds of Significance	*100*	*10.0*	*0.8*
Exceed Thresholds?	**NO**	**NO**	**NO**

[1] As discussed above, the proposed GDF would be associated with a number of TACs, including benzene, ethyl benzene, toluene, and xylene; The GDF would not involve substantial concentrations of DPM or $PM_{2.5}$ and, thus, the concentration was assumed to be negligible.

Sources:
- ***AERMOD and HARP 2 RAST, December 2019 (see Appendix B).***
- ***Pinole Gateway Shopping Center Initial Study, January 2015.***
- ***BAAQMD, Permitted Sources Risk and Hazards Map, 2020.***

As shown in the table, the aggregate total cancer risk, chronic non-cancer HI, and $PM_{2.5}$ concentration at the maximally exposed receptor would not exceed the applicable thresholds of significance of 100 persons in one million, 10.0, and 0.8 $\mu g/m^3$ or greater, respectively.

Overall, the proposed project would not result in an increase in cancer risk of more than 100 persons in one million, a non-cancer HI of 10.0 or greater, or a $PM_{2.5}$ concentration of 0.8 $\mu g/m^3$ or greater at any sensitive receptor. Therefore, the proposed project's TAC emissions, in combination with other existing TAC sources in the vicinity, would not expose sensitive receptors to substantial pollutant concentrations, and the impact related to aggregate total TAC emissions would be less than significant.

All subsequent tables throughout IS/MND are hereby revised accordingly. The above changes do not alter the conclusions of the IS/MND.

Response to Comment 1-5

The comment is a conclusory statement, and does not address the adequacy of the IS/MND.

Letter 2

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY Gavin Newsom, Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 4
OFFICE OF TRANSIT AND COMMUNITY PLANNING
P.O. BOX 23660, MS-10D
OAKLAND, CA 94623-0660
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TTY 711
www.dot.ca.gov

Making Conservation a California Way of Life.

March 27, 2020

SCH #2020039004
GTS # 04-CC-2020-00436
GTS ID: 18913
Co/Rt/Pm: CC/4/7.43

Amalia M. Merino, Project Planner
City of Pinole, Community Development Dept
2131 Pear Street
Pinole, CA 95037

Pinole Square- MND

Dear Amalia Merino:

2-1 Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Pinole Square Project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the March 2020 Mitigated Negative Declaration (MND) for the project.

2-2 ***Project Understanding***
The project site consists of approximately 1,189 acres located at 1201-1577 Tara Hills Drive in the City of Pinole. Currently, the site is developed with the Appian 80 Shopping Center, which includes a Safeway grocery store, a vacant CVS pharmacy, and various other smaller businesses. This shopping center is located near Interstate (I)-80 and Appian Way, adjacent to I-80.

2-3 ***Landscape***
The section of I-80 adjacent to the project site is classified as a landscaped freeway segment. Classified landscaped freeways are segments of highway where ornamental landscaping occurs per the requirements, including but not limited to, continuous stretches of a minimum of 1000', and a mix of ornamental plant types such as groundcovers and trees. Classified landscaped freeways limit outdoor advertising. They are predominantly maintained within Caltrans' Right-of-Way (ROW) and require maintenance and replacement when

2-3 Cont'd damaged by projects. Please refer to the following document guidance: https://dot.ca.gov/-/media/dot-media/programs/design/documents/class-ls-fwy-and-outdoor-advertising-displays-a11y.pdf

Utilities

2-4 Any utilities that are proposed, moved or modified within Caltrans' ROW shall be discussed. If utilities are impacted by the project, provide site plans that show the location of existing and/or proposed utilities. These modifications require a Caltrans-issued encroachment permit.

Lead Agency

2-5 As the Lead Agency, the city of Pinole is responsible for all project mitigation, including any needed improvements to the State Transportation Network (STN). The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

Encroachment Permit

2-6 Please be advised that any permanent work or temporary traffic control that encroaches onto the ROW requires a Caltrans-issued encroachment permit. If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As part of the encroachment permit submittal process, you may be asked by the Office of Encroachment Permits to submit a completed encroachment permit application, six (6) sets of plans clearly delineating the State ROW, six (6) copies of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement.

To download the permit application and to obtain more information on all required documentation, visit https://dot.ca.gov/programs/traffic-operations/ep/applications.

Letter 2
Cont'd

2-7 Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Laurel Sears at 510-286-5614 or laurel.sears@dot.ca.gov.

Sincerely,

Mark Leong

Mark Leong
District Branch Chief
Local Development - Intergovernmental Review

cc: State Clearinghouse

LETTER 2: MARK LEONG, CALIFORNIA DEPARTMENT OF TRANSPORTATION

Response to Comment 2-1
The comment is an introductory statement, and does not address the adequacy of the IS/MND.

Response to Comment 2-2
The comment summarizes the proposed project, and does not address the adequacy of the IS/MND.

Response to Comment 2-3
The comment does not specifically address the adequacy of IS/MND. The proposed project does not propose any improvements within the I-80 right-of-way and would not affect the landscaped freeway segment.

Response to Comment 2-4
The comment does not specifically address the adequacy of IS/MND. The proposed project does not propose any improvements within the I-80 right-of-way, including utilities, and would not require an encroachment permit associated with such.

Response to Comment 2-5
As discussed in the Transportation section of the IS/MND, the proposed project would not result in significant impacts to any of the study intersections, including I-80 ramps, under Existing Plus Project or Cumulative Plus Project conditions.

Response to Comment 2-6
Please see Responses to Comments 2-3 and 2-4 above.

