

RICHMOND, CALIFORNIA, December 6, 2022

Community Services Building
440 Civic Center Plaza
Richmond, CA 94804

A. OPEN SESSION TO HEAR PUBLIC COMMENT BEFORE CLOSED SESSION

The Richmond City Council Evening Open Session was called to order at 4:34 p.m. by Mayor Thomas K. Butt via teleconference.

B. ROLL CALL

Present: Councilmembers Nathaniel Bates, Demnlus Johnson III, Gayle McLaughlin, Vice Mayor Eduardo Martinez, and Mayor Thomas K. Butt. **Absent:** Councilmember Claudia Jimenez was absent for the entire meeting. Councilmember Melvin Willis arrived after the roll was called.

C. CLOSED SESSION

C.1 CONFERENCE WITH LEGAL COUNSEL- WORKERS' COMPENSATION CLAIM (Pursuant to Government Code § 54956.95)

- Claimant: Employee - Fire Department Claim: 16000077COR
Agency Claimed Against: City of Richmond
- Claimant: Employee - Police Department Claim: 15000133COR
Agency Claimed Against: City of Richmond

C.2 CONFERENCE WITH LEGAL COUNSEL - LIABILITY CLAIM: (Pursuant to Government Code 54956.95)

- Claimant: Ofelia Gutierrez
Agency Claimed Against: City Richmond

C.3 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (initiation of litigation pursuant to paragraph (4) of Subdivision (d) of Government Code Section 54956.9)

- Two Cases

C.4 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (paragraph (1) of Subdivision [d] of Government Code Section 54956.9)

- Hakeem Abbas v. City of Richmond

C.5 CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)

- Agency Representatives: Sharrone Taylor and Jack Hughes

Employee organizations:

1. SEIU Local 1021 Full Time Unit and Part Time Unit
2. IFPTE Local 21 Mid-Level Management Unit and Executive Management Units
3. Richmond Police Officers Association RPOA
4. Richmond Police Management Association RPMA

5. IAFF Local 188

6. Richmond Fire Management Association RFMA

C.6 CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8)

- Property: South 45th Street to the west, Wall Avenue to the south, Interstate 80 to the east, and the BART tracks to the north
Agency negotiators: Anita Luck, Lina Velasco, and Jesus Morales
Negotiating parties: Miraflores Community Devco, LLC
Under negotiations: Price and Terms of Payment
- Property: Terminal One
Agency negotiators: Lina Velasco and Dave Aleshire
Negotiating parties: Terminal One Development LLC
Under negotiation: Price and terms of payment

D. PUBLIC COMMENT BEFORE CLOSED SESSION (public comments limited to Closed Session items only)

There were no public comments via teleconference.

E. ADJOURN TO CLOSED SESSION

The Open Session adjourned to Closed Session at 4:36 p.m. Closed Session adjourned at 6:32 p.m.

F. SPECIAL JOINT MEETING OF THE RICHMOND HOUSING AUTHORITY/RICHMOND CITY COUNCIL

The Special Joint Meeting of the Richmond Housing Authority/Richmond City Council was called to order at 6:33 p.m. by Chairperson/Mayor Thomas K. Butt via teleconference.

G. ROLL CALL

Present: Commissioners/Councilmembers Demnlus Johnson III, Gayle McLaughlin, Melvin Willis, Vice Chairperson/Vice Mayor Eduardo Martinez, Chairperson/Mayor Thomas K. Butt, and Housing Authority Tenant Commissioner Jaycine Scott. **Absent:** Commissioner/Councilmember Claudia Jimenez was absent for the entire meeting. Commissioner/Councilmember Nathaniel Bates arrived after the roll was called.

H. PUBLIC COMMENT INSTRUCTIONAL VIDEO

The public comment instructional video was shown.

I. STATEMENT OF CONFLICT OF INTEREST

None.

J. REPORT FROM THE EXECUTIVE DIRECTOR

Richmond Housing Authority (RHA) Executive Director Nannette Beacham reported the following updates regarding the Hacienda Heights senior apartments: the Housing Authority of Contra Costa County initiated leasing applications; the building was issued a temporary certificate of occupancy; the RHA commenced inspections in November through December 2022; and residents were scheduled to move in the week of December 5, 2022. Ms. Beacham also reported that EAH Housing and the RHA were in the final stages of closing for the sale of Nevin Plaza Apartments for the rehabilitation of 138 units.

K. AGENDA REVIEW

None.

L. HOUSING AUTHORITY OPEN FORUM

There were no public comments via teleconference.

M. HOUSING AUTHORITY CONSENT CALENDAR

Motion by Commissioner/Councilmember McLaughlin
Seconded by Commissioner/Councilmember Johnson III

To approve all items on the Housing Authority Consent Calendar.

Ayes (6): Commissioners/Councilmembers Bates, Johnson III, McLaughlin, Willis, Vice Chairperson/Vice Mayor Martinez, and Chairperson/Mayor Butt

Absent (2): Commissioner/Councilmember Jimenez and Housing Authority Tenant Commissioner Scott

Passed (6 to 2)

M.1 Third Contract Amendment with David Paul Rosen & Associates

ADOPT a resolution approving a third contract amendment with David Paul Rosen & Associates to assist the Richmond Housing Authority in asset repositioning efforts of the public housing portfolio, in an amount of \$366,000, for a new total not-to-exceed amount of \$1,003,740, with a term ending June 30, 2024 – Richmond Housing Authority (Nannette Beacham 510-621-1300).

Adopted Resolution No. 2172

M.2 Housing Authority Meeting Minutes

APPROVE the minutes of the Richmond Housing Authority November 15, 2022, special meeting - City Clerk's Office (Pamela Christian 510-620-6513).

M.3 Rental Assistance Demonstration (RAD) Program Application for Richmond Village

ADOPT a resolution authorizing the Richmond Housing Authority (RHA) to submit a Rental Assistance Demonstration (RAD) application and any Section 18 Disposition application elements required to support blending RAD and Section 18 Disposition programs to U.S. Department of Housing and Urban Development (HUD) for Richmond Village - Richmond Housing Authority (Nannette J. Beacham 510-621-1300).

Adopted Resolution No. 2173

N. JOINT HOUSING AUTHORITY/RICHMOND CITY COUNCIL NEW BUSINESS

N.1 Residual Receipts Loan to Assist in Financing the Rehabilitation of Nevin Plaza Subject

ADOPT a joint resolution authorizing the use of \$1.75 million of American Rescue Plan Act (ARPA) funds and \$1.75 million of Affordable Housing In Lieu Fee Funds to provide a residual receipts loan to Nevin Plaza I, L.P. to assist in financing the rehabilitation of Nevin Plaza; and AUTHORIZE the city manager or designee and Richmond Housing Authority (RHA) Executive Director to negotiate and execute loan documents – City Manager's Office/Richmond Housing Authority (Shasa Curl 510-620-6512/Nannette J. Beacham 510-621-1300).

Richmond Housing Authority Executive Director Nannette Beacham presented and PowerPoint that highlighted the following: public benefits; funding gap; capitalized operating reserve; cost savings and proposed scope changes; options to

cover the funding gap; and project timeline. Consultant Nora Lake-Brown of David Paul Rosen & Associates provided an update on negotiations and funding. EAH Chief Real Estate Development Officer Welton Jordon provided information concerning air conditioning and interior finishes. Discussion ensued. Mark Wassberg and Wayne Koide gave comments via teleconference. Further discussion ensued.

Motion by Commissioner/Councilmember McLaughlin
Seconded by Commissioner/Councilmember Johnson III

To approve the item and continue the application with the county to offer other amenities or potentially pay the city back from the funds it fronted.

Ayes (5): Commissioners/Councilmembers Johnson III, McLaughlin, Willis, Vice Chairperson/Vice Mayor Martinez, and Housing Authority Tenant Commissioner Scott

Noes (2): Commissioner/Councilmember Bates and Chairperson/Mayor Butt

Absent (1): Commissioner/Councilmember Jimenez

Passed (5 to 3)

Adopted Housing Authority Resolution No. 2174 and City Council Resolution No. 169-22

O. ADJOURNMENT

There being no further business, the meeting adjourned at 7:08 p.m.

P. REGULAR MEETING OF THE RICHMOND CITY COUNCIL

The Regular Meeting of the Richmond City Council was called to order at 7:08 p.m. by Mayor Butt via teleconference.

Q. ROLL CALL

Present: Councilmembers Bates, Johnson III, McLaughlin, Vice Mayor Martinez, and Mayor Butt. **Absent:** Councilmember Jimenez was absent for the entire meeting. Councilmember Willis arrived after the roll was called.

R. STATEMENT OF CONFLICT OF INTEREST

Mayor Butt announced his recusal from Item AA.1 regarding the cannabis license ordinance because his architectural engineering firm had a contract with at least one cannabis dispensary in Richmond.

S. AGENDA REVIEW

Item Z.2 regarding the Terminal One project was moved for discussion immediately following the Consent Calendar. Item AA.3 a presentation by MCE was moved immediately following Item Z.2. Items X.4.c amending position control and AA.2 regarding an electric vehicle fleet were continued to the December 20, 2022, City Council meeting.

T. REPORT FROM THE CITY ATTORNEY OF FINAL DECISIONS MADE DURING CLOSED SESSION

Item C.1, workers' compensation claims, for claim 16000077 the council authorized a settlement. The motion passed with no objection. Claim 150000133 was approved by the council without objection.

Item C.2, liability claim, a settlement of the claim was approved by the council with a vote of five in favor, one against, and one absence.

Item C.3, anticipated litigation, the council authorized further negotiation of resolution for one case. The second case was not discussed.

Item C.4, existing litigation, the council authorized a settlement without objection.

Item C.5, labor negotiations, the council received a status report and direction was given to continue the negotiations.

Item C.6, real property negotiations, the Miraflores matter was not discussed. A status report was given for the Terminal One matter and no reportable action was taken.

U. REPORT FROM THE CITY MANAGER (public comment allowed under Open Forum)

City Manager Shasa Curl announced that sandbags were available for upcoming storms at the Richmond Bayview Library and Corp Yard. Senior and disabled citizens were encouraged to call the Public Works Streets Division at (510) 231-3011 to request sandbag delivery. Ms. Curl also announced that the Affordable Connectivity Program for a credit or free internet service was available to residents that received public benefits. Ms. Curl encouraged eligible residents to receive enrollment support on November 10, 2022, at the Richmond Public Library or call/text (510) 866-2260.

V. ABATEMENT REPORT FROM THE PUBLIC WORKS DIRECTOR - 1st Tuesday (public comment allowed under Open Forum)

Public Works Director Daniel Chavarria presented a PowerPoint that highlighted the following: neighborhood dumpster days; illegal dumping; encampment, parks, weed, and private property abatements; 235.6 total tonnage removed; graffiti removal; and partnerships.

W. OPEN FORUM FOR PUBLIC COMMENT

The following individuals gave comments via teleconference:

Phillip Rosenthal wished everyone happy holidays. Mr. Rosenthal suggested the city set up email addresses by council district. Mr. Rosenthal also suggested the city provide a way to connect to city virtual meetings, such as a button on the city's website for "upcoming meetings". Mr. Rosenthal urged the council to avoid hearing important matters after 11:00 p.m.

Mark Wassberg gave comments regarding the newly elected City Council candidates and the diversity of the community.

Karen Flemming gave comments in support of Item V, the abatement report. Ms. Flemming agreed that the council should have official email addresses for city business.

X. CITY COUNCIL CONSENT CALENDAR

Motion by Councilmember Johnson III

Seconded by Councilmember Willis

To approve all items on the Consent Calendar except Items AA.2 and X.4.c.

Ayes (6): Councilmember Bates, Councilmember Johnson III, Councilmember McLaughlin, Councilmember Willis, Vice Mayor Martinez, Mayor Butt

Absent (1): Councilmember Jimenez

Passed (6 to 1)

X.1 City Clerk's Office

X.1.a City Council Meeting Minutes

APPROVE the minutes of the Richmond City Council November 15, 2022, regular meeting - City Clerk's Office (Pamela Christian 510-620-6513).

X.2 Economic Development

X.2.a Congressman Garamendi Lease

APPROVE a lease with the United States House of Representatives to allow Congressman Garamendi to utilize approximately 845 square feet of office space, four cubicles, and a conference room on the second floor of 440 Civic Center Plaza as his Congressional District office, at a rate of \$1,140.75 per month (\$13,689 per year), for a two-year term from January 3, 2023, through January 2, 2025 – City Manager's Office (Shasa Curl/Craig Murray 510-621-1612).

X.2.b Annual Solid Waste Rate Adjustment

ADOPT a resolution to update the 2023 solid waste collection rates - City Manager's Office (Shasa Curl/Samantha Carr 510-620-5407).

Approved Resolution No. 170-22

X.2.c Richmond Promise Lease

APPROVE a lease with Richmond Promise, a community-wide college scholarship fund and college success initiative, for the use of approximately 592 square feet of office space at 440 Civic Center Plaza at a rate of \$799.20 per month (\$9,590.40 per year), for a three-year term from March 1, 2022, through January 2, 2025, with options to extend the lease term for two additional one year periods – City Manager's Office (Craig Murray 510-621-1612).

