

RICHMOND, CALIFORNIA,

February 7, 2023, 4:30 p.m.
Community Services Building
440 Civic Center Plaza
Richmond, CA 94804

A. OPEN SESSION TO HEAR PUBLIC COMMENT BEFORE CLOSED SESSION

The meeting was called to order at 4:30 p.m. by Mayor Eduardo Martinez via teleconference.

B. ROLL CALL

Present: Councilmembers Soheila Bana, Doria Robinson, Melvin Willis, and Mayor Eduardo Martinez. **Absent:** Councilmember Claudia Jimenez and Vice Mayor Gayle McLaughlin arrived after the roll was called. Councilmember Cesar Zepeda arrived after the City Council adjourned to Closed Session.

C. CLOSED SESSION

C.1 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.2 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (paragraph (1) of Subdivision [d] of Government Code Section 54956.9)

- Stephenson v. City of Richmond
- Winehaven v. City of Richmond
- Guidiville Rancheria of California, et al. v. United States of America, et al.
- North Coast Rivers Alliance et al./Point Molate Alliance et al. v. City of Richmond

Californians for Homeownership, Inc. v. City of Richmond

C.3 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to paragraph (2) or (3) of Subdivision (d) [as applicable] of Government Code Section 54956.9)

- Two cases:

In light of the California Court of Appeal's decision in *Fowler v. City of Lafayette*, the City Attorney's Office is attaching two letters to this agenda. These letters provide the existing facts and circumstances for going into closed session on these items pursuant to California Government Code Section 54956.9(d)(2) and (e)(3).

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

- One Case

C.5 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 negotiation: Price and terms of payment

- Property: 1324 Canal Boulevard (General Warehouse, Port of Richmond)
Agency negotiator: Dave Aleshire and Lizeht Zepeda

Negotiating parties: Richmond Grown

Under negotiation: Price and terms of payment

- Real Property Negotiations Property: 12th and Macdonald

Agency negotiators: Dave Aleshire, Lina Velasco, and Jesus Morales

Negotiating parties: SAA-EVI Richmond Partners, LLC

Under negotiation: Price and terms of payment

D. PUBLIC COMMENT BEFORE CLOSED SESSION

None.

E. ADJOURN TO CLOSED SESSION

The meeting adjourned at 4:33 p.m. Closed Session adjourned at 6:30 p.m.

F. REGULAR MEETING OF THE RICHMOND CITY COUNCIL

The meeting was called to order at 6:35 p.m. by Mayor Eduardo Martinez via teleconference.

G. ROLL CALL

Present: Councilmembers Soheila Bana, Claudia Jimenez, Doria Robinson, Melvin Willis, Cesar Zepeda, Vice Mayor Gayle McLaughlin, and Mayor Eduardo Martinez.

Absent: None.

H. PUBLIC COMMENT INSTRUCTIONAL VIDEO

The Public Comment Instructional Video was shown.

I. STATEMENT OF CONFLICT OF INTEREST

None.

J. AGENDA REVIEW

Items O.2.a. (Adoption of the Richmond Bicycle and Pedestrian Action Plan BPAP) and O.6.b (Service agreement with Contra Costa District Attorney's Office to continue the community-based prosecution program) were removed from the Consent Calendar to be discussed after approval of the Consent Calendar.

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

C.1 CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)

Agency Representatives: Sharrone Taylor and Jack Hughes

Employee organizations:

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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

A status report was given, and negotiators received direction to continue negotiations.

C.2 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (paragraph (1) of Subdivision [d] of Government Code Section 54956.9)

- Stephenson v. City of Richmond - *Direction for a settlement offer for mediation was approved by unanimous vote.*
- Winehaven v. City of Richmond - *Not discussed.*
- Guidiville Rancheria of California, et al. v. United States of America, et al. - *Not discussed.*
- North Coast Rivers Alliance et al./Point Molate Alliance et al. v. City of Richmond - *Not discussed.*

Californians for Homeownership, Inc. v. City of Richmond - *Not discussed.*

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- Two cases:

In light of the California Court of Appeal's decision in Fowler v. City of Lafayette, the City Attorney's Office is attaching two letters to this agenda. These letters provide the existing facts and circumstances for going into closed session on these items pursuant to California Government Code Section 54956.9(d)(2) and (e)(3).

A status report was given and there was no reportable action.

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

- One Case

Not discussed.

C.5 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 negotiation:

Price and terms of payment

Not discussed.

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Negotiating parties: Richmond Grown

Under negotiation: Price and terms of payment

Not discussed.

- Real Property Negotiations Property: 12th and Macdonald

Agency negotiators: Dave Aleshire, Lina Velasco, and Jesus Morales

Negotiating parties: SAA-EVI Richmond Partners, LLC

Under negotiation: Price and terms of payment

Not discussed.

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

City Manager Shasa Curl reported that The Food Bank of Contra Costa & Solano would continue the bi-monthly Richmond Civic Center Drive-Thru Distribution. The distribution time would be from 12:00 p.m. – 1:00 p.m. at Barrett Avenue & 25th Street. For more information contact <https://www.foodbankccs.org/map-city/richmond/> or call the Richmond Transportation Department at (510) 621-1718

City Manager Curl also stated that Spark Point Contra Costa was offering several financial services to the community. Free tax preparation would begin on February 16, 2023, at 1000 Macdonald Avenue 510- 779-3200.

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

Public Works Director Daniel Chavarria presented a PowerPoint which highlighted the following: Illegal dumping; Encampment Abatement; Weed Abatement; RV Dismantling; Graffiti Removal; and Abatement Staff Hours.

N. OPEN FORUM FOR PUBLIC COMMENT

Catalin Kaser and Robert of Bike East Bay encouraged the City Council to support Item O.2.a. regarding the Richmond Bicycle and Pedestrian Action Plan.

Mark Wassberg gave comments regarding prostitution.

Jim Becker from the Richmond Community Foundation congratulated the city on how it had dealt with climate issues. Mr. Becker also thanked the city for partnering in the upcoming vehicle recharging hub.

Naomi Williams announced that Juneteenth would be on Saturday, June 17, 2023.

Tarnel Abbott gave comments regarding Point Molate and the importance of the placement of the land in public trust.

Councilmember Bana stated that the Caltrans Clean-Up Campaign would be on Friday, March 17, 2023.

O. CITY COUNCIL CONSENT CALENDAR

Motion by Councilmember Cesar Zepeda

Seconded by Vice Mayor McLaughlin

Ayes (7): Councilmember Soheila Bana, Councilmember Claudia Jimenez, Councilmember Doria Robinson, Councilmember Melvin Willis, Councilmember Cesar Zepeda, Vice Mayor McLaughlin, and Mayor Eduardo Martinez

Passed (7 to 0)

O.1 City Clerk's Office

O.1.a City Council Meeting Minutes

APPROVE the minutes of the Richmond City Council December 20, 2022, and January 17, 2023, regular meetings, January 9, January 10, and January 31, 2023, special meetings, and January 10, 2023, Swearing-In Ceremony - City Clerk's Office (Pamela Christian 510-620-6513).

O.2 Community Development

O.2.a Adoption of the Richmond Bicycle and Pedestrian Action Plan (BPAP)

ADOPT a resolution approving the Richmond Bicycle and Pedestrian Action Plan (BPAP) – Community Development Department (Lina Velasco 510-620-6841/Hector Rojas 510-620-1220).

Councilmember Bana proposed the following language to be added to the resolution: NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council does hereby: 1) adopt the Richmond Bicycle and Pedestrian Action Plan, which is incorporated herein as Exhibit A to this resolution; and 2) directs staff to: a) emphasize on pedestrian safety around schools; b) collaborate with Contra Costa County to ensure coordinated planning for seamless bicycle and pedestrian paths connecting and serving residents of Richmond, North Richmond and El Sobrante; and c) seek funding to expand bicycle and pedestrian connectivity with strong coordination with neighboring jurisdictions (including City of San Pablo, City of El Cerrito, and Contra Costa County) to provide facilities in areas that are served by streets that traverse multiple jurisdictions including areas like North Richmond and El Sobrante.

Jim Hanson, Bruce Beyear, and Mark Wassberg gave comments via teleconference.

Motion by Councilmember Soheila Bana

Seconded by Mayor Eduardo Martinez

Adopted **Resolution No. 9-23 with the proposed additional language.**

Ayes (7): Councilmember Soheila Bana, Councilmember Claudia Jimenez, Councilmember Doria Robinson, Councilmember Melvin Willis, Councilmember Cesar Zepeda, Vice Mayor McLaughlin, and Mayor Eduardo Martinez

Passed (7 to 0)

O.3 Finance Department

O.3.a Contract for Online Registration and Bid Management System

APPROVE a sole-source contract with PlanetBids, Inc. to provide an online vendor registration and bid Management System (BidsOnline), at an amount not to exceed \$18,675 per year, for a period of three years with one two-year option to extend at the same cost and terms per year – Finance Department (Antonio Banuelos 510-620-6741/Ofelia Alvarez 510-620-6699).

O.3.b Investment and Cash Balance Report, and Monthly Overtime Reports for the Month of December 2022

RECEIVE the City's Investment and Cash Balance Report and monthly Overtime Reports for the month of December 2022 – Finance Department (Nickie Mastay/Mubeen Qader 510-412-2077).

O.3.c Amendment of Authorized Signatures on the Local Agency Investment Fund (LAIF)

ADOPT a resolution revising the authorization list on the Local Agency Investment Fund (LAIF) accounts to reflect the current staff assignments in the Finance Department – Finance Department (Nickie Mastay/Mubeen Qader 510-412-2077).

Adopted **Resolution No. 10-23.**

O.4 Library and Community Services

O.4.a Love Your Block (LYB) Mini-Grant Program Fiscal Years 2022-2024

APPROVE the Fiscal Years (FY) 2022-2024 Love Your Block Mini-Grant (LYB Mini-Grant) program guidelines, application, final report, and grant award agreement; and AUTHORIZE the city manager or their designee to administer grant award agreements and disburse grant funds upon selection of recipients – Community Services Department (LaShonda White/Stephanie Ny 510-620-6563).

O.4.b Memorandum of Understanding with R&R Hospitality Academy for a Culinary Program at the Richmond Senior Center

APPROVE the Memorandum of Understanding between the City of Richmond and R&R Hospitality Academy, from January 1, 2023, to October 31, 2023, for a partnership to provide hot meals by R&R Hospitality to participants enrolled in programs at the Richmond Annex & Senior Center in exchange for the use of the Senior Center kitchen – Community Services Department (LaShonda White/Ranjana Maharaj/Kymberlyn Carson-Thrower 510-620-6789).

O.4.c Disposition of the Library Book Van as a Donation to the Richmond Public Library Foundation

ADOPT a resolution authorizing a donation of the Library Book Van, a Mercedes-Benz Sprinter 2500 Cargo Van, to the Richmond Public Library Foundation, a 501(c)(3) organization which donated funding for the purchase of the vehicle to the City in 2014; and AUTHORIZE the city manager or designee to execute this disposition of the vehicle – Community Services Department (LaShonda White/Christopher Larsen 510-620-5524).

Adopted **Resolution No. 11-23.**

O.4.d Contracts with The Watershed Project and Groundwork Richmond for the Youth Outdoors Richmond Program

APPROVE sole-source contracts for The Watershed Project, in the amount of \$61,200, to provide outdoor educational programming for the Youth Outdoors Richmond Program, for a term of February 1, 2023, to December 31, 2025; and Groundwork Richmond, in an amount of \$59,208, to provide outdoor educational programming for the Youth Outdoors Richmond Program, for a term of February 1, 2023, to December 31, 2025 – Community Services Department (LaShonda White/Ranjana Maharaj/Stephanie Ny 510-620-6563).

O.4.e Amend Contract with The Glen Price Group to Develop Grant Proposal Applications

APPROVE a ninth contract amendment with the Glen Price Group to increase the contract payment limit by \$150,000, for a new total contract amount not to exceed \$488,085, to develop proposal content, drafts, and attachments necessary to submit final copies of grant applications to various agencies and extend the term expiration to June 30, 2024 – Community Services Department (LaShonda White/Tamara Walker 510-307-8006).

O.4.f Amendment to the 2022-2023 Employment & Training Department Budget

ADOPT a resolution to ACCEPT and APPROPRIATE into the Fiscal Year 2022-2023 budget \$210,500 in federal funds awarded to the Employment & Training Department from the Construction Trades Workforce Initiative – Community Services Department (LaShonda White/Tamara Walker 510-307-8006).

Adopted **Resolution No. 12-23**

O.4.g Grant for electric vehicle solar charging arc to support the Richmond Car Share Program

ACCEPT and APPROPRIATE grant funds from Richmond Community Foundation (RCF Connects) in accordance with the grant to purchase a solar EV ARC; AUTHORIZE a grant match in the amount of \$35,600 from the approved Environmental and Community Investment Agreement (ECIA) transportation budget; and APPROVE a first sole-source contract amendment with Envision Solar in an amount of \$91,000, for a total not to exceed amount of 171,000, to acquire and manage one EV ARC, with contingency expenses to support the Community Carshare Program, with a

term ending December 31, 2024 – Community Services Department (LaShonda White/Denée Evans 510-621-1718).

O.5 Mayor's Office

O.5.a Arts and Culture Commission Appointments

APPOINT Ted Bell II, Arts and Culture Commission, Seat #4, Term Expires January 31, 2027; Melody Kozma-Kennedy, seat #12, Term Expires January 31, 2027 - Mayor's Office (Mayor Eduardo Martinez 510-620-6503).

O.6 Police Department

O.6.a Purchase of Encrypted Police Radios for Richmond Police Department

APPROVE the purchase of 175 portable police radios and 150 mobile police radios from Motorola Solutions, to comply with the California Department of Justice directive, for an amount not to exceed \$2,064,146.06 – Police Department (Chief Bisa French 510-621-1802).

O.6.b Proposed service agreement with Contra Costa County District Attorney's Office to continue the community-based prosecution program.

APPROVE a sole-source agreement with the Contra Costa County District Attorney's Office for the continued and dedicated services of a deputy district attorney who would be specifically assigned as Richmond's Community Based Prosecutor, in an amount not to exceed \$100,000, from July 1, 2022, through June 30, 2023 - Police Department (Chief Bisa French 621-1802).

Police Chief Bisa French gave an overview. Discussion ensued.

Mark Wassberg, Deborah Bayer, Emily Ross, Deborah Small, Helene Burks, Naomi Williams, and Sara Cantor gave comments via teleconference.

A motion made by Mayor Martinez, seconded by Councilmember Jimenez, revised the following language from Exhibit "A" Scope of Services Section 4: *"with special focus on improving the prosecution of violent crimes"*; and removed the following language in Section 5: *"while pursuing every opportunity to take advantage of enhanced penalties to ensure that offenders are charged and incarcerated"*, passed by unanimous vote.

Motion by Mayor Eduardo Martinez

Seconded by Councilmember Claudia Jimenez

Ayes (7): Councilmember Soheila Bana, Councilmember Claudia Jimenez, Councilmember Doria Robinson, Councilmember Melvin Willis, Councilmember Cesar Zepeda, Vice Mayor McLaughlin, and Mayor Eduardo Martinez

Passed (7 to 0)

P. PUBLIC HEARINGS

P.1 Terminal One Disposition pursuant to Amended Land Disposition Agreement

The City Clerk Pamela Christian announced that this item was a public hearing to adopt a resolution reviewing the terms of Amendment to Land Disposition Agreement for Terminal One Project and all outstanding objections by various Citizen Groups with respect to the Project and decide whether (i) to exercise the right to rescind the transaction and require the Property to be deeded back to the City and the Deposit returned to Developer; (ii) allow the sale and Project to continue forward; or (iii) direct staff to negotiate further revisions to the ALDA – City Attorney’s Office (Dave Aleshire 510-620-6509).

City Attorney Dave Aleshire gave an overview. Discussion ensued. The City Council requested the developer's financial qualifications. Mayor Martinez opened the public hearing.

The proponent Paul Menzies, Laconia Development, LLC, was allowed eight minutes and opponents Brian Lewis, Brickyard Cove for Responsible Development (BCARD) and Steve Chamberlain were allowed a combines eight minutes to present to the council via teleconference.

The following individuals gave comments via teleconference: Patricia Tostenson, Michael Lederer, Susan Hubbard, Bruce Beyaert, Jordan De Staebler, Thomas Knowles, Leisa Johnson, Rick Willis, Sally Tobin, Pam Stello, Beth Conklin, Pat Armer, Scott, Eileen Lewis, Jeff Shukis, Susan Hubbard, Tarnell Abbott, and Marylou Clarke. Mayor Martinez closed the public hearing.

A motion was made by Councilmember Zepeda to adopt a resolution reviewing the terms of Amendment to Land Disposition Agreement for Terminal One Project and all outstanding objections by various Citizen Groups with respect to the Project and direct staff to negotiate further revisions to the ALDA working alongside the various Citizen Groups (BCARD and PRNC). AND for immediately take over Brickyard Cove Road, along with accepting the \$250 from the various HOA's and to allow them to continue maintaining the landscaping in that area. AND to have the city staff work on an Emergency Response Plan for that area, with a deadline of having the plan completed before the development is completed. The motion died for lack of a second.

(11:00 p.m. - A motion made by Councilmember Jimenez seconded by Vice Mayor McLaughlin to extend the meeting until 11:30 p.m., passed by the unanimous vote of the City Council).

A motion was made by Vice Mayor McLaughlin, seconded by Councilmember Jimenez to exercise the right to rescind the transaction and require the property to be deeded back to the City and the deposit returned to the developer. Councilmember Zepeda made a friendly amendment to accept Brickyard Cove Road by September 2023, if not earlier and initiate an emergency response plan with select community members to help along with staff to assist with an emergency plan for this area. The friendly amendment was not accepted.

*(At 11:30 p.m. - A motion made by Vice Mayor McLaughlin, seconded by Councilmember Robinson, to suspend the rules and extend the meeting to complete Item P.1., passed by the following vote: **Ayes:** Councilmembers Bana, Jimenez, Robinson, Zepeda, Vice Mayor McLaughlin, and Mayor Martinez. **Noes:** None. **Absent:** Councilmember Willis. **Abstain:** None.*

City Attorney Aleshire requested flexibility from the City Council in approving the modified resolution with the existing basic provisions related to the details to rescind the transaction. Vice Mayor McLaughlin accepted inclusion of the request in the motion.

Adopted **Resolution No. 13-23.**

Motion by Vice Mayor McLaughlin

Seconded by Councilmember Claudia Jimenez

Ayes (5): Councilmember Soheila Bana, Councilmember Claudia Jimenez, Councilmember Doria Robinson, Councilmember Cesar Zepeda, and Vice Mayor McLaughlin

Noes (1): Mayor Eduardo Martinez

Absent (1): Councilmember Melvin Willis

Passed (5 to 1)

P.2 THIS ITEM HAS BEEN CONTINUED TO THE FEBRUARY 21, 2023, CITY COUNCIL MEETING.

Public Hearing to Consider Encroachment Agreement Application Approval

APPROVE an Encroachment Agreement Application for private landowner fence encroachment into the unimproved public right of way at 130 E. Scenic Avenue; and AUTHORIZE the City to enter into a recorded Encroachment Agreement regarding same, to be recorded on the landowner's property title - Public Works Department (Daniel Chavarria 510-620-5478/Robert Armijo 510-520-5477).

P.3 THIS ITEM HAS BEEN CONTINUED TO THE FEBRUARY 21, 2023, CITY COUNCIL MEETING.

Public Hearing to Consider Encroachment Agreement Application Approval

APPROVE an Encroachment Agreement Application for private landowner fence encroachment into the unimproved public right of way at 8 Western Drive; and AUTHORIZE the City to enter into a recorded Encroachment Agreement regarding same, to be recorded on the landowner's property title - Public Works Department (Daniel Chavarria 510-620-5478/Robert Armijo 510-520-5477).

Q. BUDGET SESSION

Q.1 Budget Presentation

RECEIVE budget presentations from the City Manager, Capital Improvement Projects, Internal Services (Information Technology, Human Resources, Finance), Economic Development, City Clerk, City Council, Mayor's Office - Finance Department (Shasa Curl/Delmy Cuellar 510-620-6790).

CONTINUED to the February 21, City Council meeting.

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

None.

S. ADJOURNMENT

There being no further business, the meeting adjourned at 11:39 p.m., in memory of Carmen Lee, to meet again on February 21, 2023, at 6:30 p.m.

Clerk of the City of Richmond

Mayor



Portal



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Meeting Date	Agenda Item	Name	Email	Comment	Position	Status
City Council						
2/7/2023 4:30 PM	Adoption of the Richmond Bicycle and Pedestrian Action Plan (BPAP)	Jim Hanson	jimhmail@sonic.net	There has been insufficient time for public review of this important pedestrian and bicycle plan, and the public comments that were or were not incorporated into the plan. Please bring this plan to a February or March Council meeting. Thank you.	No Position	Appro
2/7/2023 4:30 PM	Terminal One Disposition pursuant to Amended Land Disposition Agreement	DONALD SMITH	dsmith2dvm@gmail.com	Support Council Member Zapeda's amendments to the ALDA for Terminal One for the City of Richmond to assume ownership and responsibility for Brick Yard Cove Rd.	For	Appro

From: [Cordell Hindler](#)
To: [City Clerk Dept User](#)
Subject: Public Comments- Open Forum
Date: Thursday, February 2, 2023 5:11:45 PM

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

Hello Mayor Martinez Council Members and Staff,

I Have some Comments for the Record

1. For the February 28th Meeting, 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 a Report in Consideration of Having the School Resource Officers

Sincerely
Cordell

From: [Bruce Beyaert](#)
To: [City Clerk Dept User](#); [Soheila Bana](#); [Claudia Jimenez](#); [Eduardo Martinez](#); [Gayle McLaughlin](#); [Doria Robinson](#); [Melvin Willis](#); [Cesar Zepeda](#)
Cc: [Lina Velasco](#); [Hector Rojas](#); [Lydia Elias](#); [Bruce Brubaker](#)
Subject: Public Comments Agenda Item O.2.a - Bicycle & Pedestrian Action Plan
Date: Monday, February 6, 2023 10:40:34 PM

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

Mayor Martinez and City Councillors,

TRAC, the Trails for Richmond Action Committee, requests that you adopt by Consent the excellent Bicycle & Pedestrian Action Plan (BPAP) developed through an extensive process of public input. It provides an excellent blueprint for making it safer and more attractive for those of all abilities and ages to bicycle and walk for healthy active transportation and recreation.

This BPAP lays out a strategy to develop comprehensive bicycling and walking networks that provide access to transit schools, parks, trails, the waterfront, and downtown. It provides a set of infrastructure recommendations and actions for the City of Richmond to effectively improve the safety of vulnerable roadway users biking, walking, and rolling (e.g., using micromobility devices, wheelchairs, and so on) in the short to medium term.

Please adopt the BPAP as proposed on the Consent Calendar for tonight's City Council meeting.

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: [Brian Lewis](#)
To: [City Clerk Dept User](#)
Subject: 3) Open Forum P. 1: Terminal One Disposition pursuant to Amended Land Disposition Agreement
Date: Monday, February 6, 2023 2:11:58 PM

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

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

Resending with updated Subject Line. Thank you. Brian Lewis

----- Forwarded message -----

From: **Brian Lewis** <brianthesailor@gmail.com>
Date: Sun, Feb 5, 2023 at 12:09 PM
Subject: 1) Terminal One Disposition pursuant to Amended Land Disposition Agreement
To: <cityclerkdept@ci.richmond.ca.us>, Eduardo Martinez <eduardo_martinez@ci.richmond.ca.us>, Eduardo Martinez <richcityservant@gmail.com>, Lina Velasco <Lina_Velasco@ci.richmond.ca.us>, Dave Aleshire <daleshire@awattorneys.com>, Gayle McLaughlin <gayle_mclaughlin@ci.richmond.ca.us>, <soheila_bana@ci.richmond.ca.us>, Claudia Jimenez <Claudia_Jimenez@ci.richmond.ca.us>, Cesar Zepeda <cesar_zepeda@ci.richmond.ca.us>, Cesar Zepeda <Cesar@cesarzepeda.com>, <doria_robinson@ci.richmond.ca.us>, Melvin Willis <melvin_willis@ci.richmond.ca.us>, <melvinforrichmond@gmail.com>, Shasa Curl <shasa_curl@ci.richmond.ca.us>
Cc: Jeff Shukis <jwshukis@yahoo.com>, Jeffrey Vines <jeffreyvines@comcast.net>, Susan Hubbard <smbh23@gmail.com>, Tim Knowles <tcknowles@comcast.net>, C. Michael Lederer <cmlederer@att.net>

While a number of key points have been addressed in C-2, the staff report gives the incorrect impression that the community now supports the project in its present design. The Staff Report also gives this incorrect impression that all of the Community needs have been met. It is important to point out that the C-2 document does not address many of the community issues. There are concerns that the review process may not address the aesthetics, density, and massing of the project. As you have been told, the community has issues about the design of this project. From the beginning there have been issues related to massing of the project, aesthetics, view Corridors, Shoreline Overlay District issues, inadequate parking, etc.

For the Point Molate project, the community was given access to the developer's proforma early on, with time to evaluate it and comment upon it during the critical period of the project and project entitlements approval process. This was not the case with the Terminal One project for which the City, by a split vote of the Council, agreed to keep the developer's

proforma confidential even though it was the key piece of information leading to the City's agreement to allow the developer to walk away from the original project and present the current one. The proforma was just recently (January 27, 2023) made public. The Brickyard Cove for Responsible Development (BCARD) had to file a Brown Act Violation for this to happen. Upon review of this data, a few observations are made.

- The data used in the proforma is old. The newest sale data is from December 2020.
- The average price per foot seems low at \$542.
- If they were to get \$630/foot, then their sales would be up to \$207,711,000, indicating an extra \$25 mil in profit
- If they get \$670/foot, they would be up by \$38 mil
- It is hard to forecast what things will sell for in the future, but these units will be coming on the market in several years.
- BCARD's analysis of the proforma is that it appears that they were presenting it in a way that shows very low return and high risk.

The new project with 184 units is not superior to the original design. There are many aspects of the old project that are beneficial to the community:

- View Corridors
- More open space
- Cars are parked in a large covered garage. Cars are largely not visible to the community
- Parking is better
- No ADUs without parking

- Shoreline Overlay District maintained
- More connection between the project and Bay Trail. (New project abuts the Bay Trail and constricts the trail along the Eastern boundary).
- Entitlements have been issued. It may be easier for the

BCARD thinks there is another option rather than rejecting the new project, accepting the new project, or accepting it with modification. The fourth option would be to bring back aspects of the original project that benefits the community, with or without the park. It is too early to tell if the community would want the original project in its entirety, that was granted entitlements, or if the original project was modified. We think the perform supports the old project and that conclusions were made on old data. In addition, the issues in C-2, largely carry over to both the new and old project.

If the old project is carried forward, this comment may not be relevant. While you have previously referenced the fact that the limit on the perimeter structures to two stories was a major problem for the developer, the final version of C-2, without any opportunity for us to oppose it, included language in Subsection (iii) of the House Siting paragraph 1 in section C. **Housing Development**, that was strictly the developer's position, not the community's position. Also, it is in a document which is written in such a way (e.g., including the phrase "Neighborhood Mitigation Requirements" in the title of the exhibit itself) that this was something the community wanted. Further, the incorporation of this subdivision (iii) as one of the "foregoing restrictions" in the concluding sentence of the House Siting paragraph, thereby making this provision apply in advance to any alternative plan, makes the situation worse. It locks the rejection of the two-story limit to any alternative plan, including one in which the wharf is no longer to be built. As previously noted, this language gives a completely false impression that this paragraph (iii) was something the community wants. That is unequivocally false, and a complete misrepresentation of our work together on this point. The proper solution to this is simple, eliminates the false impression, leaves the developer where he wants to be, and has been proposed to you before. Since the document has now been executed, that subsection (iii) should be crossed out and the cross-out initialed by all signing parties. This solution has also been proposed to you in writing and orally. However, nothing has been done. As we have said to you before, this is the only way to return us to the position on which the developer insists, namely the status of the affected structures as originally designed in this revised project, but without the completely false implication that this was something desired by the community.

The other, far preferred alternative is to get the developer to commit to limiting all perimeter structures other than those referenced in paragraph (ii) to two stories, and use as the

correct Exhibit B to this section our version of the site plan with its annotations concerning these particular perimeter structures.

It has been brought to our attention by Bruce Beyaert of TRAC that certain provisions in C-2 related to the Bay Trail are inconsistent with the obligations of the existing HOAs with regard to its maintenance, and because of the generality of language, would be inconsistent with the obligations that should be assumed by the new HOA for the Terminal One project upon its creation. With this in mind, the language of I.E.5 should be modified to read:

Parkway Maintenance. The presently existing HOAs (BYCHOA 1 & 2, Brickyard Landing, Seacliff, and Waterline) and Boardwalk Marina, shall be responsible for maintenance of irrigation and landscaping in parkway areas adjacent to their property and the street, but not the park or any Terminal One Bay Trail section along all sides of Terminal One property including the north section on BCR west of Yacht Club to Dornan Drive.

For the same reasons, the language of II.G.2 should be modified as follows:

Special Tax. Except as expressly provided herein, Cove residents individually and presently existing HOAs (BYCHOA 1& 2, Brickyard Landing, Seacliff, and Waterline) and Boardwalk Marina, shall not be charged with any special tax, assessment or other cost allocation to pay for construction or maintenance of any park, wharf, Terminal 1 landscaping, or lighting, or any Terminal One Bay Trail section along all sides of Terminal One property including the north section on BCR west of Yacht Club to Dornan Drive.

The community is concerned that the review process will not be able to address concerns about the lack of open space, improving the architectural design, and meeting environmental standards and the cumulative effects of multiple projects on the Cove. There are design features of the old project that would be an improvement. Regardless, going forward, the impacts to the Cove are significant! Please feel free to email or call me with any questions or concerns. (510) 610 0311.

With best wishes,
Brian Lewis, Brickyard Cove for Responsible Development (BCARD)

From: [Bruce Beyaert](#)
To: [City Clerk Dept User](#); [Soheila Bana](#); [Claudia Jimenez](#); [Eduardo Martinez](#); [Gayle McLaughlin](#); [Doria Robinson](#); [Melvin Willis](#); [Cesar Zepeda](#)
Cc: [Dave Aleshire](#); [Shasa Curl](#); [Lina Velasco](#); [Brian Lewis](#); [Bruce Brubaker](#)
Subject: Public Comments Agenda Item P1 - Terminal 1 Disposition
Date: Tuesday, February 7, 2023 9:25:39 AM
Attachments: [2021 FerryPointLoopMapSml.pdf](#)
[T1 Plans 2017.pdf](#)
[T1 Plans2022.pdf](#)

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Mayor Martinez and City Councillors,

TRAC, the Trails for Richmond Action Committee, would like to offer its perspectives as you consider the Terminal 1 Amended Land Disposition Agreement tonight.

Both the 5-story condominium project approved in 2017 and the newly proposed 2-3 story single family dwelling project would complete a 0.5 mile Bay Trail loop providing access to San Francisco Bay where none exists currently as shown on the attached map. Each project has its pluses and minuses with respect to Bay Trail design, leaving a hybrid of the two projects as an ideal to be considered if the land sale is confirmed with subsequent project design improvements.

The Wharf Park is the stellar design feature of both projects. It will provide Richmond residents, especially those purchasing homes in this Latitude project, opportunities to rest, gather and recreate, as well as to contemplate the history of the City's first municipal wharf opening in 1915 to capture trade from ships using the new canal to cross the Isthmus of Panama. The Wharf Park's stunning Bay vistas will be greatly appreciated, especially for residents of the Latitude project where very few homes would have Bay views as currently proposed.

We recognize that there must be a source of funding for this park. For example, there might be a small landscape and lighting district wherein the City and residents of the Latitude development share the cost of Wharf Park upkeep equitably as is done so successfully in Marina Bay. Rather than eliminating the Wharf Park entirely as has been proposed, it might be scaled back in size *if necessary* to secure adequate funding for maintenance. Note that a larger wharf park would be more affordable for the condominium project to maintain with its 316 dwelling units than for the recently proposed design with only 184 units.

Thank you for considering TRAC's perspectives on the future of Terminal 1 from the standpoint of the Bay Trail and public enjoyment of this especially scenic, historic shoreline.

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> .

FERRY POINT LOOP & SHIPYARD 3 TRAIL

RICHMOND CALIFORNIA



Trains...bricks...ferries...troopships!
The 40 years between trains entering Richmond's Ferry Point to send passengers and freight to San Francisco and ships emerging from Kaiser's shipyards to help defeat the nation's World War II enemies is a story of coastline transformation hardly matched in California's history. On these trails are many interpretive exhibits with historic images and compelling stories.

Map Legend

	Bay Trail suitable for walking, biking, roller skating & wheelchair access
	Kaiser Shipyard 3 Bay Trail
	East Bay Regional Park District hiking trails
	Distance markers and mileage between two markers
	Visitor Information
	Restrooms
	Drinking Water
	Picnic area
	Tot lot
	Swimming
	Tennis Courts
	Parking
	Bus Stop / AC Transit #72M
	Fishing
	Dining / Food
	Showers
	Small Watercraft*
	*Launch and landing sites for the San Francisco Bay Area Water Trail

Terminal 1 Bay Trail

i East Bay Regional Park District | www.ebparks.org
Golden State Model Railroad Museum | www.gsmrm.org
Richmond Museum of History | www.richmondmuseum.org | ☎ 510-235-7387
Rosie the Riveter World War II Home Front, National Historical Park | www.nps.gov/rori | ☎ 510-232-5050
San Francisco Bay Trail | www.pointrichmond.com/bay-trail/ | www.baytrail.org
S. S. Red Oak Victory | www.redoakvictory.us | ☎ 510-237-2933

Miller/Knox Regional Shoreline

Must see, must do ...

- ▶ Wade in the Bay at sandy Keller Beach.
- ▶ Fly a kite along the shoreline; fish from the Ferry Point pier.
- ▶ See remnants of historic Kaiser Shipyard 3 and visit the S. S. Red Oak Victory.
- ▶ Hike the hillside and ridgeline trails to enjoy sweeping vistas of San Francisco Bay.
- ▶ Visit the Golden State Model Railroad Museum.
- ▶ Picnic and birdwatch at Miller/Knox lagoon; bring binoculars.
- ▶ Shop, snack and dine in Point Richmond Historic District.