Response to Comment 2-7
The comment is a conclusory statement, and does not address the adequacy of the IS/MND.

PINOLE SQUARE PROJECT ERRATA SHEET

INTRODUCTION

This errata sheet presents, in ~~strike-through~~ and double-underline format, the revisions to the Initial Study/Mitigated Negative Declaration (IS/MND) for the Pinole Square Project (proposed project). The revisions to the IS/MND reflected in this errata sheet do not affect the adequacy of the previous environmental analysis contained in the IS/MND. Because the changes presented below would not result in any new significant impacts or a substantial increase in the severity of an environmental impact identified in the IS/MND, recirculation of the IS/MND is not required.

CHANGES TO THE IS/MND

In response to comments received on the IS/MND, the discussion on page 49 is hereby revised as follows:

Construction Emissions

Short-term, construction-related activities could result in the generation of TACs, specifically DPM, from on-road haul trucks and off-road equipment exhaust emissions. Although receptors are located in close proximity to the western project site boundary, the overall project site is approximately 11.89 acres. Considering the large development area, off-road construction equipment would operate at various locations throughout the project site intermittently. In addition, the proposed project is anticipated to be implemented over two phases. Phase 1 would include the proposed Safeway building, the associated Safeway fuel station and retail kiosk, improvements related to Shop 3E, Shop 2E, and Shop 1 (adjacent to the existing Bank of America building), tree removal, and all parking lot and drive aisle improvements. Phase 2 would include the retail shops and junior anchor to be located directly east of the Safeway store and the drive-through restaurant. Substantial grading would not be required, as the site has been leveled as part of prior development activities. DPM is highly dispersive (i.e., concentrations decrease substantially with distance). Furthermore, the prevailing wind direction in the area is from the west, away from the nearest sensitive receptors. Thus, operation of construction equipment at varying distances from the nearest sensitive receptors intermittently would allow for dispersal of DPM, which would reduce the exposure of nearby receptors.

Construction is temporary and occurs over a relatively short duration in comparison to the operational lifetime of the proposed project. Methodologies for conducting ~~H~~health risk assessments are typically associated with exposure to high concentrations of TACs over extended periods of time (e.g., 30 years or greater), whereas the construction period associated with the proposed project would likely be limited to two-years. While overall construction activity would occur over approximately two years, construction of any portion of the project, for example, the improvements in proximity to existing receptors west of the site, would occur over a shorter period of time. In addition, hours of operation for construction equipment would be restricted to the hours of 7:00 AM and 5:00 PM Monday through Friday on non-federal holidays, and 9:00 AM to 6:00 PM on Saturdays as long as it is interior work and does not generate significant noise per Section 15.02.070 of the City of Pinole Municipal Code. Limitation of construction activity to certain hours would ensure that emissions only occur intermittently throughout the course of a day, as opposed to

emissions being generated constantly throughout an entire day. All construction equipment and operation thereof would be regulated per the In-Use Off-Road Diesel Vehicle Regulation, which is intended to help reduce emissions associated with off-road diesel vehicles and equipment, including DPM, through limitations on vehicle idling, disclosure, reporting, and labeling requirements for existing vehicles, as well as standards relating to fleet average emissions and the use of Best Available Control Technologies.. Project construction would also be required to comply with all applicable BAAQMD rules and regulations, particularly associated with permitting of air pollutant sources.

Because construction equipment on-site would not operate for long periods of time and would be used at varying locations within the site, associated emissions of DPM would not occur at the same location (or be evenly spread throughout the entire project site) for long periods of time. Due to the temporary nature of construction and the relatively short duration of potential exposure to associated emissions, the potential for any one sensitive receptor in the area to be exposed to concentrations of pollutants for a substantially extended period of time would be low. Furthermore, as presented in the Greenhouse Gas Emissions section of this IS/MND, Mitigation Measure VIII-1 requires all off-road heavy-duty diesel-powered equipment to meet CARB Tier 4 emissions standards or cleaner, which would substantially reduce the DPM emissions associated with use of such equipment.

Considering the above, construction of the proposed project would not be expected to expose sensitive receptors to substantial concentrations of TACs.

The above changes are for clarification purposes and do not alter the conclusions of the IS/MND.

In response to comments received on the IS/MND, page 51 of the IS/MND is hereby revised to include the following discussion:

Aggregate Total TAC Emissions

According to BAAQMD, an impact associated with TACs would also occur if the aggregate total of all past, present, and foreseeable future sources within a 1,000-foot radius from the fence line of a source, or from the location of a receptor, plus the contribution from the project, would exceed the following:

- An increase in cancer risk levels (from all local sources) of more than 100 persons in one million;
- A chronic non-cancer hazard index (HI) (from all local sources) greater than 10.0; or
- An annual average $PM_{2.5}$ concentration (from all local sources) of 0.8 micrograms per cubic meter ($\mu g/m^3$) or greater.

Based on the above, in addition to the project's sources of TAC emissions described above, other sources of TACs within 1,000 feet of the maximally exposed receptor nearest to the project site include I-80 diesel truck traffic and existing permitted stationary sources, which are discussed in further detail below. Due to the high level of emissions associated with I-80, the sensitive receptors located nearest to the freeway and also the proposed project (i.e., the residences located southwest of the project site) were considered in this analysis to be the maximally exposed receptors.