X.3 Fire Department

X.3.a Regional Training Center for Richmond Fire Department and Berkeley Fire Department

RECEIVE a written report regarding Richmond Fire Department and Berkeley Fire Department's effort to use the Richmond Fire Training Center as a regional training center for both agencies – Fire Department (Chief Angel Montoya 510-307-8041).

X.4 Human Resources

X.4.a Contract with Acclamation Insurance Management Services, Inc.

APPROVE a contract with Acclamation Insurance Management Services, Inc. to serve as the City's third-party administrator of workers' compensation claims for Fiscal Years 2022-2023 (\$610,000), 2023-2024 (\$628,300), and 2024-2025 (\$647,147) for a total payment limit not to exceed \$1,885,447 for the contract period of January 1, 2023, through December 30, 2025. The City would have an option to extend the term of the contract up to two years at an additional 3 percent cost per year for a total contract payment limit not to exceed \$3,238,566 – Human Resources Department (Sharrone Taylor/Laura Marquez 510-620-6974).

- X.4.b Resolution Approving Side Letters to Implement a City Curtailment Plan from December 27 through and including December 30.

ADOPT a resolution approving the Side Letters between the City of Richmond and Service Employees International Union (SEIU) Local 1021 and International Federation of Professional and Technical Engineers (IFPTE) Local 21 (Mid-Management and Executive Management units) regarding holiday curtailment for 2022 - Human Resources Department (Sharrone Taylor/Nickie Mastay 510-620-6602).

Adopted Resolution No. 171-22

- X.4.c Amend Position Control and Salary Schedule to Add Director of Economic Development. Amend Position Control to add Deputy City Manager, Finance Manager and Management Analyst I/II or Senior Management Analyst

ADOPT a resolution amending position control and the salary schedule to add Director of Economic Development and APPROPRIATE the required wages, salaries, and benefits; and AMEND position control reallocating Deputy City Manager to oversee the Department of Children and Youth and Community Services, reallocating the Community Services Department Senior Accountant to Finance Manager, and reallocating the Office of Neighborhood Safety Division Project Coordinator and Accounting Assistant I/II to Management Analyst I/II or Senior Management Analyst – Human Resources Department (Sharrone Taylor/Nickie Mastay 510-620-6803).

Continued to the December 20, 2022, City Council meeting

- X.4.d Resolution to Adopt the IFPTE Local 21 Side Letter for Sworn Executive Management Personnel Sick Leave Cash-out

ADOPT a resolution approving the Side Letter agreement between the City and IFPTE Local 21 Executive Management Unit regarding sick leave cash-out at retirement for Sworn Executive Management Personnel – Human Resources Department (Sharrone Taylor/Nickie Mastay 510-620-6602).

Adopted Resolution No. 172-22

X.5 Library and Community Services

- X.5.a Accept and Appropriate the Grant Award Notification: Workforce Innovation and Opportunity Act, Title II (WIOA II)

ADOPT a resolution to ACCEPT and APPROPRIATE the Workforce Innovation and Opportunity Act, Title II grant award of \$50,945, to support educational programming offered at the library's literacy services program, Literacy for Every Adult Program – Library and Community Services Department (Diana Lopez 510-620-5452/Abigail Sims-Evelyn 510-307-8084).

Adopted Resolution No. 173-22

X.5.b North Richmond Waste and Recovery Mitigation Fee Expenditure Plan amendments

APPROVE the Amended 2021/2022 and 2022/2023 North Richmond Waste and Recovery Mitigation Fee Expenditure Plans, identifying the activities authorized to be funded with Mitigation Fee revenue and respective funding allocations for the period of July 1, 2021, to June 30, 2022, and July 1, 2022, to June 30, 2023, as recommended by the North Richmond Waste and Recovery Mitigation Fee Joint Expenditure Planning Committee – Library and Community Services Department (LaShonda White/Lori Reese-Brown 510-620-6869).

X.5.c Approve a Contract with Oakland Private Industry Council for RichmondWORKS Program Contracting Services

APPROVE a contract with the Oakland Private Industry Council to provide additional services as the Contracting and Vendor Pay Agent for RichmondWORKS, Employment and Training participants, in the form of Individual Training for Individual Training Accounts (ITAs) and On-the-Job Training (OJT) contracts, in an amount not to exceed \$371,473.80, and for a term ending June 30, 2023 – Library and Community Services Department LaShonda White/Tamara Walker 510-307-8006).

X.5.d Grant Award from the East Bay Community Foundation

ACCEPT and APPROPRIATE grant awards totaling \$90,000 from the East Bay Community Foundation (EBCF) for the Office of Neighborhood Safety (ONS) Operation Peacemaker Fellowship Program – Library and Community Services Department (LaShonda White/Sam Vaughn 510-620-5404).

Adopted Resolution No. 174-22

X.5.e Donation from the Pema Chodron Foundation.

ACCEPT and APPROPRIATE a \$10,000 donation from the Pema Chodron Foundation to the Office of Neighborhood Safety Operation Peacemaker Fellowship program – Library and Community Services Department (LaShonda White/Sam Vaughn 510-620-5404).

Adopted Resolution No. 175-22

X.5.f Lease Agreement with the YWCA of Contra Costa County for Use of Space for a Day Care Program.

APPROVE a lease agreement with YWCA of Contra Costa County for use of space for a day care program at the Richmond Recreation Complex building located at 3230 Macdonald Avenue, from July 1, 2022, to June 30, 2023, with the rate of \$2,700 per month – Library and Community Services Department (LaShonda White/Ranjana Maharaj/Tetteh Kisseh 510-620-6972).

X.5.g Resolution to Accept and Appropriate Federal Transportation Authority Grant Funds

ADOPT a resolution authorizing the city to enter a cooperative agreement with the Federal Transit Administration and fulfill all other grant requirements; ACCEPT and APPROPRIATE \$250,000 in grant funds awarded by the Federal Transit Administration Enhancing Mobility Innovation grant; AUTHORIZE a grant match in the amount of \$62,500

from the approved ECIA transportation budget; and APPROVE a second contract amendment with Via to provide software and ride sharing service for a term ending July 7, 2024, and to increase the contract limit by \$312,500, for a new total contract limit not to exceed \$1,650,731 – Library and Community Services Department (LaShonda White/ Denée Evans 510-621-1718).

Adopted Resolution No. 176-22

X.6 Public Works

X.6.a Purchase of Twelve (12) Ford F350 Trucks with 12' Flatbeds

APPROVE the purchase of twelve (12) 2023 Ford Super Duty F350 DRW with 12' Flatbeds from National Auto Fleet Group, in an amount not to exceed \$942,000, based in Sourcewell Contract 091521-NAF – Public Works Department (Daniel Chavarria/Dee Karnes 510-231-3044).

X.6.b Purchase of Ford Trucks - F150s and F250s

APPROVE the purchase of fifteen (15) 2023 Ford F150 and six (6) 2023 Ford F250 trucks from National Auto Fleet Group, in an amount not to exceed \$1,054,000 based in Sourcewell Contract 091521-NAF – Public Works Department (Daniel Chavarria/Dee Karnes 510-231-3044).

X.6.c Proposed Contract Amendments for As-Needed Project Management Services for Capital Projects, Including Federally Funded Projects

APPROVE on-call professional service contract amendments in the amount of \$400,000 per vendor, with two-year term extensions through January 14, 2025, to provide as-needed project management services for capital projects, including federally funded projects, with the following three firms: Avila Project Management (APM) for a new total contract amount not to exceed \$800,000, CSW | ST2 for a new total contract amount not to exceed \$800,000, and mack5 for a new total contract amount not to exceed \$1,200,000 – Public Works Department (Daniel Chavarria 510-620-5478/Yader A. Bermudez 510-774-6300).

X.6.d Hilltop Gateways Signage Project Sign #4

APPROVE a contract with Turner Signs for the Hilltop Gateways Signage Project Sign #4, located at Blume Drive and Richmond Parkway, in an amount not to exceed \$230,000, including \$208,000 low bid plus \$22,000 contingency; and APPROPRIATE \$230,000 from the Hilltop District Fund Balance – Public Works Department (Daniel Chavarria 510-620-5478).

Y. BUDGET SESSION

Y.1 Fiscal Year 2021-2022 Year-End Clean-Up

DISCUSS and DIRECT City staff about the use of the estimated Operating Surplus to clear the negative cash and other administrative budget adjustments listed in the attached resolution – Finance Department (Shasa Curl/Nickie Mastay/Delmy Cuellar 510-620-6790).

City Manager Shasa Curl introduced the matter. Director of Finance Delmy Cuellar and Budget Administrator Mubeen Qader presented a PowerPoint that highlighted the following: recession and impact; revenues and expenditures; options; reserve level; and next steps. Discussion ensued.

Motion by Councilmember McLaughlin
Seconded by Councilmember Johnson III

To adopt said resolution approving Option 1 to clear the negative cash at once.

Ayes (4): Councilmember Johnson III, Councilmember McLaughlin,
Councilmember Willis, and Vice Mayor Martinez

Absent (3): Councilmember Bates, Councilmember Jimenez, and Mayor Butt

Passed (4 to 3)

Adopted Resolution No. 177-22

Y.2 Fiscal Year 2022-23 Quarter 1 Budget Report

RECEIVE the Fiscal Year 2022-23 Quarter 1 Budget Report for the period of July 1, 2022, through September 30, 2022; and APPROVE proposed budget adjustments – Finance Department (Shasa Curl/Nickie Mastay/Delmy Cuellar 510-620-6790).

City Manager Shasa Curl introduced the matter. Director of Finance Delmy Cuellar, Budget Administrator Mubeen Qader, and Accounting Manager Antonio Banuelos presented a PowerPoint that highlighted the following: General Fund revenues; non-General Fund revenue and expenditures; capital projects; budget adjustments; labor negotiations and looming recession; and next steps.

Motion by Councilmember Willis
Seconded by Councilmember Johnson III

To receive said budget report and adopt said resolution.

Ayes (4): Councilmember Johnson III, Councilmember McLaughlin,
Councilmember Willis, and Vice Mayor Martinez

Absent (3): Councilmember Bates, Councilmember Jimenez, and Mayor Butt

Passed (4 to 0)

Adopted Resolution No. 178-22

Z. PUBLIC HEARINGS

Z.1 Levy of Special Assessments for Fines and Costs Related to Unpaid Administrative Citations, Nuisance Abatements and Foreclosure Ordinance Fines

HOLD a public hearing; and ADOPT a resolution authorizing the City of Richmond to levy special assessments against certain properties with unpaid invoices related to administrative citations, nuisance abatement costs, and foreclosure ordinance fines pursuant to Richmond Municipal Code Chapters 2.62, 2.63, 6.38, 9.22 and 11.76 – Community Development Department (Lina Velasco/Eva Mann 510-621-1283).

Continued to the December 20, 2022, City Council meeting

Z.2 Latitude Residential Subdivision (formally Terminal One Residential Project)

ADOPT a resolution for the Latitude Residential Subdivision (formerly the Terminal One Residential Project) either: 1) Certifying the Addendum to the 2016 Environmental Impact Report (EIR) and adopting the Mitigation Monitoring and Reporting Program (MMRP), and approving a Major Amendment to a Planned Area (PA) Plan with associated Major Design Review (DR), a Vesting Tentative

Map (VTM), and a Conditional Use Permit (CUP) for park and residential uses within the Shoreline Overlay District, subject to conditions of approval; or 2) Certifying the Addendum to the 2016 EIR and adopting the MMRP and denying without prejudice the PA Plan Amendment with associated DR, and VTM based on the Planning Commission's recommended findings; or 3) REMAND the project back to the Planning Commission to review the financial feasibility of the previous project and consider if conditions or refinements can be made to the Revised Project to make the project more superior - Community Development Department (Lina Velasco 510-620-6706).