Approved 5-story Condominium Project

TERMINAL ONE
RICHMOND, CALIFORNIA



CHRISTIANI JOHNSON ARCHITECTS, INC.
605 Third Street, Suite 302
San Francisco, CA 94107
415-243-9484
cjarcho.com

Scale Date
10.20.17
Sheet Title
LANDSCAPING
SITE PLAN

G0.04



VIEW OF BUILDING 1 & RETAIL AT CORNER OF DORNAN DRIVE & BRICKYARD COVE ROAD

PLEASE NOTE: PHOTO RENDERINGS ARE TO EXPRESS CHARACTER ONLY. REFER TO BUILDING ELEVATIONS, MATERIAL SAMPLES, AND LANDSCAPE DRAWINGS FOR FINAL DESIGNS



CHRISTIANI JOHNSON ARCHITECTS, INC.
605 Third Street, Suite 350
San Francisco, CA 94107
415 243-9484
cjarchs.com

TERMINAL ONE

RICHMOND, CALIFORNIA

Scale	Date
	10.20.17
Sheet Title	CONCEPTUAL RENDERING

G0.06



VIEW OF BUILDING 1 FROM WEST

PLEASE NOTE: PHOTO RENDERINGS ARE TO EXPRESS CHARACTER ONLY. REFER TO BUILDING ELEVATIONS, MATERIAL SAMPLES, AND LANDSCAPE DRAWINGS FOR FINAL DESIGNS



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415 243 9484
cjaarch.com

TERMINAL ONE

RICHMOND, CALIFORNIA

Scale	Date
	10.20.17
Sheet Title	
	CONCEPTUAL RENDERING

G0.07



VIEW OF RESIDENTIAL NEIGHBORHOOD FROM SOUTH

PLEASE NOTE: PHOTO RENDERINGS ARE TO EXPRESS CHARACTER ONLY. REFER TO BUILDING ELEVATIONS, MATERIAL SAMPLES, AND LANDSCAPE DRAWINGS FOR FINAL DESIGNS



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TERMINAL ONE

RICHMOND, CALIFORNIA

Scale	Date
	10.20.17
Sheet Title	
	CONCEPTUAL RENDERING

G0.09



VIEW ALONG BRICKYARD COVE ROAD

PLEASE NOTE: PHOTO RENDERINGS ARE TO EXPRESS CHARACTER ONLY. REFER TO BUILDING ELEVATIONS, MATERIAL SAMPLES, AND LANDSCAPE DRAWINGS FOR FINAL DESIGNS



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TERMINAL ONE

RICHMOND, CALIFORNIA

Scale	Date
	10.20.17
Sheet Title	
CONCEPTUAL RENDERING	

G0.13

Proposed 2-3 Story Single Family Dwelling Project



Site Plan - Alternative B

LATITUDE

CITY OF RICHMOND, CA

SP1.2

ARCHITECTS, PLANNERS, DESIGNERS

WHA

GRANDE COUNTY . LOS ANGELES . BAY AREA . SACRAMENTO



PLAN 1
Elevation 'C'
Color Scheme 8

PLAN 1R
Elevation 'A'
Color Scheme 3

PLAN 4R
Elevation 'B'
Color Scheme 4

PLAN 4
Elevation 'A'
Color Scheme 1

PLAN 4
Elevation 'B'
Color Scheme 3

PLAN 1
Elevation 'A'
Color Scheme 9

PLAN 4
Elevation 'B'
Color Scheme 2

Streetscene Exhibit A | Bay Trail



PLAN 1
Elevation 'A'
Color Scheme 3

PLAN 2
Elevation 'A'
Color Scheme 1

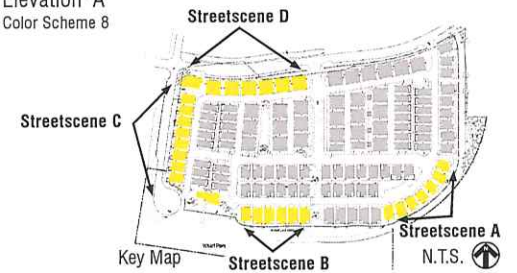
PLAN 2R
Elevation 'B'
Color Scheme 4

PLAN 2
Elevation 'A'
Color Scheme 5

PLAN 2R
Elevation 'B'
Color Scheme 7

PLAN 2
Elevation 'A'
Color Scheme 8

Streetscene Exhibit B | Bay Trail @ Greenbelt



Streetscene Exhibits

LATITUDE

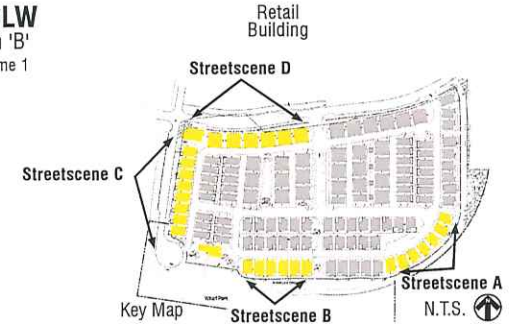
CITY OF RICHMOND, CA



Streetscene Exhibit C | Dornan Drive



Streetscene Exhibit D | Brickyard Cove Road



Streetscene Exhibits

LATITUDE

CITY OF RICHMOND, CA

LACONIA 
DEVELOPMENT LLC

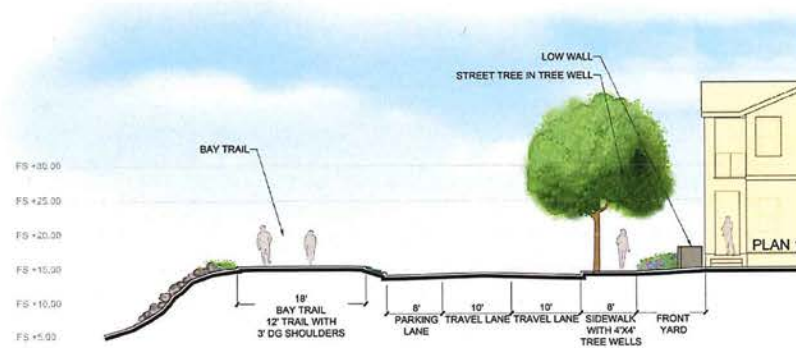
Note: Artist's conception; colors, materials
and application may vary.

SS.2
NTS

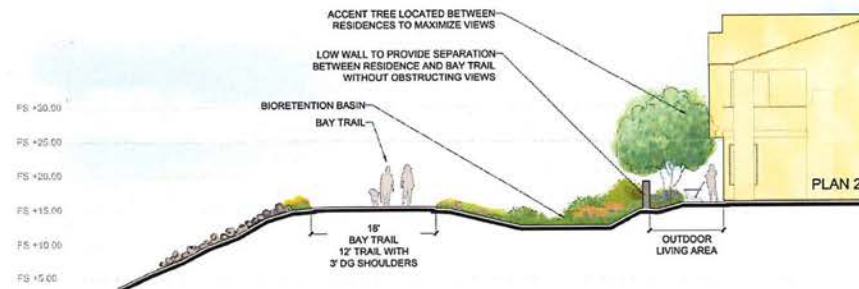
WHA
ARCHITECTS & PLANNERS, LLC
SAN FRANCISCO

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ORANGE COUNTY • LOS ANGELES • BAY AREA • SACRAMENTO



SECTION A-A - DORNAN DRIVE
SCALE: 1/8"=1'-0"



SECTION B-B - SHORELINE GREEN BELT
SCALE: 1/8"=1'-0"



SECTION C-C - BAY TRAIL AT YACHT CLUB
SCALE: 1/8"=1'-0"

From: [Clifford Kusaj](#)
To: [City Clerk Dept User](#)
Subject: Terminal One Disposition pursuant to Amended Land Disposition Agreement.
Date: Sunday, February 5, 2023 11:18:27 PM

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I'm unable to attend the February 7th meeting but I wish it to be known that I am a member of the Waterline community and I support the Terminal One project in its current form. I'm familiar with the scope and design of the project and I believe it will be a welcome addition to the community.

I find that much of the opposition to the Terminal One project is very similar to concerns expressed regarding the Waterline development. Some people seemingly do not want new construction - period. But I love my home and I'm grateful the city wasn't persuaded by others' unfounded concerns.

The Terminal One structure and land in its current form is a blighted eyesore and a poor welcome for those arriving to Richmond from SF on the ferry. The undeveloped property attracts crime and strangers.

The new homes envisioned in the project would be a huge upgrade. I'm looking forward to walking along the new shoreline. And the increase in population density will be good for public safety and for nearby businesses. If neighbors are displeased with the corridors, price per square foot, or quality of the views, my recommendation to them is to not buy at Terminal One. Because others surely will.

And I'm also not concerned about the truckloads of soil required. There is very little traffic in this area and I don't see the trucks posing too much of an inconvenience.

Yes to Terminal One! Yes to a plan to alleviate train delays!

Cliff Kusaj
2 Sunset Ln
94801

Sent from my iPhone

From: [Francesca Biffi](#)
To: [City Clerk Dept User](#)
Subject: Terminal One Disposition pursuant to Amended Land Disposition Agreement.
Date: Monday, February 6, 2023 7:43:05 AM

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I have been a city of Richmond resident for more than 10 years and I support the new construction at terminal one. The current site is awful and attracts crime. I am one of the few people that around the area every day and I would love for the site to be built so that I could enjoy walking safely and no longer looking at the designated area debris from its prior history.

Why in the whole world the people of point Richmond oppose this construction? I do not believe the reasons they cite. If anything, they want to retain the sleepy atmosphere of their small neighborhood and other political reasons play a role.

We need more population density, we need to clean up that area.

The number of people I see walking around there is minuscule; therefore, I am not sure why they would be concerned with the way the homes and new buildings would look like, the space between homes and other concerns. They won't see it!

Please let's try to keep these concerns in the right place. They are used by politicians to oppose one another and by the point Richmond residents to oppose any changes. But as a new resident of point Richmond, I am for more construction, more people around me rather than seeing nothingness, an eyesore site filled with drug dealers.

Thank you,

Francesca Biffi

From: [John Gullett](#)
To: [City Clerk Dept User](#)
Cc: [Eduardo Martinez](#); [Eduardo Martinez](#); [Lina Velasco](#); [Dave Aleshire](#); [Gayle McLaughlin](#); [Soheila Bana](#); [Claudia Jimenez](#); [Cesar Zepeda](#); [Cesar Zepeda](#); [Doria Robinson](#); [Melvin Willis](#); [Melvin Willis](#); [Shasa Curl](#); [Brian Lewis](#); [Jeffrey Vines](#)
Subject: public comments agenda item # P.1 Terminal One Disposition pursuant to Amended Land Disposition Agreement
Date: Tuesday, February 7, 2023 3:31:04 PM

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Dear Mayor Martinez and City Council:

We urge you to consider the many weaknesses in the proposed development that would lead to very undesirable outcomes for our community.

We feel the highest and best use of this "Terminal One; property would be as open space or recreational development for the existing community.

Currently we cannot handle any more traffic and this could create or aggravate a disaster in any emergency in our community. This Brickyard cove area is already overbuilt with respect to the infrastructure, in particular the lack of capacity for ingress and egress.

Please consider maintaining the property for the benefit of the Richmond Community and residents.

John and Marilyn Gullett
1201 Brickyard Way #417
Richmond CA 94801

PS:

We support the proposals and concerns of the BCARD group who have put forward very reasonable and cooperative recommendations.

From: [Leisa Johnson](#)
To: [City Clerk Dept User](#)
Cc: [Eduardo Martinez](#); [Gayle McLaughlin](#); [Cesar Zepeda](#); [Soheila Bana](#); [Melvin Willis](#); [Doria Robinson](#); [Claudia Jimenez](#); [Dave Aleshire](#); [Dave Aleshire](#)
Subject: Public Comments - Agenda Item P.1, Terminal One Public Hearing
Date: Tuesday, February 7, 2023 7:27:06 PM
Attachments: [Resolution 129-08_Honda Port of Entry Project_Complete_18NOV2008.pdf](#)
[Resolution 129-08_Sealed.PDF](#)

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Dear City Clerk

Can you please confirm receipt of this email, and include the below comments as part of the formal record, supplementary minutes?

Thank you,
Leisa

Dear Mayor, Vice Mayor and Councilmembers -

I am speaking in opposition to amending the LDA for Terminal One and recommend you do **not** adopt any resolution amending this LDA.

When you took your oath of office, you vowed to protect the health, safety and welfare of those you serve. That is what we are asking you to do now.

I respectfully ask you to view Terminal One through the same lens and principles that you are applying to development on other parts of our shoreline, specifically Point Molate and the former Zeneca site.

- Like Point Molate, Terminal One is public land.
- You argued that egress & ingress at Point Molate put public health and safety at great risk. This holds true for all 3 development sites in or adjacent to BYC, including Terminal one.
- You also argued that taxpayers should not be held responsible for paying to develop **or** maintain any infrastructure costs at Point Molate, and the same should hold for Terminal One, including any wharf rehabilitation and park creation and maintenance.
- Like the former Zeneca site, Terminal One is a toxic site that has never been fully remediated and subject to the same concerns associated with rising sea level.

However, Terminal One, as well as the PG&E and Quarry development sites in or abutting Brickyard Cove, are **unique from Point Molate and the former Zeneca site** because they fall under Resolution 129-08 and the CEQA Findings of Fact for the Honda Port of Entry Project, which **required** an Emergency Response Plan.

This project and Resolution 129-08 were approved on Nov 18, 2008 and all requirements should have been in place before Honda Port Operations could be fully permitted and commence operations.

Unfortunately, the City is in serious violation of Resolution 129-08, Final Environmental Impact Report (FEIR) and the Mitigation Measures and Reporting Program (MMRP).

- <https://www.ci.richmond.ca.us/ArchiveCenter/ViewFile/Item/2002>
- https://www.ci.richmond.ca.us/DocumentCenter/View/4007/FEIR_1104434_1317_Canal_Bld-CC---FEIR--_Resolution?bidId=
- <https://www.ci.richmond.ca.us/DocumentCenter/View/3795/Honda-Port-of-Entry-Project---FEIR?bidId=>

Per Resolution 129-08, Item 15, Grade Crossing Blockages, and the associated CEQA Findings of Fact:
The Port of Richmond and Autowarehousing were to implement operational procedures that minimized:

1. blockage of at grade crossings between the Port and Richmond Yard;
2. noise associated with train movement at the curvatures at Canal and Cutting Boulevards; and
3. noise from train switching on Port property.

Five requirements were clearly spelled out in Item 15.

The Port of Richmond and Autowarehousing were to **prepare and implement an Emergency Response Plan**, approved by RFD and RPD, **that addresses continuous emergency access to all properties potentially blocked by train crossings or switching operations.**

Numerous viable approaches to **improve or guarantee emergency access** were provided (see below).

Sadly, 15 years later, none of those have happened. Why? Why were they fully permitted and allowed to commence operations?

It is simply irresponsible if you vote to move forward with any of these three developments in this area - The Quarry project, Terminal One or the PG&E site — **until an adequate emergency response plan is implemented**. Our lives matter. Our homes and businesses matter. And I don't see how any of you can knowingly and willingly approve any developments at this time let alone vote to put the lives of ~ 1,000 more residents and workers in jeopardy.

Resolution 129-08, Items 15 & 16, also addresses train noise. The Port of Richmond, in conjunction with the railroad, has failed to adopt a plan apply best practices to continually reduce wheel squeal on tight radius curves on tracks serving the Honda Port of Entry Project.

Unfortunately, the Quarry residential project was approved last year and is fully entitled, yet it has no sound wall to protect its future residents from the noisy rail yard directly across the road. The City, per Resolution 129-08, Item 16, may be required to fund and install grade crossing safety devices and to ensure the Quiet Zone is maintained.

Lastly, Brickyard Cove (BYC) Rd should be a separate discussion from any development since the **City was obligated to take it over 18 years ago. BYC Rd dedication should be complete before any future developments are entitled.**

I'll close by saying once again, when all of you swore an oath to serve, you vowed to protect the health, safety and welfare of those you serve.

That is exactly what we are asking you to do now. The public health and safety of the residents, students and workers who are routinely and illegally trapped by trains on a near daily basis are asking you to hear our concerns, uphold the laws this City is legally obliged to enforce, and enable staff to fully address these serious violations in a timely manner.

Thank you.

Warmly,
Leisa Johnson

Full Language from Resolution 129-08 (also attached) for Items 15 & 16.

Item 15. Grade Crossing Blockages:

The Port of Richmond and its Point Potrero Marine Terminal tenant (Autowarehousing) shall implement

operational procedures that minimize:

- (i) noise from train switching on Port property,
- (ii) blockage of at grade crossings between the Port and Richmond Yard, and
- (iii) noise associated with train movement at the curvatures at Canal and Cutting Boulevards.

The Project shall not undertake switching operations that block traffic on Canal Boulevard, West Cutting Boulevard and Garrard Boulevard.

Project operations shall occur primarily between 7:00 p.m. and 4:00 a.m.

Grade crossing blockages associated with the Project shall be in the 1.5 to 6 minute range, and in no case shall the Project create blockages that violate CPUC General Order 135.

The City shall be responsible for installing an automated monitoring system that automatically records grade crossing blockages on Canal Boulevard, West Cutting Boulevard and Garrard Boulevard, and that information shall be made available to the public on a monthly basis.

Any grade crossing blockages in excess of 10 minutes that violate CPUC General Order 135 shall be prosecuted by the City.

Per Resolution 129-08, the FEIR, and MMRP, Mitigation Measure 5-9: The project sponsor shall prepare and implement an Emergency Response Plan (ERP), subject to review and approval by the Richmond Fire Department and Richmond Police Department, that addresses **continuous emergency access to all properties** potentially blocked by train crossings or switching operations. The ERP shall be developed in consultation with all potentially affected business and property owners located east of Canal Boulevard. The project applicant shall offer to consult with neighboring property owners and facility operators during preparation of the ERP in order to address any concerns they may have regarding implementation of the plan. Written evidence of consultation, or reasonable efforts to consult, shall be provided to the City before a grading permit is issued.

Possible approaches to **improve or guarantee** emergency access could include some or all of the following strategies:

- Install mobile communications devices on trains so that they can communicate their location and time at crossings with fire and police personnel.
- Install GPS tracking devices on trains so that fire and police dispatchers can track train locations.
- Install web cams at rail crossings so that motorists and emergency vehicle personnel can remotely monitor the rail crossings for blockage via computer, PDA, or smart phones.
- Install a railroad preemption/warning system to alert motorists of crossing trains so that they can use alternate routes.
- Investigate the potential to locate a police and fire substation south of Cutting as a long-term solution.
- Investigate the potential to create a grade-separated crossing in the area.
- Schedule train traffic/switching after 6 p.m. since vehicle traffic on Wharf Street drops significantly after that time.
- Investigate the potential for an emergency access through PPMT facility to the east side of the rail yard. A locked gate to the proposed new BP/Arco entrance road could be established, with access codes or keys provided to emergency personnel (fire and police).

Item 16. Train Noise: The Project will increase train traffic south of the Canal Boulevard grade crossing, and it is possible that trains will be sounded at grade crossings.

The City of Richmond shall determine what is required to establish a Quiet Zone and shall obtain cost estimates for providing sufficient grade crossing safety devices at grade crossings south of the Canal Boulevard grade crossing to qualify for a Quiet Zone.

The City of Richmond shall maintain a reserve fund for a period of two years sufficient to pay for such devices, if required.

If train horns are routinely sounded at grade crossings south of the Canal Boulevard grade crossing, the City of Richmond shall implement a Quiet Zone extending from the Canal Boulevard grade crossing to the PPMT.

After two years, the reserve capital fund shall no longer be required, but if after two years, train horns are routinely sounded at grade crossings south of the Canal Boulevard grade crossing; the City of Richmond shall install such devices in a timely manner as necessary **and** establish a Quiet Zone from the Canal Boulevard grade crossing.

"Routinely sounded" means sounded in accordance with 49 CFR Parts 222 and 229 promulgated by the Federal Railroad Administration but does not include sounding in case of emergencies.

In addition, the City of Richmond shall complete the required improvements and establish a Quiet Zone from the existing Garrard Boulevard (Richmond Parkway east leg) to and including the grade crossing at Cutting Boulevard near 4th Street.

The Port of Richmond, in conjunction with the railroad shall investigate, adopt a plan and apply best practices to continually reduce wheel squeal on tight radius curves on tracks serving the Honda Port of Entry Project.

Practices may include gauge face lubrication; top of rail friction modification and the maintenance and modification of track and rolling stock.

Language highlighted in yellow has never been implemented.

The Quarry Residential project has no sound wall.

RESOLUTION NO. 129-08

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND TO AFFIRM DESIGN REVIEW BOARD CERTIFICATION OF THE ENVIRONMENTAL IMPACT REPORT, ADOPTION OF STATEMENT OF OVERRIDING CONSIDERATIONS, AND A MITIGATION MONITORING AND REPORTING PROGRAM, IN CONJUNCTION WITH APPROVAL OF A DESIGN REVIEW PERMIT FOR THE HONDA PORT OF ENTRY PROJECT, AT THE PORT OF RICHMOND (EIR/DRB 114434).

WHEREAS, in August 2007, the Port of Richmond, in conjunction with Auto Warehousing Co. (“Project Sponsor”), filed an application for Design Review Permit approval with the City of Richmond (“City”) for the Honda Port of Entry project (“Project”), consisting of construction of a new rail yard terminal at the Port of Richmond’s Point Potrero Marine Terminal (“PPMT”), improvements to an existing deep-water ship berth at the PPMT, and operation of a Northern California Port of Entry auto processing and distribution facility for Honda automobiles, as described in Volume I, Chapter 3 of the July 2008 *Honda Port of Entry Draft Environmental Impact Report* (“Draft EIR”), as amended by the September 2008 Final Environmental Impact Report (together with Volumes I and II of the Draft EIR constituting the “Final EIR” and attached hereto as Exhibit A), prepared pursuant to the California Environmental Quality Act (“CEQA”), promulgated in Public Resources Code Sections 21000–21177 and *CEQA Guidelines* Sections 15000–15387; and

WHEREAS, on February 11, 2008 the City issued a Notice of Preparation (“NOP”) of the EIR and an Initial Study presenting a preliminary analysis of the potential environmental effects of the Project; and

WHEREAS, the NOP was circulated for comment by responsible and trustee agencies and the public for a total of 30 days, from February 11, 2008 through March 12, 2008, during which time the City held a public scoping meeting on the Project environmental documents on March 5, 2008; and

WHEREAS, the Draft EIR, consisting of Volume I, and accompanying Appendices as Volume 3, was issued on July 2, 2008, and was circulated for public review through August 18, 2008, for a total of 47 days, during which time the City held a public hearing on the Draft EIR on August 5, 2008; and

WHEREAS, the Draft EIR assesses the potential environmental effects that would or could result from implementation of the Project; and

WHEREAS, following the close of the public review period the Final EIR, consisting of Volume II, was prepared in accordance with the *CEQA Statutes and Guidelines*, which responds to the written and oral comments received during the public review period; and

WHEREAS, the City received letters following the close of the public review and comment period and, although pursuant to Public Resources Code Section 21091(d)(1) and *CEQA Guidelines* Section 15088, written responses to late comments are not required, the City prepared responses to these letters which are included in the Final EIR; and

WHEREAS, the Final EIR identifies a significant adverse impact on air quality that would result from implementation of the Project and, although mitigation measures have been required to reduce the severity of the impact, it would remain a significant and unavoidable impact of the Project; and

WHEREAS, the Final EIR identifies a conflict with General Plan Policy OSC–P.1 as a result of the significant and unavoidable impact on air quality and no feasible mitigation was identified to fully reduce or avoid the conflict, and the conflict would, therefore, constitute a second significant and unavoidable impact of the Project; and

WHEREAS, Exhibit A–2, a Statement of Overriding Considerations, attached hereto and by this reference incorporated herein, sets forth findings of overriding considerations for these significant and unavoidable impacts in accordance with Public Resources Code Section 218081 and *CEQA Guidelines* Section 15091(a) and (b); and

WHEREAS, the Final EIR identifies other potentially significant environmental effects that would or could result from implementation of the Project; and

WHEREAS, the Final EIR identifies mitigation measures to avoid or reduce all other potentially significant environmental effect to a less-than-significant level; and

WHEREAS, Exhibit A–1, CEQA Findings of Fact for the Project, attached hereto and by this reference incorporated herein, sets forth findings of fact for all Project impacts and alternatives discussed in the Final EIR; and

WHEREAS, the Design Review Board reviewed the Final EIR and the staff report pertaining to the Final EIR and considered all comments received on the NOP/Initial Study and the Draft EIR during the public review periods in association with the Design Review Permit for the Project; and

WHEREAS, Section 21000 *et. seq.* of the Public Resources Code and Section 15000 *et. seq.* of the *CEQA Guidelines* which govern the preparation, content, and processing of environmental impact reports, have been fully implemented in the preparation of the Final EIR; and

WHEREAS, a Mitigation Monitoring and Reporting Program (“MMRP”), attached hereto as Exhibit A–3, has been prepared pursuant to Public Resources Code Section 21081.6 and *CEQA Guidelines* Section 15097 to monitor and ensure implementation of all feasible mitigation measures identified in the Final EIR, and the Design Review Board found on October 8, 2008 at a duly noticed public hearing that these mitigation measures are fully enforceable conditions of project approval, and shall be binding upon the Port of Richmond, the Project Sponsor, and all other affected parties; and

WHEREAS, the Design Review Board found that after due study, deliberation, and public testimony and hearing, that the Final EIR reflects the independent judgment and analysis of the City; and

WHEREAS, the City Council finds that despite the occurrence of significant environmental effects that cannot be substantially lessened or avoided through adoption of feasible mitigation measures or feasible alternatives, there exist certain overriding economic, social, or other considerations for approving the Project that the City Council believes justify the occurrence of those impacts; and

WHEREAS, the City is required pursuant to *CEQA Guidelines* Section 15021 to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant environmental effects, keeping in mind its obligation to balance a variety of public objectives for the health and welfare of the jurisdiction; and

WHEREAS, CEQA (*CEQA Guidelines* Section 15043) affirms the City’s authority to approve this Project even though it may cause significant effects on the environment, so long as the City makes a fully informed and publicly disclosed decision that there is no feasible way to lessen or avoid the significant effects (*CEQA Guidelines* Section 15091) yet known, and that there are specifically identified expected benefits from the Project that outweigh the policy of reducing or avoiding significant or potentially significant environmental impacts of the project (*CEQA Guidelines* Section 15093), and

WHEREAS, the Design Review Board did certify the Final EIR in Exhibit A, adopting the Statement of Overriding Considerations in Exhibit A-2, and the CEQA Findings in Exhibit A-1, and the Mitigation Monitoring and Reporting Program in Exhibit A-3, in conjunction with approval of the Design Review Permit (DR 1104434), for the Project on October 8, 2008; and

WHEREAS, an appeal of the Design Review Board’s certification of the Final EIR, adoption of a Statement of Overriding Consideration and Mitigation Monitoring and Reporting Program for the Port of Richmond/Honda Port of Entry Project was submitted to the City Clerk on October 18, 2008 by Mr. Fred Arm, a resident of Richmond, California; and

WHEREAS, after consideration of the Final EIR, Findings of Fact, Statement of Overriding Considerations, Mitigation Monitoring and Reporting Program, and the record of proceedings before the Design Review Board, the staff report to the City Council dated November 18, 2008 and the attachments thereto, and oral and written public testimony; and

WHEREAS, the City Council of the City of Richmond does find that the Design Review Board, after due study, deliberation, and public testimony and hearing, did certify the Final EIR, adopt Findings of Fact and a Statement of Overriding Considerations, with a Mitigation Monitoring and Reporting Program, and in conjunction with approval of a Design Review Permit, did appropriately act on the Project in accordance with *CEQA Statutes and Guidelines* and the City’s Ordinance and regulations.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Richmond having independently considered the environmental effects of the Project **DENIES** the appeal and **AFFIRMS** the following actions taken by the Design Review Board on October 8, 2008:

1. Adopt the CEQA Findings of Fact attached hereto as Exhibit A–1.
2. Adopt the Statement of Overriding Considerations attached hereto as Exhibit A–2.
3. Adopt the Mitigation Monitoring and Reporting Program (MMRP) attached hereto as Exhibit A–3.

4. Certify the Final Environmental Impact Report.
5. Approve the Design Review Permit (DR 1104434) subject to conditions.

FURTHERMORE, the City Council **FINDS** (see CEQA Findings of Fact attached as Exhibit A-1) and **APPROVES** the Design Review Permit for the Project, DR 1104434, subject to all measures in the MMRP and the following conditions of approval:

Conditions of Approval:

1. The final landscaping, lighting and gateway design shall return to the Design Review Board for final approval following consultation with Design Review Board Member Diane Bloom and the design team for the San Francisco Bay Trail segment adjacent to the Project.
2. The Project Sponsor shall enlarge the wording, “Entering Historic Shipyard # 3”, on the proposed Gateway Sign.
3. The Project Sponsor shall work with the National Park Service (“NPS”), Trails for Richmond Action Committee (“TRAC”) and staff to establish the final location for the Gateway Sign.
4. The street lighting on Canal Boulevard should be of a historic style of LED lighting.
5. All chain link fencing incorporated into the Project design shall be (black) coated to resist tarnish and rust.
6. Project around the MAAS Boat Company or to relocate the potentially displaced MAAS Boat Company; and
7. The Project Sponsor shall make best efforts to seek funding to cold-ironing shore side power and request the Port of Richmond to submit documentary evidence of such efforts to the Design Review Board when the final landscaping, lighting and gateway plans are considered.
8. Design Review Permit Expiration: Design Review Permit (DR 1104434) approval shall expire two years from the date of final approval, unless made permanent by the issuance of building permits and the commencement of construction. If the use(s) or structure(s) approved by this action is not established within such period of time, this approval shall be terminated and shall thereafter be null and void, unless the Project Sponsor or owner applies for an extension of time prior to expiration of the Design Review approval.
9. Design Review Permit Revocation: Failure to abide by and faithfully comply with any and all conditions attached to this approving action shall constitute grounds for the revocation of said action by the Design Review Board.
10. Conditions of Approval on Project Plans: All conditions of approval shall be printed on the first page of the construction plans submitted for review and approval. These conditions of approval, and all grading and construction plans shall be kept on the Project site at all times during construction. It is the responsibility of the Project Sponsor to ensure that the Project contractor is aware of, and abides by, all conditions of approval. Prior written approval from the Planning and Building Services Department Director or his/her designee shall be received by the Port of Richmond or Project Sponsor before any changes are made to the site design, grade, building design, building colors or materials, or related design elements.
11. Responsibility to Inform: The Project Sponsor shall be responsible for informing all subcontractors, consultants engineers, or other business entities providing services related to the Project of their responsibilities to comply with all pertinent requirements herein, and in the City of Richmond Municipal Code, including the requirement that a business license be obtained by all entities doing business in the City, as well as the hours of operation requirements in the City.
12. Changes to Design: Prior written approval from the Planning and Building Services Department Director or his/her designee shall be received by the Project Sponsor before any minor changes are made to the site design, grade, building design, building colors or materials, or related design elements. Major changes shall be subject to review by the Design Review Board at the Planning and Building Services Director's discretion.
13. During construction activities, the Project Sponsor shall reduce or prevent to the maximum extent practicable the direct or indirect discharge of any dust or pollutant into the storm drain system utilizing best management practices contained in the California Storm Water Best Management Practices Handbook for Construction Activities. Construction activities include, but are not limited to: watering operations; roadwork and paving operations; concrete and painting; structure construction and painting; construction material storage and handling; construction waste/debris

storage and disposal; and, construction equipment/vehicle cleaning, maintenance and fueling operations. The Project Sponsor is also responsible for training all contractors and subcontractors on the best management practices identified in the California Storm Water Best Management Practices Handbook for Construction Activities, which shall be made available by the Project Sponsor at the pre-construction meeting of the Project.

14. All storm drains which serve the site shall be protected from spills and soil runoff (from unpaved areas). The Project Sponsor may use "Any Source Control" BMP (Best Management Practice) as listed in the California Storm Water Best Management Practice Handbook for storm water run-off for commercial sites. Storm drains will be inspected periodically.
15. Grade Crossing Blockages: The Port of Richmond and its PPMT tenant shall implement operational procedures that minimize (i) noise from train switching on Port property, (ii) blockage of at grade crossings between the Port and Richmond Yard, and (iii) noise associated with train movement at the curvatures at Canal and Cutting Boulevards. The Project shall not undertake switching operations that block traffic on Canal Boulevard, West Cutting Boulevard and Garrard Boulevard. Project operations shall occur primarily between 7:00 p.m. and 4:00 a.m. Grade crossing blockages associated with the Project shall be in the 1.5 to 6 minute range, and in no case shall the Project create blockages that violate CPUC General Order 135. The City shall be responsible for installing an automated monitoring system that automatically records grade crossing blockages on Canal Boulevard, West Cutting Boulevard and Garrard Boulevard, and that information shall be made available to the public on a monthly basis. Any grade crossing blockages in excess of 10 minutes that violate CPUC General Order 135 shall be prosecuted by the City.
16. Train Noise: The Project will increase train traffic south of the Canal Boulevard grade crossing, and it is possible that trains will be sounded at grade crossings. The City of Richmond shall determine what is required to establish a Quiet Zone and shall obtain cost estimates for providing sufficient grade crossing safety devices at grade crossings south of the Canal Boulevard grade crossing to qualify for a Quiet Zone. The City of Richmond shall maintain a reserve fund for a period of two years sufficient to pay for such devices, if required. If train horns are routinely sounded at grade crossings south of the Canal Boulevard grade crossing, the City of Richmond shall implement a Quiet Zone extending from the Canal Boulevard grade crossing to the PPMT. After two years, the reserve capital fund shall no longer be required, but if after two years, train horns are routinely sounded at grade crossings south of the Canal Boulevard grade crossing; the City of Richmond shall install such devices in a timely manner as necessary and establish a Quiet Zone from the Canal Boulevard grade crossing. "Routinely sounded" means sounded in accordance with 49 CFR Parts 222 and 229 promulgated by the Federal Railroad Administration but does not include sounding in case of emergencies. In addition, the City of Richmond shall complete the required improvements and establish a Quiet Zone from the existing Garrard Boulevard (Richmond Parkway east leg) to and including the grade crossing at Cutting Boulevard near 4th Street. The Port of Richmond, in conjunction with the railroad shall investigate, adopt a plan and apply best practices to continually reduce wheel squeal on tight radius curves on tracks serving the Honda Port of Entry Project. Practices may include gauge face lubrication; top of rail friction modification and the maintenance and modification of track and rolling stock.
17. Solar Electricity Generation: Sufficient solar electrical generation shall be installed at PPMT to result in no net electrical usage from PG&E. This requirement shall apply only if economically feasible, with "feasible" being defined as no net increase in the annual cost of power over what it would have been if purchased from PG&E. The City of Richmond shall invite proposals from providers of Power Purchase Agreements.
18. Historic Resources Parking: In accordance with Mitigation Measure 5-6, the following parking spaces shall be made available for non PPMT parking requirements. For the Riggers Loft - 78 spaces, General Warehouse - 32 spaces, Cafeteria - 54 spaces, and Red Oak Victory - 25 spaces. These spaces shall be reserved during weekday working hours for employees and visitors of the three buildings and Red Oak Victory, at such future time that the buildings may be occupied by tenants, with 75% used jointly as shared parking by the Project Sponsor on nights and weekends, subject to mutual agreement of details. Whenever the Red Oak Victory or the National Park Service has special events, or anticipates substantial visitation, up to 100 parking spaces shall be made available for short term use.
19. Emissions: Following implementation of CARB regulations for fuel sulfur for oceangoing vessels in 2009 and 2012, the emissions of NO_x and PM₁₀, including those from this Project, shall be lower in the City of Richmond than the current baseline, and the health risk assessment shall indicate a lower risk than that which currently exists. Calculations shall be provided to the City of Richmond and submitted to the Planning and Building Services Department to show how this conclusion can be reached prior to obtaining a Building Permit, and such calculations shall be incorporated into the Design Review Permit (DR 1104434).

I CERTIFY that the foregoing resolution was adopted by the City Council of the City of Richmond for EIR 1104434, and DR 1104434 Port of Richmond, Honda Port of Entry Project, at a regular meeting held on November 18, 2008:

Ayes: Councilmembers Bates, Butt, Lopez, Rogers, Sandhu, Thurmond, and Viramontes
Noes: Mayor McLaughlin
Abstentions: None
Absent: Vice Mayor Marquez

DIANE HOLMES
Clerk of the City of Richmond

[SEAL]

Approved:

GAYLE McLAUGHLIN
Mayor of the City of Richmond

Approved as to Form:

RANDY RIDDLE
City Attorney

State of California }
County of Contra Costa : : ss.
City of Richmond }

I certify that the foregoing is a true copy of Resolution No. 129-08, finally passed and adopted by the Council of the City of Richmond at meeting held on November 18, 2008.

- EXHIBIT A-1: CEQA Findings of Fact
- EXHIBIT A-2: Statement of Overriding Considerations
- EXHIBIT A-3: MMRP, September 2008

EXHIBIT A-1
of City Council Resolution
CEQA FINDINGS OF FACT
PORT OF RICHMOND, HONDA PORT OF ENTRY PROJECT
EIR 1104434

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EXHIBIT A-1
CEQA FINDINGS OF FACT
HONDA PORT OF ENTRY PROJECT

1. INTRODUCTION

These findings are prepared pursuant to the California Environmental Quality Act (CEQA). The purpose of these findings is to satisfy the requirements of Sections 15091, 15092, and 15093 of the *CEQA Guidelines*, associated with approval of the proposed Honda Port of Entry Project. Pursuant to *CEQA Guidelines* Section 15161, a Project Environmental Impact Report has been prepared for the Honda Port of Entry Project.