The project site is located near a portion of I-80 that meets the CARB's definition of a high-volume roadway. Although a portion of the project-generated vehicle trips would travel along I-80, the total number of project-related vehicles traveling on I-80 would be limited

relative to the existing traffic volume along I-80. In addition, only a portion of the project's generated vehicle trips would be associated with heavy-duty diesel trucks that would be associated with DPM emissions. As discussed above, due to the proposed use of the site compared to existing uses, the proposed project is expected to result in a minimal increase in the number of heavy-duty diesel vehicles accessing the site. A maximum of 19 daily trucks, and a total of 12 trucks during the worst-case hour, are expected, which would not be considered to result in a significant source of DPM from heavy-duty vehicles. Therefore, with regard to I-80 truck traffic, the project would not be considered to exacerbate the existing health risk posed by I-80 to nearby receptors.

Nonetheless, for informational purposes, the potential health risk to nearby sensitive receptors due to the nearby freeway has been estimated based on previous analyses conducted for the freeway in the area. Based on the analysis included in the Pinole Gateway Shopping Center Initial Study prepared and adopted by the City, receptors located 100 feet north of the link of I-80 near the project site could be subjected to DPM concentrations of 0.714 µg/m^3, an associated increase in cancer risks of 86.472 in one million people, a chronic HI of 0.080, and an acute HI of 0.031.[1] The outdoor area of the nearby residence closest to the freeway would be located approximately 200 feet, at a minimum, from the edge of the nearest travel lane of I-80. As stated above, DPM is highly dispersive (i.e., concentrations decrease substantially with distance). According to the CARB Handbook, DPM concentrations decrease by approximately 70 percent at a distance of 500 feet from freeways. In addition, as stated above, the prevailing wind direction in the area is from the west, which would help to direct any potential pollutants away from the nearby sensitive receptors. The increased distance from the freeway would result in a lower concentration of DPM and lower associated risks.

Furthermore, a heavily vegetated buffer is located between the nearest sensitive receptor and the freeway. Recent scientific studies have shown that roadside landscaping can reduce roadway-generated pollutant exposure for nearby sensitive receptors. According to BAAQMD,[2] some trees and vegetation may trap and filter coarse and fine particulates in the leaves, stems, and twigs. Trapped particles are eventually washed to the ground by rainfall. The effectiveness of fine PM removal depends on the tree species planted. Large trees with foliage year-round and long-life spans are best. In addition, trees with branches and leaves that have a sticky surface are best at trapping fine PM. Trees with a fine, complex foliage structure that allows significant in-canopy airflow will also perform better at trapping PM. In addition to the type of tree, the placement of the trees, relative to major roadways or other diesel emission sources, and how densely they are planted, are important considerations in reducing air pollution exposure. Trees should be planted between land uses and the source of emissions, and as densely as feasible, while still maintaining the health of the trees. Research is continuing to determine and quantify the effectiveness of planting of trees near a source of PM in reducing exposure.

In light of recent studies, the Sacramento Metropolitan Air Quality Management District (SMAQMD) published *Landscaping Guidance for Improving Air Quality Near Roadways*.[3] The landscaping guidance provides considerations based on general roadway frontage factors, as well as recommended best practices including, species mix, horizontal and vertical clearances, barrier length, vegetation spacing and long-term maintenance suggestions. The existing buffer area would largely comply with SMAQMD's

1 Raney Planning and Management, Inc. *Pinole Gateway Shopping Center Initial Study* [pg. 64]. January 2015.
2 BAAQMD. *Planning Healthy Places*. May 2016.
3 Sacramento Metropolitan Air Quality Management District. *Landscaping Guidance for Improving Air Quality Near Roadways*. April 2017.

recommendations by extending along the entire fence line of the receptor, including vertically mixed vegetation, and generally exceeding the recommended 33-foot width.

Considering the characteristics of the existing vegetated area between the nearest receptor to the freeway and the edge of the nearest travel lane of I-80, such vegetation would reduce exposure of the sensitive receptors to risks related to I-80. The data from the previous City analysis does not take into consideration such features and, thus, the actual concentration of DPM and associated risks at the nearest sensitive receptor would be lower. Nonetheless, the data from the previous City analysis was assumed, which would provide a worst-case analysis.

With regard to stationary sources, based on BAAQMD's Permitted Sources Risk and Hazards Map, two existing permitted stationary sources are located within 1,000 feet of the maximally exposed sensitive receptor, which include the following:

- BAAQMD Stationary Source ID 16197 (generators) located at 1330 Fitzgerald Drive; and
- BAAQMD Stationary Source ID 17434 (generators) located at 1400 Fitzgerald Drive.

As stated above, due to the high level of emissions associated with I-80, the sensitive receptors located nearest to the freeway and also the proposed project (i.e., the residences located southwest of the project site) were considered in this analysis to be the maximally exposed receptors.

Based on the above, the estimated cancer risk, chronic non-cancer HI, and $PM_{2.5}$ concentration associated with the proposed GDF operations, as well as existing sources of TAC emissions in the vicinity, at the maximally exposed receptor are presented in Table 6.

Table 6
Aggregate Total Cancer Risk, Non-Cancer HI, and $PM_{2.5}$ Concentration At Maximally Exposed Receptor

TAC Source	Cancer Risk (per million persons)	Chronic Non-Cancer HI	Annual Average $PM_{2.5}$ Concentration ($\mu g/m^3$)
Proposed GDF Operations (i.e., Safeway fueling station)	3.29	0.02	0.00[1]
I-80 Traffic DPM	86.47	0.08	0.031
Stationary Source ID 16197 (Generators)	0.00	0.00	0.00
Stationary Source ID 17434 (Generators)	0.01	0.00	0.00
Aggregate Total	**89.77**	**0.10**	**0.031**
Thresholds of Significance	*100*	*10.0*	*0.8*
Exceed Thresholds?	**NO**	**NO**	**NO**

[1] As discussed above, the proposed GDF would be associated with a number of TACs, including benzene, ethyl benzene, toluene, and xylene; The GDF would not involve substantial concentrations of DPM or $PM_{2.5}$ and, thus, the concentration was assumed to be negligible.

