

ENVIRONMENTAL CHECKLIST

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

PINOLE SHORES II PROJECT

Prepared For:

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



JUNE 2024

[THIS PAGE INTENTIONALLY LEFT BLANK]

PINOLE SHORES II PROJECT CEQA ENVIRONMENTAL CHECKLIST FOR STREAMLINED REVIEW

Project Title:	Pinole Shores II Project	
Lead Agency:	City of Pinole 2131 Pear Street Pinole, CA 94564	
Contact Person:	David Hanham, Planning Manager Phone: (510) 724-9842 Email: dhanham@ci.pinole.ca.us	
Project Location:	830-848 San Pablo Avenue, City of Pinole, Contra Costa County, California, 94564 (APN: 402-230-015, 402-230-016, 402-230-017, 402-230-018, and 402-230-020)	
Property Sponsor and Owner(s):	Property Owner CITY OF PINOLE 2131 Pear Street Pinole, CA 94564	Project Applicant GRP Shores, LLC John Diemer 2350 N University Dr. #848300 Pembroke Pine, FL 33084
General Plan Designation:	Service Sub-Area (SSA)	
Zoning:	Office Industrial Mixed-Use (OIMU), Planned Development (PD)	
Specific Plan Designation:	Service Sub-Area, San Pablo Avenue Corridor of Three Corridors Specific Plan	
Description of project:	The project consists of Conditional Use Permit for a wholesale distribution center, a Parcel Map to combine 5 lots into one, site preparation of the vacant 7.37-acre site, and construction of one tilt up building totaling 121,674 square feet, consisting of 116,778 square feet of warehouse and distribution space and approximately 4,896 square feet of office space. The proposed project includes 18 loading docks, 5 truck parking spaces, 132 parking stalls for passenger vehicles, site pedestrian circulation, as well as landscaping that includes stormwater treatment facilities.	
Surrounding land uses and setting; briefly describe the project's surroundings:	The site is surrounded by a variety of uses including office and industrial to the south and west, residential to the east and northwest, and the BNSF railroad and Bay Trail to the north. A grove of protected trees is located to the southeast of the project site.	
Other public agency approvals:	N/A	
Have California Native American tribes requested consultation pursuant to PRC section 21080.3.1?	The City conducted notification pursuant to the statutory timeframe provided by Public Resources Code §21080.3.1. Notice was delivered to tribes via email on December 20, 2022. The City of Pinole received two requests for consultation from the Indian Canyon Mutsun Band of Costanoan and the Confederated Village of Lisjan and entered into consultation. Consultation was completed on March 17, 2023. The project redesign was noticed to the tribes on May 20, 2024 and the Confederated Villages of Lisjan and the Amah Mutsun Tribal Band of San Juan Bautista & A.M.T.B. Inc. responded. No further requests for consultation were received.	

PINOLE SHORES II PROJECT

TABLE OF CONTENTS	PAGE
1. INTRODUCTION.....	7
2. PROJECT LOCATION AND DESCRIPTION	7
2.2. PROJECT DESCRIPTION	8
3. APPLICABLE CEQA PROVISIONS AND FINDINGS	17
3.1. GENERAL PLAN, SPECIFIC PLAN, AND EIR	18
3.2. CONSISTENCY WITH PROGRAM EIR (CEQA GUIDELINES SECTION 15168)	18
3.3. GENERAL PLAN/COMMUNITY PLAN EXEMPTION (CEQA GUIDELINES SECTION 15183)	19
3.4. CEQA DETERMINATION AND SUMMARY OF FINDINGS	23
3.5. ENVIRONMENTAL CONDITIONS OF APPROVAL	23
4. EVALUATION OF ENVIRONMENTAL EFFECTS	24
4.1. AESTHETICS	25
4.2. AGRICULTURAL AND FORESTRY RESOURCES.....	28
4.3. AIR QUALITY	29
4.4. BIOLOGICAL RESOURCES	36
4.5. CULTURAL RESOURCES	42
4.6. ENERGY	46
4.7. GEOLOGY AND SOILS.....	48
4.8. GREENHOUSE GAS EMISSIONS	53
4.9. HAZARDS AND HAZARDOUS MATERIALS.....	56
4.10. HYDROLOGY AND WATER QUALITY.....	59
4.11. LAND USE AND PLANNING.....	65
4.12. MINERAL RESOURCES	67
4.13. NOISE.....	68
4.14. POPULATION AND HOUSING	75
4.15. PUBLIC SERVICES.....	77
4.16. RECREATION	79
4.17. TRANSPORTATION.....	81
4.18. TRIBAL CULTURAL RESOURCES	87
4.19. UTILITIES AND SERVICE SYSTEMS	90
4.20. WILDFIRE.....	94
4.21. MANDATORY FINDINGS OF SIGNIFICANCE.....	96
5. REFERENCE DOCUMENTS	98
5.1. TECHNICAL APPENDICES	98
5.2. OTHER DOCUMENTS REFERENCED	98
6. ENVIRONMENTAL CONDITIONS OF APPROVAL	100

TABLE OF FIGURES

FIGURE 1: REGIONAL LOCATION	13
FIGURE 2: PROJECT VICINITY	14
FIGURE 3: LAND USE AND ZONING MAP	15
FIGURE 4: SITE PLAN	16

TABLE OF TABLES

TABLE 1. CONSTRUCTION PERIOD EMISSIONS	31
TABLE 2. OPERATIONAL EMISSIONS	31
TABLE 3. BAAQMD OPERATIONAL SIGNIFICANCE THRESHOLDS AND PROJECT COMPLIANCE	32
TABLE 4. MECHANICAL EQUIPMENT NOISE LEVELS AND RECEIVING LAND USE	71

LIST OF ACRONYMS

APN	ASSESSOR PARCEL NUMBER
BAAQMD	BAY AREA AIR QUALITY MANAGEMENT DISTRICT
BMP	BEST MANAGEMENT PRACTICE
CALEEMOD	CALIFORNIA EMISSIONS ESTIMATOR MODEL
CARB	CALIFORNIA AIR RESOURCES BOARD
CBC	CALIFORNIA BUILDING CODE
CCR	CALIFORNIA CODE OF REGULATIONS
CCTA	CONTRA COSTA TRANSPORTATION AUTHORITY
CDFW	CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
CEQA	CALIFORNIA ENVIRONMENTAL QUALITY ACT
CNEL	COMMUNITY NOISE EQUIVALENT LEVEL
CNPS	CALIFORNIA NATIVE PLANT SOCIETY
CRHR	CALIFORNIA REGISTER OF HISTORICAL RESOURCES
DBA	A-WEIGHTED DECIBEL
DEIR	DRAFT ENVIRONMENTAL IMPACT REPORT
DTSC	DEPARTMENT OF TOXIC SUBSTANCE CONTROL
EIR	ENVIRONMENTAL IMPACT REPORT
EV	ELECTRIC VEHICLE
EVSE	ELECTRIC VEHICLE SERVICE EQUIPMENT
FMMP	FARMLAND MAPPING AND MONITORING PROGRAM
FHSZ	FIRE HAZARD SEVERITY ZONE
GHG	GREENHOUSE GAS
HI	HAZARD INDEX
HRA	HEALTH RISK ASSESSMENT
HMBP	HAZARDOUS MATERIAL BUSINESS PLAN
IS/MND	INITIAL STUDY/MITIGATED NEGATIVE DECLARATION
LID	LOW IMPACT DEVELOPMENT
LOS	LEVEL OF SERVICE
LRA	LOCAL RESPONSIBILITY AREA
MGD	MILLION GALLONS PER DAY
MBTA	MIGRATORY BIRD TREATY ACT
MEI	MAXIMUM EXPOSED INDIVIDUAL
MMRP	MITIGATION MONITORING AND REPORTING PROGRAM
NPDES	NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
PPV	PEAK PARTICLE VELOCITY
PRC	PUBLIC RESOURCES CODE
RCPA	REGIONAL CLIMATE PROTECTION AGENCY
ROG	REACTIVE ORGANIC GAS
RWQCB	REGIONAL WATER QUALITY CONTROL BOARD
SCH	STATE CLEARINGHOUSE
SRA	STATE RESPONSIBILITY AREA
SWPPP	STORM WATER POLLUTION PREVENTION PLAN
SWRCB	STATE WATER RESOURCES CONTROL BOARD
TAC	TOXIC AIR CONTAMINANTS
USACOE	UNITED STATES ARMY CORPS OF ENGINEERS
UGB	URBAN GROWTH BOUNDARY
UST	UNDERGROUND STORAGE TANK
UWMP	URBAN WATER MANAGEMENT PLAN
µG/M3	MICROGRAMS PER CUBIC METER
VHFHSV	VERY HIGH FIRE HAZARD SEVERITY ZONE
VMT	VEHICLE MILES TRAVELED

[THIS PAGE INTENTIONALLY LEFT BLANK]

1. INTRODUCTION

This California Environmental Quality Act (CEQA) Analysis evaluates environmental impacts from the proposed Pinole Shores II Project, which would be located to the rear of existing commercial facilities at 830-848 San Pablo Avenue. The Project proposes the construction and operation of one tilt-up building comprising 121,674 square feet of distribution, warehousing, and office space, as well as associated site improvements including parking, loading docks, circulation aisles, and 43,243 square feet of landscaping (hereinafter referred to as the “project”).

Documentation herein has been prepared by the City of Pinole as lead agency as defined in Section 15367 of the CEQA Guidelines and in full accordance with the procedural and substantive requirements of CEQA Guidelines. This CEQA Analysis uses streamlining and tiering in accordance with CEQA Guideline Sections 15168, 15182 and 15183 for consistency with the General Plan and Three Corridors Specific Plan and the certified Environmental Impact Report (EIR).

2. PROJECT LOCATION AND DESCRIPTION

This section provides information on the proposed project including a description of the project location and setting and the characteristics of the proposed project including construction and operations.

2.1. PROJECT LOCATION

The project site is located in the City of Pinole, which is in northwestern Contra Costa County along Interstate 80 (I-80), approximately 12 miles south of Vallejo and 17 miles north of Oakland. The City of Pinole is bordered by the City of Hercules to the north and by the cities of Richmond and San Pablo to the south (**Figure 1: Regional Location**).

Project Site Setting

The project site contains 7.37-acre located at 830-848 San Pablo Avenue, approximately 1.2 miles north of Interstate 80 (I-80) and 0.5 miles west of the intersection of San Pablo Avenue and Appian Way and consists of five parcels (Assessor’s Parcel Numbers (APN) 402-230-015, -016, -017, -018, and -020). A Parcel Map to combine all five parcels into one was approved by the Planning Commission on May 8 of 2023 by Resolution 23-04. The site elevations range from 71 feet above mean sea level in the eastern portion of the site to 78 feet above mean sea level in the western portion of the site. The site is undeveloped, has been previously graded and disturbed, subject to routine mowing, weed abatement, and fire suppression activities, and contains ruderal vegetation. There is a stand of protected mature trees to the southeast of the project site and riparian woodland associated with a site drainage on the eastern periphery of the site. The proposed project site was previously filled and graded during Phase 1 of the Pinole Shores Business Park construction that occurred from 2006 to 2009.

The site is landlocked by surrounding development and is accessible by two driveways from San Pablo Avenue and a private loop road. The project site is to the rear of the existing Pinole Shores Industrial Park, which is comprised of four buildings, circulation improvements, parking, (APNs 402-390-021; 402-230-021) and a natural gas pipeline easement (APN 402-230-005). Existing ADA accessible sidewalks and crosswalks are located along the San Pablo Avenue frontage.

The site is surrounded by a variety of established uses including Sugar City Building Materials industrial development to the west, Harbour Cove residential subdivision to the northwest, Burlington Northern Santa Fe (BNSF) railroad to the north¹, beyond which is the Bay Trail and San Pablo Bay, a multifamily residential development to the east, and the Pinole Shores Business Park to the south (**Figure 2: Project Vicinity**).

General Plan and Zoning

¹ The BNSF railroad corridor is located along the subject site’s northern boundary and supports both freight and passenger rail. The BNSF railroad is used by the Capitol Corridor Amtrak Line with the closest stop located 7.5 miles to the southwest in Richmond.

The project site has a General Plan Land Use Designation of Service Sub-Area (SSA), is zoned Office Industrial Mixed Use (OIMU) and Planned Development (PD) and is part of the Pinole Shores Industrial Park.

The project site is located within San Pablo Avenue Corridor of the Three Corridors Specific Plan. The SSA of the San Pablo Avenue Corridor is intended to serve as the gateway into Pinole, encourage light and green industry, and to be a transition area between the Mixed-Use subarea and the western City limits of Pinole. The SSA is intended to embrace the area's historic industrial character while moving towards newer, cleaner industry and allowing land use flexibility. The purpose of the OIMU designation is to preserve land for manufacturing and industrial uses, particularly "green industry". A limited amount of general office, retail and residential uses may be permitted where such uses would not conflict with the principal industrial uses in the area. The Planned Development designation is a Special Purpose zoning district which recognizes the Pinole Shores Business Park Planned Development zoning designation approved and developed in 2006, prior to adoption of the city's current 2010 comprehensive Zoning Code update (**Figure 3: Land Use and Zoning**).

The San Pablo Avenue Corridor is designated as a Priority Development Area (PDA), which are areas identified by Bay Area communities as locations proximate to transit that are planned for investment, new homes, community amenities, and job growth. PDAs are the foundation for sustainable regional growth as envisioned through Plan Bay Area, the region's Sustainable Community Strategy (SCS). The most recently adopted SCS is the Plan Bay Area 2050 prepared as a joint effort between the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG).² Implementation of PDA's enhance mobility and economic growth by linking the location of housing and jobs with transit, thus offering a more efficient land use pattern around transit, reducing greenhouse gas emissions, and realizing a greater return on existing and planned transit investments.

2.2. PROJECT DESCRIPTION

The project proposes a warehousing and/or wholesale distribution center use, which is subject to a conditional use permit. The purpose of the conditional use permit is for the individual review of uses typically having unique or unusual site development features or operating characteristics and are intended to ensure compatibility with surrounding areas and uses. The Project proposes 24-hour internal operations and would limit trucking activity, deliveries, and distribution to daytime hours between 7:00 am to 7:00 pm.

The project applicant received approval for a Parcel Map to consolidate the five existing parcels into one (Assessor's Parcel Numbers (APN) 402-230-015, -016, -017, -018, and -020) through Planning Commission Resolution 23-04 on May 8, 2023. The project would construct one new 47-foot-high tilt-up building containing a total of 121,674 square feet of floor area divided into 116,778 square feet of warehouse/distribution area, 2,448 square feet of office space, and 2,488 square feet of mezzanine above the office space. Tilt-up construction refers to a series of concrete panels which are poured into forms on the ground and then tilted up into place to comprise a building's exterior walls. The warehouse area will be unconditioned, but the office will be serviced by HVAC units mounted on the roof directly above the office area. No other mechanical equipment is planned or proposed for installation on the exterior of the building.

The building will have trailer bays and loading docks with dock-high doors that can accommodate up to 18 WB-67 trucks as well as 5 dedicated truck parking stalls. The truck loading docks will face the shared private driveway off of San Pablo. The ground floor office spaces will have a conference room, two private offices, a kitchen area, and four bathrooms, two of which are accessible from the office and two from the warehouse area. The building contains two staircases, one internal to the office space that connects the ground floor with the mezzanine, and the other within the warehouse space providing a connection from the warehouse floor to the mezzanine level.

As conditioned, the project will construct a 10-foot high sound wall of approximately 420 feet long along the eastern edge of the project driveway to provide noise attenuation from truck activity to nearby residences. The project also includes installation of parking, lighting, landscaping, and other ancillary improvements to accommodate the proposed development (**Figure 4: Site Plan**).

Architecture

² Final Plan Bay Area 2050 prepared by ABAG/MTC, adopted October 21, 2021.

The building would be of concrete tilt-up panel construction. The panels will have articulated faces and variable heights and will be painted with three different complementary colors to break up the building mass. The two most prominent colors proposed are a white and light gray for most of the exterior with a darker gray color to draw attention to building entrances and as an accent to further break up the mass of the building. Entrances are defined by a decorative open brow awning structure painted metallic white and the main entrance would have a decorative solid canopy also painted metallic white. The overhead doors located at the loading dock will be the same dark gray as the accent color and will be nonreflective. The windows at the office will utilize an aluminum framed storefront system and will be medium performance green reflective colored glazing. A series of panels (non-vision glazing) will be glazed with the same medium green reflective coating to give the impression of windows and will be distributed on all faces of the building. The roof will be punctuated with skylights for passive illumination. There will be one main entrance, located at the southwestern corner of the building, near the office space and multiple access doors around the perimeter and at the loading docks.

Access and Parking

The project site will be improved with a private access road which will extend from the southeast corner of the site around the perimeter of the building to the southwest corner of the site where it will tie into the existing drive aisle at the rear of the existing Pinole Shores Business Park development. The access road also serves as a fire lane and provides width segments ranging from 20 feet at the narrowest point to 30 feet at the widest point. Through access is provided from the existing drive aisles to the east and west of the adjacent Pinole Shores Business Park (PSBP). A bulb out will be provided opposite of the entrance to the loading dock and truck maneuvering area to provide extra space for turning as trucks exit and enter. Access easements will be established to formalize access to the project site through the PSBP.

The project will include 132 total parking spaces with 79 head-in parking spaces along the periphery of the access road with dimensions of 9 feet wide by 19 feet deep and 11 compact spaces with dimensions of 8.5 by 19 feet for passenger vehicles. Six parking spaces will be ADA accessible standard spaces, 11 will be clean air carpool/vanpool spaces, 4 will be equipped with electric vehicle charging equipment (EVSE), two ADA spaces will be equipped with EVSE including one van accessible space, and 19 will be equipped with conduit for future installation of EVSE. There are 18 trailer loading and unloading bays with dock-high roll up doors and parking for 5 30-foot trucks. In compliance with CalGreen, the project will be required to “pre-plumb” for charging of heavy duty electric trucks (e.g. raceway conduit and 400 KVA of additional panel capacity) for future installation of medium and heavy-duty electric vehicle charging equipment in the truck parking and loading docks.

The project will install pedestrian access at the main entrance and at each access point of the building. The project site vicinity is served by the West Contra Costa Transit Authority (WestCAT). The nearest westbound bus stop is located on San Pablo Avenue adjacent to the PSBP frontage, and the nearest eastbound bus stop is located across the street at the intersection of San Pablo Avenue and Meadow Avenue.

Utilities

There are two existing underground stormwater pipes that bisect the project site in the northeastern most portion of the property. These pipes convey stormwater from public roadways in Pinole and the existing Pinole Shores Industrial Park to an outfall at the San Pablo Bay. One pipe is 48 inches, and the other is 24 inches, and they are serviced and maintained via access to facilities on the project site. The project would install a 24-inch stormwater pipeline to convey stormwater from the project to the junction with existing storm drainage infrastructure. Stormwater will be from impervious surfaces and overflow from proposed stormwater BMPs. The project would also install and maintain an access road for ongoing access and maintenance of the stormwater junction on an as need basis.

Landscaping

The project will contain a total of 43,243 square feet of landscaping, concentrated at the periphery of the building and along the periphery of the access drive aisle including stormwater bioretention areas and bulb outs in the parking area. Landscaping includes trees, shrubs, perennials, groundcover, and native grasses and will provide shade in the parking areas, screen and soften the development from surrounding views, and filter stormwater runoff. Shade trees and landscaping proposed adjacent to the parking areas would provide shade coverage to

51% of the parking stalls. Stormwater runoff from impervious surfaces introduced by the project will be treated by bioretention basins distributed throughout the project site.

Construction

For purposes of this analysis, it is assumed that construction activities will occur over an approximately 1.5-year construction period, from Fall 2024 to Summer to 2026. Construction activities include site preparation and grading, trenching for utilities, construction of vertical elements, paving, internal finishing, architectural coating, and landscaping and lighting. Site preparation would initiate with grubbing to remove ruderal vegetation and grading to level and compact the site. Grading and import of fill soils occurred during the 2006 development of Phase 1 of the Pinole Shores Business Park. No further import or export of fill is expected to be required to achieve site elevations and support structural grades. Grading of the site will be followed by trenching and installation of utilities. Foundation work will be conducted followed by the construction of the tilt up building. Finally, landscaping, lighting, infrastructure, and finishing details will be installed.

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

Construction access routes would be from San Pablo Avenue. A construction trailer, construction worker parking, and the construction yard would be located onsite. Construction activities, start times, end times and deliveries would be within the City's designated construction hours per municipal code section 15.36.250, between the hours of 7 am to 6 pm Monday through Friday and 8 am to 5 pm on Saturday.

Operation

The project proposes to operate as a warehouse and wholesale distribution facility with ancillary office use. It is anticipated that between 60 and 100 employees would be employed at operation. Hours of operation for exterior activities and truck deliveries and distribution would generally extend from 7:00 am to 7:00 pm Monday through Friday, with some interior uses requiring 24/7 activities. The largest shift of employees onsite is expected to be between the hours of 7:00 am and 3:00 pm.

Offsite Improvements

The project will include offsite improvements along the frontage of San Pablo Avenue including the construction of a bus shelter at the existing westbound bus stop at the front of the Pinole Shores Business Park, restriping and signage to prohibit left-turns into the project driveway, lengthening the eastbound left turn pocket, realignment of the existing crosswalk and striping at the project driveway, installation of a new stop sign and street markings at the private lot intersection north of San Pablo Avenue, and installation of a traffic signal and crosswalks at the project driveway entrance at the intersection of Meadow Avenue and San Pablo Avenue.

Public Outreach

No public outreach has been conducted in the surrounding community for this project.

Entitlements

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

- Comprehensive Design Review
- Conditional Use Permit

Other Public Agency Review

The project requires the following approvals from regional agencies:

Pinole Sanitary District for permits to connect to the sanitary sewer.

California Native American Tribal Consultation

In accordance with AB 52 (PRC Section 21084.2), lead agencies are required to initiate consultation with a tribe with traditional and/or cultural affiliations in the geographic area where a subject project is located if a project may cause a substantial adverse change in the significance of a tribal cultural resource. Should the tribe respond requesting formal consultation, the lead agency must work with the tribe or representative thereof to identify potential impacts and develop avoidance or mitigation measures to reduce potential impacts to tribal cultural resources. In accordance with AB 52, notification of the proposed project was mailed to the following tribes on December 20, 2023, and subsequent notice of design change was issued on May 20, 2024.

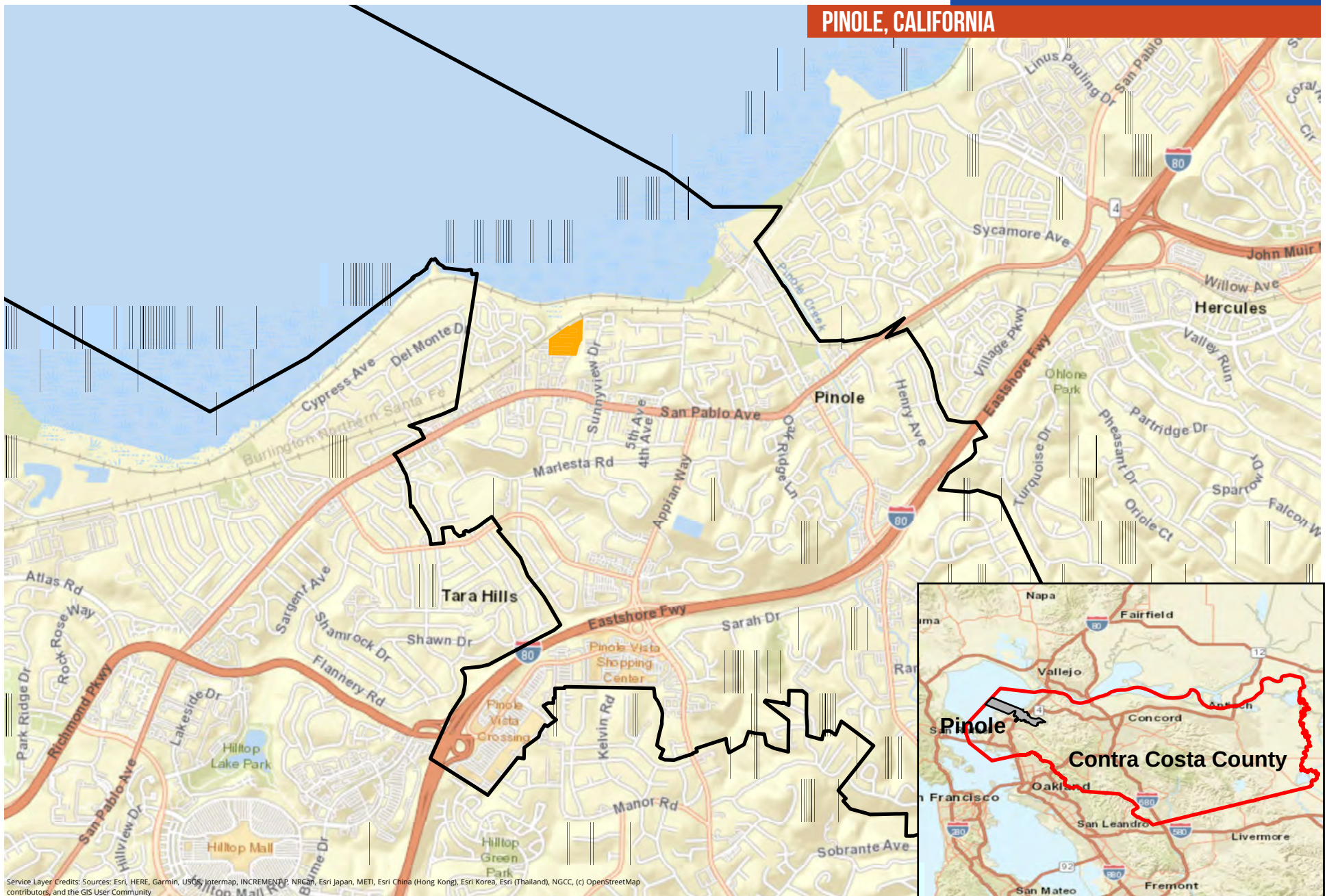
- The Ohlone Indian Tribe
- Amah Mutsun Tribal Band of Mission San Juan Bautista
- The Confederated Villages of Lisjan
- Guidiville Indian Rancheria
- Indian Canyon Mutsun Band of Costanoan
- Muwekma Ohlone Indian Tribe of the SF Bay Area

Two responses were received from Tribal organization or entities requesting to enter into consultation under AB 52 from the Confederated Villages of Lisjan and the Indian Canyon Mutsun Band of Costanoan. Additionally, consultation about the project was conducted by Evans & DeShazo (EDS) with a representative from the Indian Canyon Mutsun Band of Costanoan. Recommendations for inclusion of tribal monitors during ground-disturbing activities received through that process are imposed as environmental conditions of approval (See Cultural and Tribal Cultural Resources Sections below). Tribal consultation was completed in March 2023.