The CEQA Statutes (Public Resources Code Sections 21000 *et seq.*) and *CEQA Guidelines* (Code of Regulations Sections 15000 *et seq.*) state that if it has been determined that a project may or will have significant impacts on the environment, then an Environmental Impact Report ("EIR") must be prepared. Prior to approval of the project, the EIR must be certified pursuant to Section 15090 of the *CEQA Guidelines*. When an EIR has been certified which identifies one or more significant environmental impacts, the approving agency must make one or more of the following findings, accompanied by a brief explanation of the rationale pursuant to Section 15091 of the *CEQA Guidelines*, for each identified significant impact:

- a) Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the final environmental impact report.
- b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency, or can and should be adopted by such other agency.
- c) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

Section 15092 of the CEQA Guidelines states that after consideration of an EIR, and in conjunction with making the Section 15091 findings identified above, the lead agency may decide whether or how to approve or carry out the project. A project shall not be approved if it would result in a significant environmental impact unless the lead agency has eliminated or substantially lessened all significant effects on the environment where feasible and determined that any remaining significant effects on the environment found unavoidable are acceptable due to overriding considerations. Only when there are specific economic, legal, social, technological, or other considerations that outweigh the unavoidable adverse environmental effects, can a project with unmitigated significant impacts be approved. Section 15093 requires the lead agency to document and substantiate any such determination in "statements of overriding considerations" as a part of the record. A Statement of Overriding Considerations for the Honda Port of Entry Project is included as Exhibit A-2.

In making the finding that changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect (i.e., mitigation measures), the

measures must be fully enforceable through permit conditions, agreements, or other measures. In the case of the Honda Port of Entry project, the mitigation measures will be adopted as conditions of approval of the required Design Review Permit. In making the findings, the lead agency must also a program for monitoring or reporting on the mitigation measures required for the project. The Mitigation Monitoring and Reporting Program for the Honda Port of Entry project is included as Exhibit A-3.

2. PROJECT SUMMARY

The proposed Honda Port of Entry project would consist of an expansion of existing automobile import and distribution operations at the Port of Richmond's Point Potrero Marine Terminal (PPMT), including construction and operation of a rail yard terminal on the PPMT property. The PPMT is located in the southwestern portion of the City of Richmond, in western Contra Costa County. The site is located at the shoreline of the Richmond Inner Harbor, located in central San Francisco Bay.

Auto Warehousing Company (AWC) has been operating an auto processing facility at the PPMT since 2004, processing Hyundai and Kia cars imported from Korea by ship. AWC is proposing to expand its existing operations at the Port of Richmond to develop a Northern California Port of Entry for Honda automobiles. The purpose of the project is to improve the efficiency of the North American distribution system for imported Honda autos, while at the same time improving the efficiency of the local and regional distribution system of Honda imports and domestically-manufactured cars and of imported autos from various other foreign car manufacturers.

The project would include construction of a new rail yard terminal at the PPMT, adjacent to the facilities two large ship berths on the Harbour Channel that flanks the site on the east. Currently, the Hyundai and Kia cars delivered by ship to the PPMT are driven one by one (after processing) to the Burlington Northern Santa Fe (BNSF) Rail Road automotive terminal located at the corner of Canal Boulevard and Cutting Boulevard, about 1 mile north of the PPMT. From there they are loaded onto rail cars and shipped to destination markets elsewhere in the U.S. They are also loaded directly onto car carrier trucks at the PPMT and distributed around northern California and the San Francisco Bay Area. With construction of the proposed rail yard, the auto shuttling operation would be eliminated, and all vehicles imported into the PPMT and bound for rail shipment out of State (Hondas as well as the current Hyundai/Kia operations) would be loaded onto trains at the PPMT instead of the BNSF terminal.

The project proposal also includes the construction of minor improvements to one of the existing ship berths at the PPMT, consisting of repairs to the concrete deck pavement, installation of new bull rail at the edge of the berth, and replacement of the existing dock fender system on the side of the berth. Construction of these improvements would not intrude into the Bay water.

Following completion of the rail yard and ship berth improvements, Honda would begin delivering autos manufactured in Japan to the PPMT facility in car-carrying ships. After processing by AWC, similar to the Hyundai and Kia cars, they would be loaded onto trains for distribution around the rest of the U.S., and loaded onto car carrier trucks for distribution around the Bay Area and northern California. Honda expects to import 150,000 vehicles per year by ship, and would distribute approximately 35,000 of those vehicles via truck to dealerships throughout northern California. Honda also imports autos into the Port of San Diego, which is the distribution point for autos to the southern California region. Approximately 35,000 imported Hondas per year are currently brought into Northern California by auto carrier from the Port of San Diego; these highway trips would be eliminated by the proposed project.

3. PROJECT OBJECTIVES

In pursuing the proposed Honda Port of Entry project, the Applicant has the following objectives:

- To provide competitive, operationally efficient and environmentally responsible vehicle Port of Entry operations for Honda at the Port Of Richmond's Point Potrero facilities.
- To establish a modern and operationally effective rail loading capability within the Port, and eliminate the current requirement for shuttling vehicles along Canal Boulevard to the current rail loading facility located at Canal and Cutting Boulevards.

In supporting the application for the proposed Honda Port of Entry project, the City and the Port of Richmond have the following objectives:

- To improve rail operations between the BNSF Richmond Yard and all rail served industries within the Canal Boulevard industrial corridor, through reductions in peak-hour blockages at grade crossings, and the effective management of diesel particulate emissions through the use of environmentally efficient locomotives and improved rail operational practices.
- To promote long-term industrial distribution opportunities within the Port of Richmond, which enhance the Port's financial condition and support community goals of environmentally responsible economic development.
- To pursue the goals of City Council resolution 100-07, approved on September 11, 2007, making it public policy to maximize economic benefit from underutilized real estate assets in the Port of Richmond.

4. FINDINGS ON SIGNIFICANT ENVIRONMENTAL EFFECTS

The Final EIR sets forth environmental impacts of the project that would be significant in the absence of mitigation measures. These effects (or impacts) are restated below along with final applicable mitigation measures (including any changes or alterations) to be adopted by the City to avoid or substantially lessen those potentially significant or significant effects. Also set forth are any significant effects that cannot be avoided or reduced to a less-than-significant level even with the adoption of all feasible mitigation measures proposed in the Final EIR. In adopting these findings, the City is also adopting a Statement of Overriding Considerations setting forth the economic, social, and other benefits of the Project that will render these significant effects acceptable. See Exhibit A-2, Statement of Overriding Considerations.

In the "Findings of Fact" discussions, the City's determination is provided regarding environmental impacts that remain significant or are reduced to a less-than-significant level given the implementation of adopted feasible mitigation, and also whether certain other measures which were proposed, but not adopted, are infeasible for social, economic, or other reasons. Pursuant to Section 15126.4 of the *CEQA Guidelines*, the City is not required to adopt mitigation measures for impacts that are less-than-significant. Nonetheless, the City restates these conclusions below. Pursuant to Section 15091 of the *CEQA Guidelines*, the discussion below provides findings of fact concerning each of the impacts and mitigation measures identified in the EIR.

LAND USE AND PLANNING

Impact 4-1: The proposed project would be inconsistent with *Richmond General Plan* policies requiring compliance with adopted air quality standards and protection of the public from the adverse health effects of air pollution.

Mitigation Measure 4-1: None feasible.

Significance After Mitigation: Significant and Unavoidable.

Findings of Fact:

As discussed below under Impact 6-2, implementation of the project would result in a significant and unavoidable impact due to the project's operational emissions of nitrogen oxides (NO_x). Because the project would, therefore, not comply with the adopted air quality standard for NO_x, there is no feasible mitigation measure or alternative that the City could adopt that would render the project consistent with General Plan Policy OSC-P.1, which states "(O)nly approve projects that will comply with applicable regulations and will not exceed air quality standards." This impact therefore, remains significant and unmitigable. To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the City finds that specific economic, legal, social, technological and other considerations identified in the Statement of Overriding Considerations (Exhibit A-2) support approval of the project as modified, despite unavoidable residual impacts.

Impact 4-2: The proposed project would be inconsistent with *Richmond Coastline Plan* Public Access Policy 1, which calls for permanently guaranteed access to the shoreline.

Mitigation Measure 4-2: The Port of Richmond shall maintain permanent public access to the shoreline and historic sites on the PPMT while complying with Federal and State security regulations. If relocation of the planned Bay Trail Segment is required in the future due to national security concerns or for other reasons, the Port shall provide alternative shoreline access and, alternative access to the historic resources at the PPMT. In determining the location and design of public access, as well as final design of the PPMT site plan, the Port and the applicant shall offer to consult with neighboring property owners and facility operators to address security concerns. Written evidence of consultation, or reasonable efforts to consult, shall be provided to the City before any permit for project construction is issued.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

In response to comments received on the DEIR, Mitigation Measure 4-2 was modified from the original wording presented in the DEIR. The measure was strengthened to require the Port of Richmond to continue providing permanent public access to the shoreline and historic sites on the PPMT irrespective of feasibility. Because, in order to comply with Federal and State security regulations, this could potentially require the Port to relocate the public access trail, additional language was added requiring the Port and the applicant to consult with neighboring property owners as part of any relocation effort.

The City hereby determines based on substantial evidence in the record that the changes to the mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required. The City hereby directs that the stated mitigation measure (with the modifications indicated above) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to an acceptable less-than-significant level, or avoid, the impact.

Impact 4-3: The proposed project would conflict with *San Francisco Bay Area Seaport Plan* policies identifying the project site as a future container cargo port facility.

Mitigation Measure 4-3: As part of the application for a development permit from the San Francisco Bay Conservation and Development Commission (BCDC), the project sponsor shall provide data to the Seaport Planning Advisory Committee of BCDC, demonstrating that implementation of the proposed project would not prevent Bay Area ports from collectively achieving the 2020 cargo projections contained in the San Francisco Bay Area Seaport Plan, which contains a variety of potential uses for Port facilities. The proposed project will be fully consistent with elements of the Seaport Plan that support the Port's extension of trackage into Point Potrero, thereby facilitating potential growth of intermodal service at the Port.

BCDC has identified the future need to expand container capacity at the Port of Richmond in its 2020 Seaport Plan. To address any inconsistency with the Seaport Plan, if any portion of the PPMT is required for such development expansion during the term of Honda's operations at the Port of Richmond, then on the mutual agreement of the Port, AWC, and Honda, the Port shall relocate such portion of the facilities so that the resulting premises provide an equally efficient site for the operation of Honda's operations.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

In response to comments received on the DEIR from the San Francisco Bay Conservation and Development Commission (BCDC), the significance of Impact 4-3 before mitigation was changed from "Less than Significant" to "Significant," and the mitigation became required rather than a recommendation. In addition, the mitigation measure for this impact was altered from the original wording as presented in the DEIR. Mitigation Measure 4-2 was modified to require rather than recommend the applicant provide data to the Seaport Planning Advisory Committee of BCDC that demonstrate that implementation of the proposed project would not prevent Bay Area ports from collectively achieving the 2020 cargo projections contained in the *San Francisco Bay Area Seaport Plan*. Also, if container cargo capacity is required at the PPMT in the future to help achieve the goals established in the *San Francisco Bay Area Seaport Plan*, the Port will be required to accommodate such development by relocating all or a portion of the Honda auto processing facilities to a location mutually agreed upon by the Port, AWC, and Honda. These modifications serve to increase the project's consistency with an adopted policy document that governs development of the project site.

The City hereby determines based on substantial evidence in the record that the changes to the impact/mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required. The City hereby directs that the stated mitigation measure (with the modifications indicated above) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will reduce to a less-than-significant (acceptable) level, or avoid, the impact.

TRAFFIC

Impact 5-1: Construction of the proposed project would generate additional traffic from construction workers traveling to and from the site, from truck deliveries of construction materials and ballast stone, and from trucks exporting excess fill.

Mitigation Measure 5-1: None required.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

A less-than-significant impact is anticipated as the temporary impacts of construction are not projected to be substantial or beyond the capacity of the surrounding roadway network. Additional findings pursuant to CEQA are not required.

Impact 5-2: Staging of construction equipment and materials, construction parking, lane closures, and slow-moving construction trucks all have the potential to disrupt traffic on Canal Boulevard and create potential traffic hazards during construction.

Mitigation Measure 5-2: Prior to construction, the project sponsor shall submit a construction management/traffic control plan for City review and approval. The project applicant shall offer to consult with neighboring property owners and facility operators during preparation of the traffic control plan in order to address any concerns they may have regarding formulation and implementation of the plan. Written evidence of consultation, or reasonable efforts to consult, shall be provided to the City before a grading permit is issued. At a minimum, the plan shall include the following:

- identification of construction truck routes, staging, and parking areas for workers, as well as areas of potential encroachment into the public right-of-way;
- provision of appropriate traffic control personnel and signs; and
- designation of an on-site construction manager as a contact for the City and the public.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

In response to comments received on the DEIR, Mitigation Measure 5-2 was modified from the original wording presented in the DEIR. A requirement was added for the project applicant to consult with neighboring property owners and facility operators during preparation of the traffic control plan in order to address any concerns they may have regarding formulation and implementation of the plan.

The City hereby determines based on substantial evidence in the record that the changes to the mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required. The City hereby directs that the stated mitigation measure (with the modifications indicated above) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will reduce to a less-than-significant (acceptable) level, or avoid, the impact.

Impact 5-3: Under Background Plus Project Conditions, the addition of project-generated traffic to the local road network would incrementally increase average delay at project study intersections, but all of the intersections would continue operating acceptably at LOS C or better.

Mitigation Measure 5-3: None required.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

A less-than-significant impact is anticipated as the additional traffic generated by the operation of the project is projected to be an incremental increase in average delays at the intersections and not substantial, nor will it result in a volume beyond the capacity of the surrounding roadway network. Additional findings pursuant to CEQA are not required.

Impact 5-4: The proposed project would increase the number of large trucks and other vehicles traveling at speed through the unsignalized intersection of Canal Boulevard and Seaclyff Drive, which provides inadequate stopping sight distance and inadequate intersection sight distance. Although this is an existing condition, the additional project traffic would substantially exacerbate the safety hazard at this intersection by increasing the number of motorists exposed to potential accidents between autos and large car-carrier trucks.

Mitigation Measure 5-4: The City of Richmond shall implement appropriate improvements, as determined by the Public Works Department, at the intersection of Canal Boulevard and Seaclyff Drive in order to provide adequate intersection sight distance (minimum of 450 feet on Canal Boulevard) and improve eastbound vehicle deceleration on Seaclyff Drive at the intersection approach. The project sponsor shall pay the fair-share cost of implementing this mitigation measure, as determined by the City of Richmond.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

Mitigation Measure 5-4 was modified from the original wording presented in the DEIR as a staff-initiated text change. Because Caltrans traffic warrants for signalization of the intersection of Canal Boulevard and Seacliff Drive would not be met and signalization would increase delays for traffic on both roadways, the mitigation was revised to require improvements to be made to address the sight distance safety hazard and to improve eastbound vehicle deceleration on Seacliff Drive at the intersection approach. The changes in the mitigation would allow for the resolution of sight distance and other hazards at the intersection in a more cost-effective manner and without introducing undesirable secondary effects.

The City hereby determines based on substantial evidence in the record that the changes to the mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required. The City hereby directs that the stated mitigation measure (with the modifications indicated above) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will reduce to a less-than-significant (acceptable) level, or avoid, the impact.

Impact 5-5: The proposed project would increase the number of large multi-axel trucks traveling on Canal Boulevard, contributing wear to a roadway that is already in substandard condition south of Seacliff Drive.

Mitigation Measure 5-5: None Required.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

A less-than-significant impact is anticipated as the wear to the roadway will be factored into the City's program for Capital Improvements and road repair. Additional findings pursuant to CEQA are not required.

Impact 5-6: The anticipated parking demand by PPMT employees, longshoremen, visitors, and the public would exceed the parking supply proposed by the project.

Mitigation Measure 5-6: The City of Richmond, in consultation with the Port of Richmond and the Project Sponsor, shall make a determination as to the appropriate amount of parking to be provided at the PPMT, and this requirement shall become a condition of the Design Review Permit required for the project. This determination may allow for the Project Sponsor to designate a portion of the new auto storage areas as reserve parking (60 spaces) for the extra longshoremen needed at the site on the periodic

occasions when two ships are at berth at the PPMT, thereby reducing the permanent parking requirement by 60 spaces. Prior to issuance of a grading permit, the Project Sponsor shall demonstrate on the final site plan the provision of the number of spaces required by the City.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

Mitigation Measure 5-6 was modified from the original wording presented in the DEIR as a staff-initiated text change. An inaccurate reference to a Conditional Use Permit was revised to correctly identify the Design Review Permit required for the project. Conditions of approval have been included in the Resolution for the Design Review Permit approval, precluding the need for a Conditional Use Permit for the Honda Port of Entry project.

The City hereby determines based on substantial evidence in the record that the changes to the mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and, therefore, recirculation is not required. The City hereby directs that the stated mitigation measure (with the modifications indicated above) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will reduce to a less-than-significant (acceptable) level, or avoid, the impact.

Impact 5-7: Under Cumulative Year 2030 Plus Project Conditions, the addition of project-generated traffic to the local road network would incrementally increase average delay at project study intersections, but all of the intersections would continue operating acceptably at LOS C or better.

Mitigation Measure 5-7: None required.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

A less-than-significant impact will result from cumulative plus the project-generated traffic as the increase in traffic would be incremental and not substantial, nor beyond the capacity of the surrounding roadway network and intersections. Additional findings pursuant to CEQA are not required.

Impact 5-8: The proposed establishment of a rail yard at the PPMT would result in periodic delays to vehicles attempting to enter or exit Wharf Street during train crossings.

Mitigation Measure 5-8: None required.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

A less-than-significant impact is anticipated from rail yard operational delays as monitoring of delays by improved communication systems would be an on-going part of the operations, and the peak hour for rail trips does not coincide with that of motor vehicle trips in the area. Some delay in traffic movement is already experienced in the area, but not to a substantial level. Additional findings pursuant to CEQA are not required.

Impact 5-9: Switching and other train operations between the proposed PPMT rail yard and the BNSF Automotive Terminal would temporarily block access to industrial properties east of Canal Boulevard. Project trains traveling between the PPMT and the Richmond Rail Yard and utilizing the at-grade crossings at Canal, West Cutting, and South Garrard boulevards would similarly temporarily block access to residential and other properties located south of these crossings. This could result in the inability of emergency vehicles to access these properties during fires, medical emergencies, or other types of emergencies.

Mitigation Measure 5-9: The project sponsor shall prepare and implement an Emergency Response Plan (ERP), subject to review and approval by the Richmond Fire Department and Richmond Police Department, that addresses continuous emergency access to all properties potentially blocked by train crossings or switching operations. The ERP shall be developed in consultation with all potentially affected business and property owners located east of Canal Boulevard. The project applicant shall offer to consult with neighboring property owners and facility operators during preparation of the ERP in order to address any concerns they may have regarding implementation of the plan. Written evidence of consultation, or reasonable efforts to consult, shall be provided to the City before a grading permit is issued.

Possible approaches to improve or guarantee emergency access could include some or all of the following strategies:

- Install mobile communications devices on trains so that they can communicate their location and time at crossings with fire and police personnel.
- Install GPS tracking devices on trains so that fire and police dispatchers can track train locations.
- Install web cams at rail crossings so that motorists and emergency vehicle personnel can remotely monitor the rail crossings for blockage via computer, PDA, or smart phones.
- Install a railroad preemption/warning system to alert motorists of crossing trains so that they can use alternate routes.
- Investigate the potential to locate a police and fire substation south of Cutting as a long-term solution.
- Investigate the potential to create a grade-separated crossing in the area.
- Schedule train traffic/switching after 6 p.m. since vehicle traffic on Wharf Street drops significantly after that time.

- Investigate the potential for an emergency access through PPMT facility to the east side of the rail yard. A locked gate to the proposed new BP/Arco entrance road could be established, with access codes or keys provided to emergency personnel (fire and police).

Significance After Mitigation: Less Than Significant.

Findings of Fact:

In response to comments received on the DEIR, Mitigation Measure 5-9 was altered from the original wording presented in the DEIR. A requirement was added for the project applicant to consult with neighboring property owners and facility operators during preparation of the emergency response plan in order to address any concerns they may have regarding formulation and implementation of the plan.

The City hereby determines based on substantial evidence in the record that the changes to the mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required. The City hereby directs that the stated mitigation measure (with the modifications indicated above) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will reduce to a less-than-significant (acceptable) level, or avoid, the impact.

Impact 5-10: The increase in ship traffic resulting from implementation of the proposed project could potentially cause congestion or disruption to the normal flow of traffic in San Francisco Bay.

Mitigation Measure 5-10: None required.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

A less-than-significant impact is anticipated from implementation of the project relative to ship traffic as the volume of ship traffic into the port and the SF Bay has historically been below the capacity of the waterway. In the 1980s, shipping traffic was much higher into the Port than today. Only 75 additional ships are projected to follow the course into the Richmond Port with the project, and the improvements incorporated into the Project will increase the efficiency of navigating into the Port. Additional findings pursuant to CEQA are not required.

Impact 5-11: The increase in ship traffic at the project site caused by the proposed project could potentially cause congestion or disruption to the normal flow of traffic at the Port of Richmond.

Mitigation Measure 5-11: None required.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

A less-than-significant impact is anticipated from implementation of the project relative to ship traffic as the volume of ship traffic into the port and the SF Bay has historically been below the capacity of the waterway. In the 1980s, shipping traffic was much higher into the Port than today. Only 75 additional ships are projected to follow the course into the Richmond Port with the project, and the improvements incorporated into the Project will increase the efficiency of navigating into the Port. Additional findings pursuant to CEQA are not required.

Impact 5-12: The increase in ship traffic resulting from implementation of the proposed project could potentially increase risk of collision or accident in San Francisco Bay and at the project site.

Mitigation Measure 5-12: None required.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

A less-than-significant impact is anticipated as a high level of safety precautions are utilized in moving ships in and out of the San Francisco Bay and in the Port area. Steering of the ships is done by highly skilled navigators, and tugboats are used to carefully navigate the ships within the Richmond Inner Harbor into the PPMT berth. Additional findings pursuant to CEQA are not required.

AIR QUALITY

Impact 6-1: Activities associated with proposed project construction would generate short-term emissions of criteria pollutants, including construction-related dust emissions and equipment exhaust emissions, during the term of construction.

Mitigation Measure 6-1: The applicant shall implement dust abatement measures identified by BAAQMD as feasible dust control, during all construction activities, including the following:

- water all active construction areas at least twice daily;
- cover all trucks hauling soil, sand, and other loose materials, or require such trucks to maintain at least two feet of freeboard;
- pave, apply water at a minimum three times daily in dry weather, or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas;
- sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas;
- sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets areas;

- hydroseed or apply non-toxic soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more);
- enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.);
- limit traffic speeds on unpaved roads to 15 miles per hour;
- install sandbags or other erosion control measures to prevent silt runoff to public roadways; and
- replant vegetation in disturbed areas as quickly as possible.

The applicant shall implement the following construction combustion emissions mitigation measures identified by BAAQMD during all construction activities:

- Use alternative-powered construction equipment (i.e., hybrid, compressed natural gas (CNG), biodiesel, electric), where feasible.
- Use construction equipment which uses add-on control devices such as diesel oxidation catalysts or particulate filters, or that meets the California Air Resources Board's (CARB) most recent certification standards for at least 10 percent of the total equivalent construction period.
- Minimize idling time (e.g., 5 minute maximum).
- Maintain properly tuned equipment.
- Limit the hours of operation of heavy-duty equipment and/or the amount of equipment in use.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

In response to comments received on the DEIR, Mitigation Measure 6-1 was altered from the original wording presented in the DEIR. Additional requirements for equipment and operational procedures that will further reduce air pollutant emissions during project construction were added to the mitigation. These measures transcend the measures identified by the Bay Area Air Quality Management District (BAAQMD) for implementation during construction of projects in the Bay Area and will target NO_x and other criteria pollutants, in addition to PM₁₀.

The City hereby determines based on substantial evidence in the record that the changes to the mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required. The City hereby directs that the stated mitigation measure (with the modifications indicated above) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will reduce to a less-than-significant (acceptable) level, or avoid, the impact.

Impact 6-2: Operation of the proposed project would generate emissions of criteria pollutants from the auto carrier marine vessels, tugs, rail activities, auto carrier trucks, and employee vehicles. The impacts of carbon monoxide, volatile organic compounds, and particulate matter (PM₁₀ and PM_{2.5}) would be less than significant. However, the impact from emissions of nitrogen oxides would be significant and unavoidable.

Mitigation Measure 6-2: The Port of Richmond, shall set a targeted goal of reducing the air quality impacts of the proposed project by at least 50 percent and up to 85 percent of DPM (consistent with the 2020 goals adopted by CARB in April 2006 in association with the Goods Movement Reduction Plan). Targeted reduction goals for project NO_x emissions shall be set at 5 percent below project estimated NO_x emissions. These targeted goals shall be an outcome of the development of a Clean Air Action Plan (CAAP) that targets all emissions, focusing primarily on reducing NO_x, PM_{10/2.5}, and TACs (especially diesel particulate matter) associated with PPMT and other Port of Richmond emission sources. The CAAP shall be completed prior to construction and implementation of the CAAP shall begin with the commencement of project operations.

The CAAP shall implement measures largely through the CEQA/NEPA process, tariffs, and new leases. One goal of the CAAP shall be to stay consistent with and/or ahead of California Air Resources Board (CARB) regulations. The CAAP shall focus on reducing NO_x and diesel particulate emissions, thereby having a primary benefit of improving local and regional health and air quality. The CAAP Plan shall contain provisions for implementing the following measures (but not limited to just these measures), as feasible, for the Honda Port of Entry project.

- **Cleaner Ship Fuels.** On June 10, 2008, CARB released draft clean fuel regulations for ocean-going vessels that would require US and foreign-flagged vessels sailing within 24 miles of the California coastline to use low sulfur marine fuels rather than bunker fuel to power main propulsion engines, auxiliary engines and boilers.

Under the proposal, by July 1, 2009, main engines and auxiliary boilers of ocean-going vessels would be required to switch either to marine gas oil with no more than 1.5 percent sulfur or marine diesel oil with 0.5 percent or less sulfur. Auxiliary engines on ocean-going vessels would be required to switch to cleaner fuel within 30 days after rule promulgation. By 2012, only marine gas oil and marine diesel oil fuels with 0.1 percent sulfur would be allowed.

CARB has estimated that implementation of the regulations would reduce toxic particulate matter emissions from diesel vessel engines by 80 percent compared to current uncontrolled emissions. CARB estimates that sulfur oxide and nitrogen oxide emissions would also be reduced by 90 and 6 percent, respectively.

The Port of Richmond shall provide reduced dockage fees for ship operators that use cleaner fuels prior to implementation of the clean fuel regulation requirements. If the regulation is not promulgated, the Port of Richmond shall require 50 percent compliance of the cleaner fuels standard through reduced dockage fees or lease requirements.

Provide reduced dockage fees for ship operators that use cleaner fuels and cleaner ship engines.

- **Cleaner Engine Technologies.** Instead of meeting the cold ironing shore power requirements, ship owners may elect to reduce their fleet emissions at a terminal by 50 percent by 2014 using engine optimization (e.g., Miller Cycle Value timing), engine process

modifications (e.g., addition of water, urea, or ammonia to the combustion process), and/or after-treatment processes (e.g., Selective Catalytic Reduction system).

The Port of Richmond shall provide reduced dockage fees for ship operators that use cleaner engine technologies.

- **Idling Restrictions.** Impose mandatory idling restrictions for trucks at the PPMT. Provide trucker education of anti-idling benefits and enforcement of CARB's anti-idling regulations of no more than 5 minutes, where applicable, of auto-carrier trucks and delivery trucks servicing the proposed project. Based on emission assumptions, this could reduce PM emissions from auto carrier truck idling within the facility by up to 80 percent, given the assumption that auto carrier trucks currently idle for up to 25 minutes during loading. Impose mandatory idling restrictions for tugboats and trucks at the PPMT.
- **Cleaner Auto Carrier Trucks.** Develop a program to encourage cleaner trucks at the PPMT. A schedule shall be developed to achieve 2007 emission standards for the auto carrier trucks ahead of regulations.
- **Grant Funding.** Actively pursue State, Bay Area, and grant funds (e.g., the Carl Moyer Fund, Transportation Fund for Clean Air, etc.) for improved trucks and retrofits such as the diesel particulate filters and ocean-going vessel emission-reduction technologies.
- **Vessel Speed Reduction.** CARB is evaluating an ocean-going vessel speed reduction program. The Ports of Los Angeles and Long Beach currently have a program which requests that vessels reduce their speed to 12 knots beginning 20 nautical miles off shore. A similar program shall be developed for the Port of Richmond as part of the proposed project.
- **General Mitigation Measure.** For any of the above emission reduction measures, if a CARB-certified technology becomes available and is shown to be as good as or better in terms of emissions reduction than the existing measure, the technology could be used to replace the existing emission reduction measure pending approval by the Port.
- **Periodic Review of New Technology and Regulations.** The Port shall require the tenant to review, in terms of feasibility, any Port-identified or other new emissions-reduction technology, and report the technology review results to the Port. Such technology feasibility reviews shall take place at the time of the Port's consideration of any lease amendment or facility modification. If the technology is determined by the Port to be feasible in terms of cost, technical and operational feasibility, the tenant shall work with the Port to implement such technology.
- **Advanced Maritime Emissions Control System (AMECS).** AMECS is a pilot system composed of an Emissions Treatment Subsystem and an Emissions Capture Subsystem. The system contains two emission-removal technologies: a Cloud-Chamber Scrubber for removal of SO_x, PM, and ROG, and a Selective Catalytic Reduction Reactor for the removal of NO_x. The AMECS treats ocean-going vessels while at berth. This system claims to reduce SO_x by up to 97 percent, PM by more than 92 percent, and NO_x by up to 97 percent. The system does not require modification of the ship.

If the AMECS or another emissions treatment system is determined to be feasible for use on ships serving the proposed project, the system shall be operational upon implementation of the project. If more effective and cost effective, the AMECS or other treatment system may be located at the PPMT and/or other Port of Richmond facilities, which could provide the biggest

emission reductions either based on the frequency of ports of call, the types of vessels (cargo and container vessels tend to have greater air emissions than auto carriers), and the duration of hotelling.

- **Cold Ironing.** To reduce emissions while at berth, power can be provided either by grid-based shore power (essentially connecting to the PG&E grid) or by ultra-clean distributed generation (proof of concept tests at the Port of Oakland have shown the ability of mobile liquefied natural gas generators to fully power ocean-going vessels while docked at berth or under “hotelling”). Similar to proposed CARB regulations for container ships, by 2014 no less than 50 percent of the project’s auto carrier ships shall limit the use of auxiliary diesel engines to less than 5 hours per visit.

If the AMECS is determined to be infeasible at the PPMT, a cold ironing unit shall be installed, if feasible. The Port of Richmond shall provide reduced dockage fees for ship operators that provide the necessary retrofits for the cold ironing unit.

- **Periodic Inventory of Port Emissions.** The Port shall conduct a biennial emission inventory to more precisely determine the facility emissions and the assumptions under which emissions are determined, to assess the benefits of mitigation measures, and to develop other opportunities to reduce air emissions. The biennial emissions inventory shall be made available to the public.
- **Additional Mitigations.** If the AMECS and cold ironing are deemed not feasible and/or not cost effective, additional mitigation measures equal to the estimated emissions reductions associated with cold ironing shall be implemented. These additional measures would focus on emission sources at the Port (but not necessarily associated with the Proposed Project), such as installation of solar units, boiler replacement, cargo handling equipment modifications/replacement, but could also include emission sources within the vicinity such as school bus conversion, conversion of diesel forklifts to electric forklifts, educational programs, landscaping, purchasing of carbon credits, and solar/wind units.
- **Employee Transit Access.** The Port of Richmond shall work with the City, AC Transit, and BART to provide enhanced transit access, such as free shuttle service for project employees between the project and local transit modes, including the Richmond BART station. The Port shall coordinate with AC Transit to extend bus service to the PPMT, if feasible, such as by modifying an existing bus route in the project area. The Port and City shall encourage and provide incentives for ridesharing and use of public transit for project employees.

Significance After Mitigation: Significant and Unavoidable.

Findings of Fact:

In response to comments received on the DEIR, Mitigation Measure 6-2 was altered from the original wording presented in the DEIR. Specific, aggressive targets for reductions of diesel particulate matter (DPM) and NO_x emissions were added to the Clean Air Action Plan (CAAP) requirements, which must be completed prior to project construction. Implementation of the CAAP must now commence concurrently with project operations. The required CAAP goal to stay consistent with California Air Resources Board (CARB) regulations has been modified to stay consistent or ahead of CARB regulations.

Discussion has been added on draft CARB regulations that are expected to go into effect on July 1, 2009 and require ocean-going ships to burn marine gas oil with no more than 1.5 percent sulfur or marine

diesel oil with 0.5 percent or less sulfur once the ships are operating within 24 miles of the California coastline. If the regulations are not adopted, the mitigation has been revised to require the Port to achieve 50-percent compliance with these draft regulations through reduced dockage fees for ship operators that use cleaner fuels and cleaner ship engines. The Port must also provide reduced dockage fees for ship operators that use cleaner engine technologies.

The restriction on idling of trucks and tugboats at the PPMT has been clarified to impose a 5-minute limit on idling, which could reduce PM emissions from auto carrier truck idling within the facility by up to 80 percent because they currently idle for up to 25 minutes during loading. A vessel speed reduction requirement has also been added to the mitigation, which will further reduce emissions from ocean-going vessels.

A requirement has been added for ships to utilize an emissions treatment system while at berth, if feasible. If not feasible, a cold ironing unit shall be installed at the PPMT, if feasible, and the Port shall provide reduced dockage fees for ship operators that provide the necessary retrofits for the cold ironing unit. If neither the use of an emissions treatment system nor cold ironing are feasible, the Port must implement other measures that would achieve the same emissions reductions estimated for cold ironing, such as installation of solar units, boiler replacement, or cargo handling equipment modifications/replacement. Offsite measures could also be employed to limit emission sources within the project vicinity, such as school bus conversion, conversion of diesel forklifts to electric forklifts, educational programs, landscaping, purchasing of carbon credits, and solar/wind units. A new requirement has also been added for the Port to work with local transit providers to attempt to extend bus service to the PPMT and to provide incentives for ridesharing and use of public transit for project employees.

The City hereby directs that the stated mitigation measure (with the modifications indicated above) be incorporated into the project as a required condition of approval. The Council further finds that there are no additional feasible mitigation measures or alternatives that the Council could adopt at this time which would reduce this impact to a less-than-significant level. This impact, therefore, remains significant and unmitigable. To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the City finds that specific economic, legal, social, technological and other considerations identified in the Statement of Overriding Considerations (Exhibit A-2) support approval of the project as modified, despite unavoidable residual impacts.

Impact 6-3: Operation of the proposed project would generate emissions of greenhouse gases (GHG) from the auto carrier marine vessels, tugs, rail activities, auto carrier trucks, and employee vehicles.

Mitigation Measure 6-3: None required.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

A less-than-significant impact related to emissions of greenhouse gases (GHG) from the auto carrier marine vessels, tugs, rail activities, auto carrier trucks, and employee vehicles is anticipated. At the

present time, there are no Statewide guidelines for this type of emission, but AB 32 established Statewide goals in this respect, and the Project does not conflict with these goals. Additional findings pursuant to CEQA are not required.

Impact 6-4: Although operation of the proposed project would create objectionable diesel odors in proximity to the sources, at the nearest sensitive receptors they would not be detectable, or at worst would be below offensive concentrations.

Mitigation Measure 6-4: None required.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

A less-than-significant impact is confirmed by the City. Although the project would produce objectionable odors, the nearest truck activities would be about 250 feet from the Seacliff at Point Richmond residences, and any objectionable diesel odors would disperse to below objectionable levels over this distance, particularly given the prevalence of sea breezes at this location. The nearest ship berth would be nearly 2,500 feet away, so diesel odors would also disperse to below objectionable levels before reaching the nearest residences. Additional findings pursuant to CEQA are not required.

Impact 6-5: Project emissions of diesel particulate matter could pose a risk to human health.