Sources:
- ***AERMOD and HARP 2 RAST, December 2019 (see Appendix B).***
- ***Pinole Gateway Shopping Center Initial Study, January 2015.***
- ***BAAQMD, Permitted Sources Risk and Hazards Map, 2020.***

As shown in the table, the aggregate total cancer risk, chronic non-cancer HI, and $PM_{2.5}$ concentration at the maximally exposed receptor would not exceed the applicable thresholds of significance of 100 persons in one million, 10.0, and 0.8 $\mu g/m^3$ or greater, respectively.

Overall, the proposed project would not result in an increase in cancer risk of more than 100 persons in one million, a non-cancer HI of 10.0 or greater, or a $PM_{2.5}$ concentration of 0.8 $\mu g/m^3$ or greater at any sensitive receptor. Therefore, the proposed project's TAC emissions, in combination with other existing TAC sources in the vicinity, would not expose sensitive receptors to substantial pollutant concentrations, and the impact related to aggregate total TAC emissions would be less than significant.

All subsequent tables throughout IS/MND are hereby revised accordingly. The above changes do not alter the conclusions of the IS/MND.

Mitigation Measures VIII-1 and VIII-2 on page of the IS/MND are hereby revised as follows:

VIII-1 *Prior to issuance of a grading permit, the project applicant shall show on the grading plans via notation that the contractor will comply with the following requirements~~, to the maximum extent feasible~~:*

- *Off-road heavy-duty diesel-powered equipment (e.g., rubber-tired dozers, excavators, graders, scrapers, pavers, paving equipment, and cranes) to be used for each phase of construction of the project (i.e., owned, leased, and subcontractor vehicles) shall meet CARB Tier 4 emissions standards or cleaner;*
- *Temporary power necessary for construction activities shall be supplied by the existing power grid, if available, as opposed to portable generators;*
- *Alternatively-fueled construction equipment and renewable diesel shall be used for on-site construction, if such equipment is commercially available; and*
- *A construction waste management/diversion plan shall be followed.*

VIII-2 *Prior to issuance of a grading permit, the project applicant shall provide proof of purchase of GHG reduction credits to mitigate for the project's ultimate threshold exceedance. The emissions reductions resulting from implementation of Mitigation Measure VII-1 shall be calculated, using methods acceptable to the City (e.g., Sacramento Metropolitan Air Quality Management District's Construction Mitigation Tool), amortized over the two-year construction period, and subtracted from the project's unmitigated threshold exceedance presented in this IS/MND of 82.85 $MTCO_2e$ to determine the project's ultimate threshold exceedance. The project applicant may purchase carbon credits from a verified carbon credit registry that has been approved by the CAPCOA GHG Reduction Exchange Program, the American Carbon Registry (ACR), Climate Action Reserve (CAR), and/or the Verified Carbon Standard and meets the*

requirements of the CARB.[33] The purchase of off-site credits shall be negotiated with the City and BAAQMD at the time that credits are sought.

The above staff-initiated changes are for clarification purposes and do not alter the conclusions of the IS/MND.

Mitigation Measure XIII-1 on page 115 of the IS/MND is hereby revised as follows:

XIII-1 *~~To the maximum extent practical, th~~e following measures shall be included, via written notation, on final improvement plans for the project prior to review and approval by the City:*

- *Pursuant to City of Pinole General Plan Action HS.8.1.5, the project shall utilize temporary construction noise control measures including the use of temporary noise barriers, or other appropriate measures as mitigation for noise generated during construction of projects.*
- *Pursuant to Pinole Municipal Code Section 15.02.070(A), construction work is allowed from 7:00 AM to 5:00 PM on non-federal holidays. Construction work is allowed on holidays recognized by the City of Pinole, but not acknowledged federally, which include Cesar Chavez's Birthday and the Day after Thanksgiving; however, inspections will not be performed.*
- *Pursuant to Pinole Municipal Code Section 15.02.070(B), construction work on Saturdays is allowed in commercial zones only, from 9:00 AM to 6:00 PM, as long as the work is interior work and does not generate significant noise.*
- *All noise-producing project equipment and vehicles using internal-combustion engines shall be equipped with manufacturers-recommended mufflers and be maintained in good working condition.*
- *All mobile or fixed noise-producing equipment used on the project site that are regulated for noise output by a federal, State, or local agency shall comply with such regulations while in the course of project activity.*
- *Electrically powered equipment shall be used instead of pneumatic or internal-combustion-powered equipment, where feasible.*
- *Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors.*
- *Project area and site access road speed limits shall be established and enforced during the construction period.*
- *Nearby residences shall be notified of construction schedules so that arrangements can be made, if desired, to limit their exposure to short-term increases in ambient noise levels.*

The above staff-initiated change is for clarification purposes and does not alter the conclusions of the IS/MND.

Pinole Square Project
Mitigation Monitoring Program

– May 2020

The California Environmental Quality Act (CEQA) and CEQA Guidelines require Lead Agencies to adopt a program for monitoring the mitigation measures required to avoid significant environmental impacts of a project. The Mitigation Monitoring Program ensures that mitigation measures imposed by the City are completed at the appropriate time in the development process.