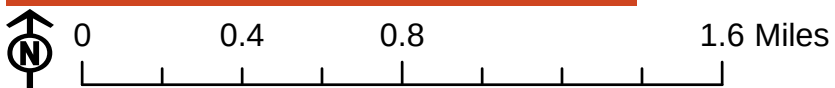
With redesign of the project, the City contacted the Tribes and the Confederated Villages of Lisjan asked to be contacted if any cultural resources or burial sites are found during construction and the Amah Mutsun Tribal Band of Mission San Juan Bautista shared information regarding services including training and monitoring. No other responses were received.

[THIS PAGE INTENTIONALLY LEFT BLANK]

PINOLE, CALIFORNIA



PINOLE SHORES COMMERCIAL WAREHOUSES: REGIONAL LOCATION



Data source: Contra Costa County

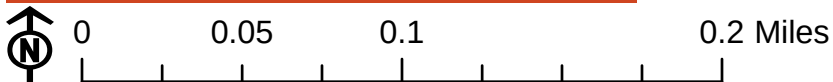
- Pinole Shores (Project Site)
- City Boundary
- Contra Costa County





PINOLE, CALIFORNIA

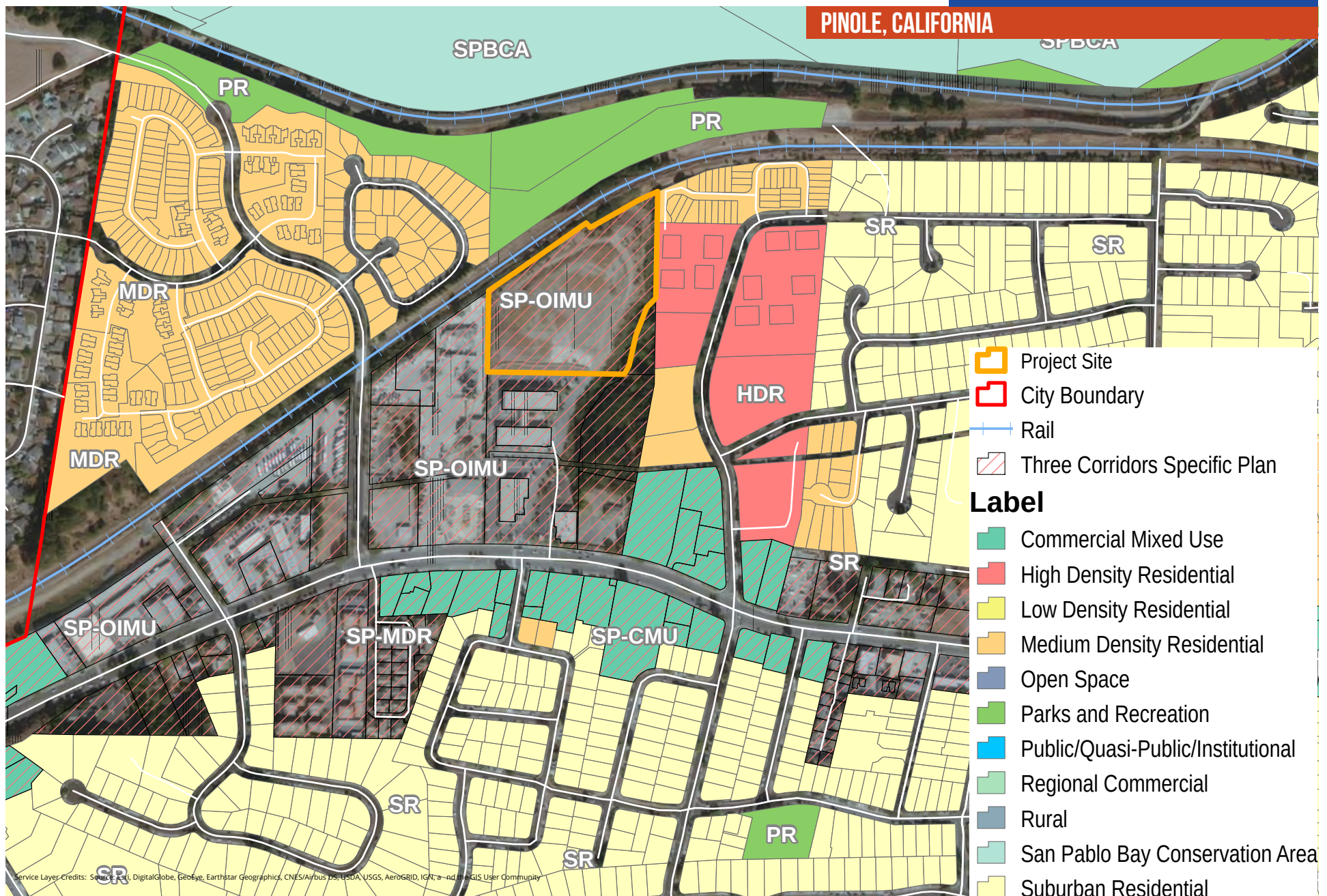
PINOLE SHORES COMMERCIAL WAREHOUSES: PROJECT VICINITY



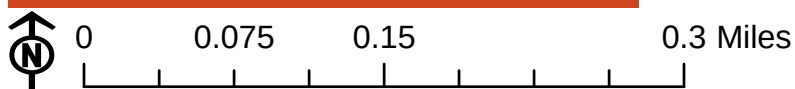
Data source: Contra Costa County

- Pinole Shores (Project Site)
- Rail
- City Boundary
- Bay Trail





PINOLE SHORES COMMERCIAL WAREHOUSES: ZONING AND GP LAND USE



Data source: Contra Costa County



PINOLE SHORES II COMMERCIAL WAREHOUSE

FIGURE 4: SITE PLAN

↑
N
Data source: HDO Architecture & KSR Civil Engineering, Google Earth Pro



[THIS PAGE INTENTIONALLY LEFT BLANK]

3. APPLICABLE CEQA PROVISIONS AND FINDINGS

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

3.1. GENERAL PLAN, SPECIFIC PLAN, AND EIR

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

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

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

The City of Pinole certified a program level EIR, the 2010 FEIR, which includes an analysis of the development potential anticipated by land use designation, policies and programs contained in the General Plan and the Three Corridors Specific Plan. The 2010 FEIR provides for streamlining and/or tiering opportunities under CEQA Guidelines Section 15168. CEQA Guidelines 15168(c) states that "later activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared."

APPLICABILITY OF THE PROJECT TO 15168

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

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

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

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

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

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

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

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

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

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

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

APPLICABILITY OF THE PROJECT TO 15183

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

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

The City of Pinole General Plan and Three Corridors Specific Plan were approved and the EIR (SCH Number 2009022057) was certified on October 20, 2010, by Resolution Number 2010-88. The project is located on a site with the Office Industrial Mixed Use (OIMU) designation within the Service Subarea (SSA) in the San Pablo Avenue Corridor. The SSA is intended to serve as the gateway into Pinole where light and green industry is encouraged. This SSA serves as a transition between the Mixed-Use Subarea and the western City limits of Pinole. It is intended to embrace the area’s historic character as an industrial area while moving towards newer cleaner industry and allowing land use flexibility.

The purpose of the Office Industrial Mixed-Use District is to allow a wide range of office and light industrial development. This designation is intended for office and light industrial uses with supporting retail and service

uses. Offices may be developed in an office park setting, but most office and light industrial development stands alone. Commercial and other support services may be integrated vertically and/or horizontally in this district, but the predominant use of integrated developments is office and/or light industrial. Retail must be ancillary to the principal industrial activity of the property and cannot exceed 10 percent of total usable floor area. Public and quasi-public uses (community centers, public library, city hall, parks and other community serving uses etc.) are permitted.

The project consists of the construction of one tilt-up building on an independent parcel adjacent to an existing office and light industrial park. The ultimate tenant of the proposed building is not confirmed but is subject to the OIMU land use and provisions of the Conditional Use Permit for operations as a light industrial and wholesale distribution center.

The proposed Pinole Shores II Project is consistent with the following Three Corridors Specific Plan land use policies related to the San Pablo Avenue Corridor:

- Land Use Policy 6. Actively promote the “revitalization” of underutilized land.
- Land Use Policy 8. Encourage the development of mixed-use office buildings in proximity to existing transit stops.
- Land Use Policy 9. Promote a variety of smaller retail and office space opportunities for small business.

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

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

The Pinole Shores II Project is located on a site designated as Office Industrial Mixed Use (OIMU) and the Specific Plan uses the existing development as a model of OIMU development consisting of 30 percent site utilization, 80 percent industrial, 10 percent office, and 10 percent retail. The proposed development will contain 121,674 square feet of building for 38 percent site utilization, 96 percent warehouse or light industrial space, 4 percent office space, and no retail or residential uses are proposed.

The General Plan and Specific Plan have assumed a total maximum development potential of 512,466 square feet of office space and zero (0) square feet of industrial space within the Specific Plan area. Of the existing 336,253 square feet of existing office space stock, 307,233 square feet of additional office space is projected for development within the San Pablo Avenue Corridor. The San Pablo Avenue Corridor contains 426,692 square feet of industrial square footage, or 90 percent of Pinole's total stock of industrial space. The Specific Plan determined that Pinole's stock of industrial space is sufficient to current and projected demand and projects a decrease of 3,705 square feet.

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

The project site is designated Service Sub-Area (SSA) on the City's General Plan Land Use map. The SSA is intended to maintain and enhance existing land uses while providing land use flexibility and incentives to encourage new private investment and development. Each service sub-area has a different emphasis and, while described in greater detail in the Specific Plan, the San Pablo Avenue emphasis is to preserve land for manufacturing and industrial uses, particularly "green industry". A limited amount of general office, retail and residential uses may be permitted where they will not conflict with the principal industrial uses in the area.

The Pinole Shores II Project proposes one light industrial building with 116,778 square feet of warehouse area with 4,896 square feet of ancillary office space. The building will be served by new parking spaces for passenger vehicles, parking for trucks, and a loading dock with 18 spaces to accommodate full size trucks. The proposed project is consistent with the following General Plan policies:

- Policy LU.1.1. Increase land use diversity along the San Pablo Avenue, Pinole Valley Road and Appian Way corridors; reduce residential density on large land holdings designated for Rural land use; and maintain other land use designations for a variety of residential, commercial, light industrial, recreational, open space and public purposes which (1) protect environmental resources; (2) provide a mix of housing types, densities and tenure; (3) ensure that a variety of commercial and industrial goods, services and employment opportunities are available; and (4) offer a range of recreational and public facilities to meet the needs of residents.
- Policy LU.1.2. Require all proposed projects to be consistent with the General Plan and other applicable development standards established by the Specific Plan(s) or the City's Zoning Code.
- Policy LU.3.3. Require design review of commercial and industrial projects to ensure compatibility with adjacent or nearby land uses, including intensity, access, internal circulation, visual characteristics, noise, odors, fire hazards, vibrations, smoke, discharge of wastes and nighttime lighting.
- Policy LU.4.3. Cluster development at higher densities to protect natural resources and address site development constraint issues, including archaeological sites, access, traffic, emergency services, water and sewer availability, creek and tree protection, steep slopes, potential geologic hazards, grading impacts, view protection and protection of open space resources.
- Policy LU.7.1. Provide sufficient land for commercial and industrial uses to allow for development that provides basic goods and services to Pinole residents.
- Policy LU.7.2. Provide for economic development which (1) maintains the City's ability to finance services and the construction and maintenance of public improvements; (2) offers local employment opportunities for Pinole residents to reduce inter-city commuting; and (3) assures the availability and diversity of resident-serving goods and services.
- Policy LU.7.3. Continue to strive for a balance between the number of jobs in the Pinole Planning Area and the number of housing units available for workers by encouraging and supporting policies and programs, mixed-use projects which provide both housing and employment opportunities, and the development of affordable housing.
- Policy LU.8.2. Utilize the Three Corridors Specific Plan to continue to revitalize the Pinole Valley Road south of Interstate 80, encourage additional medical office use north of Interstate 80, and enhance Pinole Creek as a natural amenity that supports wildlife and provides a trail system connecting Pinole Valley High School and commercial uses adjacent to Interstate 80 with the Old Town area and with San Pablo Bay and the Bay Trail. Continue to encourage the mixed-use nature of Pinole Valley Road while protecting the architectural integrity of existing historic buildings and connecting more recent development to the historic Old Town area. The strategies below shall be used to support this action:
 - a) Further define and enhance existing regional and neighborhood gateway locations consistent with the Three Corridors Specific Plan;

- b) Ensure that the scale and massing of new development is compatible with Pinole's small-town character along this corridor;
 - c) New development shall provide enhanced pedestrian and bicycle mobility features that improve both connections within the corridor and connections to surrounding residential, commercial, recreational, and institutional uses.
- Policy CE.1.1. Encourage strategic growth that concentrates future development along Pinole's three primary transit corridors (San Pablo Avenue, Appian Way and Pinole Valley Road).
 - Policy CE.5.1. Provide off-street parking to employees; however preferential parking at several locations in the city shall be made available to vanpools, carpools, alternative fuel vehicles and other transit users, where feasible and appropriate.
 - Policy CE.6.2. Implement transportation demand management strategies in conjunction with land uses in order to prevent future traffic congestion in the city.

3.4. CEQA DETERMINATION AND SUMMARY OF FINDINGS

As summarized above and presented herein, the proposed Pinole Shores II Project is eligible for the following CEQA exemptions:

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

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

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

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

Signature: City of Pinole

Date

3.5. ENVIRONMENTAL CONDITIONS OF APPROVAL

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

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

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

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

Signature: Project Applicant

Date

4. EVALUATION OF ENVIRONMENTAL EFFECTS

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

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

- **New Significant Impact** – The proposed Project would result in a new significant impact that was not previously identified in the 2010 FEIR.
- **More Severity Impact** – The proposed project's specific impact would be substantially greater than the specific impact described in the 2010 FEIR.
- **No Substantial Change** – The proposed project would not involve a substantial change from analysis conducted in the 2010 FEIR.
- **No Change** – The severity of the specific impact of the proposed project would be the same as or less than the severity of the specific impact described in the 2010 FEIR.

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

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

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

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

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

4.1. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:	New Significant Impact Not Identified in 2010 FEIR	More Severe Impact Relative to 2010 FEIR	No Substantial Change Relative to 2010 FEIR	No Change Relative to the 2010 FEIR
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
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?	☐	☐	☒	☐

Sources: City of Pinole General Plan/Specific Plan and EIR; and Plan Set, prepared by HDO Architecture, dated March 18, 2024.

General Plan and Specific Plan EIR Findings

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

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

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

Project Consistency with the 2010 FEIR

4.1(a) (Scenic Vistas) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR determined that there are no designated scenic vistas within the city. Although the City contains scenic views of the San Pablo

Bay and the surrounding cities that can be seen from the City's ridgelines, these views were not considered scenic vistas and the 2010 FEIR determined impacts to scenic vistas as less than significant.

The Pinole Shores II Project will introduce a new 2-story light industrial building on a site surrounded by established urban development. Given the site location within an urbanized area with no designated scenic vistas, the proposed project will result in no changes to visual impacts relative to the 2010 FEIR. No trees are currently growing on the project site and no tree removal will be required. The development will introduce approximately 123 new trees. New trees and landscaping will provide visual screening and soften the new development as well as provide shade to the parking lots and biofiltration in the proposed stormwater bioretention areas. Therefore, the project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

4.1(b) (Scenic Highways) No Change Relative to the 2010 FEIR: The 2010 FEIR determined that there are no officially designated state scenic highways or highways eligible for a designation by the California Department of Transportation Scenic Highways Program within the City. Accordingly, the project will have no impact on scenic resources within a state scenic highway.

4.1(c) (Visual Character) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR determined that implementation of the General Plan and Specific Plan could result in alteration to the visual setting in non-urbanized areas and those impacts would be less than significant. Though there are no officially designated scenic vistas within Planning Area, there are scenic views of the San Pablo Bay and the surroundings that can be seen from vantage points along ridgelines. The project is consistent with the intent of the General Plan and the Three Corridors Specific Plan to promote infill development within the urbanized areas of the city along the primary transportation corridors, to protect ridgelines and preserve open space, and to limit the height of buildings to protect long-range views.

The 2010 FEIR indicated that development consistent with the Zoning Code and General Plan policies would protect the visual character of the City. The project is compatible with General Plan Policy CC.1.1 in that it exhibits pedestrian orientation, and interconnectivity of circulation via the provision of sidewalks throughout the development that connect to the sidewalks along San Pablo Avenue, and also provides a connection to the other buildings in the Pinole Shores Business Park. Through Action CC.1.1.3 the project is also subject to the City's Commercial and Industrial Design Criteria and Guidelines to ensure high quality design and compatibility with the scale and character of the neighborhood.

The project has been evaluated by the City and found to be consistent with the applicable Design Guidelines as follows:

- The site design is pedestrian-oriented providing sidewalks around the entire periphery of the proposed building and at the site frontage.
- The project retains the existing access driveways off San Pablo Avenue.

The 2010 FEIR determined that the General Plan and Three Corridors Specific Plan policies and guidelines would mitigate impacts to visual character by directing development toward existing transportation corridors and protecting scenic resources including historic visual resources, creeks, the San Pablo Bay shoreline, ridgelines, hillsides, and tree and vegetative resources. The site is in an urbanized area and there are no scenic or visual resources present on the project site. Construction of the project will not be detrimental to the scenic quality of Pinole due to removal or infringement upon a significant scenic resource. The proposed building height would not create an impediment to long-range views because it is under the 4-story limit established in the Three Corridors Specific Plan. Therefore, the project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

4.1(d) (Lighting and Glare) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR determined that intensification of land uses may create new sources of light and glare. Application of lighting rules and regulations included in the Pinole Municipal Code was identified in the FEIR as a means to minimize impacts. The proposed lighting would be in conformance with Chapter 17.46, which governs installation and operation of lighting fixtures. Among the standards for lighting is the requirement for full downward shielding in order to reduce light and glare impacts to adjoining properties and public rights-of-way. Compliance with lighting standards has been imposed under environmental condition of approval **AES-1** in accordance with General

Plan Action CC.2.3.4. Therefore, the project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

Applicable 2010 FEIR Mitigation Measures

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

Conclusion and Environmental Conditions of Approval

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

COA AES-1: The applicant shall ensure, and the City shall verify, that the final lighting plan incorporates applicable requirements set forth in Chapter 17.46 of the Pinole Municipal Code and General Plan Action CC.2.3.4, including that all outdoor lighting fixtures be designed, shielded, aimed, located, and maintained to shield adjacent properties and to not provide glare onto adjacent properties or roadways.

4.2. AGRICULTURAL AND FORESTRY RESOURCES

Would the project:	New Significant Impact Not Identified in 2010 FEIR	More Severe Impact Relative to 2010 FEIR	No Substantial Change Relative to 2010 FEIR	No Change Relative to the 2010 FEIR
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
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?	☐	☐	☐	☒

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

General Plan and Specific Plan EIR Findings

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

Project Consistency with the 2010 FEIR

4.2(a-e) (Farmland, Agricultural Land, Forest Land) No Change Relative to the 2010 FEIR: The 2010 FEIR determined that buildout will not impact agricultural land. The project site is mapped as Urban and Built-Up Land by the California Department of Conservation. It does not contain farmland or forest land pursuant to Section 12220(g) of the Public Resources Code. The project is within the scope of development projected under the General Plan/Specific Plan and the 2010 FEIR and located on a site designated to support light industrial uses. Therefore, there would be no impact to farmland, agricultural land, or forestland due to the proposed project.

Applicable 2010 FEIR Mitigation Measures

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

Conclusion

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

4.3. AIR QUALITY

Would the project:	New Significant Impact Not Identified in 2010 FEIR	More Severe Impact Relative to 2010 FEIR	No Substantial Change Relative to 2010 FEIR	No Change Relative to the 2010 FEIR
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
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) Exposure of sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

Sources: City of Pinole General Plan/Specific Plan and EIR; Plan Set, prepared by HDO Architecture, dated March 18, 2024; BAAQMD 2017 Bay Area Clean Air Plan; BAAQMD CEQA Guidelines April 20, 2022; BAAQMD Recommended Methods for Screening and Modeling Local Risks and Hazards, prepared by the BAAQMD, May 2011; and Air Quality and Greenhouse Gas Assessment, prepared by Illingworth & Rodkin, Inc., April 25, 2024.

General Plan and Specific Plan EIR Findings

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

- Impact 4.3.1- Subsequent land use activities associated with implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would result in increased population and vehicle miles traveled that would exceed assumptions used to create the BAAQMD's Clean Air Plan. Although the GP EIR identified policies that would help reduce the effect of impacts, the impact would be significant and unavoidable, and there are no available mitigation measures. Resolution 2010-88 adopted a statement of overriding consideration for this significant and unavoidable impact citing a sustainability benefit with the following rationale: "The proposed residential and commercial uses and related densities are designed to balance housing and employment opportunities to help reduce trips in and out of the region."
- Impact 4.3.2- Subsequent land use activities associated with implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) could result in short-term construction emissions that could violate or substantially contribute to violations of federal and state ambient air quality standards. Implementation of mitigation measure 4.3.2, requiring the use of BAAQMD best management practices for construction emissions, would reduce impacts to less than significant.
- Impact 4.3.3- Subsequent land use activities associated with implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) could result in long-term, operational emissions that could violate or substantially contribute to violations of federal and state ambient air quality standards. Impacts were determined to be significant and unavoidable, and there are no available mitigation measures. A statement of overriding consideration was adopted with certification of the 2010 FEIR by resolution 2010-88 citing sustainability benefits.
- Impact 4.3.4- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would result in increased population and employment that would result in level of service operations that would be inconsistent with the region's congestion management

Program. Implementation of mitigation measure 4.4.2, for the City to work with county transportation agencies, would reduce impacts to less than significant impacts. The project is consistent with development assumptions within the General Plan and results in no new significant or more severe impact relative to the 2010 FEIR.

- Impact 4.3.5- Subsequent land use activities associated with implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) could result in projects that would include sources of toxic air contaminants which could affect surrounding land use. Subsequent land use activities could also place sensitive land uses near existing sources of toxic air contaminants. These factors could result in the exposure of sensitive receptors to substantial concentrations of toxic air contaminants and/or fine particulate matter. General Plan policies that would reduce impacts include Policy SE.7.1, SE.7.9 and LU.3.3. Impacts were determined to be significant and unavoidable, and there are no available mitigation measures. A statement of overriding consideration was adopted with certification of the 2010 FEIR by resolution 2010-88 citing sustainability benefits.
- Impact 4.3.6- Subsequent land use activities associated with implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) could include sources that could create objectionable odors affecting a substantial number of people or expose new residents to existing sources of odor. Mitigation measure 4.3.6a and 4.3.6b, which includes compliance with BAAQMD best management practices, would reduce impacts to less than significant.
- Impact 4.3.7- The General Plan EIR determined that implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update), in combination with cumulative development in the SFBAAB, would result in a cumulatively considerable net increase of ozone and coarse and fine particulate matter. Impacts were determined to be cumulatively considerable, and there are no available mitigation measures. A statement of overriding consideration was adopted with certification of the 2010 FEIR citing sustainability benefits.