Deputy City Clerk Ursula De Loa announced that it was time, pursuant to public notice, to hold a public hearing. Director of Community Development Lina Velasco and Senior Planner Roberta Felciano presented a PowerPoint that highlighted the following: background; project proposal; land disposition agreement; planned area plan amendment; vesting tentative map; conditional use permit; zoning and General Plan conformance; Design Review Board (DRB) and Planning Commission (PC) recommendations; environmental review; and options. Discussion ensued. The council expressed concerns regarding infill truckloads, traffic, and parking issues. The council requested staff to consider the following: using barges; eliminating the park and demolishing the wharf to allow more space and save funds; and establishing a deadline. Mayor Butt declared the public hearing opened. *(At approximately 8:38 p.m., a motion made by Councilmember Bates, seconded by Councilmember Johnson III, to provide the developer, Paul Menzies of Laconia Development, an opportunity to make a ten-minute presentation passed by the following vote: Ayes: Councilmembers Bates, Johnson III, McLaughlin, Willis, and Vice Mayor Martinez. Noes: Mayor Butt. Abstentions: None. Absent: Councilmember Jimenez).* Mayor Butt ruled that one voluntary opponent would also be allowed to give a presentation of up to ten minutes. Mr. Menzies presented a PowerPoint presentation that highlighted the following: site plan and housing types; site issues; community benefits; public input; DRB and PC actions; and Richmond Yacht Club and Brickyard Cove Alliance for Responsible Development (BCARD) concerns. *(At approximately 8:51 p.m., a motion made by Councilmember Bates, seconded by Vice Mayor Martinez, to allow Mr. Menzies an additional five minutes to complete his presentation passed by the following vote: Ayes: Councilmembers Bates, Johnson III, McLaughlin, Willis, and Vice Mayor Martinez. Noes: Mayor Butt. Abstentions: None. Absent: Councilmember Jimenez).* Mayor Butt ruled that the voluntary opponent would also be allowed to make a presentation of up to fifteen minutes. Mr. Mendies continued his presentation that highlighted the following: project recreation building and retail store; architectural illustrations; and support for Option 1. The following individuals gave comments via teleconference: Philip Rosenthal, Bruce Beyaert, and Allison Lehman. Brian Lewis of BCARD volunteered to give a fifteen-minute opponent's statement that highlighted the following concerns: the DRB's "narrow review window"; building height discrepancy; data gaps in the EIR and inadequacy; soils excavation and trucking traffic impact; and lack of information covered in the vesting tentative map. Mr. Lewis proposed a new "Option 4" returning the project back to the DRB for its review; tabling any further council action in terms of approving any particular aspects of the project; and sending the project back for a complete EIR, DRB, and PC review; updating and correcting the vesting tentative map; and then returning the project back to the council for its fully informed review and input. Mr. Lewis advocated not building a park at the project if it was not affordable. Mr. Lewis also expressed concerns regarding the following: potential transfer of community liability; the

developer's project financial status; and site contamination mitigation measures. Mr. Lewis requested that the developer's pro forma be made publicly available. The following individuals proceeded to give comments via teleconference: John Stafford, Yvonne McHugh, Paula Lavine, Ida (last name not stated), Marjorie (last name not stated), Beth Konclair, Kim Desenberger, Robert Kish, Jeff Vines, Anthony Kleppe, Mike Josselyn, Thomas Knowles, Bruce Brubaker, Jeff Shukis, Will Anderson, Jonathan Livingston, JSM, Susan Hubbard, Mike Lederer, Leisa Johnson, and Judith Krawley. Mayor Butt closed the public hearing. Further discussion ensued. *(At approximately 10:33 p.m., a motion made by Councilmember Johnson III, seconded by Councilmember Willis, to call the question to end debate passed by the following vote: Ayes: Councilmembers Johnson III, McLaughlin, Willis, and Vice Mayor Martinez. Noes: Mayor Butt. Abstentions: None. Absent: Councilmembers Bates and Jimenez).*

Motion by Councilmember Willis

Seconded by Councilmember McLaughlin

To accept the new Option 4 proposed by the project opponent, Brian Lewis, (returning the project back to the DRB for its review; tabling any further council action in terms of approving any particular aspects of the project; and sending the project back for a complete EIR, DRB, and PC review; updating and correcting the vesting tentative map; and then returning the project back to the council for its fully informed review and input). A friendly amendment made by Councilmember McLaughlin, that the communities ideas be heard and addressed and also that a goal of a deadline of at least four to six months be put in effect so the matter was returned to the council in a timely fashion with a side note that the council could adjust the deadline if the Planning Division determined that it was not enough time, was accepted with another side note by the motion maker to ensure a certain amount of flexibility on the deadline for staff to return to the council.

Ayes (4): Councilmember Johnson III, Councilmember McLaughlin, Councilmember Willis, and Vice Mayor Martinez

Noes (1): Mayor Butt

Absent (2): Councilmember Bates, and Councilmember Jimenez

Passed (4 to 3)

The proposed resolution was not adopted.

Z.3 Amendments to Richmond Municipal Code Article VIII Chapter 8.16

INTRODUCE an ordinance (first reading) with an effective date of January 1, 2023, amending Richmond Municipal Code (RMC) Article VIII (Fire) Chapter 8.16 (Fire Prevention Code) by adopting the 2022 California Fire Code with noted local amendments – Fire Development Department (Eric Govan/Eric Munson (510-307-8046)

Continued to the December 20, 2022, City Council meeting

AA. NEW BUSINESS

AA.1 Council Direction on Requested Changes to Cannabis License Ordinance

PROVIDE direction to City staff on whether amendments to the Cannabis Ordinance should be prepared increasing the number of cannabis retailer licenses – City Attorney's Office (Dave Aleshire 510-620-6509). This item was continued from the November 22, 2022, meeting.

Continued to the December 20, 2022, City Council meeting

AA.2 Electric Vehicle Fleet

RECEIVE a presentation from MOTIV PS on the benefits of transitioning to an electric fleet – Vice Mayor Martinez (510-620-6593). This item was continued from the November 22, 2022, meeting.

Continued to the December 20, 2022, City Council meeting

AA.3 MCE Presentation

RECEIVE a presentation from MCE – Mayor’s Office (Mayor Tom Butt 510-620-6503).

MCE Community Development Manager Mariela Herrick and Director of Power Resources Lindsay Saxby presented a PowerPoint that highlighted the following: mission and vision; member communities; MCE and City of Richmond accomplishments and collaborations; key drivers; planning and procurement process; sales and customers; supplier inventory; resource location; power content label; statistical highlights; MCE vs. PGE; and other considerations. Discussion ensued.

AB. REPORTS OF OFFICERS: REFERRALS TO STAFF, AND GENERAL REPORTS (INCLUDING AB 1234 REPORTS)

Vice Mayor Martinez announced that he attended the new mayors "The First 100 Days" seminar hosted by the Bloomberg Harvard City Leadership Initiative from November 30 to December 2, 2022.

(At approximately 11:00 p.m., a motion made by Councilmember Willis, seconded by Councilmember Johnson III, to extend the meeting until 11:30 p.m. to discuss Items Y.1 and Y.2 passed by the following vote: Ayes: Councilmembers Johnson III, McLaughlin, Willis, and Vice Mayor Martinez. Noes: Mayor Butt. Abstained: None. Absent: Councilmembers Bates and Jimenez).

(At approximately 11:03 p.m., Mayor Butt departed the meeting. Vice Mayor Martinez chaired the remainder of the meeting).

AC. ADJOURNMENT

There being no further business, the meeting adjourned at 11:28 p.m., in memory of Kabir Kapur, to meet again on December 20, 2022, at 6:30 p.m.

Clerk of the City of Richmond

Mayor

From: [Cordell Hindler](#)
To: [City Clerk Dept User](#)
Subject: Public Comments- Open Forum
Date: Thursday, December 1, 2022 4:34:57 PM

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Good Evening Mayor Butt, Council and Staff,

I have some comments for the Record

1. for a Future Agenda, the Council Should Consider Inviting Danny Wan to provide a Presentation on how the Port of Oakland is recovering from the Pandemic
2. also to have DR Hurst to provide an Update on the plans that the district is working on

Sincerely
Cordell

From: [Cordell Hindler](#)
To: [City Clerk Dept User](#)
Subject: Public Comments- Y.2 Budget Session
Date: Thursday, December 1, 2022 5:25:28 PM

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Good Evening Mayor Butt, Council Members and Staff,

I am requesting that the Council to adopt the Resolution as presented by staff

Sincerely
Cordell

From: [ANNA DESEMBERG](#)
To: [City Clerk Dept User](#)
Subject: Agenda Item Z2 Latitude Residential Project
Date: Monday, December 5, 2022 2:25:08 PM

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Hello City Council,

I have lived in Pt Richmond for about 13 years. While I understand the Terminal One and PGE properties will be developed at some point in time, I respectfully ask you to please give some time to consider how these developments will affect the lives of the existing residents and taxpayers in this area. Below is what I please ask you to consider when making your decisions and casting your votes for these projects.

1) Not long ago there was a fire on the hill above Miller Know park. It was nighttime and there was not much traffic that evening. The fire department responded quickly and were able to contain the fire before it came over the hill towards Brickyard Landing. If it had been windy, the outcome may have been different. During that time a section of Dornin Drive was closed to traffic. All the traffic was routed over Brickyard Cove Road to Canal Blvd. Please imagine many hundreds of people in Brickyard Landing, Seacliff, Brickyard Cove HOA 1 & 2, Waterline, Richmond Yacht Club having to evacuate. What if there was a damaging earthquake? Egress/Ingress issues in this part of Richmond are seriously inadequate. Please address this safety concern for the residents in this area.

2) it is joyous to see the amount of local families enjoying Miller Knox Park. Whether it is daily walks, jogs, birthday parties or other events, this park is often crowded and parking is limited. It appears you are not asking the developers of Latitude to provide adequate parking for this project suggesting the answer is parking at Ferry Point, on Dornin Drive or Brickyard Cove Road. Latitude should have enough parking for all their residents including the JADUs, as well as reasonable guest parking.

3) Please, please for the safety of the existing residents in this area, please do not overlook all the required remediation of the contaminated soil, and all health and safety issues for existing residents such as fugitive dust and VOCs. Instead of thousand of trucks of soil tying up traffic, blocking road access, slowing down emergency vehicles, and destroying the roads, soil should be required to be delivered by a barge to Latitude.

4) Lastly please consider you live in one of the neighboring developments here in Brickyard Cove area (like Councilman Bates) and what life would be like during construction and after the new developments are completed. Do you think you will find a parking place in Point

Richmond? Would you be confident when you call the RPD they will come in a reasonable amount of time? Or, the Fire Department? I'm worried.

Respectfully,
Anna Desenberg

From: [Barbara Smith](#)
To: [City Clerk Dept User](#)
Subject: Agenda Item Z2 Latitude Residential Project
Date: Tuesday, December 6, 2022 9:20:01 AM

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City Council Members

I write as a long time member of the Richmond Yacht Club, and as someone with long and strong ties to the City of Richmond.

I urge the city council to remand the project back to the Planning Commission to consider refinements to improve the project to reduce the impacts on neighbors, including Richmond Yacht Club.

Thank you
Barbara Smith
barbkiwi@gmail.com

From: [Brian Lewis](#)
To: [City Clerk Dept User](#)
Cc: [Tom Butt - external](#); [Eduardo Martinez](#); [Gayle McLaughlin](#); [Melvin Willis](#); [Nat Bates](#); [Claudia Jimenez](#); [Demnlus Johnson](#); [Jeff Shukis](#)
Subject: 1) Public Comments-Agenda Item Z.2.
Date: Tuesday, December 6, 2022 9:32:35 AM
Attachments: [Public Comments Agenda Item #Z.2 Latitude Residential Subdivision aka Terminal One to December 6, 2022 CC final signed.pdf](#)

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Attached are our public comments for tonight's City Council Meeting. Here are a few of the reasons the project is not ready to be approved: CEQA, Vesting Tentative Map, etc are delinquent in substantive information, analysis, and mitigation . Thank you. Brian Lewis, Brickyard Cove Alliance for Responsible Development.

Mayor Butt and Members of the City Council,

12/5/2022

Below are our comments regarding the Latitude Project, formerly known as the Terminal One project. We are concerned with the public review process being curtailed on this project. We hope that you send the project back to the Design Review Board and the Planning Commission to evaluate and change the project. As proposed, the current project cannot be considered sufficiently ready for a meaningful and informed decision by the City Council. Potentially significant impacts have not been disclosed, analyzed or mitigated.