The mitigation measures identified in the Initial Study/Mitigated Negative Declaration for the Pinole Square Project are listed below along with the party responsible for implementation of the mitigation measure, the party responsible for monitoring implementation of the mitigation measure, the milestones for implementation and monitoring, and a sign off that the mitigation measure has been implemented.

MITIGATION MONITORING PROGRAM
PINOLE SQUARE PROJECT

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		Biological Resources			
IV. (a.)	Would the project have a substantial adverse affect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	*White-Tailed Kite and Nesting and Migratory Birds* *IV-1* *The project applicant shall implement the following measures prior to initiation of demolition activities, tree removal, or other ground-disturbing activities:* • *If any site disturbance or construction activity for any phase of development begins outside the February 1 to August 31 breeding season, a preconstruction survey for active nests shall not be required.* • *If any site disturbance or construction activity for any phase of development is scheduled to begin between February 1 and August 31, a qualified biologist shall conduct a preconstruction survey for active nests from publicly accessible areas within 14 days prior to site disturbance or construction activity for any phase of development. The survey area shall cover the construction site and the area surrounding the construction site, including a 50- to 100-foot radius*	City of Pinole Community Development Department	Prior to initiation of demolition activities, tree removal, or other ground disturbing activites	

MITIGATION MONITORING PROGRAM
PINOLE SQUARE PROJECT

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		for MBTA birds, and a 250-foot radius for birds of prey, if accessible. If an active nest of a bird of prey, MBTA bird, or other protected bird is not found, then further mitigation measures shall not be necessary. The results of the preconstruction survey shall be submitted to the City of Pinole Community Development Department for review. • *If an active nest of a bird of prey, MBTA bird, or other protected bird is discovered that may be adversely affected by any site disturbance or construction, or an injured or killed bird is found, the project applicant shall comply with the following measures:* o *Notify the City of Pinole Community Development Department.* o *The biologist shall establish a minimum 250-foot Environmentally Sensitive Area (ESA) around the nest if the nest is of a bird of prey, and a 50- to 100-foot ESA around the nest if the nest is of an MBTA bird*			

MITIGATION MONITORING PROGRAM
PINOLE SQUARE PROJECT

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		other than a bird of prey. The ESA may be reduced if the biologist determines that a smaller ESA would still adequately protect the active nest. Work may not occur within the ESA until the biologist determines that the nest is no longer active. *Roosting Bats* *IV-2 The project applicant shall implement the following measures prior to initiation of demolition activities or tree removal:* • *A qualified biologist shall conduct a pre-construction survey for roosting bats at the project site within 14 days prior to initiation of building demolition or tree removal at the project site.* • *Survey results shall be submitted to the City of Pinole. If active maternity bat roosts are not found within the survey area, further mitigation is not required.* • *If active bat roosts are found, the*	City of Pinole Community Development Department	Prior to initiation of demolition activities or tree removal	

MITIGATION MONITORING PROGRAM
PINOLE SQUARE PROJECT

Impact Number	Impact		Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
			biologist shall identify a suitable construction-free buffer around the maternity roost. An example of a suitable construction free buffer is 50 feet; however, each buffer distance should be determined on a case-by-case basis by the qualified biologist. The buffer shall be identified on the ground with flagging or fencing, and shall be maintained until a qualified biologist has determined that the tree and snag impacts would not adversely affect bat survival or survival of their young.			
IV. (e.)	Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	*IV-3*	*Removal of protected trees shall comply with the tree removal permit requirements outlined in Section 17.96.060 of the Pinole Municipal Code, as follows:* *1. The project applicant shall file an application for a tree removal permit with the Development Services Department for all 19 protected trees proposed for removal as part of the proposed project. The applicant shall file the application concurrently with submittal of final construction drawings.*	City of Pinole Development Services Department	Concurrently with submittal of final construction drawings, and prior to and during any demolition	

MITIGATION MONITORING PROGRAM
PINOLE SQUARE PROJECT

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		2. The application shall contain the precise number, species, size, and location of the protected tree(s) to be cut down, destroyed, or removed and a statement of the reason for removal, the signature of the property owner authorizing such removal, the signature of the person actually performing the work if different than the property owner and if known at the time of the application, as well as any other pertinent information the Development Services Department may require. The applicant shall submit five copies of drawing and a fee prescribed by City Council resolution to cover the cost of investigation and processing. *3. Any tree removed shall be replaced in accordance with Section 17.44.070 of the City's Zoning Ordinance, at the expense of the project applicant.* *4. The project applicant shall provide a tree survey plan specifying the precise location and dripline of all existing trees (protected trees and non-protected trees) on the property.*			

MITIGATION MONITORING PROGRAM
PINOLE SQUARE PROJECT

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		For the single protected tree to be retained (identified as Tree #3 in the 2017 Arborist Report prepared for the proposed project by HortScience, Inc.), ongoing maintenance of the tree shall comply with the tree preservation requirements outlined in Section 17.96.070 of the Pinole Municipal Code, as follows: 1. *Prior to and during any demolition, grading, or construction, all protected trees within a development area shall be protected by a six (6) foot high chain link (or other material approved by the Development Services Department) fence installed around the outside of the dripline of each tree.* 2. *No oils, gas, chemicals, liquid waste, solid waste, heavy construction machinery or other construction materials shall be stored or allowed to stand within the dripline of any tree.* 3. *No equipment washout will be allowed to occur within the dripline of any tree.* 4. *No signs or wires, except those needed for support of the tree, shall be attached to any tree. Should protected*			