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

Project Consistency with the 2010 FEIR

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

In the 2017 and updated 2022 BAAQMD CEQA Air Quality Guidelines, the BAAQMD established thresholds of significance for construction and operation for emission levels that may be considered potentially significant impacts. Project-specific analysis of air pollutant emissions, (**Appendix A**), quantifies emissions from short-term construction-related activities (e.g. construction equipment emissions, soil disturbance, transport of materials and worker trips) and long-term operations (e.g., employee, visitor, delivery, and distribution trips, as well as area sources from use of consumer products and landscaping maintenance equipment). For the wholesaling and distribution use of the project during operation, it was estimated that there would be 107 truck trips to the site per day. These trucks were assumed to be heavy heavy-duty trucks (HHDT) and are a source of long-term DPM emissions. Distribution truck trips were assumed to travel to and from the site, with an idling time of 5 minutes at loading docks for each in-bound and out-bound trip. Emissions from truck distribution trips would contribute to cumulative health risk impacts to nearby off-site receptors but would not exceed the BAAQMD single-source threshold.

Air quality emissions generated by the project would not exceed BAAQMD significance thresholds during construction or at operation, as shown in Tables AQ-1 and AQ-2 below.

Table 1. Construction Period Emissions

Scenario	ROG (Reactive Organic Gases)	NO _x (Nitrogen Oxides)	PM ₁₀ Exhaust	PM _{2.5} Exhaust
2025	0.70	0.65	0.03	0.02
BAAQMD Thresholds (tons/year)?	10	10	15	10
Exceed Threshold?	No	No	No	No
<i>Average Daily Construction Emissions Per Year (pounds/day)</i>				
2025 (185 construction workdays)	9.21	8.65	0.36	0.33
BAAQMD Thresholds (pounds/day)	54	54	82	54
Exceed Threshold?	No	No	No	No

Sources: 2022 BAAQMD CEQA Air Quality Guidelines; and Air Quality and Greenhouse Gas Analysis, April 2024, Illingworth & Rodkin.

Table 2. Operational Emissions

Scenario	ROG (Reactive Organic Gases)	NO _x (Nitrogen Oxides)	PM ₁₀ Exhaust	PM _{2.5} Exhaust
2026 Project Operational Emissions (tons/year)	1.20	0.52	1.08	0.28
Project Truck Trips (tons/year)	0.01	0.65	0.43	0.08
BAAQMD Thresholds (tons/year)	10	10	15	10
Exceed Threshold?	No	No	No	No
2026 Project Operational Emissions (pounds/day)	6.61	6.44	8.27	1.96
BAAQMD Thresholds (pounds/day)	54	54	82	54
Exceed Thresholds?	No	No	No	No

Sources: 2022 BAAQMD CEQA Air Quality Guidelines; Air Quality and Greenhouse Gas Analysis, April 2024, Illingworth & Rodkin.

There would be temporary generation of fugitive dust in the form of PM₁₀ and PM_{2.5} during construction activities, particularly during site preparation and grading. BAAQMD does not have a quantitative threshold of significance for fugitive dust. However, the 2022 BAAQMD CEQA Guidelines provide recommendations for best management practices to reduce emissions, including fugitive dust. Mitigation measure 4.3.2, set forth in the 2010 FEIR requires the use of BAAQMD-approved basic construction mitigation measures. The 2010 FEIR concluded that impacts from construction would be less than significant with implementation of mitigations. Best management practices from the latest BAAQMD CEQA Air Quality Guidelines are required to be implemented by the project as imposed by environmental condition of approval **AQ-1**, consistent with FEIR mitigation measure 4.3.2. At operation air quality emissions are project to fall below the criteria pollutant thresholds of significance. Therefore, the project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

4.3(b) (Increase Criteria Pollutants) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR identified a cumulatively considerable impact from the net increase of criteria pollutants citywide from buildout of the General Plan, and a statement of overriding considerations was adopted. The project is consistent with the projected buildout of the General Plan. At the project-level, analysis of criteria pollutant emissions from development of the project, as described above in 4.3(a), determine that the project would not exceed criteria pollutant thresholds during construction or at operation and impacts would be less than significant. Therefore, the project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

4.3(c) (Sensitive Receptors) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR determined impacts to sensitive receptors would be significant and unavoidable, and a statement of overriding consideration was adopted. At the project-level, construction activities would result in short term emissions that could potentially impact nearby sensitive receptors including surrounding residential uses. During construction, onsite activities will result in airborne particles from site disturbance and construction equipment emissions (i.e., diesel particulate matter exhaust emissions from vehicles and heavy equipment operations). Health risks from diesel-exhaust emissions are connected to long-term exposure and the associated carcinogenic risk. For toxic air contaminants (TACs) and effects on sensitive groups, health risks are based on a 30-year exposure period in accordance with the Office of Environmental Health Hazard Assessment.

Based on the Air Quality Analysis conducted for the project (**Appendix A**), it can be concluded that the project's construction activities would result in significant impacts with respect to health risks to sensitive receptors because they would exceed the BAAQMD single source thresholds for the maximally exposed individual (MEI). Implementation of the best management practices during construction (in accordance with mitigation measure 4.3.2) as specified in condition of approval AQ-1 would ensure that emissions are minimized. In accordance with Policy SE.7.5, air quality emissions shall be maintained below BAAQMD single-source thresholds by the application of environmental condition of approval **AQ-2** which requires that Tier 4 engines be used during project construction or that a Construction Operations Plan be implemented that reduces diesel-powered equipment emissions by 45 percent or greater.

As shown in Table AQ-3 below, the BAAQMD threshold for any single source of TACs is 10 in one million total cancer risk, 0.3 $\mu\text{g}/\text{m}^3$ for annual $\text{PM}_{2.5}$ and 1.0 for the hazard index. The analysis found that, with application of COAs AQ-1 and AQ-2, during construction the MEI would experience a cancer risk of 3.22 per million, an annual $\text{PM}_{2.5}$ of 0.12 $\mu\text{g}/\text{m}^3$, and a hazard index of <0.01, which is below the single source thresholds. As such, with conditions of approval, impacts from project construction activities would result in less than significant health risk to surrounding sensitive receptors.

As shown in the Table below, the BAAQMD threshold for cumulative sources is 100 in one million total cancer risk, 0.8 $\mu\text{g}/\text{m}^3$ for annual $\text{PM}_{2.5}$ and 10.0 for the hazard index. The analysis found that including construction and other existing cumulative sources in the site vicinity (Crockett's Auto Body, Central Concrete, the WCCTA gas station, BNSF Railway, and San Pablo Avenue), and with application of COAs AQ-1 and AQ-2, the MEI would experience a cumulative cancer risk of 10.05 per million, a cumulative annual $\text{PM}_{2.5}$ of 0.26 $\mu\text{g}/\text{m}^3$, and a cumulative hazard index of <0.05, which is below the cumulative source thresholds. As such, impacts from the project construction activities, combined with other existing emitters in the vicinity would result in less than significant health risk to surrounding sensitive receptors. Therefore, the project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

Table 3. Impacts from Combined Sources at Project Maximally Exposed Individual (MEI)

Source		Cancer Risk (per million)	Annual $\text{PM}_{2.5}$ ($\mu\text{g}/\text{m}^3$)	Hazard Index
Project Impacts				
Project Total/Maximum	Without COA	13.49 (infant)	0.34	0.01
	With COA	3.22 (infant)	0.12	<0.01
BAAQMD Single-Source Threshold		10	0.3	1.0
<i>Exceed Threshold?</i>	Without COA	Yes	Yes	<i>No</i>
	With COA	<i>No</i>	<i>No</i>	<i>No</i>

Source	Cancer Risk (per million)	Annual PM _{2.5} (µg/m ³)	Hazard Index
Cumulative Sources			
Crockett's Premier Auto Body (Facility ID #14312, Automotive Body, Paint, and Interior Repair and Maintenance), MEI at 955 ft	-	-	<0.01
Central Concrete Pinole Plant (Facility ID #24845, Ready-Mix Concrete Manufacturing), MEI at 850 ft ¹	-	0.12	-
Western Contra Costa Transit Authority (Facility ID #108694_1, Gas Dispensing Facility), MEI at 1000+ ft	0.01	-	<0.01
Burlington Northern Santa Fe Railway	6.63	0.01	-
San Pablo Avenue, 18,544 ADT	0.19	0.01	<0.01
<i>Combined Sources</i>	Without COA	20.32	0.48
	With COA	10.05	0.26
BAAQMD Cumulative Source Threshold		100	0.8
Exceed Threshold?	Without COA	No	No
	With COA	No	No

Sources: 2022 BAAQMD CEQA Air Quality Guidelines; Air Quality and Greenhouse Gas Analysis, April 2024, Illingworth & Rodkin.

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

As an warehouse and light industrial development, the project may involve operations that generate odors, such as light industrial and manufacturing. During construction, odors may be emitted from construction equipment and vehicles, but would be minimized through best management practices as imposed through COA AQ-1. As such the project would not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

Furthermore, the project would not result in a potential conflict due to introducing an office and light industrial facility into an area with existing heavy industrial use or introducing new or substantial odors. Major sources of potential odors include wastewater treatment plants, wastewater pumping facilities, sanitary landfills, transfer stations, composting facilities, petroleum refineries, asphalt batch plants, chemical and fiberglass manufacturing, painting/coating operations, food processing facilities, and green waste and recycling operations. The permitted uses at the project site and the conditionally allowed uses are limited to those identified by the OIMU land use, use permit, and Specific Plan regulation. Therefore, there would be no new impact relative to the 2010 FEIR due to odors from a potential land use conflict.

2010 FEIR Mitigation Measures

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

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

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

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

Status: Not applicable.

MM 4.3.6b The following policy shall be incorporated into the Sustainability Element of the General Plan:

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

When new development that would be a source of odors is proposed near residences or sensitive receptors, either adequate buffer distances shall be provided (based on recommendations of the BAAQMD CEQA Air Quality Guidelines) or filters or other equipment/solutions shall be provided to reduce the potential exposure to acceptable levels.

Status: Not applicable. Major sources of potential odors include wastewater treatment plants, wastewater pumping facilities, sanitary landfills, transfer stations, composting facilities, petroleum refineries, asphalt batch plants, chemical and fiberglass manufacturing, painting/coating operations, food processing facilities, and green waste and recycling operations. These uses fall under the heavy industrial definition in Pinole's municipal code and are either not allowed in the OIMU district or would be allowed only through the CUP process. Impacts of conditionally allowed uses would be evaluated during the CUP process if required.

Conclusion and Environmental Conditions of Approval

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

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

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

COA AQ-2: During construction activities, contractors shall use construction equipment that has low diesel particulate matter exhaust to minimize emissions and limit use of diesel-powered equipment. The project shall implement a feasible plan to reduce diesel-powered machinery (DPM) emissions by no less than 45 percent through one or both of the following:

1. All construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA Tier 4 emission standards for particulate matter (PM₁₀ and PM_{2.5}), if feasible. If use of Tier 4 equipment is not available, alternatively use equipment that meets U.S. EPA emission standards for Tier 2 or 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve a 45 percent reduction in particulate matter exhaust in comparison to uncontrolled equipment; alternatively (or in combination).
2. Develop a Construction Operations Plan demonstrating that the construction equipment used on-site would achieve a reduction in construction diesel particulate matter emissions by 45 percent or greater. Such a plan shall be subject to review by an air quality expert and approved by the City prior to commencement of ground-disturbing activities. Elements of the plan could include a combination of some or all of the following measures:
 - Use equipment that meets EPA Tier 4 standards or alternatively fueled equipment.
 - Install electric power lines during early construction phases to avoid use of diesel generators and compressors.
 - Use electrically powered equipment.
 - Use forklifts and aerial lifts for exterior and interior building construction that are electric or propane/natural gas powered.
 - Change construction build-out plans to lengthen phases.
 - Implement building techniques that result in the use of less diesel-powered equipment.

4.4. BIOLOGICAL RESOURCES

Would the project:	New Significant Impact Not Identified in 2010 FEIR	More Severe Impact Relative to 2010 FEIR	No Substantial Change Relative to 2010 FEIR	No Change Relative to the 2010 FEIR
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☒	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☒	☐
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 native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
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 Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Sources: City of Pinole General Plan/Specific Plan and EIR; Plan Set, prepared by HDO Architecture, dated March 18, 2024; and Biological Resources Analysis, prepared by Monk & Associates Environmental Consultants, October 12, 2022.

General Plan and Specific Plan EIR Findings

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

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

- Impact 4.7.1- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would result in direct and indirect loss of habitat and individuals of endangered, threatened, rare, proposed, and candidate plant and wildlife species, plant species identified by the California Native Plant Society with a rating of List 1A or 1B (i.e., rare, threatened, or endangered plants) as well as animal and plant species of concern and other non-listed special status

species. This would be a less than significant impact with identified policies including Action OS.1.1.5 and Policy OS.3.9.

- Impact 4.7.2- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would result in disturbance, degradation, and removal of riparian habitat, coastal oak woodland, and wetland habitats. This would be a potentially significant impact and reduced to less than significant with mitigation measures 4.7.2a and 4.7.2b.
- Impact 4.7.3 – Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would result in substantial adverse impacts to and the potential loss of jurisdictional waters of the U.S. This would be a less than significant impact with incorporation of General Plan policies and action items including Policies OS.1.4, OS.1.5, OS.3.9, and Actions OS.1.4.5, OS.1.5.1.
- Impact 4.7.4- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) could interfere substantially with the movement of native resident or migratory fish or wildlife species. This would be a less than significant impact with incorporation of General Plan policies and actions items.
- Impact 4.7.5- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or any adopted biological resources recovery or conservation plan of any federal or state agency. Therefore, there is no impact.
- Impact 4.7.6- Implementation of the proposed General Plan and associated project components (Three Corridors Specific Plan, and Zoning Code Update), together with past, present, and probable future projects in the Planning Area and larger regional context, would result in a cumulatively significant loss of biological resources in the region that could be reduced less than cumulatively considerable with mitigation measures 4.7.2a and 4.7.2b. The project's incremental contribution to this significant cumulative impact is less than cumulatively considerable but will be subject to mitigation measures adopted by the FEIR as appropriate.

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

Biological Resources Assessment

A site-specific Biological Resources Analysis (BRA), dated October 12, 2022, was prepared by Monk & Associates, Environmental Consultants for the subject property on a previously approved design (**Appendix B³**).

The BRA includes a characterization of the existing site conditions, a description of site analysis methodology and site visit results, review for consistency with applicable policies of the Pinole General Plan relating to biological resources, and environmental conditions of approval. The BRA found that the site has been previously graded and is currently covered in ruderal non-native and invasive vegetation. The site did not appear to be occupied or viable habitat for special status species or plant communities. Some birds were in the vicinity of the project site and in the nearby riparian woodland and protected grove to the southeast of the site. No trees would require removal for construction of the project. As such, a site-specific arborist report pursuant to the Pinole Municipal Code (PMC) Chapter 17.98 was not deemed necessary.

³ It should be noted that the Biological Resources Analysis (BRA) prepared a site specific analysis for a previously proposed and approved design with two buildings, whereas, the project as current proposed is limited to one building. The information presented in the BRA remains applicable to the project site and the project's potential impacts to biological resources and is appropriately relied upon for the analysis of the proposed project.

The information presented in this section is based on the site-specific Biological Resources Analysis prepared for the project, which is included as **Appendix B** of this document.

Project Consistency with the 2010 FEIR

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

In accordance with mitigation measure 4.7.2b of the 2010 FEIR, a biological resources assessment was conducted. The assessment concluded that although the project site is undeveloped, it has been previously disturbed, graded and cleared and lacks sensitive communities that would support special status species. No sensitive plant communities or habitats were observed on site during the field investigation and no special status species were identified. The assessment concluded that there is no potential for sensitive plants or wildlife to occur onsite or use the site as habitat due to the lack of habitat that can support sensitive species. There is no riparian habitat or wetlands on the project site.

Offsite to the east is an existing drainage that supports a narrow band of riparian woodland and to the southeast is a protected tree grove, pursuant to General Plan Figure 10.4. The proposed improvements, including the conditioned sounds wall, are set back a minimum of 50-feet from the riparian woodland and the protected grove. The offsite woodland and tree grove will not be directly affected by the project as no tree removals are proposed. Indirect impacts to periphery and offsite trees will be avoided through implementation of environmental **Condition of Approval (COA) BIO-1**, which provides for construction exclusion fencing to ensure this area is not impacted by construction activities. Furthermore, HYD-1 and COA HYD-2 will ensure that appropriate stormwater and runoff controls are designed to avoid any construction or operational impacts to the offsite drainage and riparian woodland.

The assessment identified that there are shrubs onsite and trees nearby offsite that may support bird nests during the nesting season. Although no active nests were observed during the site survey, new nests may be established prior to commencement of construction activities. In accordance with the federal Migratory Bird Treaty Act (MBTA) and Section 3503 of the California Fish and Game Code, the biological resources assessment recommends that preconstruction nesting bird surveys be conducted during the nesting season. This recommendation has been imposed on the project by environmental **Condition of Approval (COA) BIO-2**. Therefore, the project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact to biological resources relative to the 2010 FEIR.

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

4.4(d) (Adverse Effect on Wildlife Movement) No Change Relative to the 2010 FEIR: The 2010 FEIR determined that implementation of the General Plan and Three Corridors Specific Plan could interfere with movement of native resident or migratory fish or wildlife species and those impacts would be less than significant. Wildlife movement includes seasonal migration, long-term genetic flow, and daily movement within an animal's territory. Wildlife corridors are linear or regional habitats that provide connectivity to other natural vegetation communities within a landscape fractured by urbanization and other development. Barriers to wildlife movement include large developments or major roadways. Movement to and from the subject property is restricted by established urban development surrounding the site, including San Pablo Avenue, the existing office-industrial development to the south, the BNSF railroad to the north, multifamily residential to the east,

and an industrial concrete and construction materials operation to the west. The project is proposing to build in an area that has been previously disturbed and does not serve as a wildlife corridor.

Therefore, the proposed development of the site will not introduce a barrier to wildlife movement through a wildlife corridor. Accordingly, the project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact to wildlife movement relative to the 2010 FEIR.

4.4(e) (Conflict with Local Ordinances) No Change Relative to the 2010 FEIR: The 2010 FEIR determined that the General Plan and Three Corridors Specific Plan will not result in a conflict with a local policy or ordinance protecting biological resources. Chapter 17.96 of the Zoning Code addresses tree removal and defines protected trees. Action CC 2.2.1 requires that a Tree Survey Report be prepared by a certified arborist when any trees are proposed for removal. As described in the Biological Resources Assessment, there are two protected trees on the periphery of the project site that will be retained. COA BIO-1 is imposed that requires exclusion fencing to be placed at the dripline of these trees to prevent site construction from impacting these trees. Should the trees be damaged or removed during construction, they will be replaced pursuant to Chapter 17.96 of the Pinole Zoning Code and the terms of a Tree Removal Permit required by COA BIO-1.

There is a grove of oak trees to the southeast that is identified in General Plan Figure 5.9 as a protected grove, and riparian woodland associated with the drainage to the east of the project site. The proposed project will be set back at least 50 feet from the riparian woodland with an average setback of 65 feet. The project does not propose any activities that would involve tree removal or otherwise disturb the existing offsite protected tree grove. Construction activities will not occur in the vicinity of the protected grove. Nevertheless, environmental COA BIO-1 is imposed to avoid indirect impacts to the offsite riparian woodland and protected tree grove. Therefore, the project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact due to a conflict with local ordinances to protect biological resources relative to the 2010 FEIR.

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

Applicable 2010 FEIR Mitigation Measures

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

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

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

maximum extent feasible. This may include development or participation in a habitat conservation plan.

Status: Applicable. The project has complied with this measure by conducting a biological resources assessment incorporated in the project's Biological Constraints Assessment Memorandum (**Appendix B**). Based on recommendations therein, the project is subject to COA BIO-1 and COA BIO-2 set forth below.

Conclusion and Environmental Conditions of Approval

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

COA BIO-1: Protected trees and protected groves shall be avoided and protected during construction. During project construction, the following measures shall be implemented:

1. **Tree Protection Zone.** Construction workers and vehicles shall be excluded from entering or disturbing the protected grove to the southeast and the riparian woodland to the east of the project site will be installed and shall include but will not be limited to temporary orange construction fencing, silt fencing, fiber logs, and signage. Individual trees on the site or on the periphery of the site that may be impacted by construction shall be protected by exclusion fencing placed at the dripline. No trenching or excavation may occur within the tree protection zone. Following completion of construction activities all temporary fencing shall be removed.
2. **Tree Removal Permit.** If any protected trees need to be removed or are inadvertently killed in the course of construction or if any trenching, grading, or excavation must occur within a tree protection zone, a Tree Removal Permit will be applied for from the City of Pinole and shall be replaced in accordance with Chapter 17.96 of the Pinole Zoning Code.

COA BIO-2: To avoid and minimize potential impacts to nesting birds including passerines and raptors, the following measures shall be implemented:

1. **Avoid Nesting Season.** Grading or removal of potentially occupied habitat should be conducted outside the nesting season, which occurs between approximately February 1 and August 31.
2. **Survey for Nests.** If grading between August 31 and February 1 is infeasible and groundbreaking must occur within the nesting season, a pre-construction nesting bird survey of the potentially occupied habitat onsite (trees, shrubs, grassland) and within 200 feet of the project site (i.e., within a zone of influence of the project site) shall be performed by a qualified biologist within 15 days of groundbreaking. The zone of influence includes those areas outside the project site where nesting birds could be disturbed by earth-moving vibrations and/or other construction-related noise. If no nesting birds are observed no further action is required and grading shall occur within one week of the survey to prevent "take" of individual birds that could begin nesting after the survey.
3. **Establish Buffer Zones.** If active bird nests (either passerine and/or raptor) are observed during the pre-construction survey, a disturbance-free buffer zone shall be established around the occupied habitat.
 - a. The radius of the required buffer zone can vary depending on the species, (i.e., 50-300 feet for passerines and 200-500 feet for raptors), with the dimensions of any required buffer zones to be determined by a qualified ornithologist or biologist in consultation with CDFW.

- b. To delineate the buffer zone around the occupied habitat, orange construction fencing shall be placed at the specified radius from the nest within which no machinery or workers shall intrude.
- c. Biological monitoring of active nests shall be conducted by a qualified biologist to ensure that nests are not disturbed and that buffers are appropriately adjusted by a qualified biologist as needed to avoid disturbance.
- d. No construction or earth-moving activity shall occur within any established nest protection buffer prior to September 1 unless it is determined by a qualified ornithologist/biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones, or that the nesting cycle is otherwise completed.

4.5. CULTURAL RESOURCES

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

Sources: City of Pinole General Plan/Specific Plan and EIR; Plan Set, prepared by HDO Architecture, dated March 18, 2024; and Cultural Resources Study, prepared by Evans & DeShazo, Inc., January 4, 2023.

General Plan and Specific Plan EIR Findings

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

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

Archaeological Assessment

Consistent with mitigation measure 4.10.1a set forth in the 2010 FEIR, a Cultural Resources Study (CRS) was completed for the project site (**Appendix C**) which included 1) a record search and literature review, 2) a Sacred Lands File (SLF) search and outreach to local Native American tribes, and 3) a pedestrian field survey.⁴

The Assessment included review of information obtained at the Northwest Information Center (NWIC) using the California Historical Resources Information Systems (CHRIS); historical maps and aerial photographs and other information related to ownership and development history; and geoarchaeological reports and soils data to determine the potential for prehistoric archaeological resources. There are no records of cultural resources located within the project site, but there are four records of sites within a 0.5-mile radius of the project area, three of which are within 250 feet of the project site. The review of historical maps of the area did not reveal any buildings historically located on the project site. The Assessment concluded that due to the age and formation of the landform onsite there is a low potential for subsurface historic-period archaeological resources,

⁴ It should be noted that the Cultural Resources Study (CRS) prepared a site-specific analysis for a previously proposed design with two buildings, whereas the project as current proposed is limited to one building. The information presented in the CRS remains applicable to the project site and the project's potential impacts to cultural and tribal cultural resources and is appropriately relied upon for the analysis of the subject proposed project.

low potential for buried prehistoric archaeological resources, and a high potential for surficial prehistoric archaeological resources. Surficial prehistoric archaeological resources, if present, are expected to be disturbed by the site's grading, fill, and prior use. It is unlikely that any subsurface archaeological resources, if present, would be encountered during project-related ground-disturbing activities because the depth of engineered fill is 8 to 12 feet across the site and the maximum depth of excavation will be 7 feet.