Sincerely,



Brian Lewis, Brickyard Alliance for Responsible Development
1300 Mallard Drive, Richmond, CA 94801



Jeff Shukis
1413 Sandpiper Spit
Richmond, CA 94801

Public Comments regarding the City Council December 6, 2022 meeting Agenda Item Z.2 - Latitude Residential Subdivision (formally Terminal One Residential Project)

| | Comment | Supporting information |
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| 1. | Brown Act and Due Process violations by City Council (CC) failing to provide timely public access to resolution proposed to be adopted at the CC meeting on 11/22/22 regarding that meeting's agenda item Q.3 Terminal One Disposition: Notice to California Department of Housing and Community Development (HCD) and of Community Benefits, thereby preventing timely public review, evaluation and comment on same. | Date/time stamp of City Council attachments shows that the Q3 item was not uploaded until after the vote at 9:22 PM. |
| 2. | Brown Act and Due Process violations by City Council in failing to provide public access to the documents (sometimes referenced as the "pro forma") of the developer of Latitude Residential Subdivision | At the November 22nd City Council Meeting, the City Attorney mentioned that the Land Econ Group (LEG) had prepared a report and Pro Forma that was not available to the public. The City Council voted, in a split vote, to keep this document confidential. |

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| | <p>[LRS] (formally Terminal One Residential Project (LRS) and the documents reflecting the analysis of same by the consultant retained by the City of Richmond on the pivotal issue of whether the original TORP project was not economically feasible, and the present LRS project is. The decision of the City Council preventing timely public review, evaluation and comment on the validity of the conclusion that the original TORP project “was not financially feasible” and on whether there were revisions to it that could make it feasible while preserving other aspects of its design preferable to that of LRS.</p> |
| <p>3. The Addendum to the 2016 Environmental Impact Report (EIR) should not be certified with respect to the issues of traffic concerns, emergency egress and ingress concerns, dust and noise concerns, etc, including due to the unaddressed and significant difference from the original project regarding the necessity of thousands of heavy truck trips to transport thousands of yards of fill to the site over Brickyard Cove Road, the release of toxic gas and vapors over neighboring communities from the planned excavation to the surface of contaminated soils for evaporation of toxic materials, etc.</p> <p>Per CEQA, an Addendum is NOT ALLOWED in this situation/context, including because “substantial changes are proposed to the project” or “occur with respect to the circumstances” of the project, “requiring major revision of the EIR” or alternatively, because “new information” has become available. (PRC sec 21166, CEQA Guidelines sec 15162 (a), 15163 (a))</p> | <p>11/21/22 Planning Commission asked to see the information in the City report, expressing concerns about the fiscal impact of this proposal on the City of Richmond and neighboring HOAs.</p> <p>12/6/22 Agenda recognizes this request, and Planning Commission concerns about fiscal impacts.</p> <p>Remedial soil excavation has been planned for the site with elevated Total Petroleum Hydrocarbons (TPH) as well for other areas of the site. Areas of elevated concentrations of TPH will be stockpiled in open areas of the site to expose the hydrocarbons to atmospheric oxygen. No time is specified how long this material will be stockpiled, exposing residents to dust, odor, and potentially health hazardous vapors from the off gassing of the hydrocarbons. https://geotracker.waterboards.ca.gov/esi/uploads/geo_report/4204201757/T0601300697.PDF Appendix I, Pg 397 of the above link.</p> <p>There is a large area in the Northeastern Tank Farm Area where free product is present in the upper 12 feet. The free product is not fully delineated. These data gaps and the impact of the dust, odor, and off gassing is not covered in the EIR. This information is covered in letters to the City and Developer https://geotracker.waterboards.ca.gov/view_documents?global_id=T0601300697&document_id=6008856 The EIR Addendum does not address the proposed remedy of stockpiling of contaminated material on the site. Impacts include dust and contamination spread to boats and homes in the area. Mitigating provisions need to include boat washing and even house painting plus additional measures as deemed necessary. The Planning Commission can not</p> |

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| | <p>Further, the Addendum fails to explain why the City decided to prepare an addendum rather than a supplemental EIR, nor was any such explanation supported by substantial evidence (CEQA Guidelines sec 15164(e); Mani Brothers Real Estate Group V. City of Los Angeles (2007) 153 Cal.App4th 1385, 1397.)</p> | <p>recommend approval of the EIR without these data gaps and mitigating measures addressed.</p> |
| <p>4.</p> | <p>The Addendum to the 2016 EIR should not be certified since, in violation of CEQA, it has not addressed the cumulative impacts on the neighboring communities of the combined projects of LRS, the PG&E property project, and the Quarry project on pollution, noise, traffic, parking, etc.</p> <p>Per CEQA, an Addendum is NOT ALLOWED in this situation/context, including because “substantial changes are proposed to the project” or “occur with respect to the circumstances” of the project, “requiring major revision of the EIR” or alternatively, because “new information” has become available. (PRC sec 21166, CEQA Guidelines sec 15162 (a), 15163 (a))</p> <p>Further, the Addendum fails to explain why the City decided to prepare an addendum rather than a supplemental EIR, nor was any such explanation supported by substantial evidence (CEQA Guidelines sec 15164(e); Mani Brothers Real Estate Group V. City of Los Angeles (2007) 153 Cal.App4th 1385, 1397.)</p> | <p>Elimination of Shoreline Road has changed the traffic flow during construction and long term in ways that have not been adequately analyzed per CEQA.</p> <p>Site grading changes are major (43,500 cubic yards), and need to be addressed per CEQA. Eliminating CHG-1 (Balanced Cut and Fill Grading), combined with elimination of Shoreline Road may cause significant environmental effects and a traffic study needs to evaluate construction and longer term effects.</p> <p>Will single-load or double-load trucks be used during fill hauling? Trucks hauling fill through residential roads (Seacliff/Brickyard Cove or Canal/Waterline/Brickyard Cove) may destabilize roads used by both residents and visitors to the Brickyard Cove area. There are limited exits serving the Brickyard Cove area in an emergency, and road damage may have public safety impacts if damaged or needing to be rebuilt..</p> <p>The Seacliff/Canal intersection is not built to Engineering standards. Seacliff also has a history of destabilization and sloughing, and Richmond has had to repair that lower portion of the road. The capacity of Seacliff to withstand heavy load traffic during construction needs to be analyzed, identifying the risks of further sloughing. Trucks descending Seacliff towards Canal are likely to flip at the sharp turn. Clearing a flipped truck in the Seacliff/Canal area would not be an easy task.</p> <p>Public safety issues need to be analyzed regarding heavily loaded trucks driving through a residential area of limited visibility (Seacliff). What distance is needed for a fully loaded truck to stop if a deer or</p> |

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| | | <p>child are crossing the road? Pedestrians crossing Seacliff currently struggle with safe crossings (ex: taking kids to tot lot) due to limited visibility of cars cresting the hill prior to descent. There is also limited pedestrian visibility of cars heading uphill on Seacliff because of a curve in the Waterline/Sanderling area.</p> <p>Additional potentially significant environmental impacts of the changed 2022 design also include air quality with the cumulative fill during construction of both LRS and PGE developments.</p> <p>11/21/22 Planning Commission Discussion While CEQA consultant claimed EIR info was adequate, Planning Commission and public disagreed.</p> |
| 5. | <p>Damage to and assumption by the City and developers of LRS of the cost of complete repair of the surface and infrastructure of the damage to BCR from thousands of trips to and from the site by heavy trucks carrying fill, construction materials and equipment to the site, and removing contaminated soil, etc.</p> | <p>9/14/2022 Planned Area Plan Addendum Exhibit B pg. 15 “LRS circulation plan assumes the continued operation of Brickyard Cove Road as a two-lane collector roadway...”. Revised 2022 plan has removed Shoreline Road of 2016 design, which concentrates long-term and short-term traffic and impacts on Brickyard Cove Road.</p> <p>The Quarry and PGE properties may also use Canal/ Seacliff during this time, and the cumulative impact needs to be addressed in EIR. Since construction road damage seems inevitable, the share of road repair costs borne by the developer, City and the public should be revealed for the entire Brickyard Cove road network (Dornan, Brickyard Cove, Seacliff, Canal, and Waterline).</p> <p>Imported fill increase in 2022 plan is significant. In DRB, Planning and City Council meeting potential roadway damage has been discussed by the public, Richmond Staff and developer - yet remains unresolved. These changes in circumstances, fiscal impact, public safety, etc. have not been adequately disclosed, analyzed, or feasibly mitigated.</p> |
| 6. | <p>Assumption of ownership of BCR by City of Richmond</p> | <p>Ownership by the City was supposed to happen after Sea Cliff Road was connected to Canal, making the road a connector over the hill to Canal.</p> |
| 7. | <p>The Major Amendment of the Planned Area Plan should not be approved as it is not a superior</p> | <p>15.04.810.030 Planned Area Procedures D.e “Detailed engineering site plans, including proposed finished grades and all public improvements as well</p> |

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| <p>design compared to underlying zoning or prior design. It does not provide adequate transportation facilities and public services; it will have a substantial adverse effect on the surrounding land uses, both in the neighboring communities and in downtown Point Richmond including because of the need for additional parking not provided within the project, by the additional vehicular traffic generated by the project combined with the absence of reasonable public transportation, etc. The proposed development is inferior to the development that could occur under the standards applicable to the underlying base district or in fact even to the design or the original TORP project as previously approved by the City (inadequate view corridors and open spaces in the LRS, structures – interior and perimeter – densely packed together, perimeter structures higher than interior structures, failure to provide infrastructure and public services that will not exceed existing and planned services, proximity and height of buildings along perimeter (from NE corner of project, south along RYC property line and west to Dornan Drive extension) more massive and obstructive of view corridors vs. those of original project .</p> | <p>as estimates of grading volume (cut and fill), with accompanying grading sections or other technical drawings acceptable to the Director of Engineering and Capital Improvement Projects and City Engineer.” At initial DRB review, grading information was not available, and only inquiries by Chairman Livingston revealed the notable fill importation.</p> <p>15.04.810.040 Required Findings</p> <ul style="list-style-type: none"> A. General Plan consistency B. Site is physically suitable for land use being proposed C. Adequate transportation facilities and public services D. No substantial adverse effect on surrounding use/compatible with land use character of surrounding area E. Complies with design guidelines F. Demonstratively superior to underlying base district and will achieve superior community design, environmental preservation or public benefit <p>09/17/22 DRB review discussion notes that this is not a superior development, is incoherent, and has possible negative impacts on neighboring properties.</p> <p>11/21/22 Planning Commission - project denied noting that it is not superior to underlying zoning or when compared with 2016 design.</p> |
| <p>8. Public Due Process issues: The Public and the DRB were prevented by the city from properly reviewing the project as required by the Planned Area Plan review procedures.</p> <p>DRB was prevented from performing a complete and proper review of the Major Amendment of the Planned Area Plan as required by</p> | <p>Planned Area Plan 15.04.810.030 (B) (2) and (4)(D 1-6 and a-m) and then the required findings 18.04.810.040 (A-F and 1-9) And 15.04.810.050 (A) as it relates to the non-compliance with the Shoreline Overlay district.</p> <p>The Board was erroneously/improperly directed to only apply the less restrictive section of the code: 15.04.805.040 Design Review Criteria</p> |

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| | <p>15.04.810.030(B)(2) DRB’s review scope was improperly restricted by City Attorney on the LRS project. to use only the narrow and less restrictive normal DRB review process (15.04.805.040) The restriction was inconsistent with and contrary to the DRB’s usual P.A. review scope on other, similar current projects (e.g., Point Molate, The Quarry, and the 2016 TORP plan)</p> | <p>We have copies of City planning staff reports that show other similar PA projects , similarly situated, using the Planned Area criteria as a basis of DRB review, and the LRS staff report showing a different, incorrect, and less restrictive basis of review.</p> <p>11/21/22 3:34 major design elements remain incomplete, yet DRB asked to approve PA Amendment (inconsistent with above) and PA Required Findings.</p> |
| <p>9.</p> | <p>Failure to analyze impacts on public safety, due to inadequate means of emergency egress and emergency vehicle ingress.</p> | <p>Removal of Shoreline Boulevard from 2016 design concentrates traffic from development, adjacent properties (EBRPD, HOA’s, proposed PGE development, etc).</p> <p>Additional parking along Brickyard Cove may further interfere with smooth traffic flow as cars are parallel parking.</p> <p>During construction, heavy equipment traveling over Seacliff Road or through Waterline may create unsafe conditions, and damage a major access road used by hundreds of households.</p> <p>Despite Honda and Port requirements that rail traffic not block Canal, traffic is blocked for 20 minutes or more on most days. This is a public safety issue as emergency vehicles are restricted to the Port and Brickyard Cove residences during railroad blockages.</p> |
| <p>10.</p> | <p>Inadequate guest parking causing overflow to neighboring communities, RYC, Knox Miller Park, etc.</p> | <p>A total of 426 parking spaces for guests and residents will be provided, 366 specific to the subdivision and 60 public spaces along Dornan Drive, Brickyard Cove Road and Wharf Parking Lot.</p> <p>Miller Knox Park and Richmond Yacht club are immediate neighbors to this property, and already have parking shortage issues. This development will cause potentially significant parking impacts.</p> |
| <p>11.</p> | <p>Neighboring community must be assured that it will not be taxed to maintain any aspect of the project, city services, or the Wharf Park. Should be left to the City. State</p> | <p>11/21/22 3:37 Menzies says that Richmond City Attorney and Laconia have been discussing options for long term maintenance, yet nothing has been made public (CEQA, public documents). In 2016 approved development, TORP HOA covered</p> |

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| | Lands Commission trust stipulates that the City is responsible for the maintenance of the pier | maintenance. Planning Commissioners questioned this. |
| 12. | The project should not impose any additional tax burden on Richmond taxpayers. | 11/21/22 Menzies says that Richmond City Attorney and Laconia have been discussing options for long term maintenance of park, Wharf, etc, yet nothing has been made public (CEQA, public documents). In 2016 approved development, TORP HOA covered maintenance. Planning Commissioners questioned this. State lands trust governs. |
| 13. | Inadequacy/absence of retention ponds | The RWQCB's Requirement for Revised Remedial Design Report ("Action Plan") includes the following measures. For example, the measure related to the slurry wall and storm water collection and discharge: <i>Slurry wall construction to mitigate potential petroleum discharges to the Bay Collection, onsite treatment, and offsite discharge of most stormwater runoff (emphasis added)</i> |
| 14. | Inadequacy of slurry walls to address/mitigate discharge of toxics from contaminated soil into the Bay. | GEI consultant report. https://geotracker.waterboards.ca.gov/regulators/deleterable_documents/7630456089/BCARD%20RDR%20Comments%20%28GEI%20Consultants%29.pdf |
| 15. | Contamination of Bay water not addressed in the amended EIR | There are six years of data not discussed in the EIR addendum that identifies discharges to the Bay. |
| 16. | Potentially significant impacts due to changes in Building elevations – vertical massing | From Staff Report RM-1 vs proposed: maximum height 35' vs 46' proposed; lot size 5,000 min vs 2,068-3,081; allowed lot coverage 65% vs proposed 70-80%, 3rd floor should taper to 80% vs 100% width proposed. In addition, the site will be filled (elevated) to an average of 15.5', which will increase the relative height of these buildings when viewed from Brickyard Cove, Miller Knox or RYC. The resulting potentially significant impacts are not disclosed, analyzed, or mitigated under CEQA. |
| 17. | We hereby incorporate by reference all items set forth in the 10/26/22 letter from Richmond Yacht Club to Roberta Feliciano, City of Richmond, Community Development, regarding | 15.04.805.040 Design Review Criteria B. "The project design evidences a sense of place; does not overwhelm or adversely impact adjoining properties; and respects prevailing setbacks and the scale of neighboring buildings...." Project is non compliant. |