MITIGATION MONITORING PROGRAM
PINOLE SQUARE PROJECT

Impact Number	Impact		Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
			trees be damaged, the developer, contractor, or an agent thereof shall comply with the requirements outlined in Section 17.96.090 of the Pinole Municipal Code, as described below. 5. *If any damage occurs to a protected tree during construction, the developer, contractor, or any agent thereof shall immediately notify the Development Services Department so that professional methods of treatment accepted by the Development Services Department may be administered. The repair of the damage shall be at the expense of the responsible party and shall be by professional standards, approved by the Development Services department. Failure to comply shall result in a stop work order.*			
			Cultural Resources			
V. (b,c.)	Would the project cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5, or disturb any human remains, including those interred outside of dedicated cemeteries?	*V-1*	*In the event a potentially significant cultural resource is encountered during subsurface earthwork activities, all construction activities within a 100-foot radius of the find shall cease and workers should avoid altering the materials until an archaeologist who meets the Secretary of Interior's Professional Qualification Standards for*	City of Pinole Community Development Department California Historical Resources	During subsurface earthwork activities	

MITIGATION MONITORING PROGRAM
PINOLE SQUARE PROJECT

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		archaeology has evaluated the find. The Applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The qualified archaeologist shall make recommendations to the Lead Agency on the measures that shall be implemented to protect the discovered resources, including but not limited to, culturally appropriate temporary and permanent treatment, which may include avoidance of cultural resources, in-place preservation, and/or re-burial on project property so the resource(s) are not subject to further disturbance in perpetuity. If avoidance is determined to be infeasible, pursuant to CEQA Guidelines Section 15126.4(b)(3)(C), a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Information Center. If necessary, excavation and evaluation of the finds shall comply with Section 15064.5 of the CEQA Guidelines.	Information Center, Northwest Information Center State Historic Preservation Officer (SHPO)		

MITIGATION MONITORING PROGRAM
PINOLE SQUARE PROJECT

Impact Number	Impact		Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
			Potentially significant cultural resources include, but are not limited to, stone, bone, glass, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. Any previously undiscovered resources found during construction within the project site shall be recorded on appropriate Department of Parks and Recreatoin (DPR) 523 forms and will be submitted to the City of Pinole, the Northwest Information Center, and the State Historic Preservation Officer (SHPO), as required.			
		V-2	*If human remains, or remains that are potentially human, are found during construction, a professional archaeologist shall ensure reasonable protection measures are taken to protect the discovery from disturbance. The archaeologist shall notify the Contra Costa County Coroner (per §7050.5 of the State Health and Safety Code). The provisions of §7050.5 of the California Health and Safety Code, §5097.98 of the California Public Resources Code, and Assembly Bill 2641 shall be implemented. If the Coroner determines that remains are native American and not the*	City of Pinole Community Development Department Contra Costa County Coroner Native American Heritage Commission	During construction activities	

MITIGATION MONITORING PROGRAM
PINOLE SQUARE PROJECT

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		result of a crime scene, then the Coroner shall notify the Native American Heritage Commission (NAHC), which then shall designate a Native American Most Likely Descendant (MLD) for the project (§5097.98 of the Public Resources Code). The designated MLD shall have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the applicant does not agree with the recommendations of the MLD, the NAHC can mediate (§5097.94 of the Public Resources Code). If an agreement is not reached, the qualified archaeologist or most likely descendant must rebury the remains where they shall not be further disturbed (§5097.98 of the Public Resources Code). This shall also include either recording the site with the NAHC or the appropriate Information Center, using an open space or conservation zoning designation or easement, or recording a reinternment document with the county in which the property is located (AB 2641). Work cannot resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment			

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			measures have been completed to their satisfaction.			
			Geology and Soils			
VII. (c,d.)	Would the project 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, or be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	*VII-1*	*All grading and foundation plans for the proposed project shall be designed by a Civil and Structural Engineer and reviewed and approved by the Director of Public Works/City Engineer, Chief Building Official, and a qualified Geotechincal Engineer prior to issuance of grading and building permits to ensure that all geotechnical recommendations specified in the Geotechincal Investigation are properly incorporated and utilized in the project design, including recommendations related to undocumented fill, and expansive soils.*	Director of Public Works/City Engineer Chief Building Official A Qualified Geotechnical Engineer	Prior to issuance of grading and building permits	
VII. (f.)	Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	*VII-2*	*Should construction or grading activities result in the discovery of unique paleontological resources, all work within 100 feet of the discovery shall cease. Examples of paleontological resources can include, but are not limited to, vertebrate fossils (e.g., teeth, bones), unusually large or dense accumulations of intact invertebrates, and well-preserved plant material (e.g., leaves). The Community Development Department shall be notified,*	City of Pinole Community Development Department	During construction or grading activities	

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			and the resources shall be examined by a qualified archaeologist, paleontologist, or historian, at the developer's expense, for the purpose of recording, protecting, or curating the discovery as appropriate. The archaeologist, paleontologist, or historian shall submit to the Community Development Department for review and approval a report of the findings and method of curation or protection of the resources. Work may only resume in the area of discovery when the preceding work has occurred			
Greenhouse Gas Emissions						
VIII. (a,b.)	Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gasses?	*VIII-1*	*Prior to issuance of a grading permit, the project applicant shall show on the grading plans via notation that the contractor will comply with the following requirements:* • *Off-road heavy-duty diesel-powered equipment (e.g., rubber-tired dozers, excavators, graders, scrapers, pavers, paving equipment, and cranes) to be used for each phase of construction of the project (i.e., owned, leased, and subcontractor vehicles) shall meet CARB Tier 4 emissions standards or*	City of Pinole Community Development Department	Prior to issuance of a grading permit and included on grading plans via notation	