The SLF inventory request was sent to the Native American Heritage Commission (NAHC) on September 7, 2022. The NAHC responded on October 11, 2022, reporting that the record search was negative for the presence of any Sacred Sites and providing contacts for Native American tribal groups who may have knowledge of Tribal Cultural Resources (TCRs) located within or near the project site. The Tribes were contacted, and one response was received from a representative of the Indian Canyon Mutsun Band of Costanoan recommending that a Native American Monitor and Archaeologist be present on-site during ground-disturbing activities (Also see Section 4.18: Tribal Cultural Resources).

An archaeological field survey was conducted on October 6, 2022. Soil visibility was very poor in the northern portion of the site to very good in the southern portion of the site. No artifacts or indications of a prehistoric archaeological resource were observed, and none are likely to be encountered during ground-disturbing activities.

Nonetheless, as indicated above, there are four records of sites within a 0.5-mile radius of the project area and three of these are within 250 feet of the project site. Though there are no cultural resources identified within the project area and the potential to encounter cultural resources is low, the Cultural Resources Study recommends monitoring pursuant to the request by the Tribe and procedures for the handling of cultural resources and human remains if discovered during ground-disturbing activities.

Historic Evaluation

Consistent with mitigation measure 4.10.1a set forth in the 2010 FEIR, the cultural resources study prepared for the project, includes a review of historic registers and inventories, which indicated that no historical landmarks, and points of interest are present within or in the vicinity of the project site. There are no structures current on the site which would be eligible for listing as a historical resource, pursuant to CEQA.

Project Consistency with the 2010 FEIR

4.5(a) (Historic Resources) No Change Relative to the 2010 FEIR: The 2010 FEIR concluded that compliance with mitigation measure 4.10.1a and General Plan Action CC.4.2.4, would ensure that subsequent development projects result in less than significant impacts to historical resources. The project site is currently devoid of buildings. No buildings of a historical nature or important to national, state, or local history exist onsite. Therefore, no new significant impacts or substantial increase in the severity of previously identified impacts, due to a substantial adverse change in the significance of a historical resource, would result from the project relative to the 2010 FEIR findings.

4.5(b) (Archaeological Resources) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR concluded that compliance with mitigation measures 4.10.1a and 4.10.1b, as well as General Plan Actions CC.4.2.4 and 4.2.5, would ensure that subsequent development projects result in less than significant impacts to archaeological resources. In compliance with mitigation measure 4.10.1a, a Cultural Resources Study including a database review, records search, Tribal outreach, and archeological site survey to evaluate the site for evidence of cultural resources was conducted. During site assessment historic period artifacts were observed within the project area but appear to represent a concentration that would not constitute an archaeological resource. The Assessment concluded that there is a low potential for subsurface historic-period archaeological resources.

The project has complied with mitigation measure 4.10.1a from the 2010 FEIR by conducting a Cultural Resources Study, which recommends training of construction personal, monitoring by a qualified professional archaeologist, and procedures in the event that resources are encountered. In accordance with mitigation measure 4.10.1b of the 2010 FEIR and consistent with recommendations made by the Cultural Resources Study, environmental condition of approval (COA) **CUL-1** is imposed on the project. With implementation of

COA CUL-1, the project will result in less than significant impacts from a substantial adverse change in the significance of an archaeological resource. Therefore, no new significant impact or substantial increase in the severity of a previously identified impacts would result from the project relative to the 2010 FEIR findings.

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

Applicable 2010 FEIR Mitigation Measures

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

Status: Applicable. The project has complied with this measure by completing a Cultural Resources Study provided in Appendix C. Based on recommendations therein, the project is subject to COA CUL-1, set forth below.

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

The City of Pinole and the project application shall consider mitigation recommendations presented by a qualified archaeologist or other appropriate technical specialist for any unanticipated discoveries. The City and the project applicant shall consult and agree upon implementation of a measure or measures that the City and applicant deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, document, curation, data recovery, or other appropriate measures.

Status: Applicable. Based on the recommendations presented in the Cultural Resources Study, the project is subject to COA CUL-1, set forth below. COA CUL-1 ensures compliance with this measure.

MM 4.10.1c The City shall include the following as an action in the Community Character Element of the General Plan Update. If human remains are discovered, all work must halt within 50 feet of the find, the City of Pinole Community Development Department shall be notified, and the County

Coroner must be notified accordingly to Section 5097.98 of the California Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission and the procedures outline in CEQA Section 15064.5(d) and (e) shall be followed.

Status: Applicable. Based on the recommendations presented in the Cultural Resources Study and in compliance with California's Health and Safety Code, the project is subject to COA CUL-2, set forth below, ensuring compliance with this mitigation measure.

Conclusion and Environmental Conditions of Approval

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

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

1. **Training.** Prior to commencement of ground-disturbing activities, a Secretary of Interior qualified archaeologist shall conduct a preconstruction Cultural Resource Awareness training for construction personnel. The training shall familiarize individuals with the potential to encounter prehistoric artifacts or historic-era archaeological deposits, the types of archaeological material that could be encountered within the project area, and procedures to follow in the event of a discovery. A representative from the Indian Canyon Mutsun Band of Costanoan shall be invited to participate in the training.
2. **Post-review Discoveries.** In the event that cultural resources are exposed during construction, all earth work occurring within 50 feet of the find shall be immediately stopped until a Secretary of Interior-qualified Archaeologist inspects the material(s), assess historical significance, and consults with Tribes and other stakeholders as needed. Recommendations for the treatment of the discovery from the Archaeologist will be provided to the City, Tribes, and other stakeholders.
3. **Archaeological Monitoring.** If cultural resources are exposed during ground-disturbing activities, a Secretary of the Interior-qualified archeologist shall be onsite to monitor ongoing ground-disturbing activities. The monitor shall have the authority to temporarily halt work to inspect areas as needed for potential cultural materials or deposits. Daily monitoring logs shall be completed by the monitor and submitted to the City within 60 days following completion of construction work. The report shall include the results of the monitoring program (even if negative), a summary of any findings or evaluation/data recovery efforts, and supporting documentation (e.g., daily monitoring logs).

COA CUL-2: In the event that human remains are encountered within the project area during project-related, ground-disturbing activities, all work must stop within 100 feet of the discovery area, the area shall be secured to prevent further disturbance, and the County Coroner shall be immediately notified of the discovery. If the County Coroner determines that remains are, or are believed to be Native American, then the Native American Heritage Commission must be contacted by the Coroner so that a "Most Likely Descendant" (MLD) can be designated to provide further recommendations regarding treatment of the remains. A Secretary of Interior-qualified Archaeologist should also evaluate the historical significance of the discovery, the potential for additional human remains to be present, and to provide further recommendations for treatment of the resource in accordance with the MLD recommendations. Federal regulations require that Native American human remains, funerary objects, and object of cultural patrimony are handed consistent with the requirement of the Native American Graves Protection and Repatriation Act.

4.6. ENERGY

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

Sources: City of Pinole General Plan/Specific Plan and EIR; Plan Set, prepared by HDO Architecture, dated March 18, 2024.

General Plan and Specific Plan EIR Findings

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

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

Project Consistency with the 2010 FEIR

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

Development of the project would be subject to standard energy efficiency requirements in new construction. The subject project would be required to comply with the latest energy efficiency standards as well as other green building standards under Title 24, which is confirmed through the City's building permit review process and would be consistent with Policy SE 1.4 for meeting applicable green building standards. Through building permit review, the construction plans would be evaluated for inclusion of required green building features, consistent with state and local regulations for applying green building standards in new construction. The project would be required to comply with the requirements of the City's water efficient landscape ordinance, thereby minimizing energy needed to treat and convey water. Construction of the project is subject to the BAAQMD best management practices that requires minimizing idling time and maintaining construction equipment to manufacturer's specifications, which reduces consumption of fuel. As a development subject to the latest building code and construction standards, energy consumption of the project will not be wasteful or inefficient, nor will it obstruct a state or local plan for renewable energy.

The project is consistent with General Plan policies, such as Policy HS.5.2, to promote infill development along transit corridors and to locate jobs near public transportation and services, which can reduce automobile travel and fuel consumption. The project would introduce businesses and jobs to an area well developed with existing commercial, industrial, office, and residential uses.

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

Applicable 2010 FEIR Mitigation Measures

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

Conclusion and Environmental Conditions of Approval

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

4.7. GEOLOGY AND SOILS

Would the project:	New Significant Impact Not Identified in 2010 FEIR	More Severe Impact Relative to 2010 FEIR	No Substantial Change Relative to 2010 FEIR	No Change Relative to the 2010 FEIR
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☒	☐
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
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 18-1-B 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?	☐	☐	☒	☐

Sources: City of Pinole General Plan/Specific Plan and EIR; Plan Set, prepared by HDO Architecture, dated March 18, 2024; Preliminary Grading and Drainage Plans, prepared by Kister, Savio, & Rei, Inc., dated March 18, 2024; Geotechnical Exploration Report, prepared by KC Engineering, October 4, 2016; and Report of Testing and Observation During Super Pad Grading Operations, prepared by KC Engineering, October 31, 2019.

General Plan and Specific Plan EIR Findings

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

- Impact 4.8.1- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would result in the construction of projects over a seismically active area. This is considered a less than significant impact.

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

Project Consistency with the 2010 FEIR

4.7(a) (Seismic Hazards) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR determined that impacts from fault rupture, strong ground shaking, seismic-related ground failure, and landslides would be less than significant. The Pinole Shores II project site is not located within an Earthquake Fault Zone, as defined by the Alquist-Priolo Earthquake Fault Zoning Act, and no known active or potentially active faults exist on the site. The nearest active faults are the Pinole Fault and Hayward-Rogers Creek Fault located approximately 0.6 miles northeast and 2.9 miles southwest, respectively. Strong to very strong ground shaking could occur at the site during a large earthquake on one of the nearby faults. However, the risk of fault offset at the site from a known active fault and future faulting in areas where no faults previously existed is very low. Due to the project's location in the seismically active Bay Area region, as identified and considered in the 2010 FEIR, the site and the city as a whole have the potential to experience ground shaking in the event of an earthquake. The project is subject to construction standards established for seismic safety within the latest California Building Code, which would minimize the impact of ground shaking on new development.

The site is roughly flat and slightly undulating elevations ranges from 65 feet to 79 feet above sea level from north to south. The site was stripped, excavated, filled, graded, and compacted in 2019 to prepare a super pad for Phase 2 construction.

In accordance with Municipal Code Section 15.36.180, as well as General Plan Policy HS.3.1, a geotechnical report (**Appendix D**) was prepared for the project and a report of the super pad grading operations that were conducted in 2019 was provided (**Appendix D-1**). The project would implement the recommendations of the report and would be consistent with General Plan Policy HS.3.2, HS.3.3, and HS.3.4 that address geologic and seismic hazard mitigations in project design, which are confirmed during the building permit review process, as imposed through environmental **Condition of Approval GEO-1**. Therefore, the project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

4.7(b) (Erosion) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR concluded that impacts from soil erosion would be less than significant. The project site has been previously graded and filled with engineered soils. Construction involves removing ruderal vegetation, surface grading, foundation excavation to a maximum depth of 7 feet, and introducing a new building, access aisles, parking, and landscaping. Best

management practices for soil erosion and sediment control are required to be applied during construction. Pursuant to Pinole Municipal Code Section 15.36.190, the project may be required to provide an Erosion and Sediment Control Plan. Therefore, environmental **Condition of Approval GEO-2** is imposed, which requires preparation and implementation of a final erosion and sediment control plan that is in compliance with all of the recommendations provided in the Geotechnical Exploration Report. Compliance with these conditions and the City of Pinole's uniformly applied development standards ensures that potential adverse effects of erosion during development are avoided. Therefore, the project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

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

The project site was graded during development of Phase 1 of the Pinole Shores Industrial Business Park construction and the grading and compaction of the project site was observed and tested at that time by KC Engineering. Preparation of the site for the project would include surface grubbing, stripping of ruderal vegetation, surface compaction, and watering. As a standard part of the Building Permit review process, soils and geotechnical reports are required for new construction and recommendations. In accordance with Municipal Code Section 15.36.180, a geotechnical report was prepared, and recommendations therein imposed as **COA GEO-1**. Incorporation of the recommendations in the geotechnical report and review for building code compliance through the Building Permit process would ensure that the project would not result in impacts due to unstable geologic units or cause on- or off-site geologic impacts. Therefore, the project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

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

4.8(e) (Septic Tanks) No Change Relative to the 2010 FEIR: The project would not include the use of septic tanks. Rather connection to the existing sewer line along San Pablo Avenue is proposed by the project. Therefore, the project would have no impacts due to the use of septic tanks.

4.9(f) (Paleontological Resources) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR determined that impacts on unique geologic or paleontological resources would be less than significant with implementation of mitigation measure 4.10.2. The potential to uncover undiscovered paleontological resources was considered in the 2010 FEIR, and mitigation measure 4.10.2 was created to include a policy requiring work to be suspended within 50 feet of any discovered potentially unique paleontological resources and for the City to be contacted to coordinate further investigation. There are no known significant paleontological resources within the Pinole General Plan Planning Area. Nonetheless, in compliance with mitigation measure 4.10.2, the project is subject to environmental **Condition of Approval GEO-3**, which provides protocols to follow in the event that paleontological resources are encountered during construction activities. Therefore, the project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

Applicable 2010 FEIR Mitigation Measures

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

MM 4.10.2 The City shall include the following as an action in the Community Character Element of the General Plan Update. Should any potentially unique paleontological resources (fossils) be encountered during development activities, work shall be suspended within 50 feet of the discovery and the City of Pinole Planning Division of the Development Services Department shall be immediately notified. At that time, the City will coordinate any necessary investigation of the discovery with a qualified paleontologist. The project proponent shall be required to implement any mitigation necessary for the protection of paleontological resources.

The City and the project applicant shall consider the mitigation recommendations of the qualified paleontologist for any unanticipated discoveries. The City and the project applicant shall consult and agree upon implementation of a measure or measures that the City and project applicant deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures.

Status: Applicable. Therefore, the project is subject to this mitigation measure, through COA GEO-3 below.

Conclusion and Environmental Conditions of Approval

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

COA GEO-1: The applicant shall incorporate the recommendations of the Geotechnical Exploration Report prepared by KC Engineering (October 4, 2016) into construction drawings. Prior to issuance of a grading permit, the City shall review and accept the Geotechnical Report and verify that the Report provides adequate information for construction detail including detailed drainage, earthwork, foundation, and pavement recommendations. Final grading plan, construction plans, and building plans shall demonstrate that recommendations set forth in the geotechnical reports and/or to the satisfaction of the City Engineer/Chief Building Official have been incorporated into the design of the project.

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

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

COA GEO-3: Should any potentially unique paleontological resources (fossils) be encountered during development activities; work shall be suspended within 50 feet of the discovery and the City of

Pinole Planning Division of the Community Development Department shall be immediately notified. At that time, the City will coordinate any necessary investigation of the discovery with a qualified paleontologist. The project proponent shall be required to implement any mitigation necessary for the protection of paleontological resources. The City and the project applicant shall consider the mitigation recommendations of the qualified paleontologist for any unanticipated discoveries. The City and the project applicant shall consult and agree upon implementation of a measure or measures that the City and project applicant deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures.

4.8. GREENHOUSE GAS EMISSIONS

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

Sources: City of Pinole General Plan/Specific Plan and EIR; Plan Set, prepared by HDO Architecture, dated March 18, 2024; BAAQMD 2017 Bay Area Clean Air Plan; and BAAQMD CEQA Guidelines April 2022; and Air Quality and Greenhouse Gas Assessment, prepared by Illingworth & Rodkin, Inc., April 25, 2024.

General Plan and Specific Plan EIR Findings

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

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

Project Consistency with the 2010 FEIR

4.8(a) (Greenhouse Gas Generation) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR determined that greenhouse gas emissions at buildout of the General Plan would be a less than significant impact. The greenhouse gas emissions (GHG) generated by the project would occur during construction and operation. Construction impacts would consist primarily of emissions from equipment exhaust and worker and vendor trips. Operational emissions would be associated with site activities and ongoing uses including vehicle workers trips, deliveries, energy and water usage, and solid waste disposal.

The Air Quality and Greenhouse Gas Analysis (**Appendix A**) prepared for the project estimates that 137 MT of CO₂ would be emitted over the construction period. Neither the City nor BAAQMD have an adopted threshold of significance for construction related GHG emissions. However, the BAAQMD recommends best management practices to reduce GHG emissions during construction. The project would be required to comply with COA AQ-1, which imposes the latest BAAQMD best management practices, and is consistent with mitigation measure 4.3.2. FEIR mitigation measure 4.3.2 requires that all construction projects implement the BAAQMD Basic Construction Mitigation Measures. Therefore, the project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR from construction related GHG emissions.

With respect to operational emissions, BAAQMD adopted new thresholds of significance for operational GHG emissions from land use projects on April 20, 2022. The City is currently in the process of adopting a Climate Action and Adaptation Plan (CAAP) with the intention of reducing emissions to 40 percent below 1990 levels

by 2030. Once adopted, the CAAP will be considered a qualified GHG reduction strategy that meets the State CWQA Guidelines Section 15183.5. As the plan has not yet been adopted, the BAAQMD's significance thresholds are applicable.

Table 3. BAAQMD Operational Significance Thresholds and Project Compliance	
Design Element Standard	Project Compliance
A.a.i. The project will not include natural gas appliances or natural gas plumbing (in both residential and non-residential development).	Complies. The project will not be plumbed with natural gas.
A.a.ii. The project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.	Complies. The project will meet CALGreen Building Standard Code requirements that are considered to be energy efficient.
A.b.i. Achieve a reduction in project-related vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target, reflecting recommendations provided in the Governor's Office of Planning and Research's Technical Advisory on Evaluating Transportation Impacts in CEQA – 15 percent below the existing VMT per employee for Office projects.	Complies. The existing region-wide average VMT per employee is 15.6. The project's VMT per employee was computed to be 12.8 (Appendix H) which is 18 percent below 15.6.
A.b.ii. Achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.	Complies. The project is subject to environmental condition of approval GHG-1 , which requires that the number of EV and EV-capable parking spaces comply with CALGreen Tier 2.
B. Be consistent with a local GHG reduction strategy that meets the criteria under State CEQA to be considered in compliance with BAAQMD's GHG thresholds of significance.	This standard does not apply as there is no qualifying local GHG reduction strategy at this time.

Pinole Municipal Code Table 17.48.050-1 indicates that 1 space per 1,000 square feet of gross floor area plus 1 space per four employees is required for development that includes warehousing, wholesaling, research, and other industrial uses. The project is providing 121,674 square feet of floor area and anticipates about 60 to 100 employees and, therefore, pursuant to Pinole Municipal Code, must provide 147 parking spaces. For a project that requires between 101 and 150 parking spaces, CALGreen Tier 2 requires that 57 parking spaces be furnished with conduit for future conversion to EV charging spaces, and that 19 spaces be installed with Electric Vehicle Service Equipment (charging stations). This is imposed through COA GHG-1, which requires EV compliance pursuant to CALGreen Tier 2.

General Plan Policy SE.3.1 states that the City will reduce its contribution to climate change and mitigate and adapt to the effects of climate change by reducing greenhouse gas emissions. SE.3.4 calls for the City of Pinole to reduce GHG emissions by reducing vehicle miles traveled and by increasing or encouraging the use of alternative fuels and transportation technologies. Policy SE 7.5 requires that air quality be maintained and improved by requiring project mitigation, such as Transportation Demand Management (TDM) techniques. Through implementation of City of Pinole policies and by imposing COA GHG-1, the project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

4.8(b) (Conflict with Plans) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR determined that implementation of the General Plan and Three Corridor Specific Plan would have a less than significant cumulatively considerable impact with relevant policies and actions in the General Plan. The project is consistent with the General Plan and Three Corridors Specific Plan as a light industrial infill development located

along the San Pablo Avenue corridor within a priority development area (PDA) pursuant to the Sustainable Community Strategy (SCS).

Furthermore, the proposed building would be constructed in conformance with CALGreen and the Title 24 Building Code, which requires high-efficiency water fixtures, water-efficient irrigation systems, and compliance with current energy efficiency standards. As such, the project would not conflict or otherwise interfere with the statewide GHG reduction measures identified in CARB's Scoping Plan. Therefore, the project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

Applicable 2010 FEIR Mitigation Measures

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

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

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

Conclusion and Environmental Conditions of Approval

The proposed project is within the scope of development projected under the General Plan and Three Corridors Specific Plan, and there would be no additional impacts from greenhouse gas emissions beyond those analyzed in the 2010 FEIR. The project shall implement COA AQ-1 to apply BAAQMD best management practices that minimize construction-related emissions to comply with mitigation measure 4.3.2 and the following environmental conditions of approval shall apply to the project to implement General Plan policies and Municipal Code requirements.

COA GHG-1: The project shall comply with CALGreen Tier 2 EV parking requirements by incorporating the appropriate number of EV and EV capable parking spaces for the project size and type (e.g. for 101-150 parking stalls, there would need to be 19 stalls equipped with EVSE and 57 pre-plumbed with conduit for future installation of EVSE). As a warehouse project with more than 3 off-street loading spaces, the project shall install 400 KVA of additional raceway conduit and electrical panel capacity to accommodate the future charging of medium- and heavy-duty zero emissions vehicles as required by Section 5.106.5.4.1 of the CALGreen Building Standards Code.

4.9. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	New Significant Impact Not Identified in 2010 FEIR	More Severe Impact Relative to 2010 FEIR	No Substantial Change Relative to 2010 FEIR	No Change Relative to the 2010 FEIR
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
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 a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒

Sources: City of Pinole General Plan/Specific Plan and EIR; Plan Set, prepared by HDO Architecture, dated March 18, 2024; Phase 1 Environmental Site Assessment Report, prepared by AEI Consultants, September 2, 2022; Soil Management Plan, prepared by Levine-Fricke, October 3, 2002; and Contra Costa County Local Hazard Mitigation Plan, January 2018.

General Plan and Specific Plan EIR Findings

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

- Impact 4.6.1- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) could include the routine transportation, use, or disposal of hazardous materials on the Planning Area Transportation network. This is considered a less than significant impact.
- Impact 4.6.2- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) could include land uses that have the potential to result in an increased risk of release of hazardous materials. This is considered a less than significant impact.

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

Phase I Environmental Site Assessment

A Phase I Environmental Site Assessment (ESA) was conducted for the Pinole Shores II Project site in September of 2022, in conformance with the scope and limitations of ASTM Standard Practice E1527-13, the Environmental Protection Agency Standards and Practices for All Appropriate Inquiries 'AAI' (40 CFR Part 312). (**Appendix E**). The Phase I ESA discusses the Recognized Environmental Conditions (RECs), Controlled Recognized Environmental Conditions (CRECs), Historical Recognized Environmental Conditions (HRECs), and other environmental considerations (OECs) of the project site. The Phase I ESA included review of regulatory information, records research, and a site reconnaissance of the project site and neighboring properties on August 30, 2022.

The Phase I ESA did not identify RECs, HRECs, or OECs during the course of the assessment. CRECs were identified on the project site and the adjoining site to the south which were collectively operated as an auto wrecking facility between 1958 and 1992. The auto wrecking facility was equipped with two 1,000-gallon gasoline underground storage tanks (USTs) used to store new fuel and fuel recovered from vehicles. The USTs were located approximately 500 feet to the south of the subject property and were the subject of a Remedial Action Plan (RAP) project completed in 2002. The project involved removal of the tanks, excavation of approximately 1,000 cubic yards of impacted soils, purging of approximately 6,000 gallons of groundwater, and the addition of 500 pounds of Oxygen Release Compounds (ORCs) in the area to degrade any residual hydrocarbon residues.

A Cleanup Program Site (CPS) case (also known as Spills, Leaks, Investigations, and Cleanups (SLIC)) was opened in 2002 by the Regional Water Quality Control Board (RWQCB) to oversee the remediation of motor oil and lead-impacted soils, which included a portion of the subject property. In 2002 a total of 2,800 tons of lead-impacted soils were removed to 2 feet below the ground surface from an area of the subject property and an area of the adjoining property of the established Pinole Shores Business Park. Soil samples of the project site found that concentrations of lead are below the environmental screening levels (ESL) for commercial and industrial uses. Lead concentrations remain above ESLs for residential uses and though the CPS case process, the project site was granted closure in 2002, and a Covenant and Environmental Restriction was placed on the deed to prohibit hospitals, day care centers, or residences from being placed on the property. Residual lead over 255 mg/kg represents a CREC and recommendations to inform and protect construction crew and future tenant safety are provided.

Project Consistency with the 2010 FEIR

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

Grading and construction activities of the subject Pinole Shores II Project will result in the temporary presence of potentially hazardous materials including, but not limited to, fuels and lubricants, paints, solvents, insulation, electrical wiring, and other construction related materials onsite. Although potentially hazardous materials may be present onsite during construction, the project is required to comply with all existing federal, state, and local safety regulations governing the transportation, use, handling, storage, and disposal of potentially hazardous

materials. During operation of the project hazardous materials may be present or used onsite in accordance with permitted uses of an Office Industrial (OIMU) zoned parcel. Any transportation, use, handling, storage, and disposal of potentially hazardous materials used by the tenants of the project will be regulated by federal, state, and local safety regulations.