Mitigation Measure 6-5: None required.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

A less-than-significant impact is confirmed by the City. The OEHHA has established a significance threshold for non-cancer health risk based on concentrations that would result in a Hazard Index greater than 1.0. Based on the modeling, the non-cancer health risks would be well below the Hazard Index of 1.0 at all receptors. The maximum non-cancer hazard risk would be an HI of 0.03 at the off-site industrial worker location. The maximum HI at a residential receptor would be less than 0.01. Therefore, the non-cancer health risks from the project have a less-than-significant impact on human health and safety. Implementation of the measures identified in Mitigation Measure 6-2 would reduce DPM emissions and further reduce both cancer and non-cancer health risks near the project area. Additional findings pursuant to CEQA are not required.

NOISE

Impact 7-1: Project construction would temporarily increase noise levels in the project vicinity.

Mitigation Measure 7-1: None required.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

A less-than-significant impact is confirmed by the City. Although project construction may result in substantial temporary increases in noise in the project vicinity, City of Richmond Municipal Code (Section 9.52.090, Prohibited Noises) regulates construction noise by prohibiting construction, drilling, repair, alteration or demolition work at any time between the hours of 7 p.m. and 7 a.m. on weekdays or 6 p.m. and 8:30 a.m. on weekends and legal holidays in any residential or commercial zoning district or adjacent to any noise-sensitive uses. Section 9.52.090 also prohibits the creation of a noise disturbance anywhere within the City. Project compliance with these existing code requirements would limit noise disturbance from project construction to a less-than-significant impact. Additional findings pursuant to CEQA are not required.

Impact 7-2: Project-generated vehicle traffic would generate noise, but would not substantially increase roadside noise levels in the project vicinity under existing or long-term conditions.

Mitigation Measure 7-2: None required.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

A less-than-significant impact is confirmed by the City. Under both Year 2010 and Year 2030 conditions, traffic generated by the proposed project would not exceed the 5-dBA incremental increase threshold, the 3-dBA threshold, or the 1.5-dBA threshold in locations where it would apply. Therefore, traffic noise from the proposed project would not result in a substantial permanent increase in ambient noise levels and would be a less-than-significant impact. Additional findings pursuant to CEQA are not required.

Impact 7-3: Noise from ship unloading could substantially increase noise levels at residential receptors.

Mitigation Measure 7-3: The City shall enforce the nighttime noise limit of 50 dBA at the residential property boundaries. Only ship engines that meet this noise level limit at the residential property boundaries shall be permitted to run at night (i.e., 10:00 p.m. to 7:00 a.m.).

Significance After Mitigation: Less Than Significant.

Findings of Fact:

The City hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact 7-4: Noise from loading railcars at the new rail yard at PPMT would increase noise levels in the immediate vicinity, but would not substantially increase noise levels at residential receptors.

Mitigation Measure 7-4: None required.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

A less-than-significant impact is confirmed by the City. The noise levels for railcar unloadings would be well below the nighttime limit of 50 dBA at residential boundaries. Therefore, project-related noise generated by the loading of railcars during the day or night would cause a less-than-significant impact. Additional findings pursuant to CEQA are not required.

Impact 7-5: Noise from loading auto carrier trucks at the new location at PPMT could substantially increase noise levels at residential receptors.

Mitigation Measure 7-5:

- a) The site plan shall be reconfigured so that truck loading remains in the same location as current truck loading; or
- b) The site plan shall be reconfigured so that truck loading is moved to another location at the PPMT site no closer to the Seacliff residences than the current truck loading area; or
- c) The site plan shall be reconfigured so that all nighttime truck loading operations are at least 750 feet from the Seacliff residences and the line of sight from the residences to all truck loading operations is blocked by a sound barrier, or enclosed in a building.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

The City hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in

the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

BIOLOGICAL RESOURCES

Impact 8-1: Project implementation could result in the placement of fill into *Federal* and/or State jurisdictional wetlands.

Mitigation Measure 8-1:

- a) A formal wetland delineation has been performed; the delineation shall be submitted to the USACE for a jurisdictional determination. If it is determined by the U.S. Army Corps of Engineers (USACE) that wetlands on site are regulated under the Clean Water Act, the project sponsor shall implement Mitigation Measure 8-1(b). Whether or not it is determined that wetlands on site are not regulated under the Clean Water Act, the project sponsor shall implement Mitigation Measure 8-1(c).
- b) Prior to the placement of fill into any wetlands, the project sponsor shall obtain permits under Sections 401 and 404 of the Clean Water Act. These permits, administered by the Regional Water Quality Control Board (RWQCB) and USACE, respectively, would identify specific mitigation measures that would be imposed on the project as permit conditions. At a minimum, the project sponsor shall implement Mitigation Measure 8-1(d) or 8-1(e).
- c) In order to determine the presence or absence of waters of the State subject to the jurisdiction of State regulatory agencies, a description of existing habitats on site shall be submitted to the California Department of Fish and Game (CDFG) and RWQCB for review. If waters of State are determined to fall under one or both of these agencies, the project sponsor shall obtain the appropriate permits. These permits would identify specific mitigation measures that would be imposed on the project as permit conditions. At a minimum, the project sponsor shall implement Mitigation Measure 8-1(d) or 8-1(e).
- d) Given the artificial nature of the wetlands affected by the proposed project, and their location in a highly industrialize location, their biological functions and values are considered impaired. While it is generally preferred by the regulatory agencies that wetland impacts are compensated by the creation of similar habitats on site, in certain instances, compensation at an off-site location may be deemed acceptable. As part of the permitting process, the project sponsor must comply with all permit conditions of the regulatory agencies, including the implementation of an appropriate compensatory mitigation plan for unavoidable impacts to wetlands. At the discretion of the regulatory agencies, the project sponsor may seek a public or private entity in control of lands at a suitable off-site location with planned habitat restoration measures, to which an in-lieu-of fee could be paid. The recipient may be either an approved mitigation bank or public or private entity undertaking habitat restoration measures. The type of restoration project and amount of the in-lieu-of fee would be determined in consultation with the regulatory agencies with the ultimate objective of satisfying agency concerns and permit conditions. If payment of in-lieu-of fees is not acceptable to one or more of the regulatory agencies or a suitable recipient cannot be found, the project sponsor shall implement on-site wetland mitigation, as outlined in Mitigation Measure 8-1(e).

- e) If required by the USACE, CDFG, or RWQCB, a Wetland Mitigation and Monitoring Plan shall be prepared and submitted for agency review. Detailed wetland protection, replacement, and restoration plans shall be prepared by a qualified wetland restorationist hired by the City of Richmond and paid for by the project sponsor. The plans shall accurately identify the total wetlands and other jurisdictional areas that could be affected by the proposed project. The plans shall provide for re-establishment, enhancement, and/or replacement of wetland habitat and vegetation, and be approved by the regulatory agencies; in certain instances, cash contributions earmarked specifically for wetland creation, enhancement, or restoration offsite may be deemed appropriate and acceptable to the regulatory agencies. Mitigation plantings shall be monitored for no less than five years following completion of plant installation or as otherwise specified in the permit conditions. Annual reports shall be submitted to the City of Richmond and each permitting agency, e.g., USACE, RWQCB, and/or CDFG. Additionally, the City of Richmond shall ensure that all mitigation areas, along with an appropriate upland buffer, be placed in a permanent conservation easement, or similar deed restriction, and preserved in perpetuity, as specified in the permit conditions. Prior to the issuance of grading permits by the City of Richmond, the project sponsor shall provide evidence of the required approvals from all regulatory agencies.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

The City hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact 8-2: Project construction could result in direct or indirect impacts to nesting, roosting, or foraging special-status birds and other migratory birds.

Mitigation Measure 8-2:

- a) A qualified biologist shall conduct preconstruction nesting bird surveys of shrubs, willows, and other trees and non-native annual grassland habitats within 300 feet of the limits of work area, as well as the rooftop of Building 24, no more than 14 days prior to the start of construction for work occurring during the breeding season from February 1st to August 31st.
- b) If active nests of special-status birds and migratory birds (i.e., occupied nests) are identified within 300 feet of the limits of work, non-disturbance buffers shall be established by the project biologist at a distance sufficient to minimize construction-related disturbance based on the nest location, topography, cover, and species' tolerance to disturbance. Non-disturbance buffers shall be fenced off to exclude all construction activities, including staging, storage, and laydown, and shall be maintained until the young have fledged. Buffer size shall be determined by the project biologist and shall be consistent with agency recommendations as per the regulatory status and life history requirements of the species involved.

- c) If active nests are found within 300 feet of the limits of work and non-disturbance buffers are impracticable as determined by the project biologist, a qualified biologist shall be on site to monitor active nest(s) for signs of disturbance. If it is determined that construction activity is resulting in nest disturbance, work shall cease immediately until such time as it is determined by the project biologist that work may safely resume. If construction activities have caused nest abandonment, then the appropriate agency shall be contacted for further guidance, which shall be binding. If a *Federally* listed species is involved, consultation with the U.S. Fish and Wildlife Service (USFWS) will be initiated; if a State-listed species is involved, consultation with the California Department of Fish and Game (CDFG) will be initiated.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

The City hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact 8-3: Project construction could result in indirect effects on special-status and other natural habitats located outside of the PPMT study area. Construction might also require the trimming of native willows and other trees and shrubs rooted, just outside of the work area.

Mitigation Measure 8-3:

- a) The project sponsor shall be responsible for ensuring that all contractors have in place appropriate Best Management Practices (BMPs) throughout construction to prevent the migration off site of any potential pollutants. The effects of erosion can be decreased by collecting surface water runoff in desilting ponds before releasing the water into natural drainages or the Bay. Erosion and sedimentation impacts can be further minimized by employing standard erosion control procedures such the use of sandbags, silt fences, hay bales, diversion ditches, desilting ponds, and undertaking stream bank stabilization procedures. BMPs shall be in place throughout construction.
- b) The project sponsor shall be responsible for ensuring that all contractors have in place appropriate measures to restrict the off-site migration of dust during construction activities. Fugitive dust emissions caused by prolonged grading activities shall be mitigated by employing standard air quality control procedures as noted in Chapter 6, Air Quality, of this EIR.
- c) To prevent harming breeding birds, the measures outlined in Mitigation Measure 8-2 shall be followed. If any unanticipated work will occur within areas containing shrubs, willows, or other trees or non-native annual grassland habitats more than 14 days following performance of the preconstruction survey required by Mitigation Measure 8-2(a) and during the bird breeding season (February 1st to August 31st), a follow-up survey shall be performed by the project biologist. If active nests of special-status birds and migratory birds (i.e., occupied

nest(s) are identified, an appropriate non-disturbance buffer shall be established at a distance sufficient to minimize construction-related disturbance to breeding birds. If establishment of a non-disturbance buffer is impracticable as determined by the project biologist, a qualified biologist shall be on site to monitor active nest(s) for signs of disturbance during construction in this area. If it is determined that construction activity is resulting in nest disturbance, work shall cease immediately and shall only resume when it is determined by the project biologist that work may safely resume. If construction activities have caused nest abandonment, then the appropriate agency shall be contacted for further guidance, which shall be binding. If a *Federally* listed species is involved, consultation with the U.S. Fish and Wildlife Service (USFWS) shall be initiated; if a State-listed species is involved, consultation with the California Department of Fish and Game (CDFG) shall be initiated.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

The City hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact 8-4: Increased ship traffic at the project site would increase the frequency of ship wakes, which could lead to erosion and disturbance of sensitive habitats at Brooks Island.

Mitigation Measure 8-4: None required.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

A less-than-significant impact is confirmed by the City. Ship wakes are a small source of the total wave energy to the Brooks Island shoreline. Small speed boats, which travel fast through the channel, are closer to the shoreline, and create significant wakes, are a more significant source of wave energy. The effects of project-related ship wakes on Brooks Island would therefore be a less-than-significant impact. Additional findings pursuant to CEQA are not required.

Impact 8-5: Increased ship traffic at the project site would increase the frequency of ship wakes, which could lead to impacts to eelgrass habitat.

Mitigation Measure 8-5: None required.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

A less-than-significant impact is confirmed by the City. The new car-carrying ships berthing at the Port of Richmond travel at speeds of 1–2 knots on their journey from Outer Richmond Harbor Channel to the Inner Richmond Harbor Channel. The ships slow down and are then tug-assisted through the Inner Harbor Channel and into the berth. The slow speed of the car carrying ships minimizes the effect of turbulence resulting from propeller wash on eelgrass habitat. The impact on eelgrass habitat due to propeller wash would be localized and temporary, and would be a less-than-significant impact. Additional findings pursuant to CEQA are not required.

Impact 8–6: The increase in ship traffic to the project site could increase the frequency of disturbance to harbor seals, hauled out on Brooks Island, and the degradation or functional loss of seal habitat within San Francisco Bay.

Mitigation Measure 8–6: None required.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

A less-than-significant impact is confirmed by the City. This impact assumes that Brooks Island is a significant haul-out site for harbor seals. Seals have hauled out on Brook Island, but its importance as seal habitat is not well documented.¹ While traffic frequency of large ships entering the shipping channels and passing Brooks Island is expected to roughly double, the southeastern margin of the island is likely the best haul-out site and the margins of the shipping channel are unlikely to be used by harbor seals. On the basis of surrounding habitat, bathymetry, and exposure, as well as existing vessel traffic patterns, the proposed project represents a less-than-significant impact to harbor seals and harbor seal habitat in San Francisco Bay. Additional findings pursuant to CEQA are not required.

Impact 8–7: Increased ship traffic at the project site would increase the frequency of ship wakes, which could lead to impacts to marine and anadromous fish habitat.

Mitigation Measure 8–7: None required.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

A less-than-significant impact is confirmed by the City. Fishes inhabiting estuarine and coastal habitats are evolutionarily adapted to strong and variable water currents and wind-generated waves; ship wakes

¹ B.A. Nickel, *Movement and Habitat Use Patterns of Harbor Seals in the San Francisco Estuary*, Masters Thesis, San Francisco State University, 2003.

(or prop wash) from the project would therefore pose a less-than-significant impact to fishes or fish habitat. Additional findings pursuant to CEQA are not required.

CULTURAL RESOURCES

Impact 9-1: Development of the proposed project could potentially cause a substantial adverse change in the significance of an historical resource as defined in Section 15064.5.

Mitigation Measure 9-1:

- a) Resource Avoidance: The project sponsor shall plan construction of the proposed project so as to avoid adversely affecting the historic buildings on the site. The plan shall include precautionary measures (e.g., sufficient buffer distance) to avoid potential vibration impacts on the buildings. Prior to the initiation of construction, the project sponsor shall submit to the City of Richmond for review and approval a Construction Staging Plan that identifies the planned locations of access points, staging areas, and the delineated areas of all construction-related activities. The Plan shall identify specific measures to protect historic structures in the vicinity of each activity, which may include fencing and monitoring to ensure that sites are protected. Following approval of the Construction Staging Plan by the City of Richmond, the project sponsor shall implement the Plan throughout construction of the proposed project.
- b) Construction Personnel Training: Prior to the initiation of construction, all construction personnel who work on the project shall undergo a training session to inform them of the presence and nature of National Register-eligible cultural resources within the project area; of the laws protecting these resources and associated penalties; and of the procedures to follow if they discover cultural resources during project-related work.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

The City hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact 9-2: Development of the proposed project could potentially hinder the ability of the City Manager to carry out Richmond City Council Resolution 100-07, by limiting access to or altering the historic setting of the four vacant historic structures within the Rosie the Riveter World War II Home Front National Historical Park.

Mitigation Measure 9-2: The City of Richmond shall review plans of new landscaping and parking facilities proposed in the immediate vicinity of the historic cafeteria and first aid buildings, as well as the final site and design plans and their potential effects on the other historic buildings at the PPMT, to ensure design compatibility with these historic buildings and maintain these buildings' historic setting. The City shall recommend appropriate setbacks and the amount of parking to be dedicated for use by tenants of the historic buildings, in order to ensure compatibility with City Council Resolutions 100-07 and 46a-00.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

In response to comments received on the DEIR, Mitigation Measure 9-2 was altered from the original wording presented in the DEIR. The requirement for design review for compatibility with the historic buildings was clarified to apply to the proposed landscaping, parking facilities, and overall site plan, thereby broadening the scope of the measure. The requirement for project compatibility with City Council Resolution 100-07 was expanded to also include compatibility with City Council Resolution 46a-00, which establishes as City policy that future development of Shipyard 3 (i.e., the PPMT) be planned and developed in such a way as to be compatible with the continued preservation of intact historic resources and public access to such resources. This addition establishes additional performance standards that are to be met by the project, both in terms of design and operations.

The City hereby determines based on substantial evidence in the record that the changes to the mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required. The City hereby directs that the stated mitigation measure (with the modifications indicated above) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will reduce to a less-than-significant (acceptable) level, or avoid, the impact.

Impact 9-3: Development of the proposed project could potentially cause a substantial adverse change in the significance of archaeological resources, as defined in Section 15064.5 of the CEQA Guidelines.

Mitigation Measure 9-3:

- a) Cultural Resources Monitoring Plan. Prior to issuance of a grading permit, a qualified archaeologist retained at the applicant's expense shall prepare and submit a cultural resources monitoring plan to the City of Richmond Planning Department for review and approval. Monitoring shall be required for all surface alteration and subsurface excavation work including trenching, boring, grading, use of staging areas and access roads, and driving vehicles and equipment within 200 feet of registered archaeological site CA-CCO-294. Selection of the qualified professional archaeologist and the cultural resources monitors identified below in Mitigation Measure 9-3(b) (if different persons) shall be subject to approval by the Richmond Planning Department. The cultural resources monitoring plan shall address (but not be limited to) the following issues:

- Training program for all construction personnel involved in site disturbance and field workers;
 - Person(s) responsible for conducting monitoring activities, including Native American monitors;
 - How the monitoring shall be conducted and the required format and content of monitoring reports, including any necessary archaeological re-survey of the final track alignments (including the need to conduct shovel-test units or auger samples to identify deposits in advance of construction); assessment, designation and mapping of the sensitive cultural resource areas on final project maps; and assessment and survey of any previously unsurveyed areas;
 - Person(s) responsible for overseeing and directing the monitors;
 - Schedule for submittal of monitoring reports and person(s) responsible for review and approval of monitoring reports;
 - Procedures and construction methods to avoid sensitive cultural resource;
 - Clear delineation and fencing of sensitive cultural resource areas requiring monitoring;
 - Physical monitoring boundaries (e.g., 200 feet each side of the site);
 - Protocol for notifications in case of encountering of cultural resources, as well as methods of dealing with the encountered resources (e.g., collection, identification, curation);
 - Methods to ensure security of cultural resources sites;
 - Protocol for notifying local authorities (i.e., Port of Richmond and Richmond Police Department) should site looting or other illegal activities occur during construction.
- b) Archaeological and Native American Monitors. The project applicant shall retain the services of a qualified archeological consultant that has expertise in California prehistory and a Native American monitor from a culturally-affiliated tribe/organization to monitor ground disturbance within 200 feet of site CA-CCO-294. If an intact archeological deposit is encountered, all soil disturbing activities in the vicinity of the deposit shall cease until the deposit is evaluated. The archeological monitor shall immediately notify the project applicant and the City of Richmond Planning Department of the encountered archeological deposit. The archeological monitor shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, present the findings of this assessment to the project applicant and the Planning Department. During the course of the monitoring, the archaeologist may adjust the frequency—from continuous to intermittent—of the monitoring based on the conditions and professional judgment regarding the potential to adversely affect cultural resources.

If the City of Richmond, in consultation with the archeological and Native American monitors, determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, the proposed applicant shall:

- Re-design the proposed project to avoid any adverse effect on the significant archeological resource; OR,

- Implement an archeological data recovery program (ADRP), unless the archaeologist determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible. If the circumstances warrant preparation of an ADRP, the project archaeologist, project applicant, and Richmond Planning Department shall meet and consult to determine the scope of the ADRP. The archaeologist shall prepare a draft ADRP that shall be submitted to the project applicant and the Planning Department for review and approval. The ADRP shall identify how the proposed data recovery program would preserve the significant information the archeological resource is expected to contain. The ADRP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, shall be limited to the portions of the historic property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.
- c) **Accidental Discovery:** If historic or prehistoric archaeological resources, such as chipped or ground stone, large quantities of shell, historic debris, building foundations, or human bone, are inadvertently discovered during ground-disturbing activities, all construction activities within 100 feet of the find shall be halted until the City of Richmond is notified, and a qualified archaeologist can assess the significance of the find and prepare an avoidance, evaluation, or mitigation plan to prevent any significant adverse effects on the resource(s). The project sponsor shall fund and implement the mitigation in accordance with Section 15064.5(c)–(f) of the CEQA guidelines and Public Resources Code Section 21083.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

The City hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact 9-4: Construction of the proposed project could potentially disturb buried human remains, including those interred outside of formal cemeteries.

Mitigation Measure 9-4: In the event that any human remains are encountered during site disturbance, all ground-disturbing work in the vicinity of the remains shall cease immediately until the coroner of Contra Costa County has been contacted, per Section 7050.5 of the California Health and Safety Code. If the coroner determines that the human remains are of Native American origin, the Native American Heritage Commission must be contacted within 24 hours, and the project sponsor shall comply with State laws relating to the disposition of Native American burials, regulated by the Native American Heritage Commission (Pub. Res. Code Sec. 5097). If any human remains are discovered or recognized in any

location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

- the coroner of the County has been informed and has determined that no investigation of the cause of death is required; and
- if the remains are of Native American origin,
 - ◇ the descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or
 - ◇ the Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the Commission.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

The City hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact 9-5: Vibrations from new train traffic during project operations could potentially cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines.

Mitigation Measure 9-5: A pre-construction survey of the two historic structures nearest proposed project operations—Building 23, the Cafeteria Building, and Building 9, the First Aid Building—shall be undertaken prior to issuance of a grading permit to determine their current state of structural and cosmetic integrity. This information shall be used as a baseline reference for future maintenance needs stemming from the construction and operations of the proposed rail road yard and rail road tracks. In the event that cosmetic or structural damages resulting from the implementation of the project occurs, the project applicant shall be responsible for performing any necessary repairs or maintenance.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

The City hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in

the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact 9-6: Implementation of the proposed project would potentially cause a substantial adverse impact on public access to the Rosie the Riveter/World War II Home Front National Historical Park.

Mitigation Measure 9-6: Same as Mitigation Measure for 9-5 above.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

The City hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

GEOLOGY AND SOILS

Impact 10-1: Although the site is relatively flat and the project area is substantially covered with pavement, there is still potential for uncontrolled construction activities to result in accelerated soil erosion, which could degrade water quality in San Francisco Bay.

Mitigation Measure 10-1: A Notice of Intent (NOI), Stormwater Pollution Prevention Plan (SWPPP), and Stormwater Control Plan (SCP) shall be prepared by the applicant and submitted along with grading permit applications. The SWPPP provides for temporary measures to control sediment and other pollutants during construction at sites that disturb 1 acre or more and the SCP specifies permanent controls that should last for the life of the project. The requisite plans shall be prepared in accordance with the standards provided in the Association of Bay Area Government's Manual of Erosion and Sedimentation Control Measures (ABAG, 1995). Implementation of the plan will help stabilize graded and stockpile areas and reduce erosion and sedimentation. The plans will designate Best Management Practices (BMPs) that shall be adhered to during construction activities. Erosion minimizing efforts such as hay bales, water bars, covers, sediment fences, sensitive area access restrictions (for example, flagging), and/or retention/settlement areas shall be implemented as necessary before the onset of inclement weather. Mulching, seeding, or other suitable stabilization measures shall be used to protect exposed areas during construction activities. The plans shall incorporate requirements of the Contra Costa County Clean Water Program and the Port of Richmond Stormwater Management Plan.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

The City hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact 10-2: In the event of a major earthquake in the region, seismic ground shaking could potentially injure persons at the proposed project site due to structural damage of facility structures. Ground shaking could potentially expose persons and property to seismic-related hazards, including localized liquefaction and seismically-induced settlement.

Mitigation Measure 10-2: All structures (including rail transportation facilities) for the proposed project shall be designed in accordance with the UBC, which requires structural design that incorporates ground accelerations expected from known active faults. Expected ground motions determined by a registered geotechnical engineer shall be incorporated into the final structural design as part of the project. The design level geotechnical investigation shall evaluate subsurface conditions with respect to potential geologic hazards such as liquefaction, subsidence, settlement, and expansive soils, and shall provide recommendations to mitigate these hazards as necessary. All geotechnical design recommendations shall be incorporated into the final project design and construction.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

The City hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact 10-3: Operation of the proposed PPMT rail terminal and lead tracks, which would involve multiple closely-spaced rail spurs, could result in significant transient weight and vibratory loading due to multiple lines of railcars. In the absence of appropriate site characterization and design, these loads could adversely affect the rail yard and/or adjacent properties, structures, or subsurface pipelines owned or operated by others. Damage to these structures could result in operational or safety hazards or could compromise underlying pipelines leading to leaks of potentially hazardous products, which could, in turn, create a significant hazard to the public or the environment.

Mitigation Measure 10-3: Prior to construction of the PPMT rail terminal, an engineering evaluation shall be performed pursuant to City of Richmond permit requirements. This evaluation shall incorporate the results of the design level geotechnical investigation (see Mitigation Measure 10-2) to characterize subsurface conditions along the planned alignment. The engineering evaluation shall specifically

evaluate the static, live, and vibratory loads associated with Port of Richmond's and any potentially affected adjacent property's above-ground utilities, below-ground utilities, and structures. As applicable, appropriate surrogate design loads (e.g. "Cooper" locomotive loads) for the project operations shall also be identified. As part of this evaluation, the project sponsor shall identify and locate all utilities and structures potentially affected by the project structures, equipment, and planned operations. The evaluation shall consider and incorporate the most recent applicable design guidelines and regulations for underground pipelines including, but not limited to API standards for pipeline protection under road and railways, American Railway Engineering Association (AREA) criteria for designing and installing pipe, American Concrete Pipe Association (ACPA) loading and design guidance for concrete pipe installed under railways, BNSF Railroad standards, and BPWCP standards. The evaluation shall also consider applicable *Federal*, State, and local regulations that relate to pipeline integrity and public safety. Prior to initiating the evaluation, potentially affected property owners (e.g. BPWCP) shall be consulted to confirm that all utilities have been correctly identified, that appropriate design criteria and loading conditions for affected facilities will be incorporated into the engineering analyses, and that the results of the geotechnical and engineering evaluations will effectively mitigate possible impacts to the facilities owned or operated by others.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

In response to comments received on the DEIR, Impact and Mitigation Measure 10-3 were altered from the original wording presented in the DEIR. The impact statement was modified to clarify that loading on the lead tracks as well as at the PPMT rail terminal could potentially damage neighboring pipelines. Additional language was added to the mitigation measure to clarify that the required engineering evaluation must evaluate the static, live, and vibratory loads associated with the project, as well as appropriate surrogate design loads (e.g. "Cooper" locomotive loads), as applicable. The measure references the applicable design guidelines and regulations for underground pipelines that should be referenced in the engineering evaluation, including, but not limited to, American Petroleum Institute (API) standards for pipeline protection under road and railways, American Railway Engineering Association (AREA) criteria for designing and installing pipe, American Concrete Pipe Association (ACPA) loading and design guidance for concrete pipe installed under railways, Burlington Northern Santa Fe (BNSF) Railroad standards, and BP West Coast Products (BPWCP) standards. The evaluation must also consider applicable *Federal*, State, and local regulations that relate to pipeline integrity and public safety, and the applicant must consult with all affected neighboring property owners during preparation of the engineering evaluation in order to address any concerns they may have regarding formulation and implementation of the plan. The preceding additions to Mitigation Measure 10-3 strengthen and provide clarifying guidance on how the mitigation shall be implemented.

The City hereby determines based on substantial evidence in the record that the changes to the mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required. The City hereby directs that the stated mitigation measure (with the modifications indicated above) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will reduce to a less-than-significant (acceptable) level, or avoid, the impact.

HYDROLOGY AND WATER QUALITY

Impact 11-1: Site preparation and construction could contribute to accelerated soil erosion, downstream sedimentation, and reduced surface water quality.

Mitigation Measure 11-1: A Notice of Intent (NOI), Stormwater Pollution Prevention Plan (SWPPP), and Stormwater Control Plan (SCP) shall be prepared by the applicant and submitted along with grading permit applications. The SWPPP provides for temporary measures to control sediment and other pollutants during construction at sites that disturb 1 acre or more and the SCP specifies permanent controls that should last for the life of the project. The requisite plans shall be prepared in accordance with the standards provided in the Association of Bay Area Government's Manual of Erosion and Sedimentation Control Measures (ABAG, 1995). Implementation of the plan will help stabilize graded and stockpile areas and reduce erosion and sedimentation. The plans will designate Best Management Practices (BMPs) that shall be adhered to during construction activities. Erosion minimizing efforts such as hay bales, water bars, covers, sediment fences, sensitive area access restrictions (for example, flagging), and/or retention/settlement areas shall be implemented as necessary before the onset of inclement weather. Mulching, seeding, or other suitable stabilization measures shall be used to protect exposed areas during construction activities. The plans shall incorporate requirements of the Contra Costa County Clean Water Program and the Port of Richmond Stormwater Management Plan. The project applicant shall offer to consult with neighboring property owners and facility operators during preparation of the SWPPP and SCP in order to address any concerns they may have regarding formulation and implementation of the plans. Written evidence of consultation, or reasonable efforts to consult, shall be provided to the City before a grading permit is issued.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

In response to comments received on the DEIR, Mitigation Measure 11-1 was altered from the original wording presented in the DEIR. A requirement was added for the project applicant to consult with neighboring property owners and facility operators during preparation of the Stormwater Pollution Prevention Plan (SWPPP) and Stormwater Control Plan (SCP) in order to address any concerns they may have regarding formulation and implementation of the plans.

The City hereby determines based on substantial evidence in the record that the changes to the mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required. The City hereby directs that the stated mitigation measure (with the modifications indicated above) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will reduce to a less-than-significant (acceptable) level, or avoid, the impact.

Impact 11-2: Site preparation, construction, and operations could create or contribute runoff water that could exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

Mitigation Measure 11-2: Prior to issuance of a grading permit, the project applicant shall prepare a Stormwater Control Plan (SCP) and submit it to the Richmond Planning Department for review and approval. The SCP shall confirm that the existing stormwater drainage system has sufficient capacity, shall ensure that all stormwater runoff is directed to Port of Richmond drainage facilities and does not adversely affect adjacent properties owned or operated by others, and shall be prepared in accordance with the Contra Costa Clean Water Program (CCCWP) and the requirements set forth in the CCCWP's Stormwater C.3 Guidebook (Third Edition, 2006, plus updates and errata). The SCP shall provide for natural onsite treatment of 80 percent of the average annual stormwater runoff from the new and replacement impervious surfaces (i.e., pavements) created by the proposed project, and shall identify flow controls to ensure that the rate and duration of stormwater runoff does not exceed the calculated pre-project rates and durations. Implementation of Integrated Management Practices (IMPs), such as grassy swales, bioretention areas, and planter boxes, is recommended by the CCCWP as the most cost-effective way to comply with the Stormwater C.3 requirements. The SCP shall be prepared by a qualified civil engineer, architect, or landscape architect. The applicant shall demonstrate to the Richmond Planning Department via drawings and engineering calculations that the proposed project includes site design features sufficient to capture and treat on site all stormwater runoff from the project site, in compliance with Provision C.3 of the CCCWP. Landscape features shall be used in lieu of structural features to the degree feasible. The design approach must ensure that the proposed treatment features would not decrease stability of the slopes on the site or create significant erosion. As part of compliance with the CCCWP Stormwater C.3 requirements, the property owner (Port of Richmond) shall execute and implement a maintenance agreement with the City of Richmond to provide for the maintenance of all onsite stormwater treatment features and devices in perpetuity, including specification of how the maintenance will be financed. Prior to issuance of the building permit, the property owner or applicant shall provide proof of recording this agreement from the County Assessor's Office. The property owner or applicant shall submit to the City of Richmond Planning Department annual certificates of compliance with the operations and maintenance requirements stipulated in the maintenance agreement. The project applicant shall offer to consult with neighboring property owners and facility operators during preparation of the SCP in order to address any concerns they may have regarding formulation and implementation of the plan. Written evidence of consultation, or reasonable efforts to consult, shall be provided to the City before a grading permit is issued.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

In response to comments received on the DEIR, Mitigation Measure 11-2 was altered from the original wording presented in the DEIR. Additional language was added to require the Stormwater Control Plan (SCP) to confirm that the existing stormwater drainage system has sufficient capacity, shall ensure that all stormwater runoff is directed to Port of Richmond drainage facilities and does not adversely affect adjacent properties owned or operated by others. A requirement was also added for the project applicant to consult with neighboring property owners and facility operators during preparation of the Stormwater Pollution Prevention Plan (SWPPP) and SCP in order to address any concerns they may have regarding formulation and implementation of the plans.

The City hereby determines based on substantial evidence in the record that the changes to the mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required. The City hereby directs that the stated mitigation measure (with the modifications indicated above) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will reduce to a less-than-significant (acceptable) level, or avoid, the impact.

Impact 11-3: Implementation of the project could expose people or structures to inundation by seiche, tsunami, or mudflow.

Mitigation Measure 11-3: None required.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

A less-than-significant impact is confirmed by the City. No seiches have ever been recorded in the Bay Area. Due to the relatively large size of San Francisco Bay with an inlet to the south and an outlet to the west, there is little potential for a seiche wave to occur in the Bay. Therefore, potential seiche impacts would be less than significant.

There have been 19 recorded tsunamis in the Bay Area during the period of 1868 to 1968. The maximum wave height associated with these tsunamis was just under 15 feet at the Golden Gate Tide Gage in 1868.² After natural attenuation across the Bay, estimates have been made that the wave height was approximately half that on the Richmond shoreline and reduced to nothing by the time it reached the Carquinez Strait.³ Based on this scenario, an approximately 7.5 foot high wave could be generated at the project site. This wave would be about 8.5 feet below the elevation of the site. Additionally, it is likely that the wave would be attenuated by Brooks Island before reaching the site. Therefore, the potential impact of a tsunami would be less than significant. Additional findings pursuant to CEQA are not required.

Impact 11-4: The proposed project would increase ship traffic at the project site, which could potentially increase the introduction of pollutants into Bay waters due to accidental spills during routine maintenance.

² California Geological Survey, Historic Tsunamis of California, http://www.consrv.ca.gov/CGS/geologic_hazards/Tsunami/About_Tsunamis.htm#Historic%20Tsunamis%20in%20California; 2005, accessed March 3, 2008.

³ Contra Costa County, *Contra Costa County General Plan 2005-2020*, Safety Element, January 2005.

Mitigation Measure 11-4: None required.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

A less-than-significant impact is confirmed by the City. Storage of paints and thinners is in segregated store rooms equipped with fire detection and extinguishing systems. Any spill within a segregated storeroom would be contained within the storeroom, isolated from the Bay. All vehicle maintenance is conducted on land, not on-board the vessel. Signs are posted to educate all workers to the importance of preventing contaminants from entering the Bay. Continued implementation of these BMPs by the proposed car carriers would be sufficient to consider the impact of accidental spills as less than significant. Additional findings pursuant to CEQA are not required.

Impact 11-5: The proposed project would increase ship traffic at the project site, which could result in an accidental release of fuel oil along shipping routes either in San Francisco Bay or outer coastal waters.

Mitigation Measure 11-5: None required.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

A less-than-significant impact is confirmed by the City. Degradation of water quality could result from leaks or other accidental release of fuel from a vessel in transit or at dock. A larger fuel spill is more likely to occur in transit than at dock, and could have considerable impacts on water quality in San Francisco Bay. The potential for a fuel spill is considered highly unlikely. Based on the operational and equipment precautions that would be in place, accidental release of fuel oil by ships traveling between Japan and the PPMT would be a less-than-significant impact. Additional findings pursuant to CEQA are not required.

Impact 11-6: The proposed project would increase ship traffic at the project site, which increase the introduction of toxic marine anti-fouling paint into San Francisco Bay.