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| | DRB Agenda Item 2 PLN22-171 TERMINAL 1 RESIDENTIAL REDESIGN | 15.04.805.060 Conditions of Approval C: “Ensure that the design of proposed project will be compatible with the surrounding area where it will be located.” Developer is required to work with both RYC and EBRPD, which are adjoining neighbors, but it has failed to timely or meaningfully do so. |
| 18. | We hereby incorporate by reference all items set forth in the 11/15/22 letter from Richmond Yacht Club to Planning Commission, regarding Agenda Item 3 PLN22-171 TERMINAL 1 RESIDENTIAL REDESIGN. | 15.04.810.030 Planned Area Procedures D.e “Detailed engineering site plans, including proposed finished grades and all public improvements as well as estimates of grading volume (cut and fill), with accompanying grading sections or other technical drawings acceptable to the Director of Engineering and Capital Improvement Projects and City Engineer.” RYC raised grading and drainage questions, but the developer was slow to provide responses, and the responses have been incomplete. To date, the Vesting Tentative Map and grading plan do not address west PL drainage issues that would impact RYC. DRB asked for but never received a drainage mitigation plan. 15.04.810.040 Required Findings No substantial adverse effect on surrounding use/compatible with land use character of surrounding area. This project does not comply. |
| 19. | Potential significant impacts at Traffic control at NE corner of LRS (Stop sign, pedestrian crossing signal at Bay Trail and BCR) (RYC – 11/15/22 letter to PC) | Four crossings will occur in a very short distance, which will be unsafe on weekends and during special events: 1) secondary access road to development 2) Bay Trail crossing 3) RYC West Lot gate 4) RYC main gate |
| 20. | The height limit exemption (for the units along the project perimeter from the northeast corner south and then west to the Dornan Drive extension to allow for optional roof decks) should be denied (RYC) | Height of proposed development is 46’ vs underlying RM-1 zoning. Buildings will be closer to the Bay, Bay Trail, and RYC than the 2016 plan which had only 25’ buildings in this area. Potentially significant impacts are not disclosed, analyzed, or mitigated. Shoreline Overlay may allow lower heights than underlying zoning. |
| 21. | Developer to install 6’ solid wooden fence on top of a retaining wall along the property boundary with the RYC West Lot Dry Slip Facility (RYC) | Conditional Use Permit from City of Richmond to Richmond Yacht Club included 6’ solid wooden fence. |

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| 22. | Property boundary issues remain (RYC) | <p>Laconia has surveyed the site/LRS/RYC boundaries but not marked them.</p> <p>Concerns over possible property encroachment have been voiced in multiple RYC communications to DRB, Planning Commission, and City Council. In addition to public testimony, this has been conveyed in letters from RYC Board 9/22 to DRB, 11/21 for PC, 11/22 for City Council.</p> <p>In a 12/3/22 meeting with RYC and Laconia, property boundary concerns were again discussed, and it was clear that Laconia had not read any of the prior RYC public communications on this topic. Laconia tentatively agreed to mark boundaries in a visible manner, which would enable RYC to accurately assess impact on locker maintenance, fence installation and evaluation of security.</p> |
| 23. | All stormwater generated by proposed development be treated within the project and not be discharged to RYC property (RYC) | <p>Since the storm water may be contaminated, the RWQCB is directing LRS to collect, treat, and discharge off site the storm water. It will be going to a sewer. Among other things, the receiving sewer capacity has not been analyzed.</p> |
| 24. | Assure access by RYC to lockers on RYC property boundary where retaining wall is to be built (RYC) | <p>Laconia has surveyed LRS/RYC boundaries but has not publicly marked them. Concerns have been voiced in multiple RYC communications to DRB, Planning Commission, and City Council.</p> |
| 25. | Developer to be responsible for prompt cleaning all fugitive dust and dirt during construction from neighboring residences, vehicles and boats, within 48 hours of notice to hotline which will be set up by developer for this purpose. (RYC) The toxic lead paint dust is a huge issue as the exiting building is being torn down. How the toxics will be contained on site is a potentially significant environmental impact. | <p>This needs to be a best management practice since the construction site is surrounded by boats and cars. On site and off site monitoring of toxic dust has not been discussed.</p> |
| 26. | Unjustified invasion of the Shoreline Overlay District (SOD) by the location of non-water related structures (14-18 two story and three story residences) withing 100 feet of the shoreline, when no such structures are permitted outright. | <p>15.04.306.020</p> <p>Failure to make 15.04.810.050 (A) as it relates to 15.04.306.020 clear in the staff report to the City council and Public before meeting.</p> <p>15.04.306.040 D Structural Design</p> |

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| | <p>These structures are in direct conflict with the purposes of the SOD of shoreline protection and public access and enjoyment. SOD's provision combine with the base zoning and in case of conflicts, the more restrictive provision apply. The Conditional Use Permit which has been proposed speaks to the general conditions for the issuance of a CUP and fails to address the specific SOD regulations pertaining to Structure Design and location.</p> | <p>"Through design review, building heights may be limited to maintain a low profile" "reduced from the maximum set in the base zoning district if the Planning Commission determines that a different maximum height will protect public views..."</p> |
| <p>27.</p> | <p>Process leading to approval and entitlements rushed and not in proper sequence, leading to reviews by DRB and PC without full information and/or sufficient time for review and evaluation before being demanded or required to make decisions.</p> | <p>Developer has been slow to respond to basic plan information resulting in a decoupling of land sale and project approval. This is not in the public or Richmond's best interest, and adds financial and legal risk to disposition of public land. The City Council now has the awkward situation of either approving sale of the property without an entitled plan, or declaring the property as surplus (and losing control over its development).</p> <p>15.04.810.040 Application Content:</p> <ol style="list-style-type: none"> 1) Complete detailed engineering and grading plans were not included, and only made partially available part way through the review process. DRB and the public have consistently asked for these materials. 2) The Development Schedule has not been made public in DRB, PC or CC meetings. 3) Ownership Declaration has not been made - will site be subdivided for development? 4) If City Council approves the sale of public property, they must also direct the applicant back to the DRB once the land sale has transpired, in order to fulfill PA criteria and obtain entitlements. It is unclear what time frame the developer will be given to gain entitlements. |
| <p>28.</p> | <p>Stormwater discharge/runoff</p> | <p>Since the storm water may be contaminated, the RWQCB is directing LRS to collect, treat, and discharge off site the storm water. It will be going to a sewer. The impacts to the sewer have not been evaluated.</p> |

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| 29. | Full compliance with ALL conditions DRB placed on project. | The Condition of Approval (COA) from the DRB on the PA plan were placed there to try to make the project as good as it could be given the rush by the developer, The lack of time to work with the architects to help fix the monumental design problems, the incomplete nature of the plans at all levels. A reduction of the DRB COA is unwarranted. |
| 30. | <p>Incomplete Vesting tentative Map</p> <p>The VTM that includes all of the required application content as stipulated in 15.045.810.030 (D) is incomplete and according to the code, must be submitted in order to have a complete application. While many of these drawings have been submitted , there were many omissions and errors in the VTM. Staff hired an outside consultant to make sure all issues were covered, but as of the PC meeting the application was still incomplete.</p> <p>Applicant has said it will get the proper easements and approvals after entitlement, but that process violates the nondelegation doctrine whereby the city delegates its approval of required easements to another entity. Again , in its rush to approve, an incomplete VTM needs to be completed. All easements and agreements must be recorded and shown on the VTM.</p> | <p>15.045.810.030 (D)</p> <p>Letter from Robert Stevens CE issues such as, but not limited to:</p> <ol style="list-style-type: none"> 1. inclusion of the new steet pump station 2. signed easements from EBRPD on parking and bay trail encroachments 3. proper drainage plans to conform to the water boards issues 4. revised drainage calculations that take into account the water boards off-site storm water discharge. (suppose the storm drains on BCR are inadequate?) 5. 8 foot high retaining wall on top of rip rap 6. BCR improvement plan and details showing new road sections and specifications and storm drain design. 7. RYC drainage mitigations 8. Dornan drive off site improvements and agreements <p>non delegation: <i>A.L.A. Schechter Poultry Corp. v. United States, 295 U.S. 495 (1935),</i></p> |

From: [Bruce Beyaert](#)
To: [Nat Bates](#); [Tom Butt - external](#); [Claudia Jimenez](#); [Demnlus Johnson](#); [Eduardo Martinez](#); [Gayle McLaughlin](#); [Melvin Willis](#); [City Clerk Dept User](#)
Cc: [Lina Velasco](#); [Dave Aleshire](#); [Roberta Feliciano](#); [James Atencio](#)
Subject: Public Comments - City Council Agenda Item #Z2 Latitude Residential Subdivision
Date: Saturday, December 3, 2022 11:28:41 AM

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Mayor Butt and City Councilors,

If you decide upon the option of approving the Latitude Residential Subdivision, rather than deny or send it back to the Planning Commission, TRAC, Trails for Richmond Action Committee, requests that you adopt additional conditions of approval as described below in order to ensure that:

1. the new Bay Trail around the project's perimeter and public parks are opened for public use as part of the project's first phase and are maintained either by the Latitude HOA or by a Landscape and Lighting Maintenance District funded equitably by Latitude homeowners and the City as at Marina Bay and
2. The existing Bay Trail along Brickyard Cove Road is not closed during construction of the project.

Project Phasing and Maintenance of Bay Trail:: The following important conditions of approval were adopted by the DRB, but are missing from Exhibit F of the agenda report:

"Developer shall include in the initial phase of the Project all the Offsite Improvements."

"The Bay Trail improvements constructed by the applicant shall be maintained by the Homeowners Association or by another City-approved funding mechanism, such as contributing funds to a Lighting and Landscaping District."

These are standard conditions which have been adopted for all projects involving the Bay Trail. The agenda report includes Condition 57.a stating "All streets, sidewalks, BayTrail, open space areas, storm drains, sanitary sewers, and related appurtenances shown within the development shall be the responsibility of the applicant to maintain". However, the Bay Trail and open space areas would not be "within the development", because the Bay Trail and parks are defined to be "Offsite improvements" in Section 4.1.2 of the LDA and would be on separate parcels of land. Please adopt the above conditions as endorsed by the DRB and delete Condition 57 as proposed in the agenda report.

Avoiding Closure of the Existing Bay Trail Along Brickyard Cove Road: The proposed project realigns the western end of the existing Class I Bay Trail along Brickyard Cove Road and should not close the section of trail along the southern side of Brickyard Cove Road until after the new, realigned trail has been constructed and opened on the northern side of Brickyard Cove Road. Proposed Condition 47 makes no sense in stating:

“The applicant shall apply for an easement for the bay trail portion along the north side of Brickyard Cove Road prior to approval of the subdivision plans and issuance of the first certificate of occupancy.”

Condition 47 should be revised to state:

"The Bay Trail along the southern side of Brickyard Cove Road east of Dornan Drive shall not be closed to public use until after the realigned trail on the northern side of Brickyard Cove Road has been constructed and open for public use with safe crossings of Brickyard Cove Road and Dornan Drive to link with the Ferry Point area of Miller/Knox Regional Shoreline."

Condition 61.e. Debris Catchment: This condition added by the City's Engineering consultant Robert Stevens states:

“The applicant shall provide a debris catchment fence along the Bay Trail along Brickyard Cove Road to the satisfaction of the City Engineer.” Mr. Stevens explains that the intent was to install a barrier to ensure that rock eroding from the steep bluff wouldn't reach the trail. This is very important because a short section of this realigned Bay Trail requires clearing a large talus slope of small rocks which have crumbled from the bluff above, and it is necessary to keep rock from ongoing erosion off the trail. Clarification of Condition 61.e is needed as recommended under item d below.

IN CONCLUSION, TRAC asks that you adopt the following additional conditions as part of any action to approve the Latitude project:

- a. Developer shall include in the initial phase of the Project all the Offsite Improvements.
- b. The Bay Trail improvements constructed by the applicant shall be maintained by the Homeowners Association or by another City-approved funding mechanism, such as contributing funds to a Lighting and Landscaping District.
- c. The Bay Trail along the southern side of Brickyard Cove Road east of Dornan Drive shall not be closed to public use until after the realigned trail on the northern side of Brickyard Cove Road has been constructed and open for public use with safe crossings of Brickyard Cove Road and Dornan Drive to link with the Ferry Point area of Miller/Knox Regional Shoreline
- d. Condition 61.e. shall be revised to read as follows: “The applicant shall provide a wall or sturdy fence designed to the satisfaction of the City Engineer to protect the paved Bay Trail and shoulder from rock eroding from the bluff above

Brickyard Cove Road and facilitate periodic removal of accumulated rock."