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

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

The nearest public schools are Shannon Elementary, located approximately one mile southwest of the project Site. West County Mandarin School and Pinole Middle School are located approximately one mile south of the project Site. The Spectrum Center School Tara Hills Campus is located approximately one mile west on San Pablo Avenue. Nearby schools are more than ¼ mile away from the project site, and there are no activities associated with the proposed project that would pose a threat to schools from the release or handling of hazardous materials. As such, the project would not result in a substantial increased risk of exposure to existing schools. Therefore, the project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

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

In accordance with Action HS.3.5.4, which directs that at the time of new development, any known or discovered hazardous materials should be cleaned up and mitigated, a Phase I Environmental Site Assessment (ESA) was prepared. The Phase I ESA identified CRECs associated with past uses of the site as an auto wrecking facility including lead contaminated soils and residual gasoline fuel from leaking underground storage tanks. The storage tanks were removed, gasoline-impacted soils were excavated and removed, and residues were remediated in 2002. Lead impacted soils were stripped down to a depth of 2 feet below ground surface. The project site was filled and graded with 2 to 12 feet of fill material and lead-impacted soils are buried below the fill. Remaining soils were tested and confirmed to be below EST for industrial uses such as the uses proposed by the project.

A Covenant and Environmental Restriction is in place that prevents the site from being used for activities that would locate sensitive receptors in proximity to lead impacted soils and requires that owners and occupants comply with a Soil Management Plan contained in Exhibit B of the Covenant. The Regional Water Quality Control Board (RWQCB) reviewed and approved the Soil Management Plan in 2002. The RWQCB was invited to review the proposed project in 2022 by the City and confirmed that the Soil Management Plan represents current best practices for lead contaminated sites and does not need to be updated or modified. **Condition of Approval HAZ-1** requires that the Soil Management Plan developed by Levine-Fricke and reviewed by the RWQCB in 2002 and 2022 be implemented during project construction and operation. With the implementation of COA HAZ-1, the project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

4.9(e) (Public Airport Land Use Plans) No Change Relative to the 2010 FEIR: The 2010 FEIR concluded that no impacts related to airports or airstrips would occur as no airports are located within or proximate to the planning area. The subject project site is not located within the boundaries of an airport land use plan, nor is it located in proximity to a private airstrip. The nearest airports are the San Rafael Airport, approximately 12 miles west, and Buchanan Field Airport, approximately 14 miles east, from the project site. Accordingly, no impacts associated with airport-related hazards will result from the project. Therefore, the project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

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

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

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

Applicable 2010 FEIR Mitigation Measures

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

Conclusion and Environmental Conditions of Approval

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

COA HAZ-1: The Soil Management Plan (SMP) approved by the RWQCB in 2002 shall be implemented during the project construction. The SMP shall be the subject of construction worker trainings for all personnel involved in ground-disturbing activities prior to commencement of construction and for all incoming workers. A condensed version of SMP protocols shall be posted publicly and prominently at construction site gathering places and entry points.

4.10. HYDROLOGY AND WATER QUALITY

Would the project:	New Significant Impact Not Identified in 2010 FEIR	More Severe Impact Relative to 2010 FEIR	No Substantial Change Relative to 2010 FEIR	No Change Relative to the 2010 FEIR
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	☐	☐	☒	☐
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?	☐	☐	☒	☐

Sources: City of Pinole General Plan/Specific Plan and EIR; Plan Set, prepared by HDO Architecture, dated March 18, 2024; and Stormwater Control Plan (SWCP), prepared by Kister, Savio, & Rei Inc., December 7, 2021; FEMA FIRM maps, accessed June 2022; and Department of Conservation Tsunami Hazard Area Map, accessed June 2022.

General Plan and Specific Plan EIR Findings

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

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

that may be reduced to less than significant with implementation of mitigation measures 4.9.6a, b, and c.

- Impact 4.9.7- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update), in combination with other development activities within the watershed, would contribute to a cumulative degradation of water quality from construction activities and increased urban runoff. This is considered a potentially cumulatively considerable that may be reduced to less than cumulatively considerable with implementation of mitigation measure 4.9.1.
- Impact 4.9.8- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) could increase impervious surfaces and alter drainage conditions and rates in the Planning Area, which could contribute to cumulative flood conditions in the Pinole Creek watershed and San Pablo Bay. This is cumulatively considerable that may be reduced to less than cumulatively considerable with implementation of mitigation measures 4.9.1, 4.9.6a, 4.9.6b, and 4.9.6c.

Stormwater Regulation

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

Project Consistency with the 2010 FEIR

4.9(a) (Discharge) No Substantial Change Relative to the 2010 FEIR: Based on the analysis in the 2010 FEIR, implementation of the General Plan and Three Corridor Specific Plan would have a potentially significant impact due to discharge of polluted runoff that may be reduced to less than significant with implementation of mitigation measure 4.9.1a.

The project is required to implement applicable requirements for stormwater control and apply best management practices to the project's management of stormwater on site, in compliance with Pinole Municipal Code Chapter 8.20. Compliance with municipal code requirements is a standard condition of approval for construction, which has been incorporated as environmental **condition of approval HYD-1**. With adherence to the municipal code, imposed through COA HYD-1, the project satisfies mitigation measure 4.9.1. Therefore, the project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

4.9(b) (Groundwater) No Substantial Change Relative to the 2010 FEIR: Based on the analysis in the 2010 FEIR, implementation of the General Plan and Three Corridor Specific Plan would have a less than significant impact to degradation of groundwater and no impact on the extraction of groundwater. The intensification of uses in the Specific Plan area was determined to potentially result in the increase in runoff containing pollutants that could degrade groundwater quality.

Implementation of General Plan policies, Municipal Code, and applicable requirements from the Contra Costa Clean Water Program Stormwater C.3 Guidebook were identified as measures that would reduce impacts to groundwater. The proposed Pinole Shores II Project would comply with these requirements pursuant to COA HYD-1. The project does not involve the extraction and use of groundwater. Therefore, the project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

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

Impact of increases in impervious surface associated with this land use were analyzed in the 2010 FEIR and found to have less than significant impact with implementation of General Policy OS.8.4 and related actions. The project would result in an increase of impervious area on site as anticipated by the General Plan. In accordance with Action OS.8.8.6, all stormwater and runoff from impervious surfaces of the project will be treated and infiltrated by bioretention areas distributed throughout the project site.

The City is served by an existing storm drain system, and the City Engineering Division confirms infrastructure capacity for new developments. As new development has the potential to incrementally increase the use of storm drains, the City has established development impact fees levies on new developments to contribute to any needed new or expanded infrastructure. Payment of development impact fees, as well as review of final drainage plans, is a requirement in the building permit process. Development impacts fees are used to maintain and build out the city's storm drain system as planned. The project is consistent with the development potential analyzed in the 2010 FEIR. The Preliminary Stormwater Plan includes storm drain infrastructure onsite which directs all stormwater to bioretention flow-through bioswales. The bioswales and site stormwater overflow drain to existing storm drain infrastructure at the northeastern extent of the site. COA HYD-1 requires that prior to issuance of a grading permit, the Stormwater Management Plan for the project be prepared to that satisfaction of the City Engineer to ensure adequate onsite drainage, retention and offsite conveyance in compliance with the Clean Water Program. Therefore, the project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

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

The project is not expected to be impacted by flood hazards. As presented in the National Flood Hazard Layer FIRM maps accessed from the Federal Emergency Management Agency (FEMA) in June of 2022, the site is located in Zone X, outside of the Special Flood Hazard Areas. The project site is not located on the shoreline and is not subject to associated risk of flooding in these areas. Tsunamis and seiches were not identified as significant flood hazards that may affect the project. San Francisco Bay significantly attenuates tsunamis before they reach Pinole, and the project is located approximately 500 feet from the shoreline at over 65 feet of elevation. The site is not located in a tsunami hazard area, as shown in the California Department of Conservation Tsunami Hazard Area Map, accessed June of 2022. As a result, there is no substantial risk of flood hazards, tsunamis, or seiches causing release of pollutants due to project inundation.

Mitigation measures 4.9.6a, 4.9.6b, and 4.9.6c set forth in the 2010 FEIR address the impacts of sea level rise. However, the site is not located in an area identified as a shoreline area vulnerable to sea level rise according to Figure 4.9-4 of the 2010 FEIR, and the corresponding mitigation measures are not applicable to the project. Therefore, the project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

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

The project would meet this requirement through compliance with procedures under Chapter 8.20 of the Municipal Code, as identified in COA HYD-1, and would, therefore, not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Furthermore, in accordance with

General Plan Action OS.8.8.2, the project is subject to **condition of approval HYD-2**, which requires compliance with the City's NPDES permit including preparation and implementation of an approved Stormwater Pollution Prevention Plan (SWPPP). Therefore, the project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

Applicable 2010 FEIR Mitigation Measures

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

Status: Applicable. The project is not adjacent to Pinole Creek. Stormwater from the project site would flow to San Pablo Bay via site stormwater drains. Nonetheless, the project is required to adhere to local, state, and federal regulations on stormwater management. Compliance with the Pinole Municipal Code, under Chapter 8.20, requires implementation of best management practices. Application of the latest guidance on best management practices from Contra Costa County, including the Contra Costa Clean Water Program Stormwater C.3 Guidebook, is a standard condition of new development and has been imposed as environmental COA HYD-1.

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

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

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

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

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

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

Conclusion and Environmental Conditions of Approval

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

COA HYD-1: Prior to issuance of a grading permit, the applicant shall prepare a design-level Stormwater Management Plan that incorporates stormwater management requirements and best management practices, per Pinole Municipal Code Chapter 8.20 and Contra Costa County Clean Water Program requirements, including the Contra Costa Clean Water Program Stormwater C.3 Guidebook and demonstrates that the storm drain system has adequate capacity to serve the project. The Stormwater Management Plan shall be reviewed and accepted by the City Engineer.

COA HYD-2: Prior to issuance of a grading permit, the applicant shall file a Notice of Intent with the RWQCB and demonstrate compliance with the Statewide General Permit for Construction Activities.

In accordance with the National Pollution Discharge Elimination System (NPDES) regulations, the applicant shall prepare and implement a project-specific Stormwater Pollution Prevention Plan, including an erosion control plan, for grading and construction activities. The SWPPP shall address erosion and sediment control during all phases of construction, storage and use of fuels, and use and clean-up of fuels and hazardous materials. The SWPPP shall designate locations where fueling, cleaning and maintenance of equipment can occur and shall ensure that protections are in place to preclude materials from entering into storm drains or the offsite drainage to the east. The contractor shall maintain materials onsite during construction for containments and clean-up of any spills. The applicant shall provide approval documentation from the RWQCB to the City verifying compliance with NPDES.

4.11. LAND USE AND PLANNING

Would the project:	New Significant Impact Not Identified in 2010 FEIR	More Severe Impact Relative to 2010 FEIR	No Substantial Change Relative to 2010 FEIR	No Change Relative to the 2010 FEIR
a) Physically divide an established community?	☐	☐	☐	☒
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?	☐	☐	☒	☐

Sources: City of Pinole General Plan/Specific Plan and EIR; Plan Set, prepared by HDO Architecture, dated March 18, 2024; and City Council Resolution No. 2018-02.

General Plan and Specific Plan EIR Findings

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

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

Project Consistency with the 2010 FEIR

4.1(a) (Physically Divide Community) No Change Relative to the 2010 FEIR: The 2010 FEIR determined that the General Plan and Three Corridors Specific Plan create a refinement of the established urban form and allow for more intensive, concentrated development; implementation does not divide or separate a portion of the community. As a proposed warehousing and light industrial use, the project is consistent with the land use designation (as amended by Ordinance No. 2018-02) of the site. The project is compatible with surrounding uses including existing industrial and office land uses to the south and west. The northern boundary is bordered by the BNSF railway. Residential uses are located to the east. Development of the site would not alter access to any existing residential developments or communities. There are no established pedestrian routes through the site, though sidewalks are provided along San Pablo Avenue. Therefore, the project will not physically divide a community or result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

4.1(b) (Conflict with Land Use) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR determined impacts to be less than significant with implementation of General Plan policies.

General Plan and Three Corridors Specific Plan

The project site is designated Service Sub-Area (SSA) on the City's General Plan Land Use map. The SSA is

intended to maintain and enhance existing land uses while providing land use flexibility and incentives to encourage new private investment and development. The emphasis of the San Pablo Avenue Corridor subarea is to preserve land for manufacturing and industrial uses, particularly “green industry”. This SSA serves as a transition between the Mixed-Use Subarea and the western City limits of Pinole. It is intended to embrace the area’s historic character as an industrial area while moving towards newer cleaner industry and allowing land use flexibility. The 2010 FEIR found that policies contained in the General Plan would serve to mitigate land use conflict impacts. General Plan Policy LU.3.3 requires design review of all industrial projects to ensure compatibility with nearby land uses and provide a discretionary mechanism to apply project-level requirements that avoid environmental impacts through Action LU.3.3.1 which directs the City to adopt Commercial and Industrial Design Review policies and procedures. Policy OS.3.6 requires development to minimize impacts on the City’s biological, visual, and cultural resources. Policy LU.4.3 requires site development constraints to be addressed to protect natural resources, archaeological sites, access, traffic, emergency services, water and sewer availability, grading impacts, and views.

The project is in compliance with these policies. In consideration of the predominantly industrial and office design of the nearest buildings the project proposes similar exterior finishes, fenestration primarily limited to the office areas, exterior landscaping that is similar to that of the rest of the Pinole Shores Business Park, and circulation that connects with the surrounding development. It is compatible with nearby land uses and does not create environmental impacts that are in excess of those identified and addressed in the 2010 FEIR. The project has no impacts on open spaces and site constraints have been addressed through site design to eliminate or reduce below significance all impacts to natural resources, access and traffic safety, grading, and views. Therefore, the project will not result in a new significant impact due to land use conflicts or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

Zoning

The project is located on a site with the Office Industrial Mixed Use (OIMU) zoning designation. The OIMU designation is intended for office and light industrial uses with supporting retail and service uses. The Pinole Shores II Project proposes one light industrial building containing ancillary office use areas. The building will have 116,730 square feet of industrial/warehouse space, 2,498 square feet of office space (2.1 percent of the gross), and 2,498 square feet of mezzanine area. The proposed development is intended for light industrial, wholesaling, distribution, office, warehouse, or research and development uses pursuant to the OIMU zoning designation. Therefore, the project will not result in a new significant impact due to zoning conflicts or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

Housing

The project site does not possess land use or zoning designations that would allow for housing, and it has not been identified as a housing opportunity site. The project will not conflict with a current or future residential use because there is a Covenant and Environmental Restriction placed upon the deed to the site prohibiting any use other than office and industrial. The site is impacted by lead in the soils from previous uses as an auto wrecking facility. While the lead has been remediated to levels appropriate for office and industrial use, it is above the environmental screening levels for residential, hospital, or day care uses and is therefore unsuitable as a site for housing.

Therefore, the project will not result in a new significant impact due to removing a vacant parcel from the inventory of sites available for housing or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

Applicable 2010 FEIR Mitigation Measures

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

Conclusion

The project would not result in any new or more severe impacts to land use relative to what was identified in the 2010 FEIR. The project consists of development consistent with the OIMU land use designation as described in the General Plan and Three Corridors Specific Plan.

4.12. MINERAL RESOURCES

Would the project:	New Significant Impact Not Identified in 2010 FEIR	More Severe Impact Relative to 2010 FEIR	No Substantial Change Relative to 2010 FEIR	No Change Relative to the 2010 FEIR
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Sources: City of Pinole General Plan and EIR.

General Plan and Specific Plan EIR Findings

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

Project Consistency with the 2010 FEIR

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

Applicable 2010 FEIR Mitigation Measures

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

Conclusion

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

4.13. NOISE

Would the project:	New Significant Impact Not Identified in 2010 FEIR	More Severe Impact Relative to 2010 FEIR	No Substantial Change Relative to 2010 FEIR	No Change Relative to the 2010 FEIR
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
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?	☐	☐	☐	☒

Sources: City of Pinole General Plan/Specific Plan and EIR; Plan Set, prepared by HDO Architecture, dated March 18, 2024; Noise and Vibration Assessment, prepared by Illingworth & Rodkin, April 22, 2024; Traffic Impact Analysis, prepared by Fehr & Peers, dated April 24, 2024.

General Plan and Specific Plan EIR Findings

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

- Impact 4.5.1- The proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) could result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or of applicable standards of other agencies. However, the proposed Pinole General Plan Update's mitigating policies and actions ensure the impact will be less than significant. Therefore, noise impacts associated with the development and operation of land uses of the proposed General Plan Update would be less than significant.
- Impact 4.5.2- Construction activities associated with the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) could result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project and could result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or of applicable standards of other agencies. This impact would be considered less than significant with the implementation of General Plan policies and action items including Policy HS.8.1 and Actions HS.8.1.1, HS.8.1.2, HS.8.1.5.
- Impact 4.5.3- The proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) could result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project and could result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan, as a result of increased traffic on the roadway network. In addition, future development of noise-sensitive land uses could be exposed to roadway and/or railroad noise levels in excess of the City's noise standards. This impact would be considered potentially significant even with the application of Policies HS.8.1, HS.8.3, and Actions HS.8.1.2 and HS.8.1.3. With implementation of mitigation measures 4.5.3a and 4.5.3b, the impact would be less than significant.
- Impact 4.5.4- Sensitive land uses would not be exposed to aircraft noise in excess of applicable noise standards for land use compatibility. This is considered a less than significant impact.

- Impact 4.5.5- Subsequent development associated with the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) could result in new noise-sensitive land uses encroaching upon existing or proposed stationary noise sources or new stationary noise sources encroaching upon existing or proposed noise-sensitive land uses. This could result in a substantial permanent increase in ambient noise levels in the project vicinity above existing levels or could result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or of applicable standards of other agencies. As a result, this impact is considered potentially significant. With implementation of General Plan policies and mitigation measures 4.5.3a and 4.5.3b, the impact would be less than significant.
- Impact 4.5.6- The proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) could result in exposure of persons to or generation of excessive groundborne vibration levels. As a result, this impact is considered potentially significant. With implementation of mitigation measure 4.5.6, the impact would be less than significant.
- Impact 4.5.7- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update), in combination with other development in nearby areas in Contra Costa County, would increase transportation noise along area roadways as a result of concentrating high density residential and commercial activities along major corridors. General Plan Policies HS.8.1 and HS.8.3 and Actions HS8.1.2 and HS.8.1.3 as well as Three Corridors Specific Plan Chapter 5.0 will reduce this impact, but it would remain a cumulatively considerable, significant impact and is unavoidable through mitigation. Resolution 2010-88 adopted a statement of overriding consideration for this significant and unavoidable impact citing economic and sustainability benefits to co-locating employment opportunities near to residential development along transit corridors and creating diverse mixed-use neighborhoods where residential and non-residential uses interact.

Project Consistency with the 2010 FEIR

4.13(a) (Increase in Ambient Noise) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR determined that implementation of the General Plan may have potentially significant impacts that could be reduced to less than significant with mitigation. The proposed project consists of an office and industrial development in the San Pablo Avenue corridor of the Three Corridors Specific Plan Area. The project is consistent with the land use and zoning of the General Plan and Three Corridors Specific Plan. Pursuant to 2010 FEIR mitigation measures 4.5.3a and 4.5.6, a project level noise study (**Appendix G**) was conducted to evaluate existing ambient noise conditions at the project site, estimate the project's potential contributions to local ambient noise, and provide recommendations to minimize potential noise conflicts. The project's contribution to the local ambient noise level would be temporary from the construction of the project and on-going from operations of the project as a light industrial use with ancillary office space.

Temporary Construction Impacts

Construction of the project would include site preparation, grading, trenching, building and sound wall construction, architectural coating, paving, and landscaping. During each phase of construction, a different mix of equipment would be used with varying noise levels. Noise impacts from construction depend on the equipment used, timing and duration of activities, and distance between construction noise sources and noise-sensitive areas. Construction noise impacts result when construction activities occur during noise-sensitive times of day (e.g., early morning, evening, and nighttime hours), when the activities occur too close to noise-sensitive uses, or when activities last over extended periods of time. Action HS.8.1.5 of the City's General Plan requires the uses of temporary construction noise control measures to reduce noise impacts of construction. The Pinole Municipal Code also limits construction hours to between 7:00 a.m. and 5:00 p.m. on non-federal holidays. Saturday work is allowed in commercial zones only between 9:00 a.m. and 6:00 p.m. as long as the work is limited to interior work that does not generate significant outdoor noise. The noise limits on construction activities established by the Federal Transit Administration (FTA) were used to identify the potential for impacts. During daytime hours, an exterior threshold of 80 dBA L_{eq} is applied at residential land uses and 90 dBA L_{eq} at commercial and industrial land uses.

The analysis conducted by Illingworth and Rodkin (Appendix G) shows that construction noise levels would range from 49 to 71 at existing residential land uses and from 65 to 76 at existing office and commercial uses when project construction activities are occurring near the center of the nearest project building. The noise analysis concluded that based on project site condition and distance to nearest noise sensitive receivers, construction noise levels would not exceed the thresholds established by the FTA for residential or commercial/industrial land uses.

Some specific construction activities would occasionally exceed these thresholds when work is conducted near shared property lines and construction would move throughout the project site over the course of the construction period. The Pinole General Plan identified measures to reduce the impacts of construction projects within the Plan Area to a less-than-significant level which are included as environmental condition of approval **NOI-1**.

The 2010 FEIR concluded that construction activities could result in a substantial temporary or periodic increase in ambient noise levels, and that impacts would be less than significant. Due to the short-term nature of construction noise, the intermittent frequency, and required compliance with Municipal Code standards, the 2010 FEIR determined that construction noise level increases will not result in an increase in ambient noise levels in excess of applicable standards. During construction, the project will result in a temporary noise increase from construction equipment, activities, and material deliveries. Construction activities and associated noise will be restricted by construction hours under Section 15.02.070 of the Pinole Municipal Code. Compliance with construction hours and best management practices to minimize noise during construction activities is imposed under COA NOI-1. Therefore, impacts to ambient noise levels from temporary construction activities will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

Ongoing Project Operation Impacts

Ongoing operation of the project would contribute noise impacts to the surrounding land uses from the increase of traffic, operation of mechanical equipment such as HVAC units, project site parking lot noise, and truck operation, maneuvering, and delivery at the loading docks. The State of California and the City of Pinole consider that a significant permanent noise impact has occurred if the project: 1) increases noise levels at noise-sensitive receptors by 3 dBA DNL or more where ambient noise levels exceed 60 dBA DNL or by 5 dBA DNL where ambient noise levels are below 60 dBA, 2) the project noise levels exceed the limits of the City's General Plan (55 dBA L_{eq} (7:00 a.m. to 10:00 p.m.), and 45 dBA L_{eq} (10:00 p.m. to 7:00 a.m.)) as established by Policy HS.9.1, or 3) exceeds maximum instantaneous noise levels of 70 dBA L_{max} during the day or 65 dBA L_{max} at night. The nearest sensitive land uses are residential development to the east off of Sunnyview Drive, to the northwest off of Carlotta Circle, and to the distant south across San Pablo Avenue, off of Meadow Avenue. The office and industrial development to the immediate south of the project is not considered a sensitive land use.

Traffic Noise

The noise impact study was informed by the results of the Traffic Impact Analysis performed by Fehr & Peers (Appendix H) which included existing plus project traffic volumes at two intersections in the vicinity of the project site, the intersection of the Project Driveway-Meadow Avenue-San Pablo Avenue, and the Pinon Avenue-Appian Way-San Pablo Avenue intersection. The measurable increase in roadway noise attributable to the project is 1 dBA DNL along Meadow Avenue. Traffic volume increases along all other road segments would not measurably contribute to ambient noise levels. The existing ambient noise level along Meadow Avenue is 56 dBA and the project will increase ambient noise level to 57 dBA. As stated above, the noise level would have to increase by 3 dBA or greater in an area where ambient noise levels are below 60 dBA for there to be a significant permanent noise impact. Therefore, the impact to ambient noise from the increase in road traffic attributable to the project is a less than significant impact.

Mechanical Equipment

The noise impact study evaluated the potential for noise from mechanical equipment such as HVAC systems, exhaust fans, chillers, etc. to produce a significant impact on surrounding residential land uses. At this time, the only exterior mechanical equipment anticipated is HVAC units to be mounted on the roof over the office area to condition the office space. The warehouse area of the building will not be conditioned. Noise generated by HVAC units will be attenuated by a parapet wall, set back a minimum of 10 feet from the roof edge, and will not be visible from the ground. Estimated noise levels produced by HVAC equipment is presented in the Table below, which shows that during daytime hours the 55 dBA threshold would not be exceeded, and the nighttime

threshold of 45 dBA would also not be exceeded at nearby residential receptors. The existing office and commercial uses to the south of the project would experience a negligible change in ambient noise levels.