Mitigation Measure 11-6: None required.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

A less-than-significant impact is confirmed by the City. Given the ship carriers' compliance with the International Maritime Organization (IMO) convention to ban TBT-based paint, the potential for project

ships to leach chemicals from anti-fouling paints into San Francisco Bay would be a less-than-significant impact. Additional findings pursuant to CEQA are not required.

Impact 11-7: The proposed project would increase ship traffic at the project site, which result in a local increase in turbidity from vessel maneuvers in Harbor Channel and at the PPMT berths.

Mitigation Measure 11-7: None required.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

A less-than-significant impact is confirmed by the City. Transit and berthing operations in Harbor Channel could result in resuspension of unconsolidated bottom sediment due to propeller wash, increasing turbidity local to the project site. Such operations occur within Harbor Channel on a daily basis; the proposed project will result in an incremental increase in the frequency of this local ship traffic. Because turbidity due to propeller wash would be localized and temporary, this would be a less-than-significant impact. Additional findings pursuant to CEQA are not required.

Impact 11-8: The increased ship traffic that would occur as a result of project implementation could potentially increase the cumulative impact of contaminants on San Francisco Bay water quality.

Mitigation Measure 11-8: None required.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

A less-than-significant impact is confirmed by the City. Although a cumulative problem already exists due to other projects, the incremental contribution of the project to the cumulative effect would not be cumulatively considerable because the best management practices (BMPs) implemented by the project would comply with the requirements in approved plans (Basin Plan and IMO MARPOL Convention), which would avoid or substantially lessen the cumulative problem.⁴ This would therefore be a less-than-significant impact. Additional findings pursuant to CEQA are not required.

⁴ CEQA Guidelines, Section 15064(h)(3).

HAZARDS AND HAZARDOUS MATERIALS

Impact 12-1: Development of the proposed project could potentially expose construction workers and future site workers to hazardous concentrations of contaminants from soils and groundwater at the site.

Mitigation Measure 12-1: Prior to issuance of a grading permit, the project sponsor shall conduct soil and groundwater sampling to the depth of maximum anticipated excavation in areas where grading and trench excavation are planned. Soil and groundwater samples shall be analyzed for fuel hydrocarbons and metals (including arsenic). The purpose of these sampling activities would be to: (1) characterize soil to determine appropriate disposition of excavated soil (onsite reuse versus offsite disposal); and (2) assess potential contaminant risk to workers, the public, and other receptors both during and after project construction. Based on sampling results, a site-specific Soil Management Plan (SMP) and Health and Safety Plan (HASP) shall be prepared prior to conducting all invasive activities, such as excavation, dewatering, grading, and utility installation. The HASP shall be prepared in accordance with 8 CCR 5192 and shall include a provision requiring notification of potentially affected neighboring businesses or residences in the event of a hazardous substances release. At a minimum, the HASP shall include health and safety provisions for monitoring exposure to construction workers and the general public; provide procedures to be undertaken in the event that previously unreported contamination or subsurface hazards are discovered; incorporate construction safety measures for excavation activities; establish procedures for the safe storage and use of hazardous materials at the project site, if necessary; provide emergency response procedures; and designate personnel responsible for implementation of the HASP.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

In response to comments received on the DEIR, Mitigation Measure 12-1 was altered from the original wording presented in the DEIR. A requirement was added for the project applicant to consult with neighboring property owners and facility operators during preparation of the Health and Safety Plan (HASP) in order to address any concerns they may have regarding formulation and implementation of the plans.

The City hereby determines based on substantial evidence in the record that the changes to the mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required. The City hereby directs that the stated mitigation measure (with the modifications indicated above) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will reduce to a less-than-significant (acceptable) level, or avoid, the impact.

Impact 12-2: Improper use or transport of hazardous materials during construction activities during development could result in releases adversely affecting construction workers and the general public.

Mitigation Measure 12-2: The HASP and SMP required by Mitigation Measure 12-1 and the Storm Water Pollution Prevention Plan (SWPPP) required by Mitigation Measure 11-1 for project construction

shall include provisions to minimize potential construction-related contamination, particularly from wind-borne dust and stormwater runoff, and shall include emergency procedures for accidental hazardous material releases. Use, storage, disposal, and transport of hazardous materials during construction activities shall be performed in accordance with existing local, State, and *Federal* hazardous materials regulations.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

The City hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact 12-3: Construction-related activities adjacent to utilities and buried high-pressure petroleum pipelines could result in hazardous working conditions and hazardous substance releases.

Mitigation Measure 12-3: The project applicant shall submit accurate mapping of all known existing underground utilities and high-pressure pipelines with its application for a grading permit. Permit conditions for the grading permit to be issued by the City of Richmond Prior to construction shall require that standard procedures for safeguarding utilities be implemented. These procedures shall include, at a minimum: (1) marking all excavation areas with white paint; and (2) notifying Underground Services Alert (USA), which, in turn, will notify area municipal and private utility companies. In addition, any potentially affected petroleum product pipelines shall be located visually by potholing. This potholing shall be performed by hand excavation and shall only be conducted with the appropriate pipeline representative present. In addition, prior to the initiation of construction activities, pipeline and utility operators shall be provided an opportunity to review final construction plans and drawings and identify any additional necessary provisions that may be appropriate for the protection of affected pipelines and utilities, and these provisions shall be implemented by the project sponsor and/or the construction contractor(s).

Significance After Mitigation: Less Than Significant.

Findings of Fact:

The City hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact 12-4: Development of the proposed project could result in handling of hazardous materials, substances, or wastes within one-quarter mile of an existing school.

Mitigation Measure 12-4: Same as Mitigation Measure HM-2.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

The City hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact 12-5: Operation of the Honda Port of Entry could result in accidental spills or releases of hazardous materials to the environment, which could, in turn, create a significant hazard to the public or the environment.

Mitigation Measure 12-5: None required.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

A less-than-significant impact is confirmed by the City. Based on a review of AWC's current and proposed safety procedures and hazardous spill response plans, the REA concluded that the potential for hazardous spills is quite remote and, in the unlikely event a spill occurred, the volume that could be spilled—and therefore the potential scope of impact—would be minimal. Accordingly, the increased risk of accidental releases of hazardous materials from the proposed Honda operations would be a less-than-significant impact. Additional findings pursuant to CEQA are not required.

Impact 12-6: Operation of the proposed Honda Port of Entry project would result in increased activity and vehicle movement, which could, in turn, result in increased accidents and safety hazards for MTC and AWC workers.

Mitigation Measure 12-6: None required.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

A less-than-significant impact has been determined by the City. Because cars will no longer be driven on Canal Boulevard, but rather will be loaded onto rail cars within the PPMT facility, these potential risks would be limited to site workers, and the existing risk to the public along Canal Boulevard would be eliminated. In addition, both MTC and AWC train and monitor their employees in accordance with acceptable worker safety guidelines and statutes. There have been no collisions between vehicles and no personal injury accidents during the past four years that the facility has been under the direction of the current manager.⁵ For the preceding reasons, the increased potential for vehicle accidents and other worker safety hazards would constitute a less-than-significant impact. Additional findings pursuant to CEQA are not required.

Impact 12-7: Operation of the proposed PPMT rail terminal, which would involve multiple closely-spaced rail spurs and could result in significant weight loading due to multiple lines of railcars, could compromise underlying BP and Kinder Morgan pipelines and result in pipeline leaks of hazardous petroleum products, which could, in turn, create a significant hazard to the public or the environment.

Mitigation Measure 12-7: Prior to construction of the PPMT rail terminal, an engineering evaluation shall be performed, with the results to be confirmed and approved by the City of Richmond Engineering Division. During this engineering phase, weight loading as related to the underground pipeline and all other buried utilities shall be evaluated and any measures recommended to ensure pipeline integrity and safety shall be implemented by the project sponsor prior to construction of the new lead track and rail yard.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

The City hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact 12-8: The presence of State-listed hazardous materials sites on and adjacent to the PPMT could result in the exposure of construction workers, facility workers, and workers at adjacent industrial sites to hazardous materials, creating a safety hazard to such workers.

Mitigation Measure 12-8: None required.

Significance After Mitigation: Less Than Significant.

⁵ Marek Bocian, Terminal Manager, Auto Warehousing Co., personal communication, February 29, 2008.

Findings of Fact:

A less-than-significant impact has been determined by the City. While there is a potential for hazardous materials sites to have previously contaminated soil and/or groundwater at the site to a significant degree, implementation of Mitigation Measure 12-1 during construction would identify potential contamination and require appropriate remediation prior to the commencement of project operations. Potential exposure pathways of any unidentified contamination would remain sealed. Therefore, the presence on and near the PPMT site of listed hazardous materials sites and the associated risk they could pose to the environment and to human health and safety would be a less-than-significant impact. Additional findings pursuant to CEQA are not required.

VISUAL QUALITY

Impact 13-1: Construction of rail lines, installation of high-mast lighting, and repair of berth 6C would introduce heavy construction equipment into public and private views.

Mitigation Measure 13-1: None required.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

A less-than-significant impact has been determined by the City. The site itself, as well as the surrounding areas, all employ industrial and heavy-duty equipment regularly. The historic graving docks frequently have visible lifting equipment as well. The presence of additional heavy equipment on the site would be short-term in duration and would be aesthetically consistent with the industrial context of the site and surrounding Port areas; therefore, this impact would be less than significant. Additional findings pursuant to CEQA are not required.

Impact 13-2: Implementation of the project would increase the amount of auto-carrying ships that would dock at the project site, sometimes resulting in two ships docking simultaneously, which would create a visual interruption along the southern Harbor Channel waterfront.

Mitigation Measure 13-2: None required.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

A less-than-significant impact is anticipated as the occurrence of this would be rare, as only 75 additional ships are projected to berth at the Port each year. Additional findings pursuant to CEQA are not required.

Impact 13-3: The proposed extension of multiple rail lines into the PPMT and additional rail lines at the BNSF Yard would be visible from surrounding public and private areas.

Mitigation Measure 13-3: None required.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

A less-than-significant impact is anticipated as some rail lines are existing at the location, and parallel tracks would be constructed within the same alignment area. Additionally, the proposed rail yard is currently used by the Glovis operations, and the land is currently a truck parking area. Additional findings pursuant to CEQA are not required.

Impact 13-4: The proposed addition of 15 100-foot-high light towers would increase light glare in the surrounding areas.

Mitigation Measure 13-4: None required.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

A less-than-significant impact has been determined by the City. All proposed additional lighting would occur at a distance of 1,400 feet or more from the nearest residential receptor, a distance which minimizes any glare impacts. Figure 13-6 of the DEIR shows a comparison of lighting types and corresponding candlepower emission at given distances. As demonstrated by the candlepower evaluations listed in the figure, the light output from the proposed fixtures at a distance of 1,086 feet from the supporting tower would be less than 3 percent of the output of the fixtures at a distance of 204 feet from the tower. When adding in the additional light attenuation due to increased distance from the source, as well as increased elevation in the case of the residences in the Seacliff neighborhood, the amount of incident light and associated glare affecting residential receptors west of the PPMT would be negligible. Furthermore, there would be no increase in the existing intensity of light trespass at residential properties from the proposed new light towers. This would therefore be considered a less-than-significant impact. Additional findings pursuant to CEQA are not required.

Impact 13-5: The proposed addition of 15 100-foot-high light towers could contribute to sky glow in the region.

Mitigation Measure 13-5: None required.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

A less-than-significant impact has been determined by the City. The project would employ “dark sky” technology using full cutoff fixtures, as described above, no light would be emitted above the fixtures. Therefore, the project would have a less-than-significant impact on regional sky glow. Additional findings pursuant to CEQA are not required.

Impact 13-6: The proposed addition of 15 100-foot-high light towers would contribute to local glow, which would provide a distraction to nighttime views from public and private areas in the Seacliff and Brickyard Cove neighborhoods.

Mitigation Measure 13-6: None required.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

A less-than-significant impact has been determined by the City. As shown by the visual simulation, the projected intensity of lighting would be minimized by distance to the nearest receptor. Therefore, the proposed additional lighting would not constitute a substantial source of new light that would adversely affect nighttime views. Therefore, this would be considered a less-than-significant impact. Additional findings pursuant to CEQA are not required.

UTILITIES

Impact 14-1: The project could generate additional wastewater during construction, adding to the volume conveyed to the City’s wastewater treatment plant by the existing sewer main in Canal Boulevard and increasing treatment demand at the City’s wastewater treatment plant.

Mitigation Measure 14-1: None required.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

A less-than-significant impact has been determined by the City. As noted in the Setting discussion, there is substantial excess capacity at the treatment plant, which could readily accommodate the incremental increase in demand for the treatment of chemical toilet waste. As discussed in Impact 14-2, below, there is greater potential for impacts to the City's wastewater system during project operations. However, the increased demand—both project-specific and cumulative—for wastewater collection and treatment capacity during project construction—would be a less than significant impact. Additional findings pursuant to CEQA are not required.

Impact 14-2: Operation of the proposed project would generate additional wastewater, adding to the volume conveyed to the City's wastewater treatment plant by the existing sewer main in Canal Boulevard.

Mitigation Measure 14-2: Prior to issuance of a building permit, the project sponsor shall prepare an engineering study evaluating and documenting that there is sufficient capacity in the local network of sewer lines to accommodate the increased effluent flow from the project and that they are in good condition. The engineering study shall be submitted to the City of Richmond Engineering Division for review and approval. If inadequacies in the onsite collection system are identified, the project applicant shall be responsible for any necessary repairs or upgrades prior to the commencement of proposed project operations.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

The City hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact 14-3: Operation of the proposed project would generate additional wastewater, adding to the volume requiring treatment at the City's wastewater treatment plant.

Mitigation Measure 14-3: None required.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

A less-than-significant impact has been determined by the City. Wastewater Treatment, the City's wastewater treatment plant has dry weather capacity of 16 mgd, while current dry weather flows range from 8 to 12 mgd. Based on a very conservative demand estimate of 80 gallons per day per employee, the project could generate up to 15,200 gallons per day (gpd) of additional demand which would represent 0.13 to 0.19 percent of existing flows and 0.095 percent of existing capacity. Thus, the treatment plant has sufficient capacity to treat the small volume of additional wastewater that would be generated by the 190 project employees. The impact of project operation on wastewater treatment capacity, both project-specific and cumulative, would therefore be a less-than-significant impact. Additional findings pursuant to CEQA are not required.

Impact 14-4: During construction, the proposed project would result in an increased demand for water for drinking, restroom and/or construction purposes.

Mitigation Measure 14-4: None required.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

A less-than-significant impact has been determined by the City. This volume of temporary construction water use would be miniscule relative to the available water supply and existing demand within the EBMUD service area. In any case, this growth in water demand is accounted for in the Urban Water Management Plan.⁶ For these reasons, the project-specific and cumulative water demand impact of project construction would be less than significant. Additional findings pursuant to CEQA are not required.

Impact 14-5: During operation, the proposed project would result in an increased demand for water for employee drinking water and restroom use, and landscape irrigation.

Mitigation Measure 14-5:

- a) Prior to construction, the applicant shall consult with the Water Conservation Division of the East Bay Municipal Utility District (EBMUD), to determine appropriate water conservation devices and procedures for the project. The applicant shall implement all feasible water conservation measures called for by EBMUD.
- b) All project landscaping shall consist of drought-tolerant plants.

⁶ Bill McGowan, *op. cit.*

- c) Irrigation for all project landscaping shall incorporate water-efficient landscaping measures, in accordance with City and EBMUD guidelines, such as onsite capture and reuse of rainwater and/ or irrigation systems that monitor and respond to soil moisture, operate during hours when evaporation is low, and employ drip and mist irrigation.
- d) Water-conserving plumbing fixtures shall be installed in restroom facilities serving the proposed project.
- e) Coordinate with Design Review Board member Diane Bloom and City staff to finalize landscape plan.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

The City hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact 14-6: The project would increase the area of impervious surfaces at the site, with a corresponding increase in stormwater runoff.

Mitigation Measure 14-6:

- a) Same as Mitigation Measure 11-2.
- b) Prior to issuance of a building permit, the project sponsor should conduct an investigation of potential cross-connection(s) between the storm drain system located in Canal Boulevard and the storm drain system located in the adjacent BPWCP Richmond Terminal, using a dye test or other appropriate means. The results of the investigation should be submitted to the City of Richmond Engineering Division for review and approval. If the investigation determines that the storm drain system located in Canal Boulevard and the storm drain system located in the adjacent BP West Coast Products LLC Richmond Terminal are connected, the project sponsor shall design a method of separating or sealing the connection(s) and provide BPWCP an opportunity to review and comment on the design. The project sponsor shall incorporate the comments of BP West Coast Products LLC as appropriate, and submit the design to the City of Richmond Engineering Division for review. After approval of the design by City of Richmond Engineering Division, the connection(s) shall be separated or sealed in accordance with the approved design.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

In response to comments received on the DEIR, Mitigation Measure 14-6 was altered from the original wording presented in the DEIR. The measure was strengthened to add an additional requirement for the project sponsor to investigate the possibility of one or more cross-connections between the storm drain system located in Canal Boulevard and the storm drain system located in the adjacent BPWCP Richmond Terminal, using a dye test or other appropriate means. If the investigation determines that such cross-connection exists, it must be sealed or otherwise separated in accordance with direction from the City's Engineering Division. These additional requirements would not further reduce the significance of the impact, but would address concerns raised by the neighboring property owner.

The City hereby determines based on substantial evidence in the record that the changes to the mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required. The City hereby directs that the stated mitigation measure (with the modifications indicated above) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact 14-7: Construction debris generated by the proposed project could result in a substantial amount of recyclable materials being unnecessarily disposed of at the landfill serving the site, incrementally reducing the remaining life of the landfill. When combined with the construction debris generated by other future development projects in the City and County, this would be a significant project-specific and cumulative impact.

Mitigation Measure 14-7:

- a) The project sponsor shall divert at least 50 percent by weight of all demolition and construction waste other than asphalt waste from landfill disposal, and shall provide a summary report of the diversion to the City. Prior to the initiation of project construction, the project sponsor shall prepare a recycling plan to cover all phases of project construction, including demolition. The recycling plan shall identify a strategy for handling all waste materials that will be generated during construction in order to achieve diversion of at least 50 percent by weight of all demolition and construction waste other than asphalt waste from landfill disposal.
- b) The project sponsor shall divert 100 percent of asphalt waste from landfill disposal.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

The City hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact 14-8: Operation of the project could result in a substantial amount of recyclable materials being unnecessarily disposed of at the landfill serving the site, incrementally reducing the remaining life of the landfill. When combined with the operational waste generated by other future development projects in the City and County, this would be a significant project-specific and cumulative impact.

Mitigation Measure 14-8: The project sponsor shall divert at least 50 percent by weight of all operational waste from landfill disposal, and shall provide a summary report of the diversion to the City. Prior to the initiation of project operation, the project sponsor shall prepare a recycling plan, which shall identify a strategy for handling all waste materials that will be generated during operation in order to achieve diversion of at least 50 percent by weight of all operational waste from landfill disposal.

Significance After Mitigation: Less Than Significant.

Findings of Fact:

The City hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

5. FINDINGS ON ALTERNATIVES

Pursuant to Section 15126.6 of the *CEQA Guidelines*, the EIR examines three alternatives to the proposed project, including a No-Project Alternative. In addition, several alternative locations for the project were considered by rejected from further analysis after initial consideration. Also rejected from further consideration was an alternative entailing development of the PPMT as a container cargo facility. Under CEQA, an EIR need consider only alternatives that would avoid or substantially lessen one or more of the significant effects of the proposed project. Of such alternatives, only those that the lead agency determines could feasibly attain most of the project objectives need be examined in detail in the EIR. Factors of feasibility that may be taken into consideration by the agency include site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the project proponent owns or can reasonably acquire, control, or otherwise have access to a viable alternative site (*CEQA Guidelines* Section 15126.6(f)). Pursuant to Section 15091 of the *CEQA Guidelines*, the discussion below provides findings of fact concerning each of the alternatives considered in the EIR.

NO-PROJECT ALTERNATIVE

The No-Project Alternative would entail a continuation of current auto processing operations at the PPMT. AWC would continue to process Hyundai and Kia cars imported from Korea by ship. Following processing and any necessary repairs, the imported cars would be shuttled approximately 1 mile north on

Canal Boulevard by AWC employees to the Burlington Northern Santa Fe (BNSF) Rail Road automotive terminal located at the corner of Canal Boulevard and Cutting Boulevard, where they would be loaded onto rail cars and shipped to destination markets elsewhere in the U.S. They would also be distributed around northern California and the San Francisco Bay Area directly on car carrier trucks. Honda automobiles would continue to be imported via the Port of San Diego and delivered to northern California on auto-carrier trucks.

Findings of Fact:

This alternative was analyzed comparatively in Chapter 15 of the DEIR. The City, based on the information and deliberation in the record as summarized herein, and pursuant to Section 15126.6(f)(1), hereby rejects this alternative as infeasible for the reasons given below.

Project Objectives: The No-Project Alternative would achieve none of the objectives of the project set forth in Chapter 3 of the DEIR and at the beginning of this Exhibit. The No-Projective Alternative would not:

- Provide competitive, operationally efficient and environmentally responsible vehicle Port of Entry operations for Honda at the Port Of Richmond's Point Potrero facilities.
- Establish a modern and operationally effective rail loading capability within the Port, and eliminate the current requirement for shuttling vehicles along Canal Boulevard to the current rail loading facility located at Canal and Cutting Boulevards.
- Improve rail operations between the BNSF Richmond Yard and all rail-served industries within the Canal Boulevard industrial corridor, through reductions in peak-hour blockages at grade crossings, and the effective management of diesel particulate emissions through the use of environmentally efficient locomotives and improved rail operational practices.
- Promote long-term industrial distribution opportunities within the Port of Richmond, which enhance the Port's financial condition and support community goals of environmentally responsible economic development.
- Pursue the goals of City Council resolution 100-07, approved on September 11, 2007, making it public policy to maximize economic benefit from underutilized real estate assets in the Port of Richmond.

Avoiding or substantially lessening significant effects of the project: Under this alternative, a rail terminal would not be developed at the PPMT and the second existing deep-water ship berth would not be rehabilitated for use by ocean-going vessels. The significant impacts of the project, including two significant and unavoidable impacts related to emissions of nitrogen oxides (NO_x) would not occur. However, existing Glovis operations already exceed the Bay Area Air Quality Management District's (BAAQMD) thresholds of significance for NO_x and, under this alternative, the mitigation measures required to substantially reduce the emissions from the proposed project would not be implemented.

Under this alternative the environmental benefits of the project would not be achieved, including a reduction in NO_x on a Statewide basis, due to the additional 400 miles ships need to travel from Japan to San Diego in comparison to steaming to the Port of Richmond. The reduction in vehicle miles traveled and the associated reduction in air pollutant emissions from eliminating the truck transport of imported Hondas from San Diego to northern California would not occur. The reduction in hydrocarbon (HC)

emissions (by 0.12 tons per year), NO_x emissions (by 2.14 tons per year), and PM emissions (by 0.05 tons per year) that would occur as a result of using a low-emission locomotive for switching operations would not occur under the No-Projective Alternative. The traffic and air quality benefits from the elimination of auto shuttling between the PPMT and the BNSF would not be realized, nor would the dramatic reduction in blocked railroad grade crossings by train switching operations that would occur as a result of developing a rail terminal at the PPMT.

Feasibility: This alternative is economically feasible, in the sense that development costs would be avoided. At the same time, however, the City would forego the amenities and fiscal benefits associated with the preferred project.

For the reasons set forth above, the City finds, based on substantial evidence in the record, that specific economic, legal, social, technological or other considerations make the No-Project Alternative infeasible.

MODIFIED OPERATIONS ALTERNATIVE 1 (MOA-1)

This alternative would modify operations to reduce the noise impact on the Seacliff at Point Richmond residences and to reduce air emissions from the increased number of ships unloading Honda vehicles at the PPMT. The proposed truck loading area would be relocated to be no closer to the Seacliff at Point Richmond residences than the existing truck loading area. To reduce air emissions from the project, the Modified Operations Alternative 1 (MOA-1) would provide reduced dockage fees for ship operators that use cleaner fuels and cleaner ship engines; develop a program to encourage cleaner trucks at the PPMT; and impose mandatory idling restrictions on tugboats and trucks at the PPMT.

Findings of Fact:

This alternative was analyzed comparatively in Chapter 15 of the DEIR. The City, based on the information and deliberation in the record as summarized herein, and pursuant to Section 15126.6(f)(1), hereby rejects this alternative for the reasons given below.

Project Objectives: The MOA-1 would achieve all of the objectives of the project set forth in Chapter 3 of the DEIR and at the beginning of this Exhibit.

Avoiding or substantially lessening significant effects of the project: The MOA-1 was developed to avoid project Impact 7-5, related to significant noise impacts on residential receptors from loading of auto carrier trucks, and to reduce the severity of project Impact 6-2, related to emissions of criteria pollutants from the auto carrier marine vessels, tugs, rail activities, auto carrier trucks, and employee vehicles. The impacts of carbon monoxide, volatile organic compounds, and particulate matter (PM₁₀ and PM_{2.5}) would be less than significant. However, the impact from emissions of nitrogen oxides would still be significant and unavoidable under this alternative. The alternative would locate the truck-loading area so as to ensure that noise limits are not exceeded at the nearest receptors and would impose additional operational requirements on trucks, tugboats, and ships that would reduce air pollutant emissions. However, in response to comments received on the DEIR, Mitigation Measure 6-2 was altered from the original wording presented in the DEIR. The measure was strengthened to add additional requirements to reduce project emissions. These additional requirements are stricter than those incorporated into MOA-1.

Therefore, as mitigated, the proposed project would have lower air pollutant emissions than MOA-1, and would therefore be environmentally superior. Similarly, implementation of Mitigation Measure 7-5 would achieve the same noise reduction from truck loading operations as would be achieved by MOA-1.

Feasibility: This alternative is economically feasible, as development costs would be lower than those of the proposed project.

For the reasons set forth above, the City finds, based on substantial evidence in the record, that MOA-1 is feasible, but is rejected because the proposed project, with incorporation of all identified mitigation, would have reduced impacts in comparison with MOA-1.

MODIFIED OPERATIONS ALTERNATIVE 2 (MOA-2)

This alternative would be identical to MOA-1 except it would also include a requirement for reducing the use of auxiliary diesel ship engines while the ships importing Honda vehicles are berthed at the PPMT. During the first year of operation of the MOA-2, a minimum of 20 percent of the car carrier ships importing Hondas into the PPMT would be required to limit the use of auxiliary diesel engines to less than 5 hours per visit. By 2014, at least 50 percent of the project's car carrier ships would be required to limit the use of auxiliary diesel engines to less than 5 hours per visit. Power could be provided either by grid-based shore power (essentially connecting to the PG&E grid) or by ultra-clean distributed generation from portable trailers.

Findings of Fact:

This alternative was analyzed comparatively in Chapter 15 of the DEIR. The City, based on the information and deliberation in the record as summarized herein, and pursuant to Section 15126.6(f)(1), hereby rejects this alternative for the reasons given below.

Project Objectives: The MOA-2 would achieve all of the objectives of the project set forth in Chapter 3 of the DEIR and at the beginning of this Exhibit.

Avoiding or substantially lessening significant effects of the project: The MOA-2 was also developed to avoid project Impact 7-5, related to significant noise impacts on residential receptors from loading of auto carrier trucks, and to reduce the severity of project Impact 6-2, related to emissions of criteria pollutants from the auto carrier marine vessels, tugs, rail activities, auto carrier trucks, and employee vehicles. By imposing greater limitations on idling ships at berth, substantially greater reductions in NO_x would be achieved by this alternative in comparison with MOA-1, but NO_x emissions would still be significant and unavoidable. However, in response to comments received on the DEIR, Mitigation Measure 6-2 was altered from the original wording presented in the DEIR. The measure was strengthened to add additional requirements to reduce project emissions. These additional requirements are stricter than those incorporated into MOA-2. Therefore, as mitigated, the proposed project would have lower air pollutant emissions than MOA-2, and would therefore be environmentally superior. As with MOA-1, the alternative would avoid the truck-loading noise impact of the project, but would achieve the same result as Mitigation Measure 7-5.

Feasibility: This alternative is economically feasible, as development costs would be comparable to or lower than those of the proposed project.

For the reasons set forth above, the City finds, based on substantial evidence in the record, that MOA-2 is feasible, but is rejected because the proposed project, with incorporation of all identified mitigation, would have reduced impacts in comparison with MOA-2.

ALTERNATIVE LOCATIONS

With a deep-water ship berth being a critical component of the proposed project, alternative locations were considered at existing deep-water ports in northern California. From a practical standpoint, any alternative location would have to be located at an existing port on or adjacent to San Francisco Bay, and would require convenient and suitable access to rail and regional freeway transportation. Various alternative locations were considered by rejected from detailed comparative analysis in the EIR for the reasons described below.

Project Objectives: All of the potential alternative locations considered would fail to achieve any of the objectives of the project set forth in Chapter 3 of the DEIR and at the beginning of this Exhibit. None of the alternative locations would:

- Provide competitive, operationally efficient and environmentally responsible vehicle Port of Entry operations for Honda at the Port Of Richmond's Point Potrero facilities.
- Establish a modern and operationally effective rail loading capability within the Port, and eliminate the current requirement for shuttling vehicles along Canal Boulevard to the current rail loading facility located at Canal and Cutting Boulevards.
- Improve rail operations between the BNSF Richmond Yard and all rail-served industries within the Canal Boulevard industrial corridor, through reductions in peak-hour blockages at grade crossings, and the effective management of diesel particulate emissions through the use of environmentally efficient locomotives and improved rail operational practices.
- Promote long-term industrial distribution opportunities within the Port of Richmond, which enhance the Port's financial condition and support community goals of environmentally responsible economic development.
- Pursue the goals of City Council resolution 100-07, approved on September 11, 2007, making it public policy to maximize economic benefit from underutilized real estate assets in the Port of Richmond.

Avoiding or substantially lessening significant effects of the project: The ports of Benicia and Stockton were both evaluated as possible alternative sites, but were rejected from further consideration due to significant flaws. The Port of Benicia was eliminated as an alternative because it does not have an additional ship berth to accommodate the anticipated ship traffic, lacks contiguous terminal facilities and has no potential for the development of such facilities, and provides exclusive rail service by the Union Pacific Railroad (UPRR), while Honda's rail transport throughout the western and midwestern United States has been performed by the Burlington Northern Santa Fe Railroad (BNSF) for the past 20 years.

There is also a limited clearance at the Carquinez Bridge, which would preclude the passage of certain pure car carrier ships. Development of the Port of Benicia with the Honda Port of Entry project would have significantly greater construction impacts than the proposed project and would not avoid or substantially lessen any of the significant effects of the project.

Although the Port of Stockton offers ample land for auto processing and temporary storage, and also provides dual rail carrier (BNSF and UPRR) service, car-carrier ships would require an additional 11 hours of one-way steaming time up the Sacramento River to reach this port in comparison with the Port of Richmond. There is also a limited clearance at the Carquinez Bridge which would preclude the passage of certain pure car carrier ships. Furthermore, with the Bay Area as the primary destination for new Hondas imported into Northern California, locating Honda's Port of Entry at the Port of Stockton would require the backward transportation of tens of thousands of vehicles each year to the Bay Area by truck. Finally, utilization of the Port of Stockton as an alternative project location would require construction of a new ship berth as well as construction of the entire terminal facility. The areas that could be developed with an automotive terminal would be on Rough and Ready Island, which was previously occupied by the U.S. military, and would consequently require the remediation of contaminated soils before development could occur. Development of the Port of Stockton with the Honda Port of Entry project would have significantly greater construction impacts than the proposed project, would not avoid or substantially lessen any of the significant effects of the project, and would result in substantially greater emissions of criteria air pollutants, including NO_x, in comparison with the proposed project.

The Port of Oakland was considered but rejected because it lacks a suitable ship berth in close proximity to a developable industrial parcel. In addition, the Port of Oakland is primarily a container port facility utilizing intermodal transportation, and development of an automotive marine terminal would require a shift in the Port's focus.

The Port of San Francisco was considered but rejected because UPRR is the serving rail carrier at the Port of San Francisco, and the railroad does not operate multi-level car-carrying rail cars in the San Francisco service area. There is also a rail tunnel leading to the Port that does not have sufficient vertical clearance to accommodate multi-level rail cars, which would essentially preclude viable rail shipment of imported autos from this location.

A comment submitted on the DEIR suggested that Point Molate, on the western Richmond shoreline, would be a prime candidate for an alternative site for the project. However, the environmental effects of developing this site would be far greater than those of the proposed project, and none of the significant effects of the project would be avoided or substantially lessened. For example, in order to create adequate level area for short-term auto storage, extensive grading of the adjacent hillside into terraces would be required, which would deface what is currently an undeveloped open space hillside highly visible to motorists on the Richmond-San Rafael Bridge and recreational boaters on San Francisco Bay. The unstable slopes would also require extensive engineering to render the site developable. The site lacks adequate rail access and vehicular access to I-580 and would require acquisition of right-of-way and major roadway and railroad upgrading and improvements, which would have impacts not associated with the project. Similarly, development of two new deep-water ship berths on San Francisco Bay would entail, at a minimum, significant short-term impacts to aquatic life in and near the construction zone that would not occur under the proposed project. Development of the site would conflict with the open space/recreation zoning and land use designation of the site and would conflict with the *San Francisco Bay Plan* adopted by the San Francisco Bay Conservation and Development Commission (BCDC), which

designates Point Molate as Waterfront Park, Beach. It would also be inconsistent with BCDC's *Seaport Plan* and with numerous goals and policies promulgated in both the *Richmond General Plan* and the *Richmond Coastline Plan*.

Feasibility: None of the alternative locations discussed above are economically feasible, as development costs would far exceed those of the proposed project. While development of the project at the Port of Oakland is not entirely infeasible, it would require approximately \$100–125 million, far above the cost to develop the proposed project at the existing PPMT facilities, and would not meet the stated objectives of the project. Similarly, costs of developing the ports of Benicia or Stockton for Honda's port of entry would far exceed the estimated costs of \$25–30 million for the improvements needed at the PPMT for the proposed project, while avoiding none of the significant impacts of the proposed project. The Port of San Francisco is not technically feasible because multi-level rail cars cannot physically access the site. Development of Point Molate would require several hundred million dollars, and would have far greater impacts than those of the proposed project.

For the reasons set forth above, the City finds, based on substantial evidence in the record, that none of the alternative locations considered in the EIR are feasible for specific economic, legal, social, technological, or other considerations.

CARGO CONTAINER FACILITY ALTERNATIVE

Alternative development of a cargo container facility at the PPMT, established as a goal to be achieved by 2020 in the San Francisco Bay Conservation and Development Commission's *San Francisco Bay Area Seaport Plan*, was discussed in the EIR, but not analyzed in detail for the reasons set forth below.

Findings of Fact:

The City, based on the information and deliberation in the record as summarized herein, and pursuant to Section 15126.6(f)(1), hereby rejects this alternative as infeasible for the reasons given below.

Project Objectives: Development of a cargo container facility at the PPMT would not achieve the primary objectives of the project set forth in Chapter 3 of the DEIR and at the beginning of this Exhibit. A cargo container facility would not:

- Provide competitive, operationally efficient and environmentally responsible vehicle Port of Entry operations for Honda at the Port Of Richmond's Point Potrero facilities.
- Promote long-term industrial distribution opportunities within the Port of Richmond, which enhance the Port's financial condition and support community goals of environmentally responsible economic development.
- Pursue the goals of City Council resolution 100–07, approved on September 11, 2007, making it public policy to maximize economic benefit from underutilized real estate assets in the Port of Richmond.

Although a cargo container facility alternative could promote long-term industrial distribution opportunities within the Port of Richmond, it would not represent environmentally responsible development due to the inherent incompatibility of such a facility with existing and planned residential development immediately adjacent to the PPMT. Given the area needed for such an alternative and the highly industrial nature of such development, it would be much less likely that adaptive reuse of the four vacant or underutilized historical buildings could be achieved in a way that maximize the economic benefit, and public access to some of the historical resources of the Rosie the Riveter/World War II Home Front Historical Park that would be provided under the proposed project would not be viable.