Thank you very much.

Bruce

Bruce Beyaert, TRAC Chair

baytrailtrac@gmail.com

tel. 510-235-2835

<http://www.pointrichmond.com/baytrail/>

<http://www.ci.richmond.ca.us/109/TRAC>

Photos: <https://sfbaytrailinrichmond.shutterfly.com/pictures/5> .

From: [Carol Hoffman](#)
To: [City Clerk Dept User](#)
Subject: Public Comments - Agenda Item # Z.2, Latitude Residential Subdivision (Formerly Terminal One)
Date: Tuesday, December 6, 2022 12:08:56 PM

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Dear City Council,

I am writing as a resident of Brickyard Landing in Point Richmond regarding the Terminal 1 project that has been voted down by the planning commission. I concur with the Planning Commission and have the following strong concerns about the project. My impression is that this project is being pushed through, without the proper order of process, and without all of the concerns addressed to satisfaction.

My concerns include:

The heights of the new buildings- they should not be higher than two stories and the ground should not be raised significantly to build upon it and if it must be raised, the buildings should be shortened.

There should be no short term rentals less than 30 days to preclude air bnb and other short term rentals that only increase traffic, need for parking, noise, plus keep housing prices too high for Richmond residents.

There is insufficient guest and resident parking proposed. The regional park has parking lots however the one closest to the development is often filled or close to it currently. There should not be a decrease in available parking for the park due to a new development of private homes.

There are too few affordable housing units and their parking is restricted. As there is no public transportation available close by, it is vital to provide sufficient parking for all residents and their guests on the development site.

The street leading to and from the development requires much improvement prior to any use by construction vehicles, or residents' vehicles' use, once the site is developed. The cost of maintaining the road should be assumed by the developer, not the city or the Housing Associations close to the development site.

Construction trucks require much supervision for not idling, and require roads that can support them and the proper handling of potentially toxic substances that they will be transporting.

The description, with time frames, of how the toxic cleanup of the site will be handled needs to be clearly spelled out. It needs to include prevention of any potential spills or airborne

spread of toxic substances. It does not sound like there is a sufficient plan.

There should be no short or long term expenses put onto the city of Richmond to assume as a result of this project. If anything, it should generate income for the city and for the maintenance of the Miller Knox regional park.

There should be no short or long term expenses put onto the city of Richmond to assume as a result of this project. If anything, it should generate income for the city and for the maintenance of the Miller Knox regional park.

I am not alone in my concerns and feel strongly that this project should be shelved or re-opened for bid to other developers unless it can be built environmentally soundly with proper attention to the roads and toxic cleanup. In addition, the resulting project should have ample parking, keep to low height requirements, provide affordable housing, and the design should not be cookie cutter and ruin the beautiful site upon which it will be built.

Thank you in advance for reconsidering your approval of this project as it is proposed today. It is best left as an undeveloped site vs doing damage to the health, aesthetics, and environment of local residents of the City of Richmond.

Best, Carol Hoffman

From: [Christian Kramer](#)
To: [City Clerk Dept User](#)
Cc: [Denise Kramer](#)
Subject: Agenda Item Z2 Latitude Residential Project
Date: Monday, December 5, 2022 7:23:13 PM

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Dear Sir or Madam:

My wife, Denise and I, are residents of Brickyard Landing and members of Richmond YC. We have many concerns regarding the Latitude Residential Project and hope the City of Richmond will REMAND the project back to the Planning Commission to review the financial feasibility of the previous project and consider if conditions or refinements can be made to the Revised Project to make the project superior for all concerned and to diminish the significant impact to the local Point Richmond community.

Sincerely,
Chris & Denise Kramer
1201 Brickyard Way Apt. 301
Richmond, CA 94801

--

Chris Kramer
Email: cfkramer6@gmail.com
Cell: +1 203-837-7792

From: [Greg Mitchell](#)
To: [City Clerk Dept User](#)
Subject: Agenda Item Z2 Latitude Residential Project
Date: Tuesday, December 6, 2022 9:20:02 AM

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Hello,

Just a quick note that, while I fully support ongoing development in the city of Richmond, this development seems to have some issues that need to be addressed before it can move forward.

My biggest concern is the contaminated soil on site. I don't think there is a good understanding of the true nature of contamination or of resolution.

Secondary concerns are the impact on parking (6 spots of guest parking? Not sufficient. Also, I'm concerned the road from the tunnel to the project will be heavily damaged by the 5,000 truckloads of fill and the city will be on the hook for remediation.

Best Regards,
Greg Mitchell - 25 year RYC member.

From: [Isabella Silverman](#)
To: [City Clerk Dept User](#)
Subject: Fwd: Public Comment Item Z.2: Terminal One Latitude Residential Subdivision
Date: Tuesday, December 6, 2022 8:33:38 PM

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Hello,

Can you please include my comments below into the formal city council meeting minutes? I am sending correctly this time.

Sincerely,
I. Silverman

Begin forwarded message:

From: Isabella Silverman <isilverman2003@gmail.com>
Subject: **Public Comment Item Z.2: Terminal One Latitude Residential Subdivision**
Date: December 6, 2022 at 8:16:54 PM PST
To: Tom Butt <tom.butt@intres.com>, Nat Bates <natbates@comcast.net>, Eduardo Martinez <eduardo_martinez@ci.richmond.ca.us>, Eduardo Martinez <richcityservant@gmail.com>, Melvin Willis <melvin_willis@ci.richmond.ca.us>, Melvin Willis <Melvinforrichmond@gmail.com>, "Gayle_McLaughlin@ci.richmond.ca.us" <Gayle_McLaughlin@ci.richmond.ca.us>, "gayledirect@gmail.com" <gayledirect@gmail.com>, "demnlus_johnson@ci.richmond.ca.us" <demnlus_johnson@ci.richmond.ca.us>, "johnsondemnlus@yahoo.com" <johnsondemnlus@yahoo.com>, claudia_jimenez@ci.richmond.ca.us
Cc: Dave Aleshire <daleshire@awattorneys.com>

Dear Mayor and Councilmembers:

I urge you to please vote for Option 4, which was proposed by residents of the Brickyard Cove Community, and is an option that was not provided by staff for City Council consideration.

Option 4. New Option:

- a. Table any further City Council action on approving any aspect of this project;
- b. Direct that all critical information for an informed review and evaluation of the project be made available to the public, the DRB and the PC;
- c. Remand the project back to the DRB for a full review and recommendation of the Planned Area Plan Amendment using Planned Area criteria set forth in RMC 15.04.810.040, and to the PC for a full unrestricted re-review and recommendation, including but not limited to the financial feasibility of the previous project and whether revisions can be made to the revised project to bring it to the level of a “superior” design;
- d. Return the project to the City Council for further action when, and only when, the fully informed reviews and recommendations by the DRB and the PC (with public participation) have been made to the Council and the public.

Serious Concerns:

A. The EIR Addendum and the Vesting Tentative Map are delinquent in substantive information, analysis and mitigation. Moreover, the City has failed to protect the public health and safety of the Brickyard Cove community and even considered let alone analyzed the cumulative EIR impacts from this project, the Urban Republic development at the PG&E site and even the Quarry Project.

B. When it came to another public site, Point Molate, a majority of this council was adamant that:

1. They didn't want any housing, let alone high-end housing, there.
2. All financial analyses were publicly available for a project on public land and, in fact, were instrumental in voting against the project.
3. That Richmond taxpayers should not have to pay for the infrastructure or its long-term maintenance.

4. A primary argument against housing at Point Molate is the concerns regarding a lack of safe ingress and egress routes.

C. Yet on this public land, the Council is considering rushing this project, based on Staff's recommendations, which has many of the exact same features & concerns.

1. Higher-end housing on public land.

2. The City has not provided any financial analyses to the public for this project on public land. One must ask if this a Brown Act Violation.

3. We learned at the Planning Commission meeting on November 21st that the council, staff and developer have been discussing behind closed doors taxing Brickyard Cove residents to maintain the public park and wharf.

Are we not considered Richmond taxpayers?

To be clear, none of us were asked or voted on whether we wanted yet another public park (or wharf) in this area, and we certainly were never asked if we thought we should be held responsible to pay to maintain it.

We don't want to pay for it. And we don't want a district tax. Many of us can no longer afford our property taxes and will likely have to sell.

Are we not worthy of the same protections that this council said they were providing Richmond taxpayers regarding Point Molate?

If the City can't afford to maintain a public park that will be predominantly used by the countless number of Richmond residents from across the City (and other cities) that use Miller Knox Park and the Ferry Point pier, then the City should not require the developer to repair the wharf and build the park.

4. Significant deficiencies in emergency vehicle access and safe public egress when a disaster occurs.

The community has been raising serious concerns regarding timely and effective emergency vehicle access and evacuation of Brickyard Cove residents and workers in the event of a disaster. A mandatory evacuation nearly happened a few months ago when there was a fire in Miller Knox

Park that closed the Dornan tunnel leaving only one egress route out of BYC along Canal Blvd.

These concerns are exacerbated when you have a planned 20 dump trucks per hour, 8 hours per day, 5 days per week for more than 3+ consecutive months traveling up and down an 11% grade hill and along Canal Blvd in combination with trains blocking egress routes along Canal Blvd, Garrard Blvd and W. Richmond Ave, often for 20-30 minutes at a time, multiple times a week.

These concerns have only grown due to the bike lanes that were recently installed on Cutting Boulevard, without proper public input, leaving us in grid lock during school drop off and pick up times as well as commute hours when trains are blocking most or all of the four rail crossings.

None of this is adequately included, analyzed or mitigated in the EIR addendum.

You cannot analyze this project in isolation when there are two more projects that are likely to occur in the same time frame that have cumulative EIR significant impacts.

You have a chance to please hear our genuine concerns. I hope you do and will support Option 4.

Thank you for your time and attention to this important matter.

Sincerely,
I. Silverman

From: [James Fouche](#)
To: [City Clerk Dept User](#)
Subject: Recommendations re. Item Z.2 in Public Hearings of Today's Meeting
Date: Tuesday, December 6, 2022 1:07:46 PM

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In light of the incomplete review of the "Latitude" project, the City Council should:

- Table any further City Council action on approving this project;
- Direct that all critical information for an informed review and evaluation of the project be made available to the public, the DRB and the PC;
- Return the project back to the Design Review Board for a full review and recommendation of the Planned Area Plan Amendment using Planned Area criteria set forth in RMC 15.04.810.040, and to the Planning Commission for a full unrestricted updated review and recommendation, and whether revisions can be made to the revised project to bring it to the level of a "superior" design, and;
- Thereafter return the project to the City Council for further action after the fully-informed reviews and recommendations by the DRB and the PC (with public participation) have been made to the Council and the public.

Thank you for your consideration.

James Fouche, owner
1312 Pelican Way
Richmond, CA 94801

From: [Patricia Tostenson](#)
To: [City Clerk Dept User](#)
Subject: Public comments - Agenda Item #Z.2.
Date: Tuesday, December 6, 2022 11:45:00 AM

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Dear City Council Members,

I am hoping that the council members can find a good solution for developing the property at TERMINAL 1.

As an owner at Brickyard Cove #1, your decisions will have a huge impact on the residents of our community and neighboring HOA's as well.

I believe the addendum to the EIR, Major Design Review, and Vesting Tentative Map are incomplete and cannot be approved by the City Council as proposed.

Who will pay to repair the roads damaged by this project and neighboring projects currently being planned? I do not see any discussion of this.

How about the contamination at the site. I assume as water rises they will be discharged into the Bay unless they are totally removed. Also I do not see plans to keep storm drainage from going into Richmond Yacht Club property, which by this design, will be much lower than the Terminal One property.

Is it fair to allow a project to be built without adequate parking? There is no parking available for the small units. The condos will have 2 car garages. We all know people store stuff in their garages and park on the street. Also you are removing parking that has always been available to Richmond Yacht Club for major events. Where will these people park?? The Miller/Knox park is a very popular park and often on a nice summer day the parking takes up both sides of the street on Dornan drive.

How can you approve a project that will be built on a 6' higher landfill base, with a 6' fence and just behind that 45' homes that will place shading on RYC property and affect many communities. HOA 1 homes were not allowed to be built 45' high.

I believe that the City Council should table action on this property until the public, DRB and other involved agencies can comment and make recommendations.

Thank you, Jerry and Patricia Tostenson, 1305 Sanderling Island, Pt. Richmond.

From: [John Gullett](#)
To: [City Clerk Dept User](#)
Subject: Agenda Item Z2 Latitude Residential Project, written comments to City Council members
Date: Tuesday, December 6, 2022 9:51:38 AM

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Re: Agenda Item Z2 Latitude Residential Project

Dear City Council Members:

Thank you for the privilege of commenting on the proposed development. I am a resident of Brickyard Cove and taxpayer, thus directly impacted by the proposed project.