Table 4. Mechanical Equipment Noise Levels and Receiving Land Use^d

Receptor	Distance from Rooftop Equipment, feet	Hourly L_{eq} , dBA		DNL, dBA	Estimated Noise Level Increase, DNL, dBA
		Estimated L_{eq} at Receiving Property Line	55 dBA (Daytime) or 45 (Nighttime) Exceeded?		
East Residential	465	29 to 30 ^b	No (both)	36 ^b	0
Northwest Residential	370	26 to 27 ^c	No (both)	33 ^c	0
Distant South Residential	800	≤ 20 ^c	No (both)	26 ^c	0
South Office & Commercial	70	45 to 46 ^b	N/A ^a	53 ^b	0

^a Thresholds apply to residential receptors only.

^b Minimum attenuation of 5 dB is assumed due to elevation of noise sources and distance of ground-level receptors being within 200 feet of the proposed building.

^c Minimum attenuation of 10 dB is assumed due to intervening buildings and distance of receptors being more than 700 feet from the proposed building.

^d Source: Noise and Vibration Assessment, prepared by Illingworth & Rodkin, April 22, 2024, Table 10.

The Noise and Vibration Assessment (Appendix G) concluded that there will be no exceedance of either the daytime or the nighttime noise levels resulting from rooftop equipment. In future, mechanical equipment may be installed that increases noise levels and would be subject to review by the Community Development Department and to the noise level limitations of the Pinole Municipal Code. No noise level increases from the mechanical equipment proposed at this time will result in an increase in ambient noise at nearby sensitive land uses, therefore, impacts to ambient noise levels from mechanical equipment introduced by the project will be less than significant and no environmental conditions of approval are warranted.

Parking Lot

The noise impact study evaluated the potential for parking lot noise such as vehicular circulation, loud engines, door slams, and human voices to exceed maximum noise levels established by the City at the surrounding sensitive residential land uses. The parking lot was assumed to be busy only during daytime hours when most employees would be accessing the site. Some activity may occur at night, but passenger car activity would be minimal in any given hour and would result in negligible change in ambient increase in noise levels at surrounding sensitive receptors, which is insignificant and therefore, the study concluded that neither the daytime nor nighttime, average or instantaneous noise levels, would be exceeded at any of the surrounding receptors. This is a less than significant impact and no environmental conditions of approval are warranted.

Truck Deliveries and Pass-By

The project would include a loading dock with 18 bays and dock-high doors on the southeast facade of the building. According to the Traffic Impact Analysis (Appendix H) 107 daily truck trips would access the site between the hours of 7:00 am and 7:00 pm. The peak hour truck trips would result in 17 peak hour AM trips and 11 peak hour PM truck trips. For all remaining daytime hours (non-peak) an average of 7 or 8 truck trips would occur every hour. Each trip is one inbound and outbound transit of the truck, so a truck arriving and departing represents 2 trips. Noise generated by these truck trips will include passage on the driveway, engine, exhaust, and tire noise, back-up alarms during maneuvering activities, releases of compressed air from air brakes, and loading dock activities which could last for 10 to 20 minutes.

General Plan Policy HS.8.1 establishes acceptable, conditionally acceptable, and unacceptable exterior noise conditions at various land uses. Action HS.8.1.3 allows the City to require that new development projects use a variety of techniques to reduce noise exposure and impacts to nearby sensitive receptors. Techniques may include screening and noise control, increased setbacks, modification of building design and site planning, control of hours of operation, and landscape buffering where feasible. Policy HS.8.2 ensures that nonresidential land uses likely to exceed the City's standards do not create noise disturbances in noise-sensitive areas, such as residential uses. Action HS.8.2.1 requires that an acoustical analysis be conducted as a part of the

environmental review process and Action HS.8.2.2 allows the City to impose measures to eliminate or reduce noise impacts to the maximum extent feasible.

In accordance with Action HS.8.2.2, an acoustical analysis of the proposed development was performed (Appendix G). The analysis concluded that the residences to the northwest and distant south would be shielded from noise generated by truck deliveries and pass-by by the proposed building and the existing buildings of the PSBP to the south. The residences to the east would experience an increase in hourly average daytime and nighttime noise levels and would exceed the maximum noise levels stipulated in Policy HS.8.1. Pursuant to Action HS.8.1.3, the City is imposing environmental condition of approval **NOI-2** which requires the construction of a noise attenuating barrier. The Noise Report determined that the sound wall would be sufficient to reduce noise impacts of the proposed project during the daytime but nighttime activities such as truck arrival, maneuvering, and loading activities at the building would exceed the nighttime noise limits. To ensure that the project operation does not exceed nighttime noise levels, trucking operations are limited to daytime hours through environmental condition of approval **NOI-3**. Through implementation of NOI-3, operating hours are limited to the hours between 7:00 a.m. and 7:00 p.m. and there would be less than significant impact to nighttime ambient noise levels from outdoor operations at the project site.

The maximum noise thresholds and hourly average noise thresholds only apply to stationary sources and would not apply to pass-by truck noise, however the threshold for a permanent noise increase would apply to truck pass-bys. Truck pass-bys would not contribute a measurable amount to the ambient noise levels. There is a less than significant impact to daytime ambient noise levels from project operational truck pass-bys and no environmental conditions of approval are warranted to limit daytime operation of the project.

Combined Noise

The operational noise levels produced by a combination of all of the sources detailed above, including traffic, mechanical equipment, parking lot, truck deliveries, and pass-bys would not result in a permanent noise increase at the sensitive land uses surrounding the project site. That is less than the 3dBA DNL minimum increase to consider a change to be a significant impact. Therefore, there is less than significant impact to average ambient noise levels from combined noise of the project during operation and no environmental conditions of approval are required beyond NOI-2, which ensures that the assumptions of the Noise and Vibration Assessment for operational hours remain in place, and NOI-3, which makes the proposed sound wall a project requirement, and through combined application of these conditions of approval reduces potential noise impacts of the project to less than significant levels.

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

4.13(b) (Groundborne Vibration) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR determined that impacts from groundborne vibrations could be potentially significant and would be reduced to less than significant levels with implementation of mitigation measure 4.5.6. The Noise and Vibration Assessment analyzed project construction and operation impacts related to groundborne vibration in compliance with mitigation measure 4.5.6. The assessment concluded that the project would not result in long-term and excessive groundborne vibration and groundborne noise at operation. During the course of construction, the project would generate temporary and intermittent groundborne vibrations and noise through the operation of construction equipment, material hauling, and earthwork. The noise study determined that while groundborne vibration from project construction may be perceptible, it is not expected to cause risk of building damage in the vicinity. Therefore, the project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

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

Applicable 2010 FEIR Mitigation Measures

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

Status: Applicable. The project proposes light industrial uses which is not a sensitive land use. A project-specific noise study has been prepared that identifies anticipated changes to ambient noise levels as a result of the project that would not exceed daytime standards at nearby residential uses through implementation of a design feature (sound wall) and restrictions on nighttime operating hours. General Plan Policy HS.8.1, Action HS.8.1.3, allows the City to use various means to ensure that projects do not introduce new noise sources that exceed the exterior noise level standards. The City may require that buildings and sites be designed to reduce noise exposure through sound attenuating features and may limit hours of operation to ensure the project does not introduce a potential conflict due to noise incompatibility. Therefore, the project is subject to COA NOI-3, which limits exterior activities such as deliveries to daytime hours, and COA NOI-2, which requires construction of a noise-attenuating wall between the building and sensitive residential land uses to the east.

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

Status: Not Applicable. While the project is located adjacent to a railroad, it proposes a warehouse/distribution and light industrial development which is not a noise-sensitive land use.

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

Status: Applicable. A project-specific noise study was prepared that identifies practicable noise reduction strategies, which are imposed as environmental conditions of approval NOI-1, NOI-2, and NOI-3 as set forth below.

Conclusion and Environmental Conditions of Approval

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

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

1. Construction shall be limited to the hours of 7:00 a.m. to 5:00 p.m. Monday through Friday, excluding holidays. Saturday work is allowed in commercial zones only, from 9:00 a.m. to 6:00 p.m., as long as it is interior work and does not generate significant noise. Any work outside of these hours by the construction contractors should require a special permit from the City Manager. There should be compelling reasons for permitting construction outside of these designated hours.
2. The construction contractor shall locate stationary noise sources as far from existing sensitive receptors as possible. If stationary sources must be located near existing sensitive receptors, they shall be muffled and enclosed within temporary sheds or other structures.

3. At a minimum, the construction contractor shall implement the following control measures: improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically-attenuating shields or shrouds. Noise controls can reduce noise levels at 50 feet by 1 to 16 dBA, depending on the type of equipment.
4. Equipment used for project construction shall be hydraulically or electrically powered impact tools (e.g., jack hammers) wherever possible to avoid noise associated with compressed air exhaust from pneumatically-powered tools. Where use of pneumatically-powered tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used. A muffler could lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible; this could achieve a reduction of 5 dBA. Quieter procedures shall be used (such as drilling rather than impact equipment) wherever feasible.
5. The unnecessary idling of internal combustion engines on equipment, trucks, or vehicles is prohibited.
6. All construction trucks and vehicles shall access the site via San Pablo Avenue.
7. All staging of construction equipment, trucks, and vehicles shall be limited to the southern and western portions of the project site, as far away from residential development to the east as possible.
8. Prior to the commencement of any construction activities, the construction contractor shall notify, via mail, all residences within a 300-foot radius of the project site of the project's approximate construction schedule, including the approximate duration of demolition, clearing, grading, excavation, paving, and building construction, et al. In addition, at least 24 hours prior to grading activities, the construction contractor shall post signage in appropriate locations within a 300-foot radius of the project site. The signage shall include a phone number to the City Public Works Department for residents to call with noise complaints. If the City Public Works Department receives more than three complaint calls regarding construction noise, the City reserves the discretion to require the project applicant to conduct an acoustical noise analysis to determine more appropriate measures to reduce noise levels due to construction activities.

COA NOI-2: Prior to issuance of building permit, the preliminary sound wall design and specifications, as presented in Figure 2 of the Noise Report (Appendix G hereto), shall be reviewed by a qualified acoustical engineer and recommendations incorporated into the final design for review and approval by the City. The sound wall shall be continuous from grade to top, with no cracks or gaps, have a minimum surface density of three pounds per square foot (e.g. concrete masonry units (CMU)), 420 feet in length long, and with a minimum height of 10 feet to break the line-of-sight to the noise source, or as otherwise modified through final design per recommendations from an acoustical engineer and approval by the City. Prior to issuance of a certificate of occupancy, construction of the sound wall along the eastern site boundary shall be complete per final design and specification and/or as accepted by the City Engineer.

COA NOI-3: Exterior activities such as truck maneuvering, loading and unloading, and deliveries shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday.

4.14. POPULATION AND HOUSING

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

Sources: City of Pinole General Plan/Specific Plan and EIR; Plan Set, prepared by HDO Architecture, dated March 18, 2024.

General Plan and Specific Plan EIR Findings

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

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

Project Consistency with the 2010 FEIR

4.14(a) (Induced Substantial Growth). No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR determined that impacts from induced substantial population growth would be less than significant. The project is generally consistent with the planned development potential analyzed in the 2010 FEIR. The General Plan and Three Corridors Specific Plan directs growth toward infill and redevelopment sites in areas close to existing transit, retail, jobs, and infrastructure. The project proposes 116,730 square feet of warehouse or light industrial space and approximately 2,498 square feet of ancillary office space on an infill site proximate to existing development, transit, and is well served by utilities and public services. Infrastructure. The project will create new jobs in Pinole which may indirectly incrementally increase the population by attracting employees, however the project will not directly induce population growth as residential development is not proposed by the project. The anticipated number of jobs generated by the Project is approximately 60 to 100 employees, which would not substantially induce growth. Therefore, the project will not result in a new significant impact due to growth inducement or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

4.14(b) (Displacement). No Change Relative to the 2010 FEIR: The 2010 FEIR determined that impacts from displacement would be less than significant. The project is consistent with the General Plan and Specific Plan land use designation as a proposed light industrial use on an undeveloped parcel designated for such uses along the San Pablo Avenue Corridor. The project will provide employment opportunities in proximity to existing goods, services, and existing housing without demolishing existing housing units, causing displacement, or

displacing the opportunity to create housing in the future. Therefore, the project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

Applicable 2010 FEIR Mitigation Measures

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

Conclusion

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

4.15. PUBLIC SERVICES

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

Sources: City of Pinole General Plan/Specific Plan and EIR; and Plan Set, prepared by HDO Architecture, dated March 18, 2024.

General Plan and Specific Plan EIR Findings

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

Fire Protection

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

Law Enforcement Services

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

Public Schools

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

Park and Recreational Facilities

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

Project Consistency with the 2010 FEIR

4.15(a) (Public Services) No Substantial Change Relative to the 2010 FEIR: The 2010 FEIR concluded that, with policies set forth in the General Plan, impacts to public services would be less than significant. The 2010 FEIR concluded that there would be a less than significant impact on emergency services because development activities would include roadway improvements to ensure adequate access and traffic management.

General Plan policies CS.2.1 and CS.2.3.5 call for 5-minute response times from the Police Department and the Fire Department. Police and Fire vehicles travel more swiftly than typical vehicles using sirens and bypassing traffic lights. As such, Fire and Police services are expected to be able to reach the site with adequate response times. The project will not impact the emergency response times to the area. Upon review of the proposed development plans for the Pinole Shores II Project, the Fire and Police Departments did not indicate concerns about response times or the capacity to provide services to the project. New development projects are subject to the payment of development impact fees to fund the incremental increase in demand for services. The project is subject to development impacts fees and is consistent with the development potential analyzed in the 2010 FEIR. As such, the project would not result in an impact more significant than the less than significant impact identified in the 2010 FEIR.

The 2010 FEIR concluded that buildout would result in less than significant impacts to schools. While the project may result in indirect population growth because of employee relocation that may occur, it would have a negligible impact on educational services provided by schools as student generation would be minimal. Furthermore, the project is subject to fees imposed by the West Contra Costa Unified School district to support school facilities development and maintenance. Therefore, the project will result in less than significant impacts to schools consistent with the determination made in the 2010 FEIR.

The increase in demand for parks and recreational facilities associated with population growth and development was considered in the 2010 FEIR, which determined impacts to existing parks and recreational resources would be less than significant and cumulative impacts would be less than cumulatively considerable. The project has no residential component and as such is not subject to impact fees to fund, maintain, acquire, and develop recreational facilities (City of Pinole, Development Impact Fee Schedule, Resolution 2018-29). The project is consistent with the projected build out analyzed in the General Plan and Specific Plan EIR. Therefore, the project will not result in a new significant impact or substantially increase the severity of a previously identified significant impact relative to the 2010 FEIR.

Applicable 2010 FEIR Mitigation Measures

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

Conclusion

The project would not result in any new or more severe impacts to public services relative to what was identified in the 2010 FEIR. The project consists of development consistent with the General Plan and Specific Plan and would offset potential incremental increase in the use of services through required development impact fees for police, fire protection, public facilities and equipment, wastewater, transportation, drainage, and schools.

4.16. RECREATION

Would the project:	New Significant Impact Not Identified in 2010 FEIR	More Severe Impact Relative to 2010 FEIR	No Substantial Change Relative to 2010 FEIR	No Change Relative to the 2010 FEIR
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Sources: City of Pinole General Plan/Specific Plan and EIR; Plan Set, prepared by HDO Architecture, dated March 18, 2024; and the City of Pinole Recreation Department, Park and Facilities, accessed June 2022.

General Plan and Specific Plan EIR Findings

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

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

Project Consistency with the 2010 FEIR

4.16(a-b) (Deterioration of Parks, Additional Recreational Facilities) No Change Relative to the 2010 FEIR: The 2010 FEIR concluded that buildout would result in less than significant impacts to recreational resources. Pinole contains a total of 14 parks. Of these parks, the Meadow Park (1.5 acres) is located approximately 0.4 miles to the southeast, the Bayfront Park (2 acres) is approximately 0.5 miles to the east, and the Louis Francis Park (2 acres) is approximately 0.6 miles to the southwest, of the project site. Additionally, East Bay Regional Park District (EBRPD) manages approximately 95,000 acres of open space and preserves providing regional amenities to Pinole residents, including the San Francisco Bay Trail, which passes the project site approximately 150 feet to the north on the other side of the BNSF railroad, and the Pinole Shores Park, located 0.3 miles to the northwest.

New workers introduced to the area by the project would result in a negligible change in the use of surrounding parks and recreational facilities. Employees and visitors to the site may occasionally use the surrounding recreational facilities, parks, and trails. The anticipated increase in park use generated by the project would be consistent with the use anticipated by the General Plan and Three Corridors Specific Plan. The project's negligible change in use of recreational facilities is not expected to cause substantial or accelerated physical

deterioration. Additionally, the City of Pinole periodically updates the Recreation Park and Facility Master Plan in accordance with General Plan Action CS.1.3.4 to monitor the condition of recreational facilities and ensure that the community needs are adequately addressed. Pursuant to Action CS.3.1.1 the Master Plan is used to identify areas that are underserved by recreation facilities and identify opportunity sites that may satisfy existing and projected park and recreation needs. The project is in compliance with Action CS3.4.3, which directs that the Recreation Department review development proposals. The project was routed to the Recreation Department which determined that existing park and recreation facilities were adequate to meet recreational demands of the project.

Potential impacts to recreational facilities within the City of Pinole as a result of new development have been identified and analyzed under the 2010 FEIR, which concludes that build out will have a less than significant impact on recreational facilities. No population growth will occur as a direct result of the project because no residential component is proposed. Population growth was anticipated in the General Plan and the Three Corridors Specific Plan. The project would not put further pressure on recreational amenities thereby requiring construction or expansion of such facilities relative to what was analyzed in the 2010 FEIR. Therefore, impacts related to the increased use, deterioration, construction, or expansion of recreational facilities as a result of the proposed project are not expected to be substantially new or more severe relative to the 2010 FEIR.

Applicable 2010 FEIR Mitigation Measures

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

Conclusion

The project would not result in any substantially new or more severe impacts to recreation relative to what was identified in the 2010 FEIR. The project consists of a light industrial development anticipated by the Three Corridors Specific Plan and General Plan Update. As an industrial use, pursuant to Resolution 2008-29, the project is not subject to development impact fees for parks and recreation.

4.17. TRANSPORTATION

Would the project:	New Significant Impact Not Identified in 2010 FEIR	More Severe Impact Relative to 2010 FEIR	No Substantial Change Relative to 2010 FEIR	No Change Relative to the 2010 FEIR
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	☐	☐	☒	☐
b) Would the project 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?	☐	☐	☒	☐

Sources: City of Pinole General Plan/Specific Plan and EIR; Plan Set, prepared by HDO Architecture, dated March 18, 2024; Technical Advisory on Evaluating Transportation Impacts in CEQA, prepared by the State of California Governor's Office of Planning and Research, December 2018; Transportation Impact Analysis, prepared by Fehr & Peers, April 24, 2024; Pinole Shores Project Transportation Demand Management Plan, prepared by Fehr & Peers, April 2024.

General Plan and Specific Plan EIR Findings

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

- Impact 4.4.1- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would result in an increase in freeway mainline volumes during the AM and PM peak hours. This is considered a significant impact and remains significant and unavoidable with mitigation. Resolution 2010-88 adopted a statement of overriding consideration citing economic and sustainability benefits as follows: 1) Locating residential projects adjacent to commercial development allows for greater pedestrian and bicycle access for those residents to commerce, employment opportunities, and transit which reduces vehicle trips and increases the sustainability of the community; and 2) Including residential uses along predominantly commercial corridors provides urban-level activity and potential patrons for existing and future commercial uses, conferring an economic benefit to the city.
- Impact 4.4.2- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would result in an increase in volume to capacity (v/c) ratios and a decrease in LOS on study intersections during the AM and PM peak hours. This is considered a potentially significant impact and is reduced to less than significant with modification to the LOS policy allowing for LOS F standard within Old Town.
- Impact 4.4.3- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would conflict with the multimodal transportation service objectives (MTSOs) identified in the West County Action Plan. This is considered a significant impact and is remains significant and unavoidable with mitigation. Resolution 2010-88 adopted a statement of overriding consideration citing a sustainability benefit and included the following rationale: Locating residential projects along commercial corridors allows for greater access to commerce, employment opportunities, and transit which reduces vehicle trips and increases the sustainability of the community.
- Impact 4.4.4- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would result in changes to the circulation network. However, the

changes would not increase hazards due to design features or incompatible uses. This is considered a less than significant impact.

- Impact 4.4.5- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would result in an increase in vehicular traffic and changes to the roadway network, which may potentially increase emergency access conflicts. This is considered a less than significant impact.
- Impact 4.4.6- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would support continued and expanded transit use, bicycling, and walking throughout the city, although changes to the roadway network may potentially affect bus operations. This is considered a less than significant impact.
- Impact 4.4.7- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would result in cumulative transportation impacts. This impact is cumulatively considerable and is reduced to less than cumulatively considerable with mitigation.
- Impact 4.4.8- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would conflict with the multimodal transportation service objectives (MTSOs) identified in the West County Action Plan. This impact is cumulatively considerable and remains significant and unavoidable with mitigation. Resolution 2010-88 adopted a statement of overriding consideration for this significant and unavoidable impact citing a sustainability benefit and included the following rationale: Locating residential projects along commercial corridors allows for greater access to commerce, employment opportunities, and transit which reduces vehicle trips and increases the sustainability of the community.
- Impact 4.4.9- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) in combination with pending or approved major projects within the city as well as consideration of regional activities, would result in changes to the circulation network. The changes are not anticipated to increase hazards due to design features or incompatible uses. This impact is less than cumulatively considerable.
- Impact 4.4.10- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) in combination with pending or approved major projects within the city as well as consideration of regional activities, would result in an increase in vehicle traffic and changes to the roadway network, which may potentially increase emergency access conflicts. This impact is less than cumulatively considerable.
- Impact 4.4.11- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) in combination with pending or approved major projects within the city as well as consideration of regional activities, would support continued and expanded transit use, bicycling, and walking throughout the city, although changes to the roadway network may potentially affect bus operations. This impact is cumulatively considerable and with mitigation is reduced to less than cumulatively considerable.

Level of Service to Vehicle Miles Traveled

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

In December 2018, the California Governor's Office of Planning and Research (OPR) published the Technical Advisory on Evaluating Transportation Impacts in CEQA, which provides recommendations for evaluating a project's transportation impact using a VMT metric, thresholds of significance, and mitigation measures. Pursuant to Government Code Section 15064.3(b), lead agencies have discretion to select the most appropriate

methodology for evaluating a project's VMT impacts. To date (April 2024) the City of Pinole has not adopted VMT thresholds or guidelines. In the absence of locally adopted thresholds at the time of review of the proposed project, the City of Pinole is relying upon recommendations set forth in OPR's Technical Advisory.

Transportation Impact Analysis (TIA)

A Transportation Impact Analysis was prepared by Fehr & Peers (**Appendix H**) which provides a VMT impact analysis, provides an estimate of the quantity of trips that would be generated by the project, and evaluates the operations of the intersections at San Pablo Avenue/Appian Way/Pinon Avenue, San Pablo Avenue/Meadow Avenue, and the Project Driveway. The project-related VMT impacts were assessed based on guidance provided by the California Governor's Office of Planning and Research (OPR) in the publication Transportation Impacts (SB 743) CEQA Guidelines Update and Technical Advisory, 2018. The project would generate approximately 700 net new passenger automobile trips daily. The quantitative VMT analysis shows that the project would generate less than 85 percent of the region wide average. Recommendations were made for improvement of the San Pablo Avenue/Meadow Avenue/Project Driveway intersection including 1) prohibition of left-turns into the project driveway, 2) lengthening the eastbound left turn pocket, 3) updating the existing crosswalk and striping, 4) installing a new stop sign and markings at the private lot intersection north of San Pablo Avenue, and 5) installing a traffic signal at the project site intersection as warranted.

Transportation Demand Management Plan

In compliance with General Plan Policy CE.6.2, a Transportation Demand Management Plan (TDM) was prepared by Fehr & Peers (**Appendix H-1**) which details measures to be undertaken by the Pinole Shores II Project during operation and carried out by a designated Transportation Coordinator staff person to promote a reduction in vehicle trips. The TDM Plan measures identified are intended to increase usage of transit services, increase incidence of carpooling, and increase the rate at which employees and visitors choose to walk or bike. Implementation of the TDM Plan is imposed as environmental condition of approval TRAN-2.

Project Consistency with the 2010 FEIR

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

The 2010 FEIR concluded that the General Plan Update, Three Corridors Specific Plan, and Zoning Code Update would conflict with the multimodal transportation service objectives (MTSOs) identified in the West County Action Plan and that impact would be significant and unavoidable.