Avoiding or substantially lessening significant effects of the project: A cargo container facility alternative would not avoid any of the significant effects of the project, but would create substantially greater impacts. Operation of a cargo container facility would generate much greater emissions of criteria air pollutants, including NO_x, than the proposed project, and noise impacts would also be greater. Such an alternative would create new significant visual impacts, and would generate much more truck traffic, potentially resulting in significant traffic impacts that would not occur with implementation of the proposed project. Because the potential environmental effects of a cargo container facility alternative would be an order of magnitude larger than those of the proposed project, this alternative was not evaluated in detail in the EIR.

Feasibility: The City does not have enough information to determine if a cargo container facility alternative is economically feasible, but it rejects the alternative because it would not avoid or substantially lessen one or more of the significant effects of the project.

For the reasons set forth above, the City rejects a cargo container facility alternative because it would not avoid or substantially lessen one or more of the significant effects of the project.

EXHIBIT A-2 OF ATTACHMENT 1
STATEMENT OF OVERRIDING CONSIDERATIONS
HONDA PORT OF ENTRY PROJECT
(EIR 1104434)

1. INTRODUCTION

This Statement of Overriding Considerations is made by the City of Richmond pursuant to the California Environmental Quality Act (CEQA). Pursuant to *CEQA Guidelines* Section 15161, a Project Environmental Impact Report has been prepared for the Honda Port of Entry Project. Public Resources Code Section 21081 and *CEQA Guidelines* Section 15091(a) state that no public agency shall approve or carry out a project for which a CEQA document has been completed which identifies one or more significant adverse environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. Additionally, the findings must be supported by substantial evidence in the record (*CEQA Guidelines* §15091(b)). Those findings and facts have been set forth in Exhibit A-1, *CEQA Findings of Fact*.

As identified in the Final EIR and summarized in Exhibit A-1, the proposed project has the potential to create significant adverse air quality impacts as a result of operational emissions of nitrogen oxides (NO_x) and other criteria pollutants. Although implementation of considerable mitigation measures to reduce air pollutant emissions are being required as a condition of project approval, the impact would remain significant and unavoidable. Because the project would therefore exceed the air quality standards established by the Bay Area Air Quality Management District (BAAQMD), the project would conflict with *Richmond General Plan* Policy OSC-P.1, which states “(O)nly approve projects that will comply with applicable regulations and will not exceed air quality standards.” Because the City has been unable to identify a feasible way to bring the project in compliance with the BAAQMD standard for NO_x, this impact would therefore also be significant and unmitigable.

Where a public agency identifies unavoidable adverse environmental effects of a proposed project, *CEQA Guidelines* Section 15093 requires the agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable adverse environmental effects when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental effects, these effects may be deemed acceptable by the agency. In making such a determination, the agency may approve the project only if it states in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

2. FINDINGS OF OVERRIDING CONSIDERATIONS

The City of Richmond hereby finds that the specific economic, legal, social, technological, and other benefits of the proposed Honda Port of Entry project will outweigh the unavoidable adverse environmental effects of the project for the following overriding considerations:

1. The Project will revitalize underutilized Port property and play a significant role in maintaining Richmond's Port as an active, viable deep-water port operation.
2. The Project will increase the efficiency of existing Port operations by placing rail operations adjacent to shore.
3. The Project will eliminate approximately 3,890 two-way auto carrier truck trips (i.e., 7,780 total trips) annually between San Diego and Northern California, reducing the number of vehicle miles traveled by auto carrier trucks by a conservative estimate of approximately 3,890,000 miles per year. In addition to the benefit of reduced highway congestion and roadway wear, this will reduce annual emissions of nitrogen oxides (NO_x) by 56.3 tons, particulate matter (PM₁₀) by 2.2 tons, reactive organic gases (ROG) by 2.6 tons, carbon monoxide (CO) by 11.4 tons, and carbon dioxide (CO₂) by 5,731 tons.
4. Due to a shorter steaming distance from Japan to Richmond versus Japan to San Diego, the Project will reduce the number of miles traveled by auto carrying ships by approximately 51,000 nautical miles per year, thereby reducing annual emissions of NO_x by 528 tons, PM₁₀ by 56.4 tons, ROG by 21.2 tons, CO by 41.4 tons, and CO₂ by 25,534 tons.
5. The Project will eliminate nearly all of the existing train switching operations that currently block traffic on Canal Boulevard, West Cutting Boulevard, and Garrard Boulevard approximately 20 times per day by shifting switching operations south into the new rail terminal at the PPMT. This will substantially reduce the aggregate delay experienced by drivers on these roadways and will reduce the potential for blocked or delayed emergency response to Point Richmond residents as a result of the blockages.
6. The Project will reduce the risk of automobile accidents on Canal Boulevard by loading automobiles onto rail cars at the Port facility and eliminating the current practice of driving new automobiles from in-coming ships to the rail facility approximately 1 mile away.
7. The elimination of the current car shuttling between the PPMT and the BNSF Automotive Terminal will eliminate approximately 78,000 annual one-way vehicle trips on Canal Boulevard between the two facilities and an estimated 24,000 annual one-way vehicle trips (12,000 two-way trips) by shuttle vans bringing the auto shuttle drivers back to the PPMT. This reduction in trips will result in annual reductions in air pollutant emissions of 0.1 ton of NO_x, 0.1 ton of ROG, and 1.2 tons of CO.
8. The Project, as mitigated, will improve safety at the intersection of Seacliff Drive and Canal Boulevard with the installation of traffic control improvements designed to increase sight distance on Canal Boulevard and slow traffic on Seacliff Drive as it approaches the intersection.
9. The Project will eliminate the current practice of shuttling approximately 3,300 empty multi-level rail cars to San Diego each year. This will reduce annual emissions of NO_x by 116 tons, PM₁₀ by 4.3 tons, ROG by 6.5 tons, CO by 17.3 tons, and CO₂ by 1,500 tons.
10. When the reductions in emissions identified above that will occur as a result of project implementation in comparison with current Honda operations in Northern California (including transport of vehicles from San Diego) are added together, the project will achieve total annual

reductions of 700 tons of NO_x, 63.0 tons of PM₁₀, 30.4 tons of ROG, 70.2 tons of CO, and 32,871 tons of and CO₂. These reductions are substantially greater than the total project emissions. Therefore, despite locally significant impacts, the project will have a net benefit on air quality Statewide and worldwide and contribute to a net reduction in greenhouse gases contributing to global warming.

11. The project will bring in gross revenue to the City of a minimum of \$6 million annually, which could be as high as \$10 million annually over time, with built-in fee increases and throughput volumes potentially higher than the guaranteed minimum. The project will also enhance and increase the likelihood of a continuation of the existing Glovis operations, which bring in an additional net annual revenue to the City of approximately \$3 million. Although the City will need to repay capital development costs of \$35 million plus debt service, the gross revenues to the City over the term of the contract will be at least \$90 million, and could be as much as \$150 million, or net revenue of approximately \$47 million to \$107 million.
12. The project will create new employment opportunities for Richmond residents by creating about 120 new full-time jobs and increasing demand for contractual truck drivers and longshoremen. The project require about 60 additional longshoremen for a full day, once or twice per week. By generating an additional 12,778 outbound truck trips annually, the project will provide contractual employment for an equal number of (non-unique) truck drivers.

EXHIBIT A-3 OF ATTACHMENT 1

CITY OF RICHMOND, CALIFORNIA

Port of Richmond

Honda Port of Entry at the Point Potrero Marine Terminal

MITIGATION MONITORING AND REPORT PROGRAM
(MMRP)

SEPTEMBER 2008



Honda Port of Entry Project

Mitigation Monitoring and Reporting Program (MMRP)

1. Introduction

Assembly Bill (AB) 3180, enacted by the California Legislature in 1988, requires lead agencies to prepare and adopt a program to monitor and/or report on all mitigation measures required in conjunction with certification of an Environmental Impact Report (EIR) or adoption of a Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA).

A public agency must certify an EIR or adopt a Mitigated Negative Declaration when approving a discretionary project that could significantly affect the environment in an adverse manner. The monitoring or reporting program is intended to ensure the successful implementation of measures that public agencies impose to reduce or avoid the significant adverse impacts identified in an environmental document. Adoption of the monitoring program is to occur when a public agency makes the findings to approve a project requiring an EIR or when adopting a Mitigated Negative Declaration. There is no statutory requirement for a lead agency to circulate a monitoring program for public review prior to adopting the program.

The monitoring program should specify the steps whereby implementation of project mitigation measures can be verified during project construction and operation. Typically, the monitoring program should, for each mitigation measure, identify the entity responsible for implementing the measure and an individual, qualified professional, or agency responsible for ensuring compliance. The monitoring program should also identify: the action or actions required to ensure compliance; when and how frequently monitoring should occur; a mechanism for reporting compliance or non-compliance; and an agency that receives and monitors the reports on compliance. AB 3180, as promulgated in Public Resources Code Section 21081.6, does not require a mitigation monitoring program to include measures imposed to mitigate the environmental effects of less-than-significant impacts.

AB 3180 does not provide State reimbursement for implementing the mitigation monitoring requirements because local agencies have the authority to levy fees sufficient to pay for such programs. Local agencies may recover the monitoring and reporting costs through charging a service fee pursuant to Government Code sections 65104 and 66000 *et seq.*

2. Monitoring Program

The purpose of this Mitigation Monitoring and Reporting Program (MMRP) is to present a thorough approach for monitoring the implementation of the measures required to mitigate the significant and potentially significant impacts identified in the *Honda Port of Entry Project Environmental Impact Report*. The monitoring program identifies each mitigation measure for a significant impact and specifies the means for verifying successful implementation. Failure to comply with all required mitigation measures will constitute a basis for withholding building permits or undertaking legal enforcement actions.

Project Approvals

Prior to each successive approval during development of the proposed project, the City of Richmond Planning Department shall confirm via the MMRP table (included in this document) proper implementation of all mitigation measures required to that point in time. If any

mitigation measures have not been implemented as required, the permit or other approval shall be withheld until successful implementation of the measure has been confirmed by the City. If noncompliance of required mitigation measures occurs following completion of construction and project occupancy, the failure shall be grounds for revocation of the occupancy permit(s) for the project, or other enforcement action by the City Attorney.

MMRP Table

The heart of this document is the MMRP table, which identifies the monitoring and reporting requirements for each mitigation measure identified in the Mitigated Negative Declaration. More specifically, the table provides the following information for each mitigation measure:

- **Impact Summary**— a brief one-sentence summary statement of the impact being mitigated.
- **Mitigation Measure**— the verbatim text of the mitigation measure as adopted by the City. In some cases, the measure may differ slightly from the language presented in the Mitigated Negative Declaration circulated for public review.
- **Implementation Responsibility**— the entity responsible for implementing the mitigation measure.
- **Monitoring Responsibility**— the person or agency responsible for physically verifying that the mitigation measure has been implemented and for recording the verification in the MMRP table. In some cases, an outside regulatory agency may be involved in determining or ensuring mitigation compliance, but reporting of compliance in the MMRP table is the responsibility of City staff in all cases.
- **Monitoring Activity**— all activities necessary to verify successful implementation of the mitigation measure. Where certain monitoring activities are verified during the normal course of project review and approvals (e.g., verification of compliance with building codes), such verification has been noted but has not been incorporated into the MMRP, and no separate reporting is required beyond that which normally occurs.
- **Timing/Frequency of Monitoring** — the phase of the project during which monitoring activities must occur and/or milestone(s) at which single-event monitoring activities must occur followed by how often monitoring activities must occur. Typically, the monitoring occurs once, weekly, or monthly.
- **Date & Monitor's Initials/Status/Comments**— the initials of the Responsible Monitor verifying that implementation of the mitigation measure has been satisfactorily completed. A notation shall be provided for each required occurrence of monitoring and/or verification, as stipulated in the MMRP table for each mitigation measure. The notation by the proper monitor should be dated and initialed, and should note any irregularities or problems in compliance. When final implementation of a mitigation measure has been verified by the designated monitor, a notation of full and completed implementation shall be made in this space.

Reporting

Reporting shall be satisfied by a written notation in the space provided for each mitigation measure in the MMRP table, as noted above. The MMRP table shall be maintained on file at the offices of the Richmond Planning Department until, at a minimum, all mitigation measures have been successfully implemented and verified.

Mitigation Monitoring and Reporting Program (MMRP)

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing! Frequency of Monitoring	Date & Monitor's Initials! Status!Comments
LAND USE AND PLANNING					
Impact 4-1: The proposed project would be inconsistent with Richmond General Plan policies requiring compliance with adopted air quality standards and protection of the public from the adverse health effects of air pollution. Mitigation Measure 4-1: None feasible.	n/a	n/a	n/a	n/a	
Impact 4-2: The proposed project would be inconsistent with Richmond Coastline Plan Public Access Policy, which call for permanently guaranteed access to the b Mitigation Measure 4-2: The Port of Richmond shall maintain permanent public access to the shoreline and historic sites on the PPMT to the eatest extent feasible while complying with federal and State security regulations. If relocation of the planned Bay Trail Segment is required in the future due to national security concerns or for other reasons, the Port shall provide alternative shoreline access and, if feasible, alternative access to the historic resources at the PPMT. In determining the location and design of public access, as well as final design of the PPMT site plan, the Port and the applicant shall offer to consult with neighboring property owners and facility operators to address security concerns. Written evidence of consultation, or reasonable efforts to consult, shall be provided to the City before any permit for project construction is issued.	Project Sponsor	City of Richmond Planning & Building Services	Prior to issuance of a grading permit, Planning staff shall verify receipt of written evidence of applicant consultation with neighboring property owners and facility operators, which shall be included in the project file. If future relocation is required, prior to issuance of first administrative or discretionary permit, Planning staff shall periodically monitor site to verify provision for continued shoreline access, and shall verify receipt of written evidence of repeated applicant consultation with neighboring property owners and facility operators regarding relocation plans. Planning staff shall periodically verify via field inspection that public access to the shoreline and historic sites is maintained.	Verification of consultation with neighboring property owners: Prior to issuance of grading permit/ Once (to be repeated if access is relocated) Verification of continued public access: Following completion of project construction/ Periodically, at the discretion of City staff.	

Mitigation Monitoring and Reporting Program (MMRP)

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing! Frequency of Monitoring	Date & Monitor's Initials! Status!Comments
Impact 4-3: The proposed project would conflict with San Francisco Bay Area Seaport Plan policies identifying the project site as a future container cargo port facility. Mitigation Measure 4-3: As part of the application for a development permit from the San Francisco Bay Conservation and Development Commission (BCDC), the project sponsor should provide data to the Seaport Planning Advisory Committee of BCDC that demonstrate that implementation of the proposed project would not prevent Bay Area ports from collectively achieving the 2020 cargo projections contained in the San Francisco Bay Area Seaport Plan. As part of the application for a development permit from the San Francisco Bay Conservation and Development Commission (BCDC), the sponsor should provide data to the Seaport Planning Advisory Committee of BCDC that demonstrate that implementation of the proposed project would not prevent Bay Area ports from collectively achieving the 2020 cargo projections contained in the San Francisco Bay Area Seaport Plan. The proposed project will be fully consistent with elements of the Seaport Plan that support the Port's extension of trackage into Point Potrero, thereby facilitating potential growth of intermodal service at the Port. BCDC has identified the future need to expand container capacity at the Port of Richmond in its 2020 Seaport Plan. To address any inconsistency with the Seaport Plan, if any portion of the PPMT is required for such development expansion during the term of Honda's operations at the Port of Richmond, then on the mutual agreement of the Port, AWC, and Honda, the Port shall relocate such portion of the facilities so that the resulting premises provide an equally efficient site for the operation of Honda's operations.	Project Sponsor Port of Richmond	City of Richmond Planning & Building Services	Prior to issuance of a grading permit, Planning staff shall verify receipt of copies of BCDC permit application, cargo projection and capacity data, and written agreement from the Seaport Plan. Planning staff shall also verify that BCDC issues its permit for the project.	Prior to issuance of grading permit/Once	
TRAFFIC					
Impact 5-1: Construction of the proposed project would generate additional traffic from construction workers traveling to and from the site, from truck deliveries of construction materials and ballast stone, and from trucks at the site. Mitigation Measure 5-1: None required.	n/a	n/a	n/a	n/a	

Mitigation Monitoring and Reporting Program (MMRP)

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing! Frequency of Monitoring	Date & Monitor's Initials! Status!Comments
Impact 5-2: Staging of construction equipment and materials, construction parking, lane closures, and slow-moving construction trucks all have the potential to disrupt traffic on Canal Boulevard and create potential traffic hazards during construction. Mitigation Measure 5-2: Prior to construction, the project sponsor shall submit a construction management/traffic control plan for City review and approval. The project applicant shall offer to consult with neighboring property owners and facility operators during preparation of the traffic control plan in order to address any concerns they may have regarding formulation and implementation of the plan. Written evidence of consultation, or reasonable efforts to consult, shall be provided to the City before a grading permit is issued. At a minimum, the plan shall include the following: • identification of construction truck routes, staging, and parking areas for workers, as well as areas of potential encroachment into the public right-of-way; • provision of appropriate traffic control personnel and signs; and • designation of an on-site construction manager as a contact for the City and the public.	Project Sponsor/ Project Engineer	City of Richmond Planning & Building Services City of Richmond Public Works Department	Planning and Public Works staff shall review and approve the construction management/ traffic control plan to ensure that it complies with Mitigation Measure 5-2. Prior to issuance of a grading permit, Planning staff shall verify receipt of written evidence of applicant consultation with neighboring property owners and facility operators, which shall be included in the project file. Weekly site inspections shall be conducted by Public Works staff to verify proper implementation of the approved construction management/ traffic control plan.	Verification of consultation with neighboring property owners: Prior to issuance of grading permit/ Once Verification of adequate traffic control plan: Prior to issuance of grading permit/ Once Verification of proper implementation of construction management/ traffic control plan: Throughout project construction/ Weekly	
Impact 5-3: Under Background Plus Project Conditions, the addition of project-generated traffic to the local road network would incrementally increase average delay at project study intersections, but all of the intersections would continue operating acceptably at LOS C or better. Mitigation Measure 5-3: None required.	n/a	n/a	n/a	n/a	

Mitigation Monitoring and Reporting Program (MMRP)

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing! Frequency of Monitoring	Date & Monitor's Initials! Status!Comments
Impact 5-4: The proposed project would increase the number of large trucks and other vehicles traveling at speed through the unsignalized intersection of Canal Boulevard and Seacliff Drive, which provides inadequate stopping sight distance and inadequate intersection sight distance. Although this is an existing condition, the additional project traffic would substantially exacerbate the safety hazard at this intersection by increasing the number of motorists exposed to potential accidents between autos and large trucks. Mitigation Measure 5-4: The City of Richmond shall install a traffic signal implement appropriate improvements, as determined by the Public Works Department, at the intersection of Canal Boulevard and Seacliff Drive in order to provide adequate intersection sight distance (minimum of 450 feet on Canal Boulevard) and improve eastbound vehicle deceleration on Seacliff Drive at the intersection approach. The project sponsor shall pay the fair-share cost of implementing this mitigation measure, as determined by the City of Richmond.	City of Richmond Planning & Building Services City of Richmond Public Works Department Project Sponsor	City of Richmond Planning & Building Services City of Richmond Public Works Department	Public Works staff shall ensure and verify that the City implements the intersection improvements required by Mitigation Measure 5-4. Planning staff shall verify that the project sponsor pays the fair-share cost of the implementation of the mitigation measure.	Prior to commencement of project operation/ Once	
Impact 5-5: The proposed project would increase the number of large multi-axel trucks traveling on Canal Boulevard, contributing wear to a roadway that is already in substandard condition south of Seacliff Drive. Mitigation Measure 5-5: None Required.	n/a	n/a	n/a	n/a	

Mitigation Monitoring and Reporting Program (MMRP)

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing! Frequency of Monitoring	Date & Monitor's Initials! Status!Comments
Impact 5-6: The anticipated parking demand by PPMT employees, longshoremen, visitors, and the public would exceed the parking supply proposed by the project. Mitigation Measure 5-6: The City of Richmond, in consultation with the Port of Richmond and the Project Sponsor, shall make a determination as to the appropriate amount of parking to be provided at the PPMT, and this requirement shall become a condition of the Conditional Use Design Review Permit required for the project. This determination may allow for the Project Sponsor to designate a portion of the new auto storage areas as reserve parking (60 spaces) for the extra longshoremen needed at the site on the periodic occasions when two ships are at berth at the PPMT, thereby reducing the permanent parking requirement by 60 spaces. Prior to issuance of a grading permit, the Project Sponsor shall demonstrate on the final site plan the provision of the n/a	City of Richmond Planning & Building Services Project Sponsor	City of Richmond Planning & Building Services	Prior to issuance of a Design Review Permit, the City shall determine the parking requirement for the project and make compliance with the parking requirement a condition of approval of the Design Review Permit. Prior to issuance of a grading permit, Planning staff shall verify that the final site plan complies with the parking requirement.	Verification of parking Condition of Design Review Approval: Prior to Design Review Approval /Once Site Plan Verification: Prior to the issuance of a grading plan/Once	
Impact 5-7: Under Cumulative Year 2030 Plus Project Conditions, the addition of project-generated traffic to the local road network would incrementally increase average delay at project study intersections, but all of the increased delay would continue to meet acceptable LOS C or better. Mitigation Measure 5-7: None required.	n/a	n/a	n/a	n/a	
Impact 5-8: The proposed establishment of a rail yard at the PPMT would result in periodic delays to vehicles attempting to enter or exit Wharf Street during train crossings. Mitigation Measure 5-8: None required.	n/a	n/a	n/a	n/a	
Impact 5-9: Switching and other train operations between the proposed PPMT rail yard and the BNSF Automotive Terminal would temporarily block access to industrial properties east of Canal Boulevard. Project trains traveling between the PPMT and the Richmond Rail Yard and utilizing the at-grade crossings at Canal, West Cutting, and South Garrard boulevards would similarly temporarily block access to residential and other properties located south of these crossings. This could result in the inability of emergency vehicles to access these properties during fires, medical emergencies, or other types of emergencies.	Project Sponsor	City of Richmond Fire Department City of Richmond Police Department City of Richmond Planning & Building Services	Prior to issuance of a grading permit, Planning staff shall receive written confirmation from the Fire and Police departments that they have reviewed and approved the ERP. Planning staff shall also verify receipt of written evidence of applicant consultation with neighboring property owners and facility operators, which shall be included in the project file.	Verification of ERP approval: Prior to issuance of grading permit/ Once Verification of consultation with neighboring property owners: Prior to issuance of grading permit/	

Mitigation Monitoring and Reporting Program (MMRP)

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing! Frequency of Monitoring	Date & Monitor's Initials! Status!Comments
Mitigation Measure 5-9: The project sponsor shall prepare and implement an Emergency Response Plan (ERP), subject to review and approval by the Richmond Fire Department and Richmond Police Department, that addresses continuous emergency access to all properties potentially blocked by train crossings or switching operations. The ERP shall be developed in consultation with all potentially affected business and property owners located east of Canal Boulevard. The project applicant shall offer to consult with neighboring property owners and facility operators during preparation of the ERP in order to address any concerns they may have regarding implementation of the plan. Written evidence of consultation, or reasonable efforts to consult, shall be provided to the City before a grading permit is issued. Possible approaches to improve or guarantee emergency access could include some or all of the following: • Install mobile communications devices on trains so that they can communicate their location and time at crossings with fire and police personnel. • Install GPS tracking devices on trains so that fire and police dispatchers can track train locations. • Install web cams at rail crossings so that motorists and emergency vehicle personnel can remotely monitor the rail crossings for blockage via computer, PDA, or smart phones. • Install a railroad preemption/warning system to alert motorists of crossing trains so that they can use detours. • Investigate the potential to locate a police and fire substation south of Cutting as a long-term solution. • Investigate the potential to create a grade-separated crossing in the area. • Schedule train traffic/switching after 6 p.m. since vehicle traffic on Wharf Street drops significantly at that time. • Investigate the potential for an emergency access through PPMT facility to the east side of the rail yard. A locked gate to the proposed new BP/Arco entrance road could be established, with access controlled by emergency personnel.			Planning staff shall periodically verify via field inspection that public access to the shoreline and historic sites is being maintained. Following ERP approval, the Fire and Police departments shall take any actions they deem appropriate to ensure and verify proper implementation of the ERP. Within two months of the commencement of project operations, Planning staff shall verify receipt of written confirmation from the Fire and Police that the ERP is being successfully implemented to their satisfaction, with re-verification to occur annually.	Once Verification of ERP Implementation: Within two months of the commencement of project operations/ Annually	

Mitigation Monitoring and Reporting Program (MMRP)

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing! Frequency of Monitoring	Date & Monitor's Initials! Status!Comments
(fire and police).					
Impact 5-10: The increase in ship traffic resulting from implementation of the proposed project could potentially cause congestion or disruption to the normal flow of traffic in San Francisco Bay. Mitigation Measure 5-10: None required.	n/a	n/a	n/a	n/a	
Impact 5-11: The increase in ship traffic at the project site caused by the proposed project could potentially cause congestion or disruption to the normal flow of traffic at the Port of Richmond. Mitigation Measure 5-11: None required.	n/a	n/a	n/a	n/a	
Impact 5-12: The increase in ship traffic resulting from implementation of the proposed project could potentially increase risk of collision or accident in San Francisco Bay and the project. Mitigation Measure 5-12: None required.	n/a	n/a	n/a	n/a	
AIR QUALITY					
Impact 6-1: Activities associated with proposed project construction would generate short-term emissions of criteria pollutants, including construction-related dust emissions and equipment exhaust emissions, during the construction. Mitigation Measure 6-1: The applicant shall implement dust abatement measures identified by BAAQMD as feasible dust control, during all construction activities, including the following: • water all active construction areas at least twice daily; • cover all trucks hauling soil, sand, and other loose materials, or require such trucks to maintain at least two feet of freeboard; • pave, apply water at a minimum three times daily in dry weather, or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas; • sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas; • sweep streets daily (with water sweepers) if visible	Project Sponsor and Construction Contractor	Bay Area Air Quality Management District (BAAQMD) City of Richmond Planning & Building Services	Site visits by Planning staff to verify compliance with requirements. Additional site visits shall be promptly made in response to any complaints received by the City or BAAQMD. Any excessive dust observed shall be discussed with the project sponsor and reported in the MMRP table.	During construction/ Monthly and in response to complaints	

Mitigation Monitoring and Reporting Program (MMRP)

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing! Frequency of Monitoring	Date & Monitor's Initials! Status!Comments
soil material is carried onto adjacent public streets areas; • hydroseed or apply non-toxic soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more); • enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.); • limit traffic speeds on unpaved roads to 15 miles per hour; • install sandbags or other erosion control measures to prevent silt runoff to public roadways; and • replant vegetation in disturbed areas as quickly as possible. The applicant shall implement the following construction combustion emissions mitigation measures identified by BAAQMD during all construction activities: • Use alternative-powered construction equipment (i.e., hybrid, compressed natural gas (CNG), biodiesel, electric), where feasible. • Use construction equipment which uses add-on control devices such as diesel oxidation catalysts or particulate filters, or that meets the California Air Resources Board's (CARB) most recent certification standards for at least 10 percent of the total equivalent construction period. • Minimize idling time (e.g., 5 minute maximum). • Maintain properly tuned equipment. • Limit the hours of operation of heavy-duty equipment and/or the amount of equipment in use.					
Impact 6-2: Operation of the proposed project would generate emissions of criteria pollutants from the auto carrier marine vessels, tugs, rail activities, auto carrier trucks, and employee vehicles. The impacts of carbon monoxide, volatile organic compounds, and particulate matter (PM₁₀ PM_{2.5}) would be less than significant. However, the impact from emissions of nitrogen oxides would be significant and unavoidable. Mitigation Measure 6-2: The Port of Richmond, shall develop set a targeted goal of reducing the air quality impacts of the proposed project by at least 50 percent and	Port of Richmond	City of Richmond Planning & Building Services	Prior to issuance of a grading permit, Planning staff shall verify completion of the CAAP in compliance with Mitigation Measure 6-2, including staying consistent and/or ahead of CARB regulations. The Port of Richmond shall prepare and submit an annual report to the Richmond Planning Department documenting and updating the status of implementation	Verification of CAAP preparation: Prior to issuance of grading permit/ Once Verification of annual reports on ERP Implementation: Within two	

Mitigation Monitoring and Reporting Program (MMRP)

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing! Frequency of Monitoring	Date & Monitor's Initials! Status!Comments
up to 85 percent of DPM (consistent with the 2020 goals adopted by CARB in April 2006 in association with the Goods Movement Reduction Plan). Targeted reduction goals for project NO_x emissions shall be set at 5 percent below project estimated NO_x emissions. These targeted goals shall be an outcome of the development of a Clean Air Action Plan (CAAP Plan) that targets all emissions, focusing primarily on reducing NO_x, PM_{10/2.5}, and TACs (especially diesel particulate matter) associated with PPMT and other Port of Richmond emission sources. The CAAP shall be completed prior to construction and implementation of the CAAP shall begin with the commencement of project operations. The CAAP Plan shall implement measures largely through the CEQA/NEPA process, tariffs, and new leases. One goal of the CAAP plan shall be to stay consistent with and/or ahead of California Air Resources Board (CARB) regulations. The CAAP Plan shall focus on reducing NO_x and diesel particulate emissions, thereby having a primary benefit of improving local and regional health and air quality. The CAAP Plan shall contain provisions for implementing the following measures (but not limited to just these measures), as feasible, for the Honda Port of Entry: Cleaner Ship Fuels. On June 10, 2008, CARB released draft clean fuel regulations for ocean-going vessels that would require US and foreign-flagged vessels sailing within 24 miles of the California coastline to use low sulfur marine fuels rather than bunker fuel to power main propulsion engines, auxiliary engines and boilers. Under the proposal, by July 1, 2009, main engines and auxiliary boilers of ocean-going vessels would be required to switch either to marine gas oil with no more than 1.5 percent sulfur or marine diesel oil with 0.5 percent or less sulfur. Auxiliary engines on ocean-going vessels would be required to switch to cleaner fuel within 30 days after rule promulgation. By 2012, only marine gas oil and marine diesel oil fuels with 0.1 percent sulfur would be allowed. CARB has estimated that implementation of the regulations would reduce toxic particulate matter emissions from diesel vessel engines by 80 percent compared to current uncontrolled emissions. CARB estimates that sulfur oxide and nitrogen oxide emissions would also be reduced by 90 and 6			measures identified in the CAAP. Planning staff shall verify and document in this MMRP table receipt of the annual reports.	months of the commencement of project operations/ Annually	

Mitigation Monitoring and Reporting Program (MMRP)

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing! Frequency of Monitoring	Date & Monitor's Initials! Status!Comments
percent respectively. The Port of Richmond shall provide reduced dockage fees for ship operators that use cleaner fuels prior to implementation of the clean fuel regulation requirements. If the regulation is not promulgated, the Port of Richmond shall require 50 percent compliance of the cleaner fuels standard through reduced dockage fees or lease requirements. Provide reduced dockage fees for ship operators that use cleaner fuels and cleaner ship engines. Cleaner Engine Technologies. Instead of meeting the cold ironing shore power requirements, ship owners may elect to reduce their fleet emissions at a terminal by 50 percent by 2014 using engine optimization (e.g., Miller Cycle Value timing), engine process modifications (e.g., addition of water, urea, or ammonia to the combustion process), and/or after-treatment processes (e.g., Selective Catalytic The Port of Richmond shall provide reduced dockage fees for ship operators that use cleaner engine technologies. Idling Restrictions. Impose mandatory idling restrictions for trucks at the PPMT. Provide trucker education of anti-idling benefits and enforcement of CARB's anti-idling regulations of no more than 5 minutes, where applicable, of auto-carrier trucks and delivery trucks servicing the proposed project. Based on emission assumptions, this could reduce PM emissions from auto carrier truck idling within the facility by up to 80 percent, given the assumption that auto carrier trucks currently idle for up to 25 minutes during loading. Impose mandatory idling restrictions for tugboats and trucks at the PPMT. Cleaner Auto Carrier Trucks. Develop a program to encourage cleaner trucks at the PPMT. A schedule shall be developed to achieve 2007 emission standards for the auto carrier trucks ahead of Grant Funding. Actively pursue State, Bay Area, and grant funds (e.g., the Carl Moyer Fund, Transportation Fund for Clean Air, etc.) for					

Mitigation Monitoring and Reporting Program (MMRP)

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing! Frequency of Monitoring	Date & Monitor's Initials! Status!Comments
improved trucks and retrofits such as the diesel particulate filters and ocean-going vessel emission-reduction technologies .					
¥ Vessel Speed Reduction. CARB is evaluating an ocean-going vessel speed reduction program. The Ports of Los Angeles and Long Beach currently have a program which requests that vessels reduce their speed to 12 knots beginning 20 nautical miles off shore. A similar program shall be developed for the Port of Richmond as part of the proposed project.					
¥ General Mitigation Measure. For any of the above emission reduction measures, if a CARB-certified technology becomes available and is shown to be as good as or better in terms of emissions performance than the existing measure,					
the technology could be used to replace the existing emission reduction measure pending approval by the Port.					
¥ Periodic Review of New Technology and Regulations. The Port shall require the tenant to review, in terms of feasibility, any Port-identified or other new emissions-reduction technology, and report the technology review results to the Port.					
Such technology feasibility reviews shall take place at the time of the Port's consideration of any lease amendment or facility modification. If the technology is determined by the Port to be feasible in terms of cost, technical and operational feasibility, the tenant shall work with the Port to implement it.					
¥ Advanced Maritime Emissions Control System (AMECS). AMECS is a pilot system composed of an Emissions Treatment Subsystem and an Emissions Capture Subsystem. The system contains two emission-removal technologies: a Cloud-Chamber Scrubber for removal of SO _x , PM, and ROG, and a Selective Catalytic Reduction Reactor for the removal of NO _x . The AMECS treats ocean-going vessels while at berth. This system claims to reduce SO ₂ by up to 97 percent, PM by more than 92 percent, and NO _x by up to 97 percent. The system does not require modification of the ship.					
If the AMECS or another emissions treatment					

Mitigation Monitoring and Reporting Program (MMRP)

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing! Frequency of Monitoring	Date & Monitor's Initials! Status!Comments
system is determined to be feasible for use on ships serving the proposed project, the system shall be operational upon implementation of the project. If more effective and cost effective, the AMECS or other treatment system may be located at the PPMT and/or other Port of Richmond facilities, which could provide the biggest emission reductions either based on the frequency of ports of call, the types of vessels (cargo and container vessels tend to have greater air emissions than auto carriers), and the duration of hotelling. ¥ Cold Ironing. Similar to proposed CARB regulations for container ships, by 2014 no less than 50 percent of the project's auto carrier ships shall limit the use of auxiliary diesel engines to less than 5 hours per visit. To reduce emissions while at berth, P power can be provided either by grid-based shore power (essentially connecting to the PG&E grid) or by ultra-clean distributed generation (proof of concept tests at the Port of Oakland have shown the ability of mobile liquefied natural gas generators to fully power ocean-going vessels while docked at berth or under "hotelling"). Similar to proposed CARB regulations for container ships, by 2014 no less than 50 percent of the project's auto carrier ships shall limit the use of auxiliary diesel engines to less than 5 hours per visit. If the AMECS is determined to be infeasible at the PPMT, a cold ironing unit shall be installed, if feasible. The Port of Richmond shall provide reduced dockage fees for ship operators that provide the necessary retrofits for the cold ironing unit. ¥ Periodic Inventory of Port Emissions. The Port shall conduct a biennial emission inventory to more precisely determine the facility emissions and the assumptions under which emissions are determined, to assess the benefits of mitigation measures, and to develop other opportunities to reduce air emissions. The biennial emissions inventory shall be made available to the public. ¥ Additional Mitigations. If the AMECS and cold ironing are deemed not feasible and/or not cost effective, additional mitigation measures equal to the estimated emissions reductions associated with					

Mitigation Monitoring and Reporting Program (MMRP)