Please consider my concerns about the goals, scale and scope of the proposal. Point Richmond has severely restricted ingress and egress. Additional traffic will certainly aggravate the current traffic situation as it is, and worsen it further whenever a train is being made up when there are multiple intermittent road blockages. In the event of a natural or man-made disaster one or more accesses could be impacted and create severe complications for access to fire and emergency services as well as access to health care. I feel that the projects as proposed do not remediate in any satisfactory way these environmental impacts.

The property of concern is beautiful Bay Waterfront adjoining a Park. The property is an asset to all the citizens of Richmond, not solely those of the Point Richmond community. The park sees intensive use on holidays by people who have little or no other access to the natural beauty of this area. To me it seems that the "highest and best use" of this property would be to enlarge the Park and the waterfront and improve the now scarce recreational facilities it affords to everyone in Richmond. I hope the City Council would reflect that the proposed development serves only to bring in more people to an area of restricted natural resource and does not improve access to the majority of Richmond.

I think it could go without saying but feel it necessary to reiterate the need to avoid being seduced by the myth of affordable housing when there are such a lack of education and health care facilities that need our attention in Richmond and many alternate ways to provide truly affordable housing.

Further, unaddressed are the increased demands for scarce water supply. How will water get here and where will this water come from ?

The proposed project will certainly benefit the proposed developers and increase the tax base but I ask at what cost and in the absence of what alternative uses to better enhance the quality of life in Richmond for everyone ?

Very truly yours,

John and Marilyn Gullett
1201 Brickyard Way
Point Richmond 94801

From: [John Stafford](#)
To: [Claudia Jimenez](#); [City Clerk Dept User](#); [Demnlus Johnson](#); [Melvin Willis](#)
Subject: Fwd: Public Comments Agenda Item Z.2. Latitude Project (Formerly Terminal One) December 6th
Date: Monday, December 5, 2022 10:20:52 PM

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Begin forwarded message:

From: John Stafford <john.stafford1000@gmail.com>
Subject: **Public Comments Agenda Item Z.2. Latitude Project (Formerly Terminal One) December 6th**
Date: December 5, 2022 at 5:48:05 PM PST
To: "Butt, Tom" <tom.butt@intres.com>, Nathaniel Bates <natbates@comcast.net>, eduardo_martinez@ci.richmond.ca.us, gayle_mclaughlin@ci.richmond.ca.us, melvin_willis@ci.richmond.ca.us, demnlus_johnson@ci.richmond.ca.us, cladia_jimenez@ci.richmond.ca.us, cityclerkdept@ci.richmond.ca.gov

12-5-22

Re: Latitude Residential Subdivision (formerly known as Terminal One Residential Project)
Project No: PLN22-171
To: Richmond City Council
From: John Stafford
Tele: (352) 476-6074

I am a 30 year resident of Brickyard Cove and a I I'm retired architect. I have spent several years serving on our HOA design review committee, and currently a member of our board of directors. My comments presented below are my personal comments and do not reflect that of our board or HOA. I spoke at the planning commission meeting on 11-21-22 and listened to the city council meeting on 11-22-22.

I will refer to the Modified Concept Plan (Figure 3-4) as well as the Dornan Drive Alternate (Figure 3-5) both submitted on 11-17-22. Both documents indicate the source as Laconia Development but are undated. They are referenced as "City of Richmond Terminal One Project EIR Addendum. 140325.01".

The 3-story Duets with Ground Floor Live/Work Option are too tightly spaced, and, being opposite

the large hill on the north side of the street, will create a canyon on Brickyard Cove Road. These building should be articulated in both setback and height to soften the visual impact when traveling along Brickyard Cove Road.

The proposed land fill envisioned necessary for the site grading will have significant impact on our community. Bringing the fill in by barge would help reduce the impact. Damage to roadways as well as adjoining properties would be lessened by this approach.

Brickyard Cove Road needs to become a public road before any work begins on this site, or any other project which needs access along Brickyard Cove Road.

The Wharf Park is unnecessary given the proximity to Knox Regional Park. It is an enormous cost to retrofit the wharf. The developer has shown no interest in maintaining the Wharf Park after construction. The Wharf Park will be on City owned property, yet the City doesn't appear ready to accept maintenance responsibility either. It is unrealistic to assume any neighboring HOA's will participate in the maintenance costs, particularly because it is redundant to the regional park (literally next door).

I suggest the wharf be demolished along with the warehouse building. Without the Wharf Park, the developers preferred Dorman Drive Alternative (Figure 3-5) would suffice for emergency vehicle access to the Bay Trail, and provide for greater separation between the residences and the Bay Trail on both the west and east ends of the property.

I find the significant lack of open space lost from the previously approved design and the proposed modifications unfortunate. The previous plan benefited from parking podiums and taller buildings which improved greatly the amount of open space throughout the development.

Perhaps the compactness of the modified plan makes the Wharf Park necessary for the use of the residences of the development. If so, the Terminal One HOA should pay all the maintenance costs for the Wharf Park after construction.

Thanks to the city staff as well as all of you for your thoughtful consideration of this project.

From: [Feney Matthews](#)
To: [City Clerk Dept User](#)
Subject: comments on agenda item Z.2 december 6 Latitude/Terminal 1
Date: Tuesday, December 6, 2022 9:20:26 AM

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The Addendum to the Environmental Impact Report (EIR), Planned Area Plan, Major Design Review, and Vesting Tentative Map are incomplete and can not be approved by the City Council. For example:

- The Addendum to EIR does not yet address the effect of and mitigation needed for the large amount of fill (43,500 cubic yards) brought onto the site, including the dust, dirt and noise generated
- The Addendum does not yet address the effect of and mitigation needed for the number of heavy truck trips to bring fill to the site, the damage to Brickyard Cove that will result, who, and in what proportions, will be responsible for cost of rebuilding/repairing the road. Nor does it yet address the cumulative effects of having two additional concurrent projects (PG&E and Quarry site), including, among other things, the fill needed for each and transport of same to each site.

As neighbors in Brickyard Cove, we strongly urge that you:

- Remand the project back to the DRB for a full review and recommendation of the Planned Area Plan Amendment using Planned Area criteria set forth in RMC 15.04.810.040, and to the PC for a full unrestricted re-review and recommendation, including but not limited to the financial feasibility of the previous project and whether revisions can be made to the revised project to bring it to the level of a "superior" design;
- Return the project to the City Council for further action when, and only when, the fully informed reviews and recommendations by the DRB and the PC (with public

participation) have been made to the Council and the public.

Thank you,

Kathleen Matthews and Robin Baker

1300 Quarry Ct #415

Richmond 94801

From: [Mary Kat](#)
To: [City Clerk Dept User](#)
Subject: Agenda Item Z2 Latitude Residential Project
Date: Tuesday, December 6, 2022 9:19:43 AM

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Hello,

I am a resident of El Cerrito but spend much quality time in Point Richmond. I love to swim at Keller Cove and both of my kids sail at the Richmond Yacht Club. The shoreline near the yacht club is a beautiful and precious resource. The current project proposal is short sighted and would not enhance or do justice to the area. Building so many units squished in together would cause traffic problems considering the limited access on a small and poorly maintained road.

It would be better to have lower density housing and a cafe, restaurant, bakery - retail to enhance the already existing housing and could let residents walk rather than drive to get food. Or maybe a community center or a library?

Thanks for your consideration,
Mary K Johansson

Sent from my iPad

From: [Mike Borgerding](#)
To: [City Clerk Dept User](#)
Subject: Agenda Item Z2 Latitude Residential Project
Date: Tuesday, December 6, 2022 10:12:47 AM

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As a member of the Richmond yacht Club, I am concerned that the guest parking spaces in the Latitude Residential Project are inadequate. If the guest parking is not increased, safety issues will occur.

Currently there are many weekends where the yacht club parking lot is full, and cars are parked on the street. With the addition of the new homes, the visitor level will increase on weekends, as this is an attractive location for recreation. More cars will be parked on the streets, and with the added traffic flow, will increase the risk of accidents, as well as vandalism.

I urge the City Council to require the developer to add additional guest parking spaces before approving the development plan.

Sincerely,

Michael Borgerding
459 Sunhill Lane
Martinez, CA 94553

From: [Michael Josselyn](#)
To: [City Clerk Dept User](#)
Cc: [Nat Bates](#); [Andrew Butt](#)
Subject: Public Comment_Agenda Item Z2 Latitude Residential Project (Terminal One)
Date: Tuesday, December 6, 2022 11:48:39 AM
Attachments: [Public Comment Agenda Item Z2 Latitude Residential Project \(Terminal One\).pdf](#)

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Please find attached the Richmond Yacht Club's public comment on the proposed project.



RICHMOND YACHT CLUB

December 6, 2022

City Council
City of Richmond
450 Civic Center Plaza, 2nd Floor,
Richmond, CA 94804

Via email cityclerkdept@ci.richmond.ca.us

RE: Agenda Item Z2 Latitude Residential Project

Dear Mayor Butt and City Council Members

The Richmond Yacht Club shares the longest property boundary with the proposed project and has a direct interest in the impact of the project on the Club's facilities and the quality of the experience of its members while at the Club. With over 600 family memberships (many of whom are Richmond residents), the Club has served its membership and the greater Richmond community at its current location since 1966 through its programs that promote safe and inclusive sailing on San Francisco Bay. The Club has submitted three previous letters with detailed comments to the Design Review Board and the Planning Commission. In addition, representatives for the project have met with the Club to discuss areas of mutual interest.

The Club believes that the project can be improved in ways that will benefit both parties. The Club does not support an increase in the density of the project as suggested by the Planning Commission as we believe that will have greater impacts on parking, project massing along our property boundary, and reduced public access on the waterfront.

Should the Council decide to adopt the first resolution recommended by Staff, we request the following conditions:

- Modify Condition 44 to allow a single six foot tall solid wood fence between the Richmond Yacht Club's West Lot and the Latitude Residential Project on a shared retaining wall. There is currently an inconsistency with the City approved CUP for the West Lot that allows for a solid six foot wood fence for security but Condition 44 requires the Latitude Residential project to construct a shortened four foot fence with open structure on the top. The result of this Condition as currently written is that along the property boundary, two different fences will face one another three feet apart, at the same elevation, separated by a drainage ditch. The City has already determined that the type of fence to be installed by the Club is consistent with the neighborhood and would provide the security desired by the Club. There are no views of the Bay along this portion of the proposed Bay Trail—just the future dry boat storage and the existing Club's parking lot. The two parties agree that a mutual solution would be beneficial. The Club has no objection to the open fencing along the rest of the Bay Trail.
- Modify Condition 72 to allow flexibility in the width of the Bay trail to assure that access is provided to maintain the lockers on the property boundary where a retaining wall is to be built.

The entire distance of this boundary is 500 ft. The applicant has stated that they oppose the three foot distance as required by the Design Review Board. They have stated that the added width of the Bay Trail in this location makes this very difficult. We believe that the expanded width of the Bay Trail in this location can be reduced slightly to allow for the access to be provided if it is determined to be needed.

- Add a condition to install a stop sign at the northeast exit or pedestrian crossing signal for the Bay Trail at BCR. Many of the club members walk the Bay Trail and we have requested that there be a stop sign at the northeastern exit to BCR or a pedestrian crossing signal so that cars exiting the development will take time to observe traffic carefully and protect pedestrians who are crossing the Bay Trail at this location. In addition, our entrance is very close to this intersection and it is difficult to see traffic exiting from the proposed project intersection.
- Add a condition to not provide an height exemption for an optional covered staircase and roof top balcony on the southern-most three story units bordering the Club property. The project will bring homes closer to the property boundary, increase the density of buildings adjacent to the property, and in waterfront portion will raise the height of the residential buildings from the permitted 35 ft elevation to up to 42 feet on top of a 5-6 foot fill for sea level rise mitigation. These changes will have adverse impacts to the Club that were not occurring with the previous design. The Board is particularly concerned with those residences that border the Club boundary adjoining the existing lockers along the southeastern edge. The massing of these buildings is substantially different than the original proposed development of lower single family homes in that would have been buffered by a perimeter road.
- Add a condition to require the project to install signs along the portion of the BCR that fronts the Club to state no overnight parking allowed. The Club is concerned that the project will not provide sufficient parking within its property and overflow long term parking will occur along numerous portions of BCR including in front of and within the Club property. Roadside parking is important to the Club for large events open to members and the public.

Fill will be used to raise the elevation of the project site and it is proposed that the fill will be brought to the site by truck. This has the potential to significantly damage BCR which is used as access to the Richmond Yacht Club as well as increase construction traffic. We believe that the applicant should study other options to deliver fill to the site, including by barge, and to provide an analysis of these alternatives to the City. Should it be determined that the only feasible method is by truck, the Club supports Condition 56 that the applicant be responsible for any reconstruction, repairs, and repainting of Brickyard Cove Road or its underlying infrastructure along its entire length that results from its use for bringing fill to the site.

Finally, the Board strongly supports the requirement that the clean-up of the property be completed in accordance with the requirements of the responsible federal and state agencies and that such clean-up will assure that any soil contamination not be spread by fugitive dust and VOC emissions during construction and that any groundwater contamination not be directed towards the Bay or the Club property.