The project is consistent with the land use designation established through the General Plan and Three Corridors Specific Plan. The Traffic Impact Analysis (**Appendix H**) estimates that the project would be expected to generate an average of 700 trips per day, including 107 trips during the AM peak hour (between 7:00-9:00 AM) and 90 trips during the PM peak hour (between 4:00-6:00 PM). Trucks are larger and slower than passenger vehicles and so truck trips were converted to a passenger car equivalent (PCE) of 2.5 trips for every truck trip anticipated. Since the specific tenants of the project have not yet been selected, project trip generation was based on the ITE methodology for a light industrial use.

The section of San Pablo Avenue where the project is located is equipped with sidewalks, parallel on-street parking, and landscaping on the median/pedestrian refuge and roadside but is lacking dedicated bike lanes. The project would not conflict with the plans for reconfiguring San Pablo Avenue through Old Town or the design guidelines for that area and would be subject to the City's development impact fees as well as the development fee for the West County Subregional Transportation Mitigation Program (STMP) for proportional contribution towards the improvements listed in the Three Corridors Specific Plan.

The 2010 FEIR imposed mitigation measure 4.4.11 which directs the City to work with transit to construct additional bus turnouts along Pinole roadways including San Pablo Avenue. The project site is served by the West Contra Costa Transit Authority (WestCAT), via Route JR/JL all week, and Route C3 on weekdays. Route JR/JL runs every half hour along San Pablo Avenue north to the Hercules Transit Center with limited trips to Pinole High School and Hercules Middle school, and south to the Richmond Parkway Transit Center and the El Cerrito Del Norte BART station. Route C3 travels along San Pablo Avenue from Contra Costa College to the Hercules Transit Center every half hour on weekdays. The nearest westbound bus stop is on San Pablo Avenue and the private access road, and the nearest eastbound bus stop is across the street on San Pablo Avenue and Meadow Avenue. To ensure compliance with measure 4.4.11, environmental condition of approval (COA) **TRAN-1** imposed on the project requires installation of a bus shelter at the existing westbound bus stop at San Pablo Avenue.

As described further in 4.17(b), in accordance with Policy CE.6.2, the project is required to implement a Travel Demand Management (TDM) Plan. The draft TDM in Appendix H-1 was prepared for the project by Fehr & Peers. Submittal of a final TDM plan for review and approval to the Community Development Department prior to final occupancy is imposed as environmental condition of approval **TRAN-2**. Further, pursuant to Pinole Municipal Code Section 17.98.020, signage, trees, and other landscaping features within the clear vision triangle at driveway and street intersections shall be maintained in accordance with COA **TRAN-3** as described under 4.17(c) below.

The project's Traffic Impact Analysis indicates that the signalized San Pablo Ave/Appian Way/Pinon Ave intersection operates during the AM and PM peak hours at LOS D or better under both the existing and existing-plus-project conditions. The existing unsignalized intersection at San Pablo Ave/Meadow Ave/Project Driveway operates at an overall LOS A with the side-street stop-controlled approaches operating at LOS D during the AM peak hour and LOS E during the PM peak hour. Under existing-plus-project conditions, the intersection would continue to operate at an overall LOS A, but the side-street stop-controlled approach would operate at LOS E during the AM peak hour and LOS F during the PM peak hour.

Per the City of Pinole's level of service (LOS) standards, the minimum desired service level for intersections located on San Pablo Avenue is LOS D. Therefore, the project may conflict with the City's LOS policy and may warrant the addition of a signal at the intersection of San Pablo Ave/Meadow Ave/Project Driveway. Other potential conflicts with circulation are identified below in discussion 4.17(c). In order to avoid a potential conflict due to LOS exceedance and design safety, the project is subject to environmental condition of approval **TRAN-4**, which requires improvements to access and circulation, as well as the installation of a traffic signal at the intersection of San Pablo Ave/Meadow Ave/Project Driveway prior to project occupancy.

With implementation of COA TRAN-1 through TRAN-4, the project will not result in new or more severe impacts beyond those analyzed in the 2010 FEIR by way of conflicting with local plans, policies, and ordinances.

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

The City of Pinole has not adopted local screening criteria or thresholds of significance for VMT assessment. The CCTA, which supports travel demand modeling for all jurisdictions in Contra Costa County, has developed VMT screening criteria, analysis methodologies, and thresholds of significance that were used to develop the project specific VMT assessment in the Transportation Impact Analysis (**Appendix H**).

As the project is employment-generating, the home-work VMT per worker metric was used to estimate VMTs. The project would be considered to generate a significant impact if it exceeds 85% of the existing Bay Area region-wide average home-work VMT per worker. The existing average home-work VMT for the Bay Area region is 15.6, therefore the analysis used 13.2 VMT per worker as the significance threshold. The project is located in a traffic analysis zone (TAZ 10215) where the 2020 home-work VMT per worker is estimated to be 12.8, which is below 85% of the region-wide Bay Area average. Therefore, impacts due to VMT would be less than significant.

Pursuant to General Plan Policy CE.6.2, the project is required to implement a Transportation Demand Management (TDM) plan, which requires "implementation of transportation demand management strategies in conjunction with land uses in order to prevent future traffic congestion" that would further reduce VMT impacts.

The draft TDM Plan prepared for the project (**Appendix H-1**) details fourteen required TDM measures which include, but not limited to, improved pedestrian access from San Pablo Avenue to the project site, installation of bus shelters on San Pablo Avenue, installation of bicycle parking, a bicycle repair station, and employee showers and locker room, allow employees to remote work, and provide educational materials to employees. Additional encouraged measures include implementing a bikeshare membership, designating parking spaces for rideshare vehicles, and providing transit subsidies. The required TDM Plan measures are estimated to reduce single-occupancy vehicle trips by 5 to 10% annually. In accordance with Policy CE.6.2, environmental condition of approval **TRAN-2** is imposed requiring implementation of a final project-level TDM Plan to be prepared and submitted to the Community Development Department for review and approval prior to issuance of the certificate of occupancy.

As such, the project will not result in new or more severe impacts beyond those analyzed in the 2010 FEIR.

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

Access to the project will be provided via two existing driveways from San Pablo Avenue. Primary internal circulation at the Pinole Shores Business Park is a semi-circular drive isle around the development. Internal circulation on the site will occur via 24 to 30 foot wide drive aisles circling the project and providing access to the loading docks and trailer parking spaces. Parking stalls are distributed around the perimeter of the site and on both sides of the drive aisle, providing parking for 79 standard passenger vehicles stalls and 11 compact stalls. 4 standard parking stalls will be equipped with electric vehicle chargers, 19 will be equipped conduit for future installation of electric vehicle chargers, and 11 will be designated as "Clean Air Carpool/Vanpool Only." There will be 6 standard ADA accessible parking spaces, and 2 with access to an EV charger, one of which will accommodate an accessible van.

The project would be required to comply with the public realm standards and design guidelines established in the Three Corridors Specific Plan. Consistent with Policy 1 (safe and efficient movement of people and goods) and Policy 2 (road and intersection improvements to consider pedestrian and traffic safety) of the Three Corridors Specific Plan, the project is subject to environmental condition of approval **TRAN-3** which requires that signage, trees, and landscaping elements within a clear vision triangle, including driveways and street intersections, maintain clear sight lines at heights between two and one-half feet and seven feet, pursuant to Pinole Zoning Code Section 17.98.020.

Within the project vicinity, sidewalks are present along both sides of San Pablo Avenue, the project has no street frontage. Internal pedestrian walkways proposed on the project site would connect the main entrance to the existing pedestrian facilities in the Pinole Shores Business Park.

The project's Traffic Impact Study (**Appendix H**) recommends off-site improvements to the unsignalized pedestrian cross walk across the project driveway at San Pablo Avenue, installation of stop sign and markings to improve internal circulation, the lengthening of the left hand turn pocket on eastbound San Pablo Avenue to accommodate trucks, and the installation of a traffic signal at the intersection of San Pablo Avenue-Meadow Avenue-Project Driveway intersection. These are imposed as environmental condition of approval **TRAN-4**, which ensure consistency with the 2010 FEIR and City Design Standards.

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

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

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

Applicable 2010 FEIR Mitigation Measures

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

Status: Applicable. The City should coordinate with WestCAT to identify any needed improvements to transit facilities serving San Pablo Avenue and requirement to construct a bus shelter structure at the nearest bus stop to the project is imposed as COA TRAN-1.

Conclusion and Environmental Conditions of Approval

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

- COA TRAN-1:** Prior to the issuance of Building Permit, the applicant shall provide the project's fair share contribution as established by the City towards multi-modal improvements in the project vicinity as identified in the Three Corridors Specific Plan by installing a bus shelter at bus stop 25028 on San Pablo Avenue.
- COA TRAN-2:** Prior to issuance of the certificate of occupancy, a final Transportation Demand Management Plan shall be provided to the Community Development Department for review and approval. The TDM Plan shall include example materials that will be used to educate tenants and employees about the programs and require that a tenant management position assume the role of Transportation Coordinator and detail the program implementation schedule which shall commence with occupation of the building.
- COA TRAN-3:** To maintain adequate sight lines at the project driveways, pursuant to Pinole Municipal Code Section 17.98.020, signage, trees, and other landscaping features within the clear vision triangle at driveway and street intersections shall be maintained such that visibility is maintained between thirty (30) inches and seven (7) feet. The applicant shall be responsible for maintaining adequate sight lines from the project driveways and vegetation shall be trimmed to about one foot in height on the west sides of the driveways.
- COA TRAN-4:** Recommendations of the project specific Transportation Impact Analysis shall be implemented as follows or as otherwise reviewed and accepted by the City Engineer:
1. Prior to issuance of occupancy, the eastbound left turn pocket on San Pablo Avenue shall be lengthened from 60 to 130 feet, increasing the queue storage for large trucks (e.g., WB-40 and WB-67).
 2. Prior to issuance of occupancy, the existing crosswalk across the project driveway shall be relocated closer to the intersection to align with the existing sidewalk along the north side of San Pablo Avenue, which would provide additional queue storage for vehicles exiting the project site and improve pedestrian circulation along the project frontage. The existing striping shall be adjusted to improve queue storage for vehicles exiting the project site.
 3. Prior to issuance of occupancy, a new stop sign with pavement markings shall be installed at the private parking lot intersection immediately north of the intersection with San Pablo Avenue, which would minimize queuing within the project site, maintain access to the drive aisle just north of the project driveway, and minimize the inbound project queues spilling back onto San Pablo Avenue.
 4. Prior to issuance of a building permit, the applicant shall submit designs for intersection improvements inclusive of a traffic signal for review and acceptance by the City Engineer. Prior to issuance of occupancy, a traffic signal and intersection redesign shall be installed at the San Pablo Avenue/Meadow Avenue/Project Driveway intersection to the satisfaction of the City Engineer.

4.18. TRIBAL CULTURAL RESOURCES

Would the project:	New Significant Impact Not Identified in 2010 FEIR	More Severe Impact Relative to 2010 FEIR	No Substantial Change Relative to 2010 FEIR	No Change Relative to the 2010 FEIR
Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☐	☐	☒
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☒	☐

Sources: City of Pinole General Plan/Specific Plan and EIR; Plan Set, prepared by HDO Architecture, dated March 18, 2024; Cultural Resources Study, prepared by Evans & DeShazo, Inc., January 4, 2023; and AB 52 Notification issued by the City of Pinole December 20, 2022.

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

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

In accordance with PRC Section 21080.3.1(d), the City of Pinole provided written formal notification to the tribes below on December 20, 2022, which included a brief description of the previously proposed project design and its location, the City of Pinole contact information, and a notification that the Tribes have 30 days to request consultation. Notified tribal organizations include:

- The Ohlone Indian Tribe
- Amah Mutsun Tribal Band of Mission San Juan Bautista
- The Confederated Villages of Lisjan

- Guidiville Indian Rancheria
- Indian Canyon Mutsun Band of Costanoan
- Muwekma Ohlone Indian Tribe of the SF Bay Area

The City received two official requests to consult from the Confederated Villages of Lisjan and Indian Canyon Mutsun Band of Costanoan. No other responses from tribes or individuals have been received requesting consultation.

On May 20, 2024 the City of Pinole provided written notification to the tribes listed above and included a brief description of the currently proposed project design and extended an invitation to provide any further comments or input. The Confederated Villages of Lisjan and the Amah Mutsun Tribal Band of San Juan Bautista & A.M.T.B. Inc. responded. The former acknowledged receipt of the notice and asked to be contacted if any resources are found. The latter offered services for monitoring and training. No other requests from tribes or individuals have been received requesting consultation. As of June 2024, tribal consultation was determined to be complete.

General Plan and Specific Plan EIR Findings

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

Project Consistency with the 2010 FEIR

4.18(a) (Listed or Eligible for Listing) No Substantial Change Relative to the 2010 FEIR: As described in 4.5 Cultural Resources, the Archaeological Assessment included a database review, records search, and archeological site survey to evaluate the site for recorded evidence of cultural resources. The Assessment concluded that there are no above ground resources, structure, monuments, or landscaping onsite that are listed and eligible for listing. Therefore, the project would not result in new or more severe impacts relative to the 2010 FEIR as it relates to a TCR that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).

4.18(b) (Significant Resources) No Substantial Change Relative to the 2010 FEIR: As described above, the City of Pinole provided notification of the project to Tribes and tribal organizations on December 20, 2022, consistent with AB 52. Outreach to the Tribes was also conducted in the course of the Cultural Resources Study (CRS) performed by Evans & DeShazo (EDS) on October 17, 2022. On November 16, 2022, a response was received by EDS from a representative of the Indian Canyon Mutsun Band of Costanoan who asked to discuss the project and the results of the CRS. The Tribe requested that a Native American Monitor and an Archaeologist be on-site during ground-disturbing activities to inspect the construction area for archaeological resources. The City received two responses from the AB 52 notification requesting consultation. The City responded to the consultation request providing the Cultural Resources Study, project information, and draft condition of approvals (**CUL-1 and CUL-2**). The representative of the Confederated Villages of Lisjan requested that a tribal cultural monitor be present when native soil is disturbed by grading and excavation activities, which is required by **TCUL-2**. Correspondence between the Tribes requesting consultation and the City through March 2023 satisfy the requirements under AB 52.

The Tribes were notified of the project redesign in May of 2024. The Confederated Villages of Lisjan responded by email and requested to be notified of any tribal cultural resources or burials discovered during construction. The Amah Mutsun Tribal Band of San Juan Bautista & A.M.T.B. Inc. also responded offering services for monitoring and training. No other responses were received.

As identified in the 2010 FEIR, archeological resources are prevalent in the Pinole area and have the potential to be encountered during build out of the Specific Plan. The project site has the potential to contain buried tribal cultural resources that may be unearthed during construction. As such, development within the project site has the potential to result in impacts to buried TCRs if encountered during construction. **COA TCUL-1**, imposed on the project provides for the protection of buried cultural resources, including tribal cultural resources, in the event of discovery. The Pinole Shores II Project is not anticipated to penetrate native soils due to imported fill that covers the site to depths below anticipated foundation grading except in the northeastern extent of the project site where it is anticipated that native soils will be disturbed during stormwater utility work. As such,

TCUL-2 is imposed to identify any TCRs that may be exposed during activities that penetrate native soils. Therefore, the proposed project would not result in new or more severe impacts relative to the 2010 FEIR.

Applicable 2010 FEIR Mitigation Measures

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

Conclusion and Environmental Conditions of Approval

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

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

COA TCUL-2: To protect buried Tribal Cultural Resources that may be encountered during grading and excavation activities, a tribal cultural monitor shall be invited to be present during excavation that is anticipated to penetrate native soils, particularly in the area of the northeastern connection to the municipal storm drain. If tribal cultural resources are found, the Confederated Villages of Lisjan shall be notified as requested through consultation.

4.19. UTILITIES AND SERVICE SYSTEMS

Would the project:	New Significant Impact Not Identified in 2010 FEIR	More Severe Impact Relative to 2010 FEIR	No Substantial Change Relative to 2010 FEIR	No Change Relative to the 2010 FEIR
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	☒
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?	☐	☐	☒	☐

Sources: City of Pinole General Plan/Specific Plan and EIR; Plan Set, prepared by HDO Architecture, dated March 18, 2024; and Stormwater Control Plan (SWCP), prepared by Kister, Savio, & Rei Inc., March 18, 2024.

General Plan and Specific Plan EIR Findings

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

Water Supplies/Infrastructure

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

Wastewater

- Impact 4.12.6.1- Implementation of the General Plan Update, Three Corridors Specific Plan, and Zoning Code Update would increase wastewater flows and demand for sanitary sewer facilities. Increased flows could exceed the capacity of the wastewater conveyance, treatment, and disposal systems at the City of Pinole Public Works Department and the West County Wastewater District. This is considered a less than significant impact.

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

Solid Waste

- Impact 4.12.7.1- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) would increase solid waste generation and the demand for related services. This is considered a less than significant impact.
- Impact 4.12.7.2- Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update), along with other existing, planned, proposed, approved, and reasonably foreseeable development within the West Contra Costa Integrated Waste Management Authority service area, would result in cumulative solid waste impacts. This is considered a less than cumulatively considerable impact.

Energy and Communication

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

Project Consistency with the 2010 FEIR

4.19(a) (Relocation/Expansion of Utilities) No Change Relative to the 2010 FEIR: The FEIR concluded that buildout of the General Plan and Three Corridors Specific Plan would increase demands for utilities and services systems including water, wastewater, storm drain, and energy and communications infrastructure and impacts would be less than significant. The proposed project will generate demand for utilities and services consistent with demand anticipated by the General Plan and Three Corridors Specific Plan. The site vicinity is well served by existing utilities, including water, wastewater, electricity, natural gas, telecommunication, cable, and storm drain infrastructure, all of which will be extended onsite.

There are two existing underground stormwater pipes that bisect the project site in the northeastern portion of the property. These pipes convey stormwater from public roadways in Pinole and the existing Pinole Shores Industrial Business Park to an outfall at the San Pablo Bay. One pipe is 48 inches and the other is 24 inches and they are serviced and maintained via access to facilities on the project site. The project would install a 24 inch stormwater pipeline to convey stormwater from the project to the junction with existing storm drainage infrastructure. Stormwater will be from impervious surfaces and overflow from proposed stormwater BMPs. The project would also install and maintain an access road for ongoing access and maintenance of the stormwater junction on an as need basis. None of the existing stormwater pipes would be expanded to accommodate the project.

Demand for utilities and service systems generated by the project is anticipated by the 2010 FEIR and would not require the relocation of existing infrastructure or its expansion beyond extension to the site to service the proposed project. Therefore, the project's impacts related to the relocation, construction, or expansion of utilities will not result in new or more severe impacts relative to the 2010 FEIR.

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

The Pinole Shores II Project will utilize water obtained from the municipal water system to meet onsite water demands. East Bay Municipal Utility District (EBMUD) is the water provider. Water to the site is provided via the existing municipal water system and will be conveyed to the project through a water line and public utilities easement through the Pinole Shores Business Park that connects to the potable water main within the San Pablo Avenue right-of-way.

The EBMUD assesses water supplies against expected water demands for a 30-year planning horizon and outlines actions in its Urban Water Management Plan 2020 (UWMP) to deal with future uncertainties which includes a diversified and resilient portfolio as well as recycled water and conservation programs. Further, in accordance with Action GM2.2.1 verification by EBMUD is required for approval of new development to ensure that adequate water supply and quality can be provided. This is imposed through environmental **condition of approval UTIL-1** set forth below. Therefore, impacts due to insufficient water supplies or inadequate entitlements would not result in new or more severe impacts relative to those identified in the 2010 FEIR.

4.19(c) (Wastewater Capacity) No Substantial Change Relative to the 2010 FEIR: The FEIR concluded that buildout of the General Plan and Three Corridors Specific Plan would increase wastewater flows and demand for sanitary sewer facilities and impacts would be less than significant. The City of Pinole provides sanitary sewer service to the project site via an existing service line located within the San Pablo Avenue right-of-way. The project includes installation of a sanitary sewer pipe to collect wastewater from the project and discharge to the existing sanitary sewer infrastructure for conveyance, treatment, and processing.

As a project that is generally consistent with the General Plan and the Three Corridors Specific Plan, the increase in wastewater generated by the project is within the flow capacity analyzed as part of the 2010 FEIR. Furthermore, the development will be subject to Development Impact Fees (Resolution No. 2018-29), including a fee for wastewater, which is used to fund maintenance and expansion of wastewater conveyance systems and treatment facilities. In accordance with mitigation measure 4.12.6.2 adequate wastewater capacity shall be demonstrated prior to issuance of Certificate of Occupation. This is imposed through environmental **condition of approval UTIL-2** set forth below. As such, the proposed project will not cause or exceed wastewater treatment requirements set forth by the Regional Water Quality Control Board, nor will the project necessitate the expansion or construction of wastewater conveyance or treatment facilities. Therefore, impacts to wastewater capacity would not result in new or more severe impacts relative to those identified in the 2010 FEIR.

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

Republic Services provides solid waste collection services for recycling, organics, and landfill waste disposal. Although the waste stream generated by the project is expected to increase during construction and operation, it is not expected to exceed landfill capacity and is not expected to result in violations of federal, state, and local statutes and regulations related to solid waste. In accordance with General Plan Action CS.8.1.3 construction sites shall provide for the salvage, reuse or recycling of construction and demolition materials. This is imposed through environmental **condition of approval UTIL-3** set forth below. Pursuant to Action SE.5.1.2 to improve and expand curbside recycling services, the project is subject to environmental **conditions of approval UTIL-4** and **UTIL-5** set forth below. On December 7, 2021, the City adopted an ordinance to amend Chapter 8.10 of the Pinole Municipal Code to require organics recycling services for all residential and commercial customers,

pursuant to SB 1383, which provides that the state reduce organic waste disposal 75% by 2025 and rescue at least 20% of currently disposed surplus edible food by 2025. COA **UTIL-5** imposes the requirements for commercial businesses of Chapter 8.10 of the Pinole Municipal Code on the subject project as a light industrial use. Therefore, the disposal of solid waste resulting from project construction and operation would not result in new or more severe impacts relative to those identified in the 2010 FEIR.

2010 FEIR Mitigation Measures

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

Status: Applicable. The project is in the area considered as part of the Sanitary Sewer Master Plan 2022 (adopted on September 22, 2022), which indicated adequate facilities would be in place or expanded as necessary to accommodate the project with payment of required impact fees. Pursuant to this measure, the project is subject to Condition of Approval UTIL-2, which requires procurement of a will serve letter, verification of unique connections, and payment of development impact fees.

Conclusion and Environmental Conditions of Approval

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

COA UTIL-1: Pursuant to Action GM 2.2.1 Service Standards, prior to issuance of a building permit, the applicant shall secure verification from EBMUD that adequate water supplies are available to serve the project and prior to issuance of occupancy the applicant shall demonstrate that all EBMUD water efficiency requirements have been fulfilled.

COA UTIL-2: Pursuant to MM 4.12.6.2, the project shall secure a can and will serve letter demonstrating that there is sufficient sewer/water treatment and conveyance capacity prior to issuance of Certificate of Occupancy. The proposed project shall have a unique connection to the public sewer collection system. The connection to the sewer system will require a permit from the City of Pinole, the payment of sewer user fees, and payment of a sewer connection fee prior to the issuance of building permits.

COA UTIL-3: Pursuant to General Plan Action CS.8.1.3 and in accordance with current CALGreen Building Code requirements, a Construction Waste Management Plan shall be prepared and implemented during all stages of construction. The Construction Waste Management Plan shall meet the minimum requirements of the CALGreen code for residential development including but not limited to regional material sourcing (A5.405.1), Bio-based materials (A5.105.2), Reused materials (A5.405.3), and materials with a recycled content (A5.405.4).

COA UTIL-4: In accordance with CALGreen Section 4.410.2 onsite recycling shall be provided in readily accessible areas for the depositing, storage and collection of non-hazardous materials including at a minimum paper, cardboard, glass, plastics, organic waste, and metals.

COA UTIL-5: The applicant shall coordinate with Republic Services to appropriately size trash enclosures and ensure that maximum waste stream diversion occurs by providing onsite pre-sorting for recyclables and compostable organic materials.

4.20. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	New Significant Impact Not Identified in 2010 FEIR	More Severe Impact Relative to 2010 FEIR	No Substantial Change Relative to 2010 FEIR	No Change Relative to the 2010 FEIR
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Sources: City of Pinole General Plan/Specific Plan and EIR; Plan Set, prepared by HDO Architecture, dated March 18, 2024; and Contra Costa County Local Hazard Mitigation Plan, January 2018.

General Plan and Specific Plan EIR Findings Plan Set, prepared by HDO Architecture, dated March 18, 2024:

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

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

Due to the urban development pattern of Pinole and surrounding jurisdictions, wildfire risk is relatively low within the San Pablo Avenue corridor including the project site. Areas of the City that are most susceptible to wildfire hazards are located east of Appian Way, south of Interstate 80 at the City/County boundary. This area is designated as "Very High Fire Hazard Severity Zone" (VHFHSZ) within a State Responsibility Area by CAL FIRE.