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing! Frequency of Monitoring	Date & Monitor's Initials! Status!Comments
cold ironing shall be implemented. These additional measures would focus on emission sources at the Port (but not necessarily associated with the Proposed Project), such as installation of solar units, boiler replacement, cargo handling equipment modifications/replacement, but could also include emission sources within the vicinity such as school bus conversion, conversion of diesel forklifts to electric forklifts, educational programs, landscaping, purchasing of carbon credits, and solar/wind units. ¥ Employee Transit Access. The Port of Richmond shall work with the City, AC Transit, and BART to provide enhanced transit access, such as free shuttle service for project employees between the project and local transit modes, including the Richmond BART station. The Port shall coordinate with AC Transit to extend bus service to the PPMT, if feasible, such as by modifying an existing bus route in the project area. The Port and City shall encourage and provide incentives for ridesharing and use of public transit for project employees.					
Impact 6-3: Operation of the proposed project would generate emissions of greenhouse gases (GHG) from the auto carrier marine vessels, tugs, rail activities, auto carrier trucks, and employee vehicles. Mitigation Measure 6-3: None required.	n/a	n/a	n/a	n/a	
Impact 6-4: Although operation of the proposed project would create objectionable diesel odors in proximity to the sources, at the nearest sensitive receptors they would not be detectable, or at worst would be below offensive b Mitigation Measure 6-4: None required.	n/a	n/a	n/a	n/a	
Impact 6-5: Project emissions of diesel particulate matter could pose a risk to human health. Mitigation Measure 6-5: None required.	n/a	n/a	n/a	n/a	
NOISE					
Impact 7-1: Project construction would temporarily increase noise levels in the project vicinity. Mitigation Measure 7-1: None required.	n/a	n/a	n/a	n/a	

Mitigation Monitoring and Reporting Program (MMRP)

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing! Frequency of Monitoring	Date & Monitor's Initials! Status!Comments
Impact 7-2: Project-generated vehicle traffic would generate noise, but would not substantially increase roadside noise levels in the project vicinity under existing conditions. Mitigation Measure 7-2: None required.	n/a	n/a	n/a	n/a	
Impact 7-3: Noise from ship unloading could substantially increase noise levels at residential receptors. Mitigation Measure 7-3: The City shall enforce the nighttime noise limit of 50 dBA at the residential property boundaries. Only ship engines that meet this noise level limit at the residential property boundaries shall be permitted to run at night (i.e., 10:00 p.m. to 7:00 a.m.).	Project Sponsor	City of Richmond Planning & Building Services	Planning staff shall verify inclusion in construction contracts the requirement to limit construction activity to the stipulated hours. Planning staff shall promptly make site visits in response to any complaints received by the City. Any construction occurring outside permitted hours shall be discussed with the project sponsor and reported in the MMRP table. Planning staff shall promptly contact project sponsor in response to any complaints received by the City. If deemed to be warranted by the City, noise monitoring equipment shall be used at appropriate monitoring location(s) to determine if noise levels produced at night are in excess of the City's nighttime noise limits. Project Sponsor shall be required to cease or mitigate any excessive noise.	Verification of contractual requirements: Prior to construction/ Once Response to complaints: Upon receipt of complaint/ As needed	
Impact 7-4: Noise from loading railcars at the new rail yard at PPMT would increase noise levels in the immediate vicinity, but would not substantially increase noise levels at residential receptors. Mitigation Measure 7-4: None required.	n/a	n/a	n/a	n/a	

Mitigation Monitoring and Reporting Program (MMRP)

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing! Frequency of Monitoring	Date & Monitor's Initials! Status!Comments
Impact 7-5: Noise from loading auto carrier trucks at the new location at PPMT could substantially increase noise levels at residential receptors. Mitigation Measure 7-5: a) The site plan shall be reconfigured so that truck loading remains in the same location as current ~~to~~ ~~loading~~ b) The site plan shall be reconfigured so that truck loading is moved to another location at the PPMT site no closer to the Seacliff residences than the ~~current~~ ~~location~~ c) The site plan shall be reconfigured so that all nighttime truck loading operations are at least 750 feet from the Seacliff residences and the line of sight from the residences to all truck loading operations is blocked by a sound barrier, or enclosed in a building.	Project Sponsor	City of Richmond Planning & Building Services	Prior to issuance of a Design Review Permit, Planning staff shall review project design plans to verify compliance with Mitigation Measure N-5.	Prior to issuance of Design Review Permit/ Once	
BIOLOGICAL RESOURCES					
Impact 8-1: Project implementation could result in the placement of fill into federal and/or State jurisdictional wetlands. Mitigation Measure 8-1: a) A formal wetland delineation has been performed; the delineation shall be submitted to the USACE for a jurisdictional determination. If it is determined by the U.S. Army Corps of Engineers (USACE) that wetlands on site are regulated under the Clean Water Act, the project sponsor shall implement Mitigation Measure 8-1(b). Whether or not it is determined that wetlands on site are not regulated under the Clean Water Act, the project sponsor shall implement Mitigation Measure 8-1(c). b) Prior to the placement of fill into any wetlands, the project sponsor shall obtain permits under Sections 401 and 404 of the Clean Water Act. These permits, administered by the Regional Water Quality Control Board (RWQCB) and USACE, respectively, would identify specific mitigation measures that would be imposed on the project as permit conditions. At a minimum, the project sponsor shall implement Mitigation Measure 8-1(d).	Project Sponsor and Construction Contractor	City of Richmond Planning & Building Services California Department of Fish and Game	Planning staff shall verify submittal of the wetland delineation report to the USACE. Planning staff shall coordinate with the USACE, RWQCB and/or CDFG to document compliance with the appropriate mitigation measures, depending on the existence on the site of wetlands regulated under the Clean Water Act. Planning staff shall receive copies of required permits from COE, RWQCB, and CDFG and Wetland Mitigation and Monitoring Plan, as well as confirmation of COE and RWQCB approval of the plan. A qualified biologist by the City of Richmond and paid for by the project sponsor shall verify proper implementation of the mitigation plan and shall provide the City with written confirmation	Verification that wetlands are regulated under the Clean Water Act and that mitigation requirements are implemented to satisfaction of USACE, RWQCB and/or CDFG: Prior to issuance of grading permit/ Once Verification of issuance of any permits required from USACE, RWQCB and/or CDFG: Prior to issuance of grading permit/ Once Verification of	

Mitigation Monitoring and Reporting Program (MMRP)

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing! Frequency of Monitoring	Date & Monitor's Initials! Status!Comments
or 8–1(e). c) In order to determine the presence or absence of waters of the State subject to the jurisdiction of State regulatory agencies, a description of existing habitats on site shall be submitted to the California Department of Fish and Game (CDFG) and RWQCB for review. If waters of State are determined to fall under one or both of these agencies, the project sponsor shall obtain the appropriate permits. These permits would identify specific mitigation measures that would be imposed on the project as permit conditions. At a minimum, the project sponsor shall implement Mitigation Measure 8–1(d) or 8–1(e). d) Given the artificial nature of the wetlands affected by the proposed project, and their location in a highly industrialize location, their biological functions and values are considered impaired. While it is generally preferred by the regulatory agencies that wetland impacts are compensated by the creation of similar habitats on site, in certain instances, compensation at an off–site location may be deemed acceptable. As part of the permitting process, the project sponsor must comply with all permit conditions of the regulatory agencies, including the implementation of an appropriate compensatory mitigation plan for unavoidable impacts to wetlands. At the discretion of the regulatory agencies, the project sponsor may seek a public or private entity in control of lands at a suitable off–site location with planned habitat restoration measures, to which an in–lieu–of fee could be paid. The recipient may be either an approved mitigation bank or public or private entity undertaking habitat restoration measures. The type of restoration project and amount of the in–lieu–of fee would be determined in consultation with the regulatory agencies with the ultimate objective of satisfying agency concerns and permit conditions. If payment of in–lieu–of fees is not acceptable to one or more of the regulatory agencies or a suitable recipient cannot be found, the project sponsor shall implement on–site wetland mitigation, as outlined in Mitigation Measure 8–1(e). e) If required by the USACE, CDFG, or RWQCB, a Wetland Mitigation and Monitoring Plan shall be prepared and submitted for agency review.			of the verification. Planning staff shall verify that, if required by the USACE, CDFG, or RWQCB, a Wetland Mitigation and Monitoring Plan is prepared and submitted for agency review. Detailed wetland protection, replacement, and restoration plans shall be prepared by a qualified wetland restorationist hired by the City of Richmond and paid for by the sponsor. If required by the Wetland Mitigation and Monitoring Plan, mitigation plantings shall be monitored by a qualified biologist for no less than five years following completion of plant installation or as otherwise specified in the permit conditions. Annual reports shall be submitted to the City of Richmond and each permitting agency, i.e., USACE, RWQCB, and/or CDFG. Additionally, the Planning staff shall ensure that all mitigation areas, along with an appropriate upland buffer, are placed in a permanent conservation easement, or similar deed restriction, and preserved in perpetuity, as specified in the permit conditions. Prior to the issuance of grading permits by the City of Richmond, the project sponsor shall provide evidence of the required approvals from all regulatory agencies.	annual monitoring reports, if required: One year after completion of construction/ Annually, for no less than five years	

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Detailed wetland protection, replacement, and restoration plans shall be prepared by a qualified wetland restorationist hired by the City of Richmond and paid for by the project sponsor. The plans shall accurately identify the total wetlands and other jurisdictional areas that could be affected by the proposed project. The plans shall provide for re-establishment, enhancement, and/or replacement of wetland habitat and vegetation, and be approved by the regulatory agencies; in certain instances, cash contributions earmarked specifically for wetland creation, enhancement, or restoration offsite may be deemed appropriate and acceptable to the regulatory agencies. Mitigation plantings shall be monitored for no less than five years following completion of plant installation or as otherwise specified in the permit conditions. Annual reports shall be submitted to the City of Richmond and each permitting agency, e.g., USACE, RWQCB, and/or CDFG. Additionally, the City of Richmond shall ensure that all mitigation areas, along with an appropriate upland buffer, be placed in a permanent conservation easement, or similar deed restriction, and preserved in perpetuity, as specified in the permit conditions. Prior to the issuance of grading permits by the City of Richmond, the project sponsor shall provide evidence of the required approvals from all regulatory agencies.					
Impact 8-2: Project construction could result in direct or indirect impacts to nesting, roosting, or foraging special-status birds and other migratory birds. Mitigation Measure 8-2: a) A qualified biologist shall conduct preconstruction nesting bird surveys of shrubs, willows, and other trees and non-native annual grassland habitats within 300 feet of the limits of work area, as well as the rooftop of Building 24, no more than 14 days prior to the start of construction for work occurring during the breeding season from February 1st to August 31st. b) If active nests of special-status birds and migratory birds (i.e., occupied nests) are identified within 300 feet of the limits of work, non-disturbance buffers shall be established by the project biologist at a distance sufficient to minimize construction-related impacts.	Project Sponsor and Construction Contractor	City of Richmond Planning & Building Services Biological Monitor	Planning staff shall receive written verification from a qualified biologist of the completion of the bird survey during the required time period, and shall ensure the work was performed by a qualified biologist. If nesting, roosting, or foraging special-status birds and other migratory birds are encountered, Planning staff shall receive written confirmation from the biologist that all required mitigation was successfully implemented. If active nests are found within 300 feet of the limits of work and non-disturbance buffers are impracticable as determined by the project	Verification of surveys: Prior to issuance of grading permit! Once Verification of confirmation from Biological Monitor that mitigation was successfully implemented: Prior to issuance of building permit! Once On-Site Monitoring: Throughout	

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disturbance based on the nest location, topography, cover, and species' tolerance to disturbance. Non-disturbance buffers shall be fenced off to exclude all construction activities, including staging, storage, and laydown, and shall be maintained until the young have fledged. Buffer size shall be determined by the project biologist and shall be consistent with agency recommendations as per the regulatory status and life history requirements of the species. c) If active nests are found within 300 feet of the limits of work and non-disturbance buffers are impracticable as determined by the project biologist, a qualified biologist shall be on-site to monitor active nest(s) for signs of disturbance. If it is determined that construction activity is resulting in nest disturbance, work shall cease immediately until such time as it is determined by the project biologist that work may safely resume. If construction activities have caused nest abandonment, then the appropriate agency shall be contacted for further guidance, which shall be binding. If a federally listed species is involved, consultation with the U.S. Fish and Wildlife Service (USFWS) will be initiated; if a State-listed species is involved, consultation with the California Department of Fish and Game (CDFG) will be initiated.			biologist, Planning staff shall receive written verification from the biologist that the active nest(s) were monitored during construction as required by Mitigation Measure 8-2(c).	construction activity as required by the Biological Monitor	
Impact 8-3: Project construction could result in indirect effects on special-status and other natural habitats located outside of the PPMT study area. Construction might also require the trimming of native willows and other trees and shrubs rooted, just outside of the work area. Mitigation Measure 8-3: a) The project sponsor shall be responsible for ensuring that all contractors have in place appropriate Best Management Practices (BMPs) throughout construction to prevent the migration of any potential pollutants. The effects of erosion can be decreased by collecting surface water runoff in desilting ponds before releasing the water into natural drainages or the Bay. Erosion and sedimentation impacts can be further minimized by employing standard erosion control procedures such as the use of sandbags, silt fences, hay bales, diversion ditches, desilting ponds, and	Project Sponsor and Construction Contractor	City of Richmond Planning & Building Services Biological Monitor	Planning staff shall confirm submittal of acceptable Construction Staging Plan utilizing BMPs. Public Works staff shall conduct weekly site visits during construction to verify implementation of the plan. Monitoring of Mitigation Measure 8-3(b) is addressed under Mitigation Measure 6-1. If follow-up survey is necessary, as described in Mitigation Measure 8-2(c), Planning staff shall receive written verification from the biologist that the active nest(s) were buffered or monitored during construction as required by Mitigation Measure	Verification of BMPs: Prior to issuance of grading permit and throughout construction/ Weekly Verification of confirmation from Biological Consultant that mitigation was successfully implemented and wildlife agencies have signed off, if applicable: Prior to initiation of project	

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undertaking stream bank stabilization procedures. BMPs shall be in place throughout construction. b) The project sponsor shall be responsible for ensuring that all contractors have in place appropriate measures to restrict the off-site migration of dust during construction activities. Fugitive dust emissions caused by prolonged grading activities shall be mitigated by employing standard air quality control procedures as noted in ~~Chapter 6.4 of the~~ ~~Chapter 6.4 of the~~ c) To prevent harming breeding birds, the measures outlined in Mitigation Measure 8-2 shall be followed. If any unanticipated work will occur within areas containing shrubs, willows, or other trees or non-native annual grassland habitats more than 14 days following performance of the preconstruction survey required by Mitigation Measure 8-2(a) and ~~directed by the~~ ~~directed by the~~ August 31st), a follow-up survey shall be performed by the project biologist. If active nests of special-status birds and migratory birds (i.e., occupied nests) are identified, an appropriate non-disturbance buffer shall be established at a distance sufficient to minimize construction-related disturbance to breeding birds. If establishment of a non-disturbance buffer is impracticable as determined by the project biologist, a qualified biologist shall be on site to monitor active nest(s) for signs of disturbance during construction in this area. If it is determined that construction activity is resulting in nest disturbance, work shall cease immediately and shall only resume when is determined by the project biologist that work may safely resume. If construction activities have caused nest abandonment, then the appropriate agency shall be contacted for further guidance, which shall be binding. If a federally listed species is involved, consultation with the U.S. Fish and Wildlife Service (USFWS) shall be initiated; if a State-listed species is involved, consultation with the California Department of Fish and Game (CDFG) shall be initiated.			8-3(c). If the project biologist determines that nest abandonment has occurred, Planning staff shall receive and record written verification from USFWS and/or CDFG, as applicable, that the agency has been consulted and has signed off on any subsequent measures determined necessary by that agency.	operations/ Once	
Impact 8-4: Increased ship traffic at the project site would increase the frequency of ship wakes, which could lead to erosion and disturbance of sensitive habitats at Brooks Island.	n/a	n/a	n/a	n/a	

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Mitigation Measure 8-4: None required.					
Impact 8-5: Increased ship traffic at the project site would increase the frequency of ship wakes, which could lead to impacts to eelgrass habitat. Mitigation Measure 8-5: None required.	n/a	n/a	n/a	n/a	
Impact 8-6: The increase in ship traffic to the project site could increase the frequency of disturbance to harbor seals, hauled out on Brooks Island, and the degradation or functional loss of seal habitat within San Francisco Bay. Mitigation Measure 8-6: None required.	n/a	n/a	n/a	n/a	
Impact 8-7: Increased ship traffic at the project site would increase the frequency of ship wakes, which could lead to impacts to marine and anadromous fish habitat. Mitigation Measure 8-7: None required.	n/a	n/a	n/a	n/a	
CULTURAL RESOURCES					
Impact 9-1: Development of the proposed project could potentially cause a substantial adverse change in the significance of an historical resource as defined in Section 15064. Mitigation Measure 9-1: a) Resource Avoidance: The project sponsor shall plan construction of the proposed project so as to avoid adversely affecting the historic buildings on the site. The plan shall include precautionary measures (e.g., sufficient buffer distance) to avoid potential vibration impacts on the buildings. Prior to the initiation of construction, the project sponsor shall submit to the City of Richmond for review and approval a Construction Staging Plan that identifies the planned locations of access points, staging areas, and the delineated areas of all construction-related activities. The Plan shall identify specific measures to protect historic structures in the vicinity of each activity, which may include fencing and monitoring to ensure that sites are protected. Following approval of the Construction Staging Plan by the City of Richmond, the project sponsor shall implement the Plan throughout construction of the	Project Sponsor and Construction Contractor	City of Richmond Planning & Building Services	Planning staff shall confirm submittal of acceptable Construction Staging Plan utilizing precautionary measures (e.g., sufficient buffer distance) to avoid potential vibration impacts on the buildings. Public Works staff shall conduct weekly site visits during construction to verify implementation of the plan. Planning staff shall obtain in writing verification that construction personnel have undergone appropriate training regarding cultural resources as described in Mitigation Measure 9-1(b). Planning staff shall record the date and participants of the MMRP.	Verification of completion of Construction Staging Plan: Prior to issuance of grading permit/ Once Verification of completion of personnel training: Prior to issuance of grading permit/ Once Verification of implementation of Construction Staging Plan: Throughout construction/ Weekly	

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Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing! Frequency of Monitoring	Date & Monitor's Initials! Status!Comments
proposed project. b) Construction Personnel Training: Prior to the initiation of construction, all construction personnel who work on the project shall undergo a training session from the presence and value of National Register-eligible cultural resources within the project area; of the laws protecting these resources and associated penalties; and of the procedures to follow if they discover cultural resources during project-related work.					
Impact 9-2: Development of the proposed project could potentially hinder the ability of the City Manager to carry out Richmond City Council Resolution 100-07, by limiting access to or altering the historic setting of the four vacant historic structures within the Rosie the Riveter World War II Home Front National Historical Park. Mitigation Measure 9-2: The City of Richmond shall review plans of new structures landscaping and parking facilities proposed in the immediate vicinity of the historic cafeteria and first aid buildings, as well as the final site and design plans and their potential effects on the other historic buildings at the PPMT, to ensure design compatibility with these historic buildings and maintain these buildings' historic setting. The City shall recommend appropriate setbacks and the amount of parking to be dedicated for use by tenants of the historic buildings, in order to ensure compatibility with City Council Rule 9.000.	Project Sponsor City of Richmond Planning & Building Services	City of Richmond Planning & Building Services	Planning staff shall review and approve plans of new landscaping and parking facilities in the immediate vicinity of the historic cafeteria and first aid buildings to ensure design compatibility with the historic buildings.	Prior to issuance of building permit! Once	
Impact 9-3: Development of the proposed project could potentially cause a substantial adverse change in the significance of archaeological resources, as defined in Section 15064.5 of the CEQA Guidelines. Mitigation Measure 9-3: a) Cultural Resources Monitoring Plan. Prior to issuance of a grading permit, a qualified archaeologist retained at the applicant's expense shall prepare and submit a cultural resources monitoring plan to the City of Richmond Planning Department for review and approval. Monitoring shall be required for all surface alteration and subsurface excavation work including trenching, boring, grading, use of staging areas and access roads, and driving vehicles and equipment within 200 feet of registered archaeological site CA-CCO	Project Sponsor and Construction Contractor Archaeological Monitor	City of Richmond Planning & Building Services	Planning staff shall review, approve, and verify completion of the Cultural Resources Monitoring Plan and shall verify that the project applicant has retained the services of a qualified archeological consultant that is experienced in California prehistory and a Native American monitor from a culturally-affiliated tribe! organization to monitor ground disturbance within 200 feet of site CA-CCO-294. Planning staff shall verify the	Verification of completion of Cultural Resources Monitoring Plan, selection of archaeological monitor, and work-stoppage provisions in construction contracts: Prior to issuance of grading permit! Once Verification of	

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294. Selection of the qualified professional archaeologist and the cultural resources monitors identified below in Mitigation Measure 9-3(b) (if different persons) shall be subject to approval by the Richmond Planning Department. The cultural resources monitoring plan shall address (but not be limited to) the following issues: • Training program for all construction personnel involved in site disturbance and field workers; • Person(s) responsible for conducting monitoring activities, including Native American monitors • How the monitoring shall be conducted and the required format and content of monitoring reports, including any necessary archaeological re-survey of the final track alignments (including the need to conduct shovel-test units or auger samples to identify deposits in advance of construction); assessment, designation and mapping of the sensitive cultural resource areas on final project maps; and assessment and survey of any previously unsurveyed areas; • Person(s) responsible for overseeing and directing the monitoring; • Schedule for submittal of monitoring reports and person(s) responsible for review and approval of monitoring reports; • Procedures and construction methods to avoid sensitive cultural resources; • Clear delineation and fencing of sensitive cultural resource areas requiring monitoring; • Physical monitoring boundaries (e.g., 200 foot each side of the site); • Protocol for notifications in case of encountering of cultural resources, as well as methods of dealing with the encountered resources (e.g., collection, identification, excavation).			inclusion in all construction contracts pertaining to grading or other ground-disturbing activities the provisions for work stoppage stipulated in Mitigation Measure 9-3. If cultural resources are encountered during construction, Planning staff shall verify receipt of report by the archaeologist documenting avoidance or implementation of an program and compliance with Mitigation Measure 9-3(c). Prior to commencement of project operations, Planning staff shall verify receipt of monitoring report from archaeological monitor reporting on and confirming successful completion of Cultural Resources Monitoring Plan.	implementation of Cultural Resources Monitoring Plan: Prior to commencement of project operations/ Once Verification of implementation of archeological data recovery program, if required: Prior to commencement of project operations/ Once	

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- Methods to ensure security of cultural resources sites. - Protocol for notifying local authorities (i.e., Port of Richmond and Richmond Police Department) should site looting or other illegal activities occur during construction. b) Archaeological and Native American Monitors. The project applicant shall retain the services of a qualified archeological consultant that has expertise in California prehistory and a Native American monitor from a culturally-affiliated tribe/organization to monitor ground disturbance within 200 feet of site. CADCCOD294. If an intact archeological deposit is encountered, all soil disturbing activities in the vicinity of the deposit shall cease until the deposit is evaluated. The archeological monitor shall immediately notify the project applicant and the City of Richmond Planning Department of the encountered archeological deposit. The archeological monitor shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, present the findings of this assessment to the project applicant and the Planning Department. During the course of the monitoring, the archaeologist may adjust the frequency—from continuous to intermittent—of the monitoring based on the conditions and profession judgment regarding the potential to adversely affect cultural resources. If the City of Richmond, in consultation with the archeological and Native American monitors, determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, the proposed applicant shall: - Re-design the proposed project to avoid any adverse effect on the significant archeological resource; OR, - Implement an archeological data recovery program (ADRP), unless the archaeologist determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible. If the circumstances					

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warrant preparation of an ADRP, the project archaeologist, project applicant, and Richmond Planning Department shall meet and consult to determine the scope of the ADRP. The archaeologist shall prepare a draft ADRP that shall be submitted to the applicant and the Planning Department for review and approval. The ADRP shall identify how the proposed data recovery program would preserve the significant information the archeological resource is expected to contain. The ADRP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, shall be limited to the portions of the historic property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical. c) Accidental Discovery: If historic or prehistoric archaeological resources, such as chipped or ground stone, large quantities of shell, historic debris, building foundations, or human bone, are inadvertently discovered during ground-disturbing activities, all construction activities within 100 feet of the find shall be halted until the City of Richmond is notified and a qualified archaeologist assesses the significance of the find and prepare an avoidance, evaluation, or mitigation plan to prevent any significant adverse effects on the resource(s). The project sponsor shall fund and implement the mitigation in accordance with Section 15064.5(c)-(f) of the CEQA guidelines and Public Resources Code Section 21083.					
Impact 9-4: Construction of the proposed project could potentially disturb buried human remains, including those interred outside of formal cemeteries. Mitigation Measure 9-4: In the event that any human remains are encountered during site disturbance, all ground-disturbing work in the vicinity of the remains shall cease immediately until the coroner of Contra Costa	Project Sponsor/ Project Construction Superintendent Archaeological Monitor	City of Richmond Planning & Building Services	If human remains are encountered during construction, City staff shall receive written verification from the Archaeological Monitor that proper notification, treatment, documentation, and return of	Prior to commencement of project operations/ Once	

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County has been contacted, per Section 7050.5 of the California Health and Safety Code. If the coroner determines that the human remains are of Native American origin, the Native American Heritage Commission must be contacted within 24 hours, and the project sponsor shall comply with State laws relating to the disposition of Native American burials, regulated by the Native American Heritage Commission (Pub. Res. Code Sec. 5097). If any human remains are discovered or recognized in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to lead to human remains. - the coroner of the County has been informed and has determined that no investigation of the cause of death is required, and - if the remains are of Native American origin, ~ the descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or ~ the Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the Commission.			remains occurred. City staff shall receive written verification from the Archaeological Monitor that monitoring was successfully completed.		
Impact 9-5: Vibrations from new train traffic during project operations could potentially cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines. Mitigation Measure 9-5: A pre-construction survey of the two historic structures nearest proposed project operations—Building 23, the Cafeteria Building, and Building 9, the First Aid Building—shall be undertaken prior to issuance of a grading permit to determine their current state of structural and cosmetic integrity. This information shall be used as a baseline reference for future maintenance needs stemming from the construction and operations of the proposed rail road yard and rail road tracks. In the event that cosmetic or structural damages	Project Sponsor/ Project Construction Superintendent Historical Resource Monitor/Project Engineer	City of Richmond Planning & Building Services	Planning staff shall verify receipt of a report documenting completion of a preconstruction survey of the current state of structural and cosmetic integrity of Buildings 9 and 23, to be performed by a structural engineer in coordination with an historical resource monitor.	Prior to issuance of grading permit/ Once	

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resulting from the implementation of the project occurs, the project applicant shall be responsible for performing any necessary repairs or maintenance.					
Impact 9-6: Implementation of the proposed project would potentially cause a substantial adverse impact on public access to the Rosie the Riveter/World War II Home Front National Historical Park. Mitigation Measure 9-6: Same as Mitigation Measure for 9-5 above.	(Addressed under Mitigation Measure 9-5.)	(Addressed under Mitigation Measure 9-5.)	(Addressed under Mitigation Measure 9-5.)	(Addressed under Mitigation Measure 9-5.)	
GEOLOGY AND SOILS					
Impact 10-1: Although the site is relatively flat and the project area is substantially covered with pavement, there is still potential for uncontrolled construction activities to result in accelerated soil erosion, which could degrade water quality in San Francisco Bay. Mitigation Measure 10-1: A Notice of Intent (NOI), Stormwater Pollution Prevention Plan (SWPPP), and Stormwater Control Plan (SCP) shall be prepared by the applicant and submitted along with grading permit applications. The SWPPP provides for temporary measures to control sediment and other pollutants during construction activities that disturb the site. The SCP specifies permanent controls that should last for the life of the project. The requisite plans shall be prepared in accordance with the standards provided in the Association of Bay Area Government's Manual of Erosion and Sedimentation Control Measures (ABAG, 1995). Implementation of the plan will help stabilize graded and stockpile areas and reduce erosion and sedimentation. The plans will designate Best Management Practices (BMPs) that shall be adhered to during construction activities. Erosion minimizing efforts such as hay bales, water bars, covers, sediment fences, sensitive area access restrictions (for example, flagging), and/or retention/settlement areas shall be implemented as necessary before the onset of inclement weather. Mulching, seeding, or other suitable stabilization measures shall be used to protect exposed areas during construction activities. The plans shall incorporate requirements of the Contra Costa County Clean Water Program and the Port of Richmond Stormwater Management Plan.	Project Sponsor/ Construction Contractor	City of Richmond Public Works Department	Prior to issuance of a grading permit, Public Works staff shall verify preparation of the SWPPP and confirm its adequacy. During site grading and earthwork, Public Works staff shall conduct monthly (or more frequent) site inspections to verify proper implementation of all required BMPs.	Verification of SWPPP: Prior to issuance of grading permit/ Once Monitoring of Construction: During construction/ Monthly, or more frequently	

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Impact 10-2: In the event of a major earthquake in the region, seismic ground shaking could potentially injure persons at the proposed project site due to structural damage of facility structures. Ground shaking could potentially expose persons and property to seismic-related hazards, including localized liquefaction and seismically-induced settlement. Mitigation Measure 10-2: All structures (including rail transportation facilities) for the proposed project shall be designed in accordance with the UBC, which requires structural design that incorporates ground accelerations expected from known active faults. Expected ground motions determined by a registered geotechnical engineer shall be incorporated into the final structural design as part of the project. The design level geotechnical investigation shall evaluate subsurface conditions with respect to potential geologic hazards such as liquefaction, subsidence, settlement, and expansive soils, and shall provide recommendations to mitigate these hazards as necessary. All geotechnical design recommendations shall be incorporated into the final project design and construction.	Project Sponsor/ Geotechnical Engineer	Geotechnical Engineer City of Richmond Planning & Building Services	The City Engineer shall obtain written verification from the project sponsor's registered engineering geologist or geotechnical engineer that all grading and earthwork has been performed in accordance with the specifications stipulated in the final geotechnical investigation, or as modified in accordance with their recommendations. An inspector from the City of Richmond Building Department shall monitor site grading in accordance with standard City practice in order to verify site engineering and preparation in compliance with the recommendations contained in the final geotechnical investigation.	During construction/ consistent with standard City practice	
Impact 10-3: Operation of the proposed PPMT rail terminal and lead tracks, which would involve multiple closely-spaced rail spurs, could result in significant transient weight and vibratory loading due to multiple lines of railcars. In the absence of appropriate site characterization and design, these loads could adversely affect the rail yard and/or adjacent properties, structures, or subsurface pipelines owned or operated by others. Damage to these structures could result in operational or safety hazards or could compromise underlying pipelines leading to leaks of potentially hazardous products, which could, in turn, create a significant hazard to the public or the environment. These loads could result in subsurface settlements that could compromise underlying pipelines. KinderMorgan gas and result in pipeline leaks of hazardous petroleum products, which could, in turn, create a significant hazard to the public or the environment. Mitigation Measure 10-3: Prior to construction of the PPMT rail terminal, an engineering evaluation shall be performed pursuant to City of Richmond permit requirements. This evaluation shall characterize subsurface conditions along the planned alignment and shall specifically consider the static loads associated with	Project Sponsor/ Project Engineer	Geotechnical Engineer City of Richmond Planning & Building Services gBP and Engineer	Prior to issuance of a grading permit, Planning staff shall verify receipt of written evidence of applicant consultation with neighboring property owners and facility operators, which shall be included in the project file. Prior to issuing a grading permit, the City Engineer shall review and approve the engineering evaluation of the subsurface conditions along the planned track alignment. The City shall verify that any measure recommended to ensure pipeline integrity and safety is implemented by the project sponsor. An inspector from the City of Richmond Building Department shall monitor construction of the rail spurs in accordance with standard City practice in order to verify construction is completed.	Verification of consultation with neighboring property owners: Prior to issuance of grading permit/ Once Verification of engineering evaluation: Prior to issuance of grading permit/ Once Verification of construction adequacy: During construction/ Consistent with standard City practice	

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project structures and the transient loads associated with operations. During this engineering phase, loading as related to the underground pipeline and all other buried utilities shall be evaluated and any measures recommended to ensure pipeline integrity and safety shall be implemented by the sponsor prior to construction of the new lead track and rail yard. This evaluation shall incorporate the results of the design level geotechnical investigation (see Mitigation Measure 10–2) to characterize subsurface conditions along the planned alignment. The engineering evaluation shall specifically evaluate the static, live, and vibratory loads associated with Port of Richmond's and any potentially affected adjacent property's above-ground utilities, below-ground utilities, and structures. As applicable, appropriate surrogate design loads (e.g. "Cooper" locomotive loads) for the project operations shall also be identified. As part of this evaluation, the project sponsor shall identify and locate all utilities and structures potentially affected by the project structures, equipment, and planned operations. The evaluation shall consider and incorporate the most recent applicable design guidelines and regulations for underground pipelines including, but not limited to API standards for pipeline protection under road and railways, American Railway Engineering Association (AREA) criteria for designing and installing pipe, American Concrete Pipe Association (ACPA) loading and design guidance for concrete pipe installed under railways, BNSF Railroad standards, and BPWCP standards. The evaluation shall also consider applicable federal, State, and local regulations that relate to pipeline integrity and public safety. Prior to initiating the evaluation, potentially affected property owners (e.g. BPWCP) shall be consulted to confirm that all utilities have been correctly identified, that appropriate design criteria and loading conditions for affected facilities will be incorporated into the engineering analyses, and that the results of the geotechnical and engineering evaluations will effectively mitigate possible impacts to the facilities owned or operated by others.			in compliance with the recommendations contained in the engineering evaluation.		