Sincerely yours,

Rich Deveau
Commodore

cc. Nate Bates, Council District 2; Andrew Butt, Council Member Elect

From: [Tim Knowles](#)
To: [City Clerk Dept User](#)
Cc: [Tom Butt - external](#); demnius_johnson@ci.richmond.ca.us; [Nat Bates](#); [Claudia Jimenez](#); [Eduardo Martinez](#); [Melvin Willis](#); gayle_mclaughin@ci.richmond.ca.us; [Lina Velasco](#)
Subject: Public Comment re Agenda Item #Z.2 - Richmond City Council 12-6-12 meeting
Date: Tuesday, December 6, 2022 11:10:13 AM
Attachments: [Public Comment re Richmond City Council 12-6-12 meeting Agenda Item Z.2 - TCK.pdf](#)

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Dear City Clerk,

Attached herewith, and copied in this message below, is my Public Comment for consideration by the City Council on Agenda Item #Z.2 at its meeting tonight. Thank you for providing it to the Council in a timely fashion for their review.

Thomas C. Knowles

Thomas C. Knowles
625 Western Drive
Point Richmond, CA 94801

December 6, 2022

Office of the City Clerk
City of Richmond
450 Civic Center Plaza, 3rd Floor
Richmond, CA 94804

Via email to cityclerkdept@ci.richmond.ca.us

Re: Public Comment re Richmond City Council December 6, 2022 meeting Agenda Item Z.2
- Latitude Residential Subdivision (formally Terminal One Residential Project)

Dear City Council,

Summary: Because of the absence of critical information for consideration by the Design Review Board, the Planning Commission, the City Council, and the public, and the prevention of a significant component of the process of the DRB to evaluate the Latitude Residential Subdivision, this project cannot be considered sufficiently ready for a meaningful and informed decision using any of the options for City Council resolution proposed by City Staff. None of those optional choices for City Council action on this item are appropriate.

Proposed action: The City Council should instead adopt an Option 4, to wit:

- Table any further City Council action on approving any aspect of this project;
- Direct that all critical information for an informed review and evaluation of the project be made available to the public, the DRB and the PC;
- Remand the project back to the DRB for a full review and recommendation of the Planned Area Plan Amendment using Planned Area criteria set forth in RMC 15.04.810.040, and to the PC for a full unrestricted re-review and recommendation, including but not limited to the financial feasibility of the previous project and whether revisions can be made to the revised project to bring it to the level of a “superior” design;
- Return the project to the City Council for further action when, and only when, the fully informed reviews and recommendations by the DRB and the PC (with public participation) have been made to the Council and the public.

Discussion:

Information critical to the process of evaluating LRS project by the DRB, the PC, the City and the public is still unavailable, including but not limited to the following examples:

- The Addendum to EIR does not yet address the effect of and mitigation needed for the large amount of fill (43,500 cubic yards) brought onto the site, including the dust,

dirt and noise generated

- The Addendum does not yet address the effect of and mitigation needed for the number of heavy truck trips to bring fill to the site, the damage to Brickyard Cove that will result, who, and in what proportions, will be responsible for cost of rebuilding/repairing the road. Nor does it yet address the cumulative effects of having two additional concurrent projects (PG&E and Quarry site), including, among other things, the fill needed for each and transport of same to each site. (Note: The Staff Report of the 11/22 City Council meeting on the then Agenda Item Q.3 stated that “The Terminal 1 Project along with other development projects in the area will bring construction traffic, and truck traffic related to the import/export of soils. That is being analyzed and addressed through the development and CEQA process.” In other words, it is not complete.)
- The Addendum does not contain a discussion of the contaminants discharging to the Bay or the ongoing groundwater sampling data, nor any discussion of the Water Board’s requirement that most of the storm water must be collected and treated offsite.
- There are no maps showing the Shoreline Overlay District border on the current plan to specifically identify the encroaching structures, nor is there any detail as to why almost half of the conditions of approval are only “conditionally” satisfied.
- According to the discussion of Agenda Item Q.3 at the City Council meeting on November 22, 2022, the economic analysis that led to the conclusion that the original project (Terminal One Residential Project) is not economically feasible whereas the revised LRS project is, has not been made available to the DRB, the PC, or the public, thereby excluding each from themselves a) evaluating the information leading to this pivotal decision and b) having it available to consider revisions to the LRS project that might make the design better for all of its purposes while still preserving its economic viability for the developer.
- Various Vesting Tentative Map and infrastructure questions are still unanswered or incompletely answered including but not limited to drainage calculations and maps, calculations taking into account the Water Board requirements noted above, how runoff to the adjacent Richmond Yacht Club property is prevented/mitigated, the location for the new street pump station, and any easements for this and the Bay Trail over EBRP property.

The foregoing is not an all-inclusive list but should be sufficient to show that this project as a whole, the Addendum to the EIR, the Vesting Tentative Map (VTM), and the Conditional Use Permit (CUP) seeking to justify the encroachment into the Shoreline Overlay District have not reached the state of completion or detail the City Council should have to make an informed decision.

At its meeting on November 21, 2022, the PC unanimously voted to recommend denial of approval of the Major Amendment to the Planned Area Plan (PAP) and VTM. Although the

discussion was more broadly disapproving of the project, upon a request by Staff to select certain findings with which the Commission could not agree, the Commission found that with respect to the VTM, the site was not physically suitable for the type of development and the proposed density of the development. With respect to a finding concerning the Major Amendment to the PAP, the Commission could not accept the finding, required for approval, that “The proposed development is demonstrably superior to the development that could occur under the standards applicable to the underlying base district....”

During its discussion of this project at its meeting on November 22, 2022, it was noted several times that no one, no Council member, no Staff member, not the City Attorney, (and no member of the public making comments on the project as a whole) stated that he or she felt the project was a good design, one that the City and the community could be proud of. Instead, there was general acknowledgement that there were many issues, mostly raised by the public, that needed to be addressed. This need for further review and response to those issues is acknowledged by the existence of both the second and third proposed choices for a resolution for Council adoption, but as will be discussed below, neither option 1 nor 2 should be utilized.

Option 1 should not be utilized because not only will it certify the Addendum to EIR which is incomplete and not ready for such action, it would, by approving the Major Amendment to the PAP, the VTM, and the CUP, eliminate further review, discussion and remediation of the acknowledged issues and problems with the design of the project.

Option 2 should not be utilized because it would still have the Council approving the Addendum to EIR which is presently incomplete in its omission of address to certain key issues, some of which are referenced above. While this option acknowledges the Commission’s recommendation concerning the Major Amendment to the PAP and on the VTM by denying approval of them, albeit without prejudice, it proposes no action to address the concerns that led to the Commission’s recommendation.

While Option 3 would REMAND the project back to the PC, it does so in a manner that suggests that the review be narrowly focused to the questions of financial feasibility and superiority of design. As such, it prevents what should be done, namely a full review by the PC and the DRB, and the public by its participation at all levels of the process.

Option 4, proposed above, is the proper choice. The review by the PC should encompass everything that was within its original scope, but with complete information available to it, such as a proper, complete Amended EIR which addresses not only the as yet unaddressed issues with the LRS project, but also the cumulative effect of the other two concurrent projects. It should have all questions raised by the VTM answered. It should, as is suggested by option 3, have access to the full financial analysis by the City’s economic consultant, and all foundational documents, including those supplied by the developer, so that it can, among

other things, evaluate whether such revisions to the design that it finds advisable can be done without impairing the economic feasibility of the project. (The public should have these documents as well in order to be able to participate in the process as contemplated by the Brown Act.)

A PAP, and likewise a Major Amendment to same, "...is subject to Major Design Review under Article 15.04.805 (Design Review), which shall occur prior to PC action on a Planned Area Plan.) (RMC 15.810.030). The DRB has consistently been conducting such reviews on other projects, including the present Quarry Project, utilizing the listing of Required Findings set forth in RMC 15.04.810.040 as the guiding criteria. In fact, the DRB was requested and did analyze the design of the previous iteration of this same project, i.e., the Terminal One Residential Project using those criteria, with focus on, among other things, the need for the PAP to result in a "superior" design in comparison with a development under the base zoning district regulations that would apply if the PAP were not approved. However, such a review by the DRB was prevented by the City Attorney for the DRB evaluation of this revised LRS project. The inconsistency in practice should not be allowed. The DRB should be permitted to do a full review of the Major Amendment to the PAP for this project, and it should be done with full access to the same information as that which the PC should have for its own re-evaluation.

The considered, fully informed re-review by the DRB, the PC, and ultimately the City Council when the project is brought back for Council action should not, according to the presentation may by the City Attorney at the November 22, 2022, Council meeting, in any way jeopardize the amendment and execution of the Land Disposition Agreement. In his initial presentation, and in direct response to a question from Council Member McLaughlin (meeting transcript: 20:12: 16 to 20:13:50), the City Attorney assured the Council that by authorizing him and staff to proceed with negotiating amendments to the LDA and getting it executed, the provisions of the agreement would preserve the Council's right not only to ultimately approve, disapprove, or modify the project, but also to send it back for further review by the PC (and thus also the public) should that be desired by the Council, even if the process took some months. There is no reason not to proceed in accordance with option 4, and abundant reasons to do so.

Respectfully submitted,

/s/ Thomas C. Knowles

Thomas C. Knowles

CC (via email):

Thomas K Butt, Mayor

Demnius Johnson III, Councilmember at Large

Nathaniel Bates, Councilmember at Large

Claudia Jimenez, Councilmember District 6

Eduardo Martinez, Vice Mayor at Large

Melvin Willis, Councilmember District 1

Gayle McLaughlin, Councilmember District 5

Lina Velasco, Director of Community Development

From: [Yvonne McHugh](#)
To: [City Clerk Dept User](#)
Cc: ymchugh@sbcglobal.net
Subject: 1) Public comments - Agenda Item #Z.2 Richmond City Council Meeting December 6, 2022
Date: Tuesday, December 6, 2022 11:53:01 AM

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This email originated from outside of the City's email system. Do not open links or attachments from untrusted sources.

To: The Richmond City Council
From: Yvonne McHugh and Anthony Brake, 12-year residents of Brickyard Landing, Pt. Richmond/Richmond CA

Dear Council Members,

The Addendum to the Environmental Impact Report (EIR), Planned Area Plan, Major Design Review, and Vesting Tentative Map are incomplete and therefore cannot be approved by the City Council. The following are just some of the issues facing this project.

- The Addendum to EIR does not yet address the effect of and mitigation needed for the large amount of fill (43,500 cubic yards) brought onto the site, including the dust, dirt and noise generated.
- The Addendum does not yet address the effect of, and mitigation needed for the number of heavy truck trips to bring fill to the site, the damage to Brickyard Cove that will result, who, and in what proportions, will be responsible for cost of rebuilding/repairing the road. Nor does it yet address the cumulative effects of having two additional concurrent projects (PG&E and Quarry site), including, among other things, the fill needed for each and transport of same to each site. (Note: The Staff Report of the 11/22 City Council meeting on the then Agenda Item Q.3 stated that “The Terminal 1 Project along with other development projects in the area will bring construction traffic, and truck traffic related to the import/export of soils. That is being analyzed and addressed through the development and CEQA process.” In other words, it is not complete.)
- The Addendum does not contain a discussion of the contaminants discharging to the Bay or the ongoing groundwater sampling data, nor any discussion of the Water Board’s requirement that most of the storm water must be collected and treated offsite.
- There are no maps showing the Shoreline Overlay District border on the current plan to specifically identify the encroaching structures, nor is there any detail as to why almost half of the conditions of approval are only “conditionally” satisfied.
- According to the discussion of Agenda Item Q.3 at the City Council meeting on November 22, 2022, the economic analysis that led to the conclusion that the original project (Terminal One Residential Project) is not economically feasible whereas the revised Latitude Residential Subdivision (LRS) project is, has not been made available to the DRB, the PC, or the public, thereby excluding each from themselves a) evaluating the information leading to this pivotal decision ; and b) having it available to consider revisions to the LRS project that might make the design better for all of its purposes while still preserving its economic viability for the developer.

- Various Vesting Tentative Map and infrastructure questions are still unanswered or incompletely answered including but not limited to drainage calculations and maps, calculations taking into account the Water Board requirements noted above, how runoff to the adjacent Richmond Yacht Club property is prevented/mitigated, the location for the new street pump station, and any easements for this and the Bay Trail over EBRP property.

Below are the actions we request for the City Council to take:

- Table any further City Council action on approving any aspect of this project;
- Direct that all critical information for an informed review and evaluation of the project be made available to the public, the DRB and the PC;
- Remand the project back to the DRB for a full review and recommendation of the Planned Area Plan Amendment using Planned Area criteria set forth in RMC 15.04.810.040, and to the PC for a full unrestricted re-review and recommendation, including but not limited to the financial feasibility of the previous project and whether revisions can be made to the revised project to bring it to the level of a “superior” design;
- Return the project to the City Council for further action when, and only when, the fully informed reviews and recommendations by the DRB and the PC (with public participation) have been made to the Council and the public.

Sincerely yours,

Yvonne McHugh, Ph.D.
Anthony Brake, Ph.D.
Brickyard Landing
Pt. Richmond/Richmond CA