Project Consistency with the 2010 FEIR

4.20(a) (Impair Emergency Plans) No Change Relative to the 2010 FEIR: The project is limited to the construction and operation of a light industrial use on a site planned for such uses. During construction activities, temporary lane closures on San Pablo Avenue may occur during frontage improvements and utility work that will be coordinated with Fire, Police, and emergency responders to ensure that through access is maintained and adequate response times are achievable. There are no elements of the project that would impair emergency response or evacuation routes. Therefore, the proposed project is not expected to substantially impair an adopted emergency response plan or emergency evacuation plan and there would be no change in impacts relative to the 2010 FEIR.

4.20(b-d) (Wildfire Risk Exacerbation, Infrastructure Contributing to Wildfire Risk, Exposure to Wildfire-Related Risks) No Change Relative to the 2010 FEIR: The project site is not located within a fire hazard severity zone and would not exacerbate wildfire risk. Very High Fire Hazard Severity Zone in Local Responsibility Area (LRA) is located approximately 1.4 miles to the southeast of the project site, across I-80.

New structures onsite would be built according to the latest California Building Code, which contains fire prevention standards for building materials, systems, and assemblies used in the exterior design. The project would not change the risk for wildlife relative to the findings of the 2010 FEIR. Therefore, the project would not exacerbate risks due to the uncontrolled spread of wildfire, pollutant concentrations from a wildfire, post-fire slope instability, or post-fire flooding.

The site is categorized as a Non-VHFHZ by CAL FIRE and surrounded by land designated as Non-VHFHZ on all sides. The vicinity is generally developed with urban land uses and is not adjacent to areas where there is a wildland urban interface fire hazard. As such, the project would not have impacts related to exposure of people or structures to a significant risk of loss, injury, or death involving fires. Therefore, impacts due to wildfire risk are not expected to be new or more severe relative to the 2010 FEIR as a result of the proposed project.

Applicable 2010 FEIR Mitigation Measures

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

Conclusion and Environmental Conditions of Approval

The project would not result in any new or more severe impacts due to wildfire risk relative to what was identified the 2010 FEIR. The project consists of development within a Non-VHFHZ that is required to comply with the latest building code including fire safety standards for new construction.

4.21. MANDATORY FINDINGS OF SIGNIFICANCE

	New Significant Impact Not Identified in 2010 FEIR	More Severe Impact Relative to 2010 FEIR	No Substantial Change Relative to 2010 FEIR	No Change Relative to the 2010 FEIR
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number, or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Sources: City of Pinole General Plan/Specific Plan and EIR; Plan Set, prepared by HDO Architecture, dated March 18, 2024.

General Plan and Specific Plan EIR Findings

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

Project Consistency with the 2010 FEIR

4.21(a) (Degrade the Environment) No Change Relative to the 2010 FEIR: The project is located within the Three Corridors Specific Plan boundary and potential impacts associated with its development have been anticipated by the City's General Plan and analyzed in the 2010 FEIR. The project is consistent with the General Plan Land Use designation, goals, policies, and programs, as well as the Land Use Development Standard and Private Realm Design Guidelines set forth in the Three Corridors Specific Plan.

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

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

project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time" (Guidelines, Section 15355(a)(b)).

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

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

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

Applicable 2010 FEIR Mitigation Measures

None applicable beyond those identified in Section 4.1 through 4.20 above.

Conclusion

With uniformly applied development standards, mitigation measures imposed as environmental conditions of approval, and standard regulatory requirements, the project would not result in any new or more severe impacts relative to what was identified the 2010 FEIR.

5. REFERENCE DOCUMENTS

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

5.1. TECHNICAL APPENDICES

- A. Air Quality and Greenhouse Gas Assessment, prepared by Illingworth & Rodkin, April 25, 2024.
- B. Biological Resources Analysis, Pinole Shores Project, prepared by Monk & Associates Environmental Consultants, October 12, 2022.
- C. Cultural Resources Study, prepared by Evans & De Shazo Inc., January 4, 2023.
- D. Geotechnical Exploration Report on Pinole Shores Commercial Development, prepared by KC Engineering, October 4, 2016.
- D-1. Report of Testing and Observation During Super Pad Grading Operations, prepared by KC Engineering, October 31, 2019.
- E. Phase 1 Environmental Site Assessment Report, prepared by AEI Consultants, September 3, 2022.
- E-1. Soil Management Plan, prepared by Levine-Fricke, October 3, 2002.
- F. Stormwater Control Plan (SWCP), prepared by Kister, Savio, & Rei, Inc., December 7, 2021.
- G. Noise and Vibration Assessment, prepared by Illingworth & Rodkin, April 22, 2024.
- H. Pinole Shores Project - Transportation Impact Analysis, prepared by Fehr & Peers, April 24, 2024.
- H-1. Pinole Shores Project Transportation Demand Management Plan, prepared by Fehr & Peers, April 2024.

5.2. OTHER DOCUMENTS REFERENCED

- 1. 2022 California Green Building Standards Code (CALGreen), Effective January 1, 2023.
- 2. BAAQMD 2017 Bay Area Clean Air Plan, prepared by the Bay Area Air Quality Management District, April 2017.
- 3. BAAQMD Recommended Methods for Screening and Modeling Local Risks and Hazards, prepared by the BAAQMD, May 2011.
- 4. California Environmental Quality Act Air Quality Guidelines, prepared by the Bay Area Air Quality Management District, April 2022.
- 5. California Scenic Highway Mapping System, Scenic Highway System Lists, 2019. <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>, accessed August 2021.
- 6. City Council Resolution 2018-02. City of Pinole. June 19, 2018.
- 7. City Council Resolution 2018-29. City of Pinole. April 3, 2018.
- 8. Contra Costa County Local Hazard Mitigation Plan, January 2018.
- 9. National Flood Hazard Layer. FEMA. August 2021. <https://www.fema.gov/flood-maps/national-flood-hazard-layer>
- 10. Technical Advisory on Evaluating Transportation Impacts in CEQA, prepared by the State of California Governor's Office of Planning and Research, December 2018

11. Tsunami Hazard Area Map. California Department of Conservation, August 23, 2021. <https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps>
12. Fire Hazard Maps, Office of the State Fire Marshal, November 12, 2021, [Osfm.fire.ca.gov](https://osfm.fire.ca.gov)
13. California Department of Conservation Farmland Mapping and Monitoring.
14. Urban Water Management Plan 2020 East Bay Municipal Utility District, Water Resources Planning Division EBMUD, June 2021.
15. Covenant and Environmental Restriction on 850 San Pablo Avenue, recorded by Contra Costa County Recorder's Office on December 17, 2002 (DOC-2002-0482270-00).

6. ENVIRONMENTAL CONDITIONS OF APPROVAL

The following conditions of approval have been identified through this analysis and ensure implementation of applicable mitigation measures and policies set forth in the General Plan, Three Corridors Specific Plan and the 2010 FEIR.

COA AES-1: The applicant shall ensure, and the City shall verify, that the final lighting plan incorporates applicable requirements set forth in Chapter 17.46 of the Pinole Municipal Code and General Plan Action CC.2.3.4, including that all outdoor lighting fixtures be designed, shielded, aimed, located, and maintained to shield adjacent properties and to not provide glare onto adjacent properties or roadways.

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

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

COA AQ-2: During construction activities, contractors shall use construction equipment that has low diesel particulate matter exhaust to minimize emissions and limit use of diesel-powered equipment. The project shall implement a feasible plan to reduce diesel-powered machinery (DPM) emissions by no less than 70 percent through one or both of the following:

1. All construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA Tier 4 emission standards for particulate matter (PM₁₀ and PM_{2.5}), if feasible. If use of Tier 4 equipment is not available, alternatively use equipment that meets U.S. EPA emission standards for Tier 2 or 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve a 70 percent reduction in particulate matter exhaust in comparison to uncontrolled equipment; alternatively (or in combination).
2. Develop a Construction Operations Plan demonstrating that the construction equipment used on-site would achieve a reduction in construction diesel particulate matter emissions by 45 percent or greater. Such a plan shall be subject to review by an air quality expert and

approved by the City prior to commencement of ground-disturbing activities. Elements of the plan could include a combination of some or all of the following measures:

- Use equipment that meets EPA Tier 4 standards or alternatively fueled equipment.
- Install electric power lines during early construction phases to avoid use of diesel generators and compressors.
- Use electrically powered equipment.
- Use forklifts and aerial lifts for exterior and interior building construction that are electric or propane/natural gas powered.
- Change construction build-out plans to lengthen phases.
- Implement building techniques that result in the use of less diesel-powered equipment.

COA BIO-1: Protected trees and protected groves shall be avoided and protected during construction. During project construction, the following measures shall be implemented:

1. **Tree Protection Zone.** Construction workers and vehicles shall be excluded from entering or disturbing the protected grove to the southeast and the riparian woodland to the east of the project site will be installed and shall include but will not be limited to temporary orange construction fencing, silt fencing, fiber logs, and signage. Individual trees on the site or on the periphery of the site that may be impacted by construction shall be protected by exclusion fencing placed at the dripline. No trenching or excavation may occur within the tree protection zone. Following completion of construction activities all temporary fencing shall be removed.
2. **Tree Removal Permit.** If any protected trees need to be removed or are inadvertently killed in the course of construction or if any trenching, grading, or excavation must occur within a tree protection zone, a Tree Removal Permit will be applied for from the City of Pinole and shall be replaced in accordance with Chapter 17.96 of the Pinole Zoning Code.

COA BIO-2: To avoid and minimize potential impacts to nesting birds including passerines and raptors, the following measures shall be implemented:

1. **Avoid Nesting Season.** Grading or removal of potentially occupied habitat should be conducted outside the nesting season, which occurs between approximately February 1 and August 31.
2. **Survey for Nests.** If grading between August 31 and February 1 is infeasible and groundbreaking must occur within the nesting season, a pre-construction nesting bird survey of the potentially occupied habitat onsite (trees, shrubs, grassland) and within 200 feet of the project site (i.e., within a zone of influence of the project site) shall be performed by a qualified biologist within 15 days of groundbreaking. The zone of influence includes those areas outside the project site where nesting birds could be disturbed by earth-moving vibrations and/or other construction-related noise. If no nesting birds are observed no further action is required and grading shall occur within one week of the survey to prevent "take" of individual birds that could begin nesting after the survey.
3. **Establish Buffer Zones.** If active bird nests (either passerine and/or raptor) are observed during the pre-construction survey, a disturbance-free buffer zone shall be established around the occupied habitat.
 - a. The radius of the required buffer zone can vary depending on the species, (i.e., 50-300 feet for passerines and 200-500 feet for raptors), with the dimensions of any required buffer zones to be determined by a qualified ornithologist or biologist in consultation with CDFW.
 - b. To delineate the buffer zone around the occupied habitat, orange construction fencing shall be placed at the specified radius from the nest within which no machinery or workers shall intrude.

- c. Biological monitoring of active nests shall be conducted by a qualified biologist to ensure that nests are not disturbed and that buffers are appropriately adjusted by a qualified biologist as needed to avoid disturbance.
- d. No construction or earth-moving activity shall occur within any established nest protection buffer prior to September 1 unless it is determined by a qualified ornithologist/biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones, or that the nesting cycle is otherwise completed.

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

1. **Training.** Prior to commencement of ground-disturbing activities, a Secretary of Interior qualified archaeologist shall conduct a preconstruction Cultural Resource Awareness training for construction personnel. The training shall familiarize individuals with the potential to encounter prehistoric artifacts or historic-era archaeological deposits, the types of archaeological material that could be encountered within the project area, and procedures to follow in the event of a discovery. A representative from the Indian Canyon Mutsun Band of Costanoan shall be invited to participate in the training.
2. **Post-review Discoveries.** In the event that cultural resources are exposed during construction, all earth work occurring within 50 feet of the find shall be immediately stopped until a Secretary of Interior-qualified Archaeologist inspects the material(s), assess historical significance, and consults with Tribes and other stakeholders as needed. Recommendations for the treatment of the discovery from the Archaeologist will be provided to the City, Tribes, and other stakeholders.
3. **Archaeological Monitoring.** If cultural resources are exposed during ground-disturbing activities, a Secretary of the Interior-qualified archeologist shall be onsite to monitor ongoing ground-disturbing activities. The monitor shall have the authority to temporarily halt work to inspect areas as needed for potential cultural materials or deposits. Daily monitoring logs shall be completed by the monitor and submitted to the City within 60 days following completion of construction work. The report shall include the results of the monitoring program (even if negative), a summary of any findings or evaluation/data recovery efforts, and supporting documentation (e.g., daily monitoring logs).

COA CUL-2: In the event that human remains are encountered within the project area during project-related, ground-disturbing activities, all work must stop within 100 feet of the discovery area, the area shall be secured to prevent further disturbance, and the County Coroner shall be immediately notified of the discovery. If the County Coroner determines that remains are, or are believed to be Native American, then the Native American Heritage Commission must be contacted by the Coroner so that a "Most Likely Descendant" (MLD) can be designated to provide further recommendations regarding treatment of the remains. A Secretary of Interior-qualified Archaeologist should also evaluate the historical significance of the discovery, the potential for additional human remains to be present, and to provide further recommendations for treatment of the resource in accordance with the MLD recommendations. Federal regulations require that Native American human remains, funerary objects, and object of cultural patrimony are handed consistent with the requirement of the Native American Graves Protection and Repatriation Act.

COA GEO-1: The applicant shall incorporate the recommendations of the Geotechnical Exploration Report prepared by KC Engineering (October 4, 2016) into construction drawings. Prior to issuance of a grading permit, the City shall review and accept the Geotechnical Report and verify that the Report provides adequate information for construction detail including detailed drainage, earthwork, foundation, and pavement recommendations. Final grading plan, construction plans, and building plans shall demonstrate that recommendations set forth in the geotechnical reports and/or to the satisfaction of the City Engineer/Chief Building Official have been incorporated into the design of the project.

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

- COA GEO-2:** Prior to issuance of a grading permit, an erosion control plan along with grading and drainage plans shall be submitted to the City Engineer for review. The project shall comply with stormwater management requirements and guidelines established by Contra Costa County under the Contra Costa Clean Water Program Stormwater C.3 Guidebook and incorporate Contra Costa County best management practices for erosion and sediment control for construction. All earthwork, grading, trenching, backfilling, and compaction operations shall be conducted in accordance with the City's Erosion Control requirements, Chapter 15.36.190 of the Municipal Code. Plans shall detail erosion control measures such as site watering, sediment capture, equipment staging and laydown pad, and other erosion control measures to be implemented during all construction activity and include all recommendations made in the Geotechnical Exploration Report to protect slopes from erosion.
- COA GEO-3:** Should any potentially unique paleontological resources (fossils) be encountered during development activities; work shall be suspended within 50 feet of the discovery and the City of Pinole Planning Division of the Community Development Department shall be immediately notified. At that time, the City will coordinate any necessary investigation of the discovery with a qualified paleontologist. The project proponent shall be required to implement any mitigation necessary for the protection of paleontological resources. The City and the project applicant shall consider the mitigation recommendations of the qualified paleontologist for any unanticipated discoveries. The City and the project applicant shall consult and agree upon implementation of a measure or measures that the City and project applicant deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures.
- COA GHG-1:** The project shall comply with CALGreen Tier 2 EV parking requirements by incorporating the appropriate number of EV and EV capable parking spaces for the project size and type (e.g. for 101-150 parking stalls, there would need to be 19 stalls equipped with EVSE and 57 pre-plumbed with conduit for future installation of EVSE). As a warehouse project with more than 3 off-street loading spaces, the project shall install 400 KVA of additional raceway conduit and electrical panel capacity to accommodate the future charging of medium- and heavy-duty zero emissions vehicles as required by Section 5.106.5.4.1 of the CALGreen Building Standards Code.
- COA HAZ-1:** The Soil Management Plan (SMP) approved by the RWQCB in 2002 shall be implemented during the project construction. The SMP shall be the subject of construction worker trainings for all personnel involved in ground-disturbing activities prior to commencement of construction and for all incoming workers. A condensed version of SMP protocols shall be posted publicly and prominently at construction site gathering places and entry points.
- COA HYD-1:** Prior to issuance of a grading permit, the applicant shall prepare a design-level Stormwater Management Plan that incorporates stormwater management requirements and best management practices, per Pinole Municipal Code Chapter 8.20 and Contra Costa County Clean Water Program requirements, including the Contra Costa Clean Water Program Stormwater C.3 Guidebook and demonstrates that the storm drain system has adequate capacity to serve the project. The Stormwater Management Plan shall be reviewed and accepted by the City Engineer.
- COA HYD-2:** Prior to issuance of a grading permit, the applicant shall file a Notice of Intent with the RWQCB and demonstrate compliance with the Statewide General Permit for Construction Activities.

In accordance with the National Pollution Discharge Elimination System (NPDES) regulations, the applicant shall prepare and implement a project-specific Stormwater Pollution Prevention Plan, including an erosion control plan, for grading and construction activities. The SWPPP shall address erosion and sediment control during all phases of construction, storage and use of fuels, and use and clean-up of fuels and hazardous materials. The SWPPP shall designate locations where fueling, cleaning and maintenance of equipment can occur and shall ensure that protections are in place to preclude materials from entering into storm drains or the offsite drainage to the east. The contractor shall maintain materials onsite during construction for containments and clean-up of any spills. The applicant shall provide approval documentation from the RWQCB to the City verifying compliance with NPDES.

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

1. Construction shall be limited to the hours of 7:00 a.m. to 5:00 p.m. Monday through Friday, excluding holidays. Saturday work is allowed in commercial zones only, from 9:00 a.m. to 6:00 p.m., as long as it is interior work and does not generate significant noise. Any work outside of these hours by the construction contractors should require a special permit from the City Manager. There should be compelling reasons for permitting construction outside of these designated hours.
2. The construction contractor shall locate stationary noise sources as far from existing sensitive receptors as possible. If stationary sources must be located near existing sensitive receptors, they shall be muffled and enclosed within temporary sheds or other structures.
3. At a minimum, the construction contractor shall implement the following control measures: improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically-attenuating shields or shrouds. Noise controls can reduce noise levels at 50 feet by 1 to 16 dBA, depending on the type of equipment.
4. Equipment used for project construction shall be hydraulically or electrically powered impact tools (e.g., jack hammers) wherever possible to avoid noise associated with compressed air exhaust from pneumatically-powered tools. Where use of pneumatically-powered tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used. A muffler could lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible; this could achieve a reduction of 5 dBA. Quieter procedures shall be used (such as drilling rather than impact equipment) wherever feasible.
5. The unnecessary idling of internal combustion engines on equipment, trucks, or vehicles is prohibited.
6. All construction trucks and vehicles shall access the site via San Pablo Avenue.
7. All staging of construction equipment, trucks, and vehicles shall be limited to the southern and western portions of the project site, as far away from residential development to the east as possible.
8. Prior to the commencement of any construction activities, the construction contractor shall notify, via mail, all residences within a 300-foot radius of the project site of the project's approximate construction schedule, including the approximate duration of demolition, clearing, grading, excavation, paving, and building construction, et al. In addition, at least 24 hours prior to grading activities, the construction contractor shall post signage in appropriate locations within a 300-foot radius of the project site. The signage shall include a phone number to the City Public Works Department for residents to call with noise complaints. If the City Public Works Department receives more than three complaint calls regarding construction noise, the City reserves the discretion to require the project applicant to conduct an acoustical noise analysis to determine more appropriate measures to reduce noise levels due to construction activities.

- COA NOI-2:** Prior to issuance of building permit, the preliminary sound wall design and specifications, as presented in Figure 2 of the Noise Report (Appendix G hereto), shall be reviewed by a qualified acoustical engineer and recommendations incorporated into the final design for review and approval by the City. The sound wall shall be continuous from grade to top, with no cracks or gaps, have a minimum surface density of three pounds per square foot (e.g. concrete masonry units (CMU)), 420 feet in length long, and with a minimum height of 10 feet to break the line-of-sight to the noise source, or as otherwise modified through final design per recommendations from an acoustical engineer and approval by the City. Prior to issuance of a certificate of occupancy, construction of the sound wall along the eastern site boundary shall be complete per final design and specification and/or as accepted by the City Engineer.
- COA NOI-3:** Exterior activities such as truck maneuvering, loading and unloading, and deliveries shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday.
- COA TRAN-1:** Prior to the issuance of Building Permit, the applicant shall provide the project's fair share contribution as established by the City towards multi-modal improvements in the project vicinity as identified in the Three Corridors Specific Plan by installing a bus shelter at bus stop 25028 on San Pablo Avenue.
- COA TRAN-2:** Prior to issuance of the certificate of occupancy, a final Transportation Demand Management Plan shall be provided to the Community Development Department for review and approval. The TDM Plan shall include example materials that will be used to educate tenants and employees about the programs and require that a tenant management position assume the role of Transportation Coordinator and detail the program implementation schedule which shall commence with occupation of the building.
- COA TRAN-3:** To maintain adequate sight lines at the project driveways, pursuant to Pinole Municipal Code Section 17.98.020, signage, trees, and other landscaping features within the clear vision triangle at driveway and street intersections shall be maintained such that visibility is maintained between thirty (30) inches and seven (7) feet. The applicant shall be responsible for maintaining adequate sight lines from the project driveways and vegetation shall be trimmed to about one foot in height on the west sides of the driveways.
- COA TRAN-4:** Recommendations of the project specific Transportation Impact Analysis shall be implemented as follows or as otherwise reviewed and accepted by the City Engineer:
1. Prior to issuance of occupancy, the eastbound left turn pocket on San Pablo Avenue shall be lengthened from 60 to 130 feet, increasing the queue storage for large trucks (e.g., WB-40 and WB-67).
 2. Prior to issuance of occupancy, the existing crosswalk across the project driveway shall be relocated closer to the intersection to align with the existing sidewalk along the north side of San Pablo Avenue, which would provide additional queue storage for vehicles exiting the project site and improve pedestrian circulation along the project frontage. The existing striping shall be adjusted to improve queue storage for vehicles exiting the project site.
 3. Prior to issuance of occupancy, a new stop sign with pavement markings shall be installed at the private parking lot intersection immediately north of the intersection with San Pablo Avenue, which would minimize queuing within the project site, maintain access to the drive aisle just north of the project driveway, and minimize the inbound project queues spilling back onto San Pablo Avenue.
 4. Prior to issuance of a building permit, the applicant shall submit designs for intersection improvements inclusive of a traffic signal for review and acceptance by the City Engineer. Prior to issuance of occupancy, a traffic signal and intersection redesign shall be installed at the San Pablo Avenue/Meadow Avenue/Project Driveway intersection to the satisfaction of the City Engineer.

- COA TCUL-1:** To protect buried Tribal Cultural Resources that may be encountered during construction activities, the project shall implement environmental COA CUL-1 and COA CUL-2.
- COA TCUL-2:** To protect buried Tribal Cultural Resources that may be encountered during grading and excavation activities, a tribal cultural monitor shall be invited to be present during excavation that is anticipated to penetrate native soils, particularly in the area of the northeastern connection to the municipal storm drain. If tribal cultural resources are found, the Confederated Villages of Lisjan shall be notified as requested through consultation.
- COA UTIL-1:** Pursuant to Action GM 2.2.1 Service Standards, prior to issuance of a building permit, the applicant shall secure verification from EBMUD that adequate water supplies are available to serve the project and prior to issuance of occupancy the applicant shall demonstrate that all EBMUD water efficiency requirements have been fulfilled.
- COA UTIL-2:** Pursuant to MM 4.12.6.2, the project shall secure a can and will serve letter demonstrating that there is sufficient sewer/water treatment and conveyance capacity prior to issuance of Certificate of Occupancy. The proposed project shall have a unique connection to the public sewer collection system. The connection to the sewer system will require a permit from the City of Pinole, the payment of sewer user fees, and payment of a sewer connection fee prior to the issuance of building permits.
- COA UTIL-3:** Pursuant to General Plan Action CS.8.1.3 and in accordance with current CALGreen Building Code requirements, a Construction Waste Management Plan shall be prepared and implemented during all stages of construction. The Construction Waste Management Plan shall meet the minimum requirements of the CALGreen code for residential development including but not limited to regional material sourcing (A5.405.1), Bio-based materials (A5.105.2), Reused materials (A5.405.3), and materials with a recycled content (A5.405.4).
- COA UTIL-4:** In accordance with CALGreen Section 4.410.2 onsite recycling shall be provided in readily accessible areas for the depositing, storage and collection of non-hazardous materials including at a minimum paper, cardboard, glass, plastics, organic waste, and metals.
- COA UTIL-5:** The applicant shall coordinate with Republic Services to appropriately size trash enclosures and ensure that maximum waste stream diversion occurs by providing onsite pre-sorting for recyclables and compostable organic materials.