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			cleaner; • *Temporary power necessary for construction activities shall be supplied by the existing power grid, if available, as opposed to portable generators;* • *Alternataively-fueled construction equipment and renewable diesel shall be used for on-site construction, if such equipment is commercially available; and* • *A construction waste management/diversion plan shall be followed.*			
		VIII-2	*Prior to issuance of a grading permit, the project applicant shall provide proof of purchase of GHG reduction credits to mitigate for the project's ultimate threshold exceedance. The emissions reductions resulting from implementation of Mitigation Measure VII-1 shall be calculated, using methods acceptable to the City (e.g., Sacramento Metropolitan Air Quality Management District's Construction Mitigation Tool), amortized over the two-year construction period, and subtracted from the project's unmitigated threshold*	City of Pinole Community Development Department	Prior to issuance of a grading permit	

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			exceedance presented in this IS/MND of 82.85 MTCO2e to determine the project's ultimate threshold exceedance. The project applicant may purchase carbon credits from a verified carbon credit registry that has been approved by the CAPCOA GHG Reduction Exchange Program, the American Carbon Registry (ACR), Climate Action Reserve (CAR), and/or the Verified Carbon Standard and meets the requirements of the CARB.[1] The purchase of off-site credits shall be negotiated with the City and BAAQMD at the time that credits are sought.			
Hazards and Hazardous Materials						
IX. (b.)	Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the	*IX-1*	*Prior to initiation of any ground-disturbing activities, the project applicant shall prepare a Site Management Plan (SMP) that presents protocls for managing soil and groundwater encountered during*	City of Pinole Community Development Department	Prior to initation of any ground-disturbing activities	

[1] Off-set credits are purchased on a per metric tonne basis. Many carbon credit registries offer multiple options in the type of off-sets offered. For example, many carbon credit registries offer ongoing contracts (e.g., five-year contracts or longer) or one-time, single purchases. In addition, the credits go towards varying types of projects. Project applicants can elect to purchase off-sets from non-region/non-project-specific portfolios, where the carbon credit registry uses the monies towards any type of project in any location. Whereas, project applicants also have the option to purchase off-set credits towards specific projects or projects in specific areas. For example, a project applicant may prefer that their payment contribute towards a specific forestry or landfill gas capture project in California. Typically, increased specificity in projects correlates to higher costs per off-set. Most registries offer online access, where a quote can be requested and final purchase can be made. Worldwide, the range of carbon off-set prices in the voluntary off-set market can be anywhere from $0.10 per tonne to $44.80 per tonne.

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	environment?	*construction, and potential vapor intrusion mitigation measures into future on-site buildings. In addition, the project applicant shall, prior to start of any remedial grading, consult with the Department of Toxic Substances and Control (DTSC) regarding the current status of investigation and/or remedial activities associated with the Appian 80 Cleaners facility (1577 Tara Hills Drive). The project applicant shall provide reasonable access in the vicinity of the former Four Mile dry cleaners for on-site investigation, monitoring, or remedial actions (if any) required by DTSC that are associated with the Appian 80 Cleaners facility. Methods of investigation and remediation on-site that are associated with the facility may include, but are not necessarily limited to, the following:* • *Installation of groundwater and/or soil vapor monitoring wells;* • *Groundwater and soil vapor sampling/monitoring;* • *In-situ remediation through enhanced bioremediation or chemical oxidation; and* • *Soil vapor and/or groundwater*	Department of Toxic Substances and Control (DTSC)		

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			extraction. *All cleanup activities shall be conducted in consultation with DTSC and performed in accordance with local, State, and federal regulatory requirements to assure protection of human health and the environment.*			
		IX-2	*Prior to issuance of a demolition permit for any on-site structures, the project applicant shall consult with certified Asbestos and/or Lead Risk Assessors to complete and submit an asbestos and lead survey to the City of Pinole Community Development Department for review and approval. If asbestos-containing materials (ACMs) or lead-containing materials are not discovered during the survey, further mitigation related to ACMs or lead containing materials will not be required. If ACMs and/or lead-containing materials are discovered by the survey, the project applicant shall prepare a work plan to demonstrate how the on-site ACMs and/or lead-containing materials shall be removed in accordance with current California Occupational Health and Safety (Cal-OSHA) Administration regulations and*	City of Pinole Community Development Department Contra Costa County Department of Conservation and Development	Prior to issuance of a demolition permit for any on-site structures	

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			disposed of in accordance with all California Environmental Protection Agency regulations, prior to the demolition and/or removal of the on-site structures. The plan shall include the requirement that work shall be conducted by a Cal-OSHA registered asbestos and lead abatement contractor in accordance with Title 8 California Code of Regulations (CCR) 1529 and Title 8 CCR 1532.1 regarding asbestos and lead training, engineering controls and certifications. The applicant shall submit the work plan to the City and the Contra Costa County Department of Conservation and Development for review and approval. Materials containing more than one percent asbestos that is friable are also subject to BAAQMD regulations. Removal of materials containing more than one percent friable asbestos shall be completed in accordance with BAAQMD Section 11-2-303.			
Hydrology and Water Quality						
X. (a.)	Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	*X-1*	*Prior to issuance of a grading permit, the project applicant shall retain a registered civil engineer to prepare an Erosion and Sediment Control Plan for submittal to the City Engineer for review and approval. The*	City Engineer	Prior to issuance of a grading permit	

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		Erosion and Sediment Control Plan shall include provisions to effectively minimize soil erosion and sedimentation from the redeveloped project site and provide for the control of runoff from the site in accordance with Section 15.36.190 of the City Municipal Code. Provisions may include, but shall not be limited to, the following: • *Hydroseeding* • *Placement of erosion control measures within drainage areas and ahead of drop inlets;* • *Temporary lining (during construction activities) of drop inlets with filter fabric;* • *Placement of straw wattles along slope contours;* • *Use of a designated equipment and vehicle "wash-out" location;* • *Use of siltation fences;* • *Use of on-site rock/gravel road at construction access points, as necessary; and* • *Use of sediment basins and dust palliatives.*			

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		X-2 *Prior to approval of final improvement plans, the applicant shall prepare and submit, for the City's review, an acceptable Stormwater Control Operation and Maintenance Plan. In addition, prior to the sale, transfer, or permanent occupancy of the site the applicant shall be responsible for paying for the long-term maintenance of treatment facilities and executing a Stormwater Management Facilities Operation and Maintenance Agreement and Right of Entry in the form provided by the City of Pinole. The applicant shall accept the responsibility for maintenance of stormwater management facilities until such responsibility is transferred to another entity.* *The applicant shall submit, with the application of building permits, a draft Stormwater Facilities and Maintenance Plan, including detailed maintenance requirements and a maintenance schedule for the review and approval by the Director of Public Works/City Engineer. Typical routine maintenance consists of the following:*	City of Pinole Community Development Department Director of Public Works/City Engineer	Prior to approval of final improvement plans	

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		• *Limit the use of fertilizers and/or pesticides. Mosquito larvicides shall be applied only when absolutely necessary.* • *Replace and amend plants and soils as necessary to ensure the planters are effective and attractive. Plants must remain healthy and trimmed if overgrown. Soils must be maintained to efficiently filter the storm water.* • *Visually inspect for ponding water to ensure that filtration is occurring.* • *After all major storm events remove trash, inspect drain pipes and bubble-up risers for obstructions and remove if necessary.* • *Continue general landscape maintenance, including pruning and cleanup throughout the year.* • *Irrigate throughout the dry season. Irrigation shall be provided with sufficient quantity and frequency to allow plants to thrive.* • *Excavate, clean, and/or replace filter media (sand, gravel, topsoil) to ensure adequate infiltration rate (annually or as needed).*			

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X. (ci-ciii.)	Would the project substantially alter the existing drainage pattern of the site 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 result in substantial erosion or siltation on- or off-site, substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite, or 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?	*X-3* *Implement Mitigation Measure X-2.*	See Mitigation Measure X-2.	See Mitigation Measure X-2.	
		Noise			
XIII. (a.)	Would the project result in 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?	*XIII-1* *The following meausres shall be included, via written notation, on final improvement plans for the project prior to review and approval by the City:* • *Pursuant to City of Pinole General Plan Action HS.8.1.5, the project shall utilize temporary construction noise control measures including the use of temporary noise barriers, or other appropriate measures as mitigation*	City of Pinole Community Development Department	Included via written notation on, and prior to review and approval of, final improvement plans	

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		for noise generated during construction of projects. • *Pursuant to Pinole Municipal Code Section 15.02.070(A), construction work is allowed from 7:00AM to 5:00PM on non-federal holidays. Construction work is allowed on holidays recognized by the City of Pinole, but not acknowledged federally, which include Cesar Chavez's Birthday and the Day after Thanksgiving; however, inspections will not be performed.* • *Pursuant to Pinole Municipal Code Section 15.02.070(B), construction work on Saturdays is allowed in commercial zones only, from 9:00AM to 6:00PM as long as the work is interior work and does not generate significant noise.* • *All noise-producing project equipment and vehicles using internal-combustion engines shall be equipped with manufacturers-recommended mufflers and be maintained in good working condition.* • *All mobile or fixed noise-producing equipment used on the project site that*			

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		are regulated for noise output by a federal, State, or local agency shall comply with such regulations while in the course of project activity. • *Electrically powered equipment shall be used instaed of pneumatic or internal-combustion powered equipment where feasible.* • *Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors.* • *Project area and site access road speed limits shall be established and enforced during the construction period.* • *Nearby residences shall be notified of construction schedules so that arrangements can be made, if desired, to limit their exposure to short-term increases in ambient noise levels.*			
		XIII-2 *Prior to approval by the City, final improvement plans for the proposed project shall provide for the construction of a solid noise barrier measuring seven-feet in height along the project property boundary, as*	City Engineer	Prior to approval of final improvement plans	

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			indicated in Figure 27 of this IS/MND. The design and materials for the noise barrier shall be subject to approval by the City Engineer.			
		XIII-3	*The project applicant shall ensure that all future vendor contracts include language limiting project truck deliveries to daytime hours only (7:00 AM to 10:00 PM to the satisfaction of the City of Pinole).*	City of Pinole Community Development Department	Included with all future vendor contracts	
Tribal Cultural Resources						
XVIII. (a,b.)	Would the project 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: listed or eligible for listing in the California Registrar of Historical Resources, or in a local registrar or historical resources as defined in Public Resources Code section 5020.1(k); and a resource determined by the lead agency, in its discretion and supported by substantial	*XVIII-1*	*Implement Mitigation Measures V-1 and V-2.*	See Mitigation Measures V-1 and V-2.	See Mitigation Measures V-1 and V-2.	

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	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?				