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Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing! Frequency of Monitoring	Date & Monitor's Initials! Status!Comments
HYDROLOGY AND WATER QUALITY					
Impact 11-1: Site preparation and construction could contribute to accelerated soil erosion, downstream sedimentation, and reduced surface water quality. Mitigation Measure 11-1: A Notice of Intent (NOI), Stormwater Pollution Prevention Plan (SWPPP), and Stormwater Control Plan (SCP) shall be prepared by the applicant and submitted along with grading permit applications. The SWPPP provides for temporary measures to control sediment and other pollutants during construction at sites that disturb 1 acre or more and the SCP specifies permanent controls that should last for the life of the project. The requisite plans shall be prepared in accordance with the Association of Bay Area Government's Manual of Erosion and Sedimentation Control Measures (ABAG, 1995). Implementation of the plan will help stabilize graded and stockpiles and reduce erosion and sedimentation. The plans will designate Best Management Practices (BMPs) that shall be adhered to during construction activities. Erosion minimizing efforts such as hay bales, water bars, covers, sediment fences, sensitive area access restrictions (for example, flagging), and/or retention/settlement areas shall be implemented as necessary before the onset of inclement weather. Mulching, seeding, or other suitable stabilization measures shall be used to protect exposed areas during construction activities. The plans shall incorporate requirements of the Contra Costa County Clean Water Program and the Port of Richmond Stormwater Management Plan. The project applicant shall offer to consult with neighboring property owners and facility operators during preparation of the SWPPP and SCP in order to address any concerns they may have regarding formulation and implementation of the plans. Written evidence of consultation, or reasonable efforts to consult, shall be provided to the City before a grading permit is issued.	Project Sponsor/ Grading Contractor	City of Richmond Planning & Building Services City of Richmond Public Works Department	Prior to issuance of a grading permit, Planning staff shall verify receipt of written evidence of applicant consultation with neighboring property owners and facility operators, which shall be included in the project file. Prior to issuance of a grading permit, Public Works staff shall verify preparation of the SWPPP and confirm its adequacy. During site grading and earthwork, the Building and/or Public Works staff shall conduct monthly (or more frequent) site inspections to verify proper implementation of BMPs.	Verification of consultation with neighboring property owners: Prior to issuance of grading permit/ Once Verification of completion of SWPPP: Prior to issuance of grading permit/ Once Monitoring of Construction: During construction/ Monthly, or more frequently	
Impact 11-2: Site preparation, construction, and operations could create or contribute runoff water that could exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Mitigation Measure 11-2: Prior to issuance of a grading permit, the project applicant shall prepare a Stormwater	Project Sponsor/ Grading Contractor	City of Richmond Public Works Department	Prior to issuance of a grading permit, Planning staff shall verify receipt of written evidence of applicant consultation with neighboring property owners and facility operators, which shall be included in the project file. Prior	Verification of consultation with neighboring property owners: Prior to issuance of grading permit/ Once	

Mitigation Monitoring and Reporting Program (MMRP)

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing! Frequency of Monitoring	Date & Monitor's Initials! Status!Comments
Control Plan (SCP) and submit it to the Richmond Planning Department for review and approval. The SCP shall confirm that the existing stormwater drainage system has sufficient capacity, shall ensure that all stormwater runoff is directed to Port of Richmond drainage facilities and does not adversely affect adjacent properties owned or operated by others, and shall be prepared in accordance with the Contra Costa Clean Water Program (CCCWP) and the requirements set forth in the CCCWP's Stormwater C.3 Guidebook (Third Edition, 2006, plus updates and errata). The SCP shall provide for natural onsite treatment of 80 percent of the average annual stormwater runoff from the new and replacement impervious surfaces (i.e., pavements) created by the proposed project, and shall identify flow controls to ensure that the rate and duration of stormwater runoff does not exceed the calculated pre-project rates and durations. Implementation of Integrated Management Practices (IMPs), such as grassy swales, bioretention areas, and planter boxes, is recommended by the CCCWP as the most effective way to comply with the Stormwater C.3 requirements. The SCP shall be prepared by a qualified civil engineer, architect, or landscape architect. The applicant shall demonstrate to the Richmond Planning Department via drawings and engineering calculations that the proposed project includes site design features sufficient to capture and treat on site all stormwater runoff from the project site, in compliance with Provision C.3 of the CCCWP. Landscape features shall be used in lieu of structural features to the degree feasible. The design approach must ensure that the proposed treatment features would not decrease stability of the slopes on the site or create significant erosion. As part of compliance with the CCCWP Stormwater C.3 requirements, the property owner (Port of Richmond) shall execute and implement a maintenance agreement with the City of Richmond to provide for the maintenance of all onsite stormwater features and facilities, including specification of how the maintenance will be financed. Prior to issuance of the building permit, the property owner or applicant shall provide proof of recording this agreement from the County Assessor's Office. The property owner or applicant shall submit to the City of Richmond Planning Department a notification of compliance with the operations and maintenance requirements stipulated in the maintenance agreement. The project applicant shall offer to consult with neighboring property owners and facility operators during			to issuance of a grading permit, Public Works staff shall verify preparation of the SCP and confirm its adequacy. Prior to commencement of project operations, Building and/or Public Works staff shall verify successful construction of all IMPs identified in the SCP. Planning staff shall verify execution of maintenance agreement. Planning staff shall verify annual receipt of certificates of compliance.	Verification of preparation of SCP: Prior to issuance of grading permit/ Once Verification of successful construction of IMPs: Prior to commencement of project operations/ Once Verification of receipt of certificates of compliance/ Throughout life of project operations/ Annually	

Mitigation Monitoring and Reporting Program (MMRP)

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing! Frequency of Monitoring	Date & Monitor's Initials! Status!Comments
preparation of the SCP in order to address any concerns they may have regarding formulation and implementation of the plan. Written evidence of consultation, or reasonable efforts to consult, shall be provided to the City before a grading permit is issued.					
Impact 11-3: Implementation of the project could expose people or structures to inundation by seiche, tsunami, or storm surge. Mitigation Measure 11-3: None required.	n/a	n/a	n/a	n/a	
Impact 11-4: The proposed project would increase ship traffic at the project site, which could potentially increase the introduction of pollutants into Bay waters due to accidental spills during routine maintenance. Mitigation Measure 11-4: None required.	n/a	n/a	n/a	n/a	
Impact 11-5: The proposed project would increase ship traffic at the project site, which could result in an accidental release of fuel oil along shipping routes either in San Francisco Bay or its coastal waters. Mitigation Measure 11-5: None required.	n/a	n/a	n/a	n/a	
Impact 11-6: The proposed project would increase ship traffic at the project site, which increase the introduction of toxic marine anti-fouling paint into San Francisco Bay. Mitigation Measure 11-6: None required.	n/a	n/a	n/a	n/a	
Impact 11-7: The proposed project would increase ship traffic at the project site, which result in a local increase in turbidity from vessel maneuvers in Harbor Channel and at the PMTs. Mitigation Measure 11-7: None required.	n/a	n/a	n/a	n/a	
Impact 11-8: The increased ship traffic that would occur as a result of project implementation could potentially increase the cumulative impact of contaminants on San Francisco Bay water quality. Mitigation Measure 11-8: None required.	n/a	n/a	n/a	n/a	

Mitigation Monitoring and Reporting Program (MMRP)

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing! Frequency of Monitoring	Date & Monitor's Initials! Status!Comments
HAZARDS AND HAZARDOUS MATERIALS					
Impact 12-1: Development of the proposed project could potentially expose construction workers and future site workers to hazardous concentrations of contaminants from soils and groundwater at the site. Mitigation Measure 12-1: Prior to issuance of a grading permit, the project sponsor shall conduct soil and groundwater sampling to the depth of maximum anticipated excavation in areas where grading and trench excavation are planned. Soil and groundwater samples shall be analyzed for fuel hydrocarbons and metals (including arsenic). The purpose of these sampling activities would be to: (1) characterize soil to determine appropriate disposition of excavated soil (onsite reuse versus offsite disposal); and (2) assess potential contaminant risk to workers, the public, and other receptors both during and after project construction. Based on sampling results, a site-specific Soil Management Plan (SMP) and Health and Safety Plan (HASP) shall be prepared prior to conducting all invasive activities associated with grading and utility installation. The HASP shall be prepared in accordance with 8 CCR 5192 and shall include a provision requiring notification of potentially affected neighboring businesses or residences in the event of a hazardous substances release. At a minimum, the HASP shall include health and safety provisions for monitoring exposure to construction workers and the general public; provide procedures to be undertaken in the event that previously unreported contamination or subsurface hazards are discovered; incorporate construction safety measures for excavation activities; establish procedures for the safe storage and use of hazardous materials at the project site, if necessary; provide emergency response procedures; and designate personnel responsible for implementation of the HASP.	Project Sponsor	City of Richmond Fire Department City of Richmond Planning & Building Services	Prior to issuance of a grading permit, Planning staff shall verify receipt of written evidence of applicant consultation with neighboring property owners and facility operators, which shall be included in the project file. Planning staff shall receive written verification from Fire Department staff that an adequate HASP was completed and Planning staff shall verify completion of SMP. Planning staff shall verify that Planning and Public Works departments receive copy of soil and groundwater sampling report.	Verification of consultation with neighboring property owners: Prior to issuance of grading permit! Once Verification of completion of HASP and SMP: Prior to issuance of grading permit! Once Verification of receipt of soil and groundwater sampling report: Prior to issuance of grading permit! Once	

Mitigation Monitoring and Reporting Program (MMRP)

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing! Frequency of Monitoring	Date & Monitor's Initials! Status!Comments
Impact 12-2: Improper use or transport of hazardous materials during construction activities during development could result in releases adversely affecting construction workers and the general public. Mitigation Measure 12-2: The HASP and SMP required by Mitigation Measure 12-1 and the Storm Water Pollution Prevention Plan (SWPPP) required by Mitigation Measure 11-1 for project construction shall include provisions to minimize potential construction-related contamination, particularly from wind-borne dust and stormwater runoff, and shall include emergency procedures for accidental hazardous material releases. Use, storage, disposal, and transport of hazardous materials during construction activities shall be performed in accordance with existing local, State, and federal hazardous materials regulations.	Project Sponsor	City of Richmond Fire Department City of Richmond Planning & Building Services	Planning staff shall ensure that the HASP and SMP, verified under Mitigation Measure12-1, contain the provisions required in Mitigation Measure12-2.	Prior to issuance of grading permit/ Once	
Impact 12-3: Construction-related activities adjacent to utilities and buried high-pressure petroleum pipelines could result in hazardous working conditions and hazardous substance releases. Mitigation Measure 12-3: The project applicant shall submit accurate mapping of all known existing underground utilities and high-pressure pipelines with its application for a grading permit. Permit conditions for the grading permit to be issued by the City of Richmond Prior to construction shall require that standard procedures for safeguarding utilities be implemented. These procedures shall include, at a minimum: (1) marking all excavation areas with white paint; and (2) notifying Underground Services Alert (USA), which, in turn, will notify area municipal and private utility companies. In addition, any potentially affected petroleum product pipelines shall be located visually by potholing. This potholing shall be performed by hand excavation and shall only be conducted with the appropriate pipeline representative present. In addition, prior to the initiation of construction activities, pipeline and utility operators shall be provided an opportunity to review final construction plans and drawings and identify any additional necessary provisions that may be appropriate for the protection of affected pipelines and utilities, and these provisions shall be implemented by the project sponsor and/or the construction contractor(s).	Project Sponsor/ Construction Contractor	City of Richmond Fire Department City of Richmond Planning & Building Services	Planning staff shall review grading permit application to ensure that mapping of underground utilities and high-pressure pipelines is submitted. In consultation with Public Works staff, Planning staff shall issue permit conditions with grading permit as described in Mitigation Measure 12-3. Prior to issuance of the grading permit, Planning staff shall receipt from the project sponsor written confirmation from all affected pipeline and utility operators that they have been provided an opportunity to review final construction plans and drawings and have identified any additional provisions that shall be implemented by the construction contractor.	Prior to issuance of grading permit and prior to the initiation of construction activities/ Once	

Mitigation Monitoring and Reporting Program (MMRP)

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing! Frequency of Monitoring	Date & Monitor's Initials! Status!Comments
Impact 12-4: Development of the proposed project could result in handling of hazardous materials, substances, or wastes within one-quarter mile of an existing school. Mitigation Measure 12-4: Same as Mitigation Measure HM-2.	Project Sponsor	City of Richmond Fire Department City of Richmond Planning & Building Services	City staff shall ensure that the HASP and SMP contain the provisions required in Mitigation Measure 12-2.	Prior to issuance of grading permit/ Once	
Impact 12-5: Operation of the Honda Port of Entry could result in accidental spills or releases of hazardous materials to the environment, which could, in turn, create a significant hazard to the public or the environment. Mitigation Measure 12-5: None required.	n/a	n/a	n/a	n/a	
Impact 12-6: Operation of the proposed Honda Port of Entry project would result in increased activity and vehicle movement, which could, in turn, result in increased accidents and safety hazards for MTC and AWC workers. Mitigation Measure 12-6: None required.	n/a	n/a	n/a	n/a	
Impact 12-7: Operation of the proposed PPMT rail terminal, which would involve multiple closely-spaced rail spurs and could result in significant weight loading due to multiple lines of railcars, could compromise underlying BP and Kinder Morgan pipelines and result in pipeline leaks of hazardous petroleum products, which could, in turn, create a significant hazard to the public or the environment. Mitigation Measure 12-7: Prior to construction of the PPMT rail terminal, an engineering evaluation shall be performed, with the results to be confirmed and approved by the City of Richmond Engineering Division. During this engineering phase, weight loading as related to the underground pipeline and all other buried utilities shall be evaluated and any measures recommended to ensure pipeline integrity and safety shall be implemented by the project sponsor prior to construction of the new lead track.	Project Sponsor/ Project Engineer	Geotechnical Engineer City of Richmond Planning & Building Services	Prior to issuing a grading permit, the City Engineer shall review and approve the engineering evaluation of the subsurface conditions along the planned track alignment. The City Engineer shall verify that any measure recommended to ensure pipeline integrity and safety is implemented by the project sponsor. An inspector from the City of Richmond Building Department shall monitor construction of the rail spurs in accordance with standard City practice in order to verify construction is completed in compliance with the recommendations contained in the engineering evaluation.	Verification of Evaluation: Prior to issuance of grading permit/ Once Verification of construction adequacy: During construction/ Consistent with standard City practice	

Mitigation Monitoring and Reporting Program (MMRP)

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing! Frequency of Monitoring	Date & Monitor's Initials! Status!Comments
Impact 12-8: The presence of State-listed hazardous materials sites on and adjacent to the PPMT could result in the exposure of construction workers, facility workers, and workers at adjacent industrial sites to hazardous materials or hazardous wastes. Mitigation Measure 12-8: None required.	n/a	n/a	n/a	n/a	
VISUAL QUALITY					
Impact 13-1: Construction of rail lines, installation of high-mast lighting, and repair of berth 6C would introduce heavy construction equipment into public and private views. Mitigation Measure 13-1: None required.	n/a	n/a	n/a	n/a	
Impact 13-2: Implementation of the project would increase the amount of auto -carrying ships that would dock at the project site, sometimes resulting in two ships docking simultaneously, which would create a visual interruption along the southern Harbor Channel waterfront. Mitigation Measure 13-2: None required.	n/a	n/a	n/a	n/a	
Impact 13-3: The proposed extension of multiple rail lines into the PPMT and additional rail lines at the BNSF Yard would be visible from surrounding public and private areas. Mitigation Measure 13-3: None required.	n/a	n/a	n/a	n/a	
Impact 13-4: The proposed addition of 15 100-foot-high light towers would increase light glare in the surrounding area. Mitigation Measure 13-4: None required.	n/a	n/a	n/a	n/a	
Impact 13-5: The proposed addition of 15 100-foot-high light towers could contribute to sky glow in the region. Mitigation Measure 13-5: None required.	n/a	n/a	n/a	n/a	

Mitigation Monitoring and Reporting Program (MMRP)

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing! Frequency of Monitoring	Date & Monitor's Initials! Status!Comments
Impact 13-6: The proposed addition of 15 100-foot-high light towers would contribute to local glow, which would provide a distraction to nighttime views from public and private areas in the Seacliff and Brickyard Cove.	n/a	n/a	n/a	n/a	
Mitigation Measure 13-6: None required.					
UTILITIES					
Impact 14-1: The project could generate additional wastewater during construction, adding to the volume conveyed to the City's wastewater treatment plant by the existing sewer main in Canal Boulevard and increasing treatment demand at the City's wastewater treatment plant.	n/a	n/a	n/a	n/a	
Mitigation Measure 14-1: None required.					
Impact 14-2: Operation of the proposed project would generate additional wastewater, adding to the volume conveyed to the City's wastewater treatment plant by the existing sewer main in Canal Boulevard. Mitigation Measure 14-2: Prior to issuance of a building permit, the project sponsor shall prepare an engineering study evaluating and documenting that there is sufficient capacity in the local network of sewer lines to accommodate the increased effluent flow from the project and that they are in good condition. The engineering study shall be submitted to the City of Richmond Engineering Division for review and approval. If inadequacies in the onsite collection system are identified, the project applicant shall be responsible for any necessary repairs or upgrades prior to the commencement of proposed project operations.	Project Sponsor/ Project Engineer	City of Richmond Public Works Department City of Richmond Planning & Building Services	Planning staff shall verify Engineering Division approval of engineering study and shall ensure that project applicant make any necessary upgrades or repairs, in consultation with the Engineering Division.	Verification of engineering study: Prior to issuance of building permit/ Once Verification of any necessary repairs or upgrades: Prior to commencement of proposed project operations/ Once	
Impact 14-3: Operation of the proposed project would generate additional wastewater, adding to the volume requiring treatment at the City's wastewater treatment plant.	n/a	n/a	n/a	n/a	
Mitigation Measure 14-3: None required.					

Mitigation Monitoring and Reporting Program (MMRP)

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing! Frequency of Monitoring	Date & Monitor's Initials! Status!Comments
Impact 14-4: During construction, the proposed project would result in an increased demand for water for drinking, restroom and/or construction purposes. Mitigation Measure 14-4: None required.	n/a	n/a	n/a	n/a	
Impact 14-5: During operation, the proposed project would result in an increased demand for water for employee drinking water and restroom use, and landscape irrigation. Mitigation Measure 14-5: a) Prior to construction, the applicant shall consult with the Water Conservation Division of the East Bay Municipal Utility District (EBMUD), to determine appropriate water conservation devices and procedures for the project. The applicant shall implement all feasible water conservation measures approved by EBMUD. b) All project landscaping shall consist of drought-tolerant plants. c) Irrigation for all project landscaping shall incorporate water-efficient landscaping measures, in accordance with City and EBMUD guidelines, such as onsite capture and reuse of rainwater and/or irrigation systems that monitor and respond to soil moisture, operate during hours when evaporation is low, and employ drip and mist irrigation. d) Water-conserving plumbing fixtures shall be installed in restroom facilities serving the proposed project.	Project Sponsor	City of Richmond Planning & Building Services	Planning and Building Services staff shall receive written verification of the project sponsor's consultation with EBMUD and shall review and approve all landscaping and building plans to ensure compliance with Mitigation Measure 14-5. Building Department staff shall verify installation of water-conservation features according to approved plans with standard City building inspection practice.	Verification of plans: Prior to issuance of building permits/ Once Verification of successful implementation of plans: Prior to commencement of project operations/ Once	
Impact 14-6: The project would increase the area of impervious surfaces at the site, with a corresponding increase in stormwater runoff. Mitigation Measure 14-6: a) Same as Mitigation Measure 11-2. b) Prior to issuance of a building permit, the project sponsor should conduct an investigation of potential cross-connection(s) between the storm drain system located in Canal Boulevard and the storm drain system located in the adjacent BPWC.	Project Sponsor/ Grading Contractor	City of Richmond Public Works Department	Prior to issuance of a grading permit, Public Works staff shall verify preparation of the SCP and confirm its adequacy. Prior to commencement of project operations, Building and/or Public Works staff shall verify successful construction of all IMPs identified in the SCP. Planning staff shall verify execution of maintenance agreement. Planning staff shall	Verification of preparation of SCP: Prior to issuance of grading permit/ Once Verification of successful construction of IMPs: Prior to commencement	

Mitigation Monitoring and Reporting Program (MMRP)

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing! Frequency of Monitoring	Date & Monitor's Initials! Status!Comments
Richmond Terminal, using a dye test or other appropriate means. The results of the investigation should be submitted to the City of Richmond Engineering Division for review and approval. If the investigation determines that the storm drain system located in Canal Boulevard and the storm drain system located in the adjacent BP West Coast Products LLC Richmond Terminal are connected, the project sponsor shall design a method of separating or sealing the connection(s) and provide BPWCP an opportunity to review and comment on the design. The project sponsor shall incorporate the comments of BP West Coast Products LLC as appropriate, and submit the design to the City of Richmond Engineering Division for review. After approval of the design by City of Richmond Engineering Division, the connection(s) shall be separated or sealed in accordance with the approved design.			verify annual receipt of certificates of compliance. Engineering staff shall verify receipt of approved dye test or other approved cross-connection test of storm drain lines. If lines are crossed, Engineering staff shall verify that connections are sealed or separated to the satisfaction of the Engineering Division and BP West Coast Products LLC	of project operations/ Once Verification of receipt of certificates of compliance/ Throughout life of project operations/ Annually Verification of storm drain cross-connection test: Prior to issuance of grading permit Once Verification of storm drain modifications and repairs, if required: Prior to commencement of project operations: Once	

Mitigation Monitoring and Reporting Program (MMRP)

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing! Frequency of Monitoring	Date & Monitor's Initials! Status!Comments
Impact 14-7: Construction debris generated by the proposed project could result in a substantial amount of recyclable materials being unnecessarily disposed of at the landfill serving the site, incrementally reducing the remaining life of the landfill. When combined with the construction debris generated by other future development projects in the City and County, this would be a significant project-specific and cumulative impact. Mitigation Measure 14-7: a) The project sponsor shall divert at least 50 percent by weight of all demolition and construction waste other than asphalt waste from landfill disposal, and shall provide a summary report of the diversion to the City. Prior to the initiation of project construction, the project sponsor shall prepare a recycling plan to cover all phases of project construction, including demolition. The recycling plan shall identify a strategy for handling all waste materials that will be generated during construction in order to achieve diversion of at least 50 percent by weight of all demolition and construction waste from landfill disposal. b) The project sponsor shall divert 100 percent of asphalt waste from landfill disposal.	Project Sponsor/ Construction Contractor	City of Richmond Planning & Building Services	Planning and Building Services staff shall review and approve the recycling plan to ensure compliance with Mitigation Measure 14-7. Planning and/or Building Department staff shall conduct weekly site inspections during construction to verify compliance with the approved recycling plan or shall receive written manifests, to be provided by the project sponsor, documenting the disposition of all construction and demolition waste. Planning staff shall verify performance of the inspections or receipt of waste manifests and the summary report.	Verification of approved recycling plan: Prior to initiation of project construction/ Once Verification of compliance with approved recycling plan: Throughout construction Weekly (by inspection) or monthly (by manifest documentation)	
Impact 14-8: Operation of the project could result in a substantial amount of recyclable materials being unnecessarily disposed of at the landfill serving the site, incrementally reducing the remaining life of the landfill. When combined with the operational waste generated by other future development projects in the City and County, this would be a significant project-specific and cumulative impact. Mitigation Measure 14-8: The project sponsor shall divert at least 50 percent by weight of all operational waste from landfill disposal, and shall provide a summary report of the diversion to the City. Prior to the initiation of project operation, the project sponsor shall prepare a recycling plan, which shall identify a strategy for handling all waste materials that will be generated during operation in order to achieve diversion of at least 50 percent by weight of all operational waste from landfill disposal.	Project Sponsor	City of Richmond Planning & Building Services	Planning staff shall review and approve the recycling plan to ensure compliance with Mitigation Measure 14-8. Planning staff verify receipt of annual summary reports on waste diversion in compliance with the approved recycling plan, to be submitted by the project sponsor.	Verification of approved recycling plan: Prior to initiation of project construction/ Once Verification of compliance with approved recycling plan: Throughout life of project operations/ Annually	

Mitigation Monitoring and Reporting Program (MMRP)

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RESOLUTION NO. 129-08

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND TO AFFIRM DESIGN REVIEW BOARD CERTIFICATION OF THE ENVIRONMENTAL IMPACT REPORT, ADOPTION OF STATEMENT OF OVERRIDING CONSIDERATIONS, AND A MITIGATION MONITORING AND REPORTING PROGRAM, IN CONJUNCTION WITH APPROVAL OF A DESIGN REVIEW PERMIT FOR THE HONDA PORT OF ENTRY PROJECT, AT THE PORT OF RICHMOND (EIR/DRB 114434).

WHEREAS, in August 2007, the Port of Richmond, in conjunction with Auto Warehousing Co. ("Project Sponsor"), filed an application for Design Review Permit approval with the City of Richmond ("City") for the Honda Port of Entry project ("Project"), consisting of construction of a new rail yard terminal at the Port of Richmond's Point Potrero Marine Terminal ("PPMT"), improvements to an existing deep-water ship berth at the PPMT, and operation of a Northern California Port of Entry auto processing and distribution facility for Honda automobiles, as described in Volume I, Chapter 3 of the July 2008 *Honda Port of Entry Draft Environmental Impact Report* ("Draft EIR"), as amended by the September 2008 Final Environmental Impact Report (together with Volumes I and II of the Draft EIR constituting the "Final EIR" and attached hereto as Exhibit A), prepared pursuant to the California Environmental Quality Act ("CEQA"), promulgated in Public Resources Code Sections 21000–21177 and *CEQA Guidelines* Sections 15000–15387; and

WHEREAS, on February 11, 2008 the City issued a Notice of Preparation ("NOP") of the EIR and an Initial Study presenting a preliminary analysis of the potential environmental effects of the Project; and

WHEREAS, the NOP was circulated for comment by responsible and trustee agencies and the public for a total of 30 days, from February 11, 2008 through March 12, 2008, during which time the City held a public scoping meeting on the Project environmental documents on March 5, 2008; and

WHEREAS, the Draft EIR, consisting of Volume I, and accompanying Appendices as Volume 3, was issued on July 2, 2008, and was circulated for public review through August 18, 2008, for a total of 47 days, during which time the City held a public hearing on the Draft EIR on August 5, 2008; and

WHEREAS, the Draft EIR assesses the potential environmental effects that would or could result from implementation of the Project; and

WHEREAS, following the close of the public review period the Final EIR, consisting of Volume II, was prepared in accordance with the *CEQA Statutes and Guidelines*, which responds to the written and oral comments received during the public review period; and

WHEREAS, the City received letters following the close of the public review and comment period and, although pursuant to Public Resources Code Section 21091(d)(1) and *CEQA Guidelines* Section 15088, written responses to late comments are not required, the City prepared responses to these letters which are included in the Final EIR; and

WHEREAS, the Final EIR identifies a significant adverse impact on air quality that would result from implementation of the Project and, although mitigation measures have been required to reduce the severity of the impact, it would remain a significant and unavoidable impact of the Project; and

WHEREAS, the Final EIR identifies a conflict with General Plan Policy OSC-P.1 as a result of the significant and unavoidable impact on air quality and no feasible mitigation was identified to fully reduce or avoid the conflict, and the conflict would, therefore, constitute a second significant and unavoidable impact of the Project; and

WHEREAS, Exhibit A-2, a Statement of Overriding Considerations, attached hereto and by this reference incorporated herein, sets forth findings of overriding considerations for these significant and unavoidable impacts in accordance with Public Resources Code Section 218081 and *CEQA Guidelines* Section 15091(a) and (b); and

WHEREAS, the Final EIR identifies other potentially significant environmental effects that would or could result from implementation of the Project; and

WHEREAS, the Final EIR identifies mitigation measures to avoid or reduce all other potentially significant environmental effect to a less-than-significant level; and

WHEREAS, Exhibit A-1, CEQA Findings of Fact for the Project, attached hereto and by this reference incorporated herein, sets forth findings of fact for all Project impacts and alternatives discussed in the Final EIR; and

WHEREAS, the Design Review Board reviewed the Final EIR and the staff report pertaining to the Final EIR and considered all comments received on the NOP/Initial Study and the Draft EIR during the public review periods in association with the Design Review Permit for the Project; and

WHEREAS, Section 21000 *et. seq.* of the Public Resources Code and Section 15000 *et. seq.* of the *CEQA Guidelines* which govern the preparation, content, and processing of environmental impact reports, have been fully implemented in the preparation of the Final EIR; and

WHEREAS, a Mitigation Monitoring and Reporting Program ("MMRP"), attached hereto as Exhibit A-3, has been prepared pursuant to Public Resources Code Section 21081.6 and *CEQA Guidelines* Section 15097 to monitor and ensure implementation of all feasible mitigation measures identified in the Final EIR, and the Design Review Board found on October 8, 2008 at a duly noticed public hearing that these mitigation measures are fully enforceable conditions of project approval, and shall be binding upon the Port of Richmond, the Project Sponsor, and all other affected parties; and

WHEREAS, the Design Review Board found that after due study, deliberation, and public testimony and hearing, that the Final EIR reflects the independent judgment and analysis of the City; and

WHEREAS, the City Council finds that despite the occurrence of significant environmental effects that cannot be substantially lessened or avoided through adoption of feasible mitigation measures or feasible alternatives, there exist certain overriding economic, social, or other considerations for approving the Project that the City Council believes justify the occurrence of those impacts; and

WHEREAS, the City is required pursuant to *CEQA Guidelines* Section 15021 to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant environmental effects, keeping in mind its obligation to balance a variety of public objectives for the health and welfare of the jurisdiction; and

WHEREAS, CEQA (*CEQA Guidelines* Section 15043) affirms the City's authority to approve this Project even though it may cause significant effects on the environment, so long as the City makes a fully informed and publicly disclosed decision that there is no feasible way to lessen or avoid the significant effects (*CEQA Guidelines* Section 15091) yet known, and that there are specifically identified expected benefits from the Project that outweigh the policy of reducing or avoiding significant or potentially significant environmental impacts of the project (*CEQA Guidelines* Section 15093), and

WHEREAS, the Design Review Board did certify the Final EIR in Exhibit A, adopting the Statement of Overriding Considerations in Exhibit A-2, and the CEQA Findings in Exhibit A-1, and the Mitigation Monitoring and Reporting Program in Exhibit A-3, in conjunction with approval of the Design Review Permit (DR 1104434), for the Project on October 8, 2008; and

WHEREAS, an appeal of the Design Review Board's certification of the Final EIR, adoption of a Statement of Overriding Consideration and Mitigation Monitoring and Reporting Program for the Port of Richmond/Honda Port of Entry Project was submitted to the City Clerk on October 18, 2008 by Mr. Fred Arm, a resident of Richmond, California; and

WHEREAS, after consideration of the Final EIR, Findings of Fact, Statement of Overriding Considerations, Mitigation Monitoring and Reporting Program, and the record of proceedings before the Design Review Board, the staff report to the City Council dated November 18, 2008 and the attachments thereto, and oral and written public testimony; and

WHEREAS, the City Council of the City of Richmond does find that the Design Review Board, after due study, deliberation, and public testimony and hearing, did certify the Final EIR, adopt Findings of Fact and a Statement of Overriding Considerations, with a Mitigation Monitoring and Reporting Program, and in conjunction with approval of a Design Review Permit, did appropriately act on the Project in accordance with *CEQA Statutes and Guidelines* and the City's Ordinance and regulations.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Richmond having independently considered the environmental effects of the Project **DENIES** the appeal and **AFFIRMS** the following actions taken by the Design Review Board on October 8, 2008:

1. Adopt the CEQA Findings of Fact attached hereto as Exhibit A-1.
2. Adopt the Statement of Overriding Considerations attached hereto as Exhibit A-2.
3. Adopt the Mitigation Monitoring and Reporting Program (MMRP) attached hereto as Exhibit A-3.

4. Certify the Final Environmental Impact Report.
5. Approve the Design Review Permit (DR 1104434) subject to conditions.

FURTHERMORE, the City Council **FINDS** (see CEQA Findings of Fact attached as Exhibit A-1) and **APPROVES** the Design Review Permit for the Project, DR 1104434, subject to all measures in the MMRP and the following conditions of approval:

Conditions of Approval:

1. The final landscaping, lighting and gateway design shall return to the Design Review Board for final approval following consultation with Design Review Board Member Diane Bloom and the design team for the San Francisco Bay Trail segment adjacent to the Project.
2. The Project Sponsor shall enlarge the wording, "Entering Historic Shipyard # 3", on the proposed Gateway Sign.
3. The Project Sponsor shall work with the National Park Service ("NPS"), Trails for Richmond Action Committee ("TRAC") and staff to establish the final location for the Gateway Sign.
4. The street lighting on Canal Boulevard should be of a historic style of LED lighting.
5. All chain link fencing incorporated into the Project design shall be (black) coated to resist tarnish and rust.
6. Project around the MAAS Boat Company or to relocate the potentially displaced MAAS Boat Company; and
7. The Project Sponsor shall make best efforts to seek funding to cold-ironing shore side power and request the Port of Richmond to submit documentary evidence of such efforts to the Design Review Board when the final landscaping, lighting and gateway plans are considered.
8. Design Review Permit Expiration: Design Review Permit (DR 1104434) approval shall expire two years from the date of final approval, unless made permanent by the issuance of building permits and the commencement of construction. If the use(s) or structure(s) approved by this action is not established within such period of time, this approval shall be terminated and shall thereafter be null and void, unless the Project Sponsor or owner applies for an extension of time prior to expiration of the Design Review approval.
9. Design Review Permit Revocation: Failure to abide by and faithfully comply with any and all conditions attached to this approving action shall constitute grounds for the revocation of said action by the Design Review Board.
10. Conditions of Approval on Project Plans: All conditions of approval shall be printed on the first page of the construction plans submitted for review and approval. These conditions of approval, and all grading and construction plans shall be kept on the Project site at all times during construction. It is the responsibility of the Project Sponsor to ensure that the Project contractor is aware of, and abides by, all conditions of approval. Prior written approval from the Planning and Building Services Department Director or his/her designee shall be received by the Port of Richmond or Project Sponsor before any changes are made to the site design, grade, building design, building colors or materials, or related design elements.
11. Responsibility to Inform: The Project Sponsor shall be responsible for informing all subcontractors, consultants engineers, or other business entities providing services related to the Project of their responsibilities to comply with all pertinent requirements herein, and in the City of Richmond Municipal Code, including the requirement that a business license be obtained by all entities doing business in the City, as well as the hours of operation requirements in the City.
12. Changes to Design: Prior written approval from the Planning and Building Services Department Director or his/her designee shall be received by the Project Sponsor before any minor changes are made to the site design, grade, building design, building colors or materials, or related design elements. Major changes shall be subject to review by the Design Review Board at the Planning and Building Services Director's discretion.
13. During construction activities, the Project Sponsor shall reduce or prevent to the maximum extent practicable the direct or indirect discharge of any dust or pollutant into the storm drain system utilizing best management practices contained in the California Storm Water Best Management Practices Handbook for Construction Activities. Construction activities include, but are not limited to: watering operations; roadwork and paving operations; concrete and painting; structure construction and painting; construction material storage and handling; construction waste/debris

storage and disposal; and, construction equipment/vehicle cleaning, maintenance and fueling operations. The Project Sponsor is also responsible for training all contractors and subcontractors on the best management practices identified in the California Storm Water Best Management Practices Handbook for Construction Activities, which shall be made available by the Project Sponsor at the pre-construction meeting of the Project.

14. All storm drains which serve the site shall be protected from spills and soil runoff (from unpaved areas). The Project Sponsor may use "Any Source Control" BMP (Best Management Practice) as listed in the California Storm Water Best Management Practice Handbook for storm water run-off for commercial sites. Storm drains will be inspected periodically.
15. Grade Crossing Blockages: The Port of Richmond and its PPMT tenant shall implement operational procedures that minimize (i) noise from train switching on Port property, (ii) blockage of at grade crossings between the Port and Richmond Yard, and (iii) noise associated with train movement at the curvatures at Canal and Cutting Boulevards. The Project shall not undertake switching operations that block traffic on Canal Boulevard, West Cutting Boulevard and Garrard Boulevard. Project operations shall occur primarily between 7:00 p.m. and 4:00 a.m. Grade crossing blockages associated with the Project shall be in the 1.5 to 6 minute range, and in no case shall the Project create blockages that violate CPUC General Order 135. The City shall be responsible for installing an automated monitoring system that automatically records grade crossing blockages on Canal Boulevard, West Cutting Boulevard and Garrard Boulevard, and that information shall be made available to the public on a monthly basis. Any grade crossing blockages in excess of 10 minutes that violate CPUC General Order 135 shall be prosecuted by the City.
16. Train Noise: The Project will increase train traffic south of the Canal Boulevard grade crossing, and it is possible that trains will be sounded at grade crossings. The City of Richmond shall determine what is required to establish a Quiet Zone and shall obtain cost estimates for providing sufficient grade crossing safety devices at grade crossings south of the Canal Boulevard grade crossing to qualify for a Quiet Zone. The City of Richmond shall maintain a reserve fund for a period of two years sufficient to pay for such devices, if required. If train horns are routinely sounded at grade crossings south of the Canal Boulevard grade crossing, the City of Richmond shall implement a Quiet Zone extending from the Canal Boulevard grade crossing to the PPMT. After two years, the reserve capital fund shall no longer be required, but if after two years, train horns are routinely sounded at grade crossings south of the Canal Boulevard grade crossing; the City of Richmond shall install such devices in a timely manner as necessary and establish a Quiet Zone from the Canal Boulevard grade crossing. "Routinely sounded" means sounded in accordance with 49 CFR Parts 222 and 229 promulgated by the Federal Railroad Administration but does not include sounding in case of emergencies. In addition, the City of Richmond shall complete the required improvements and establish a Quiet Zone from the existing Garrard Boulevard (Richmond Parkway east leg) to and including the grade crossing at Cutting Boulevard near 4th Street. The Port of Richmond, in conjunction with the railroad shall investigate, adopt a plan and apply best practices to continually reduce wheel squeal on tight radius curves on tracks serving the Honda Port of Entry Project. Practices may include gauge face lubrication; top of rail friction modification and the maintenance and modification of track and rolling stock.
17. Solar Electricity Generation: Sufficient solar electrical generation shall be installed at PPMT to result in no net electrical usage from PG&E. This requirement shall apply only if economically feasible, with "feasible" being defined as no net increase in the annual cost of power over what it would have been if purchased from PG&E. The City of Richmond shall invite proposals from providers of Power Purchase Agreements.
18. Historic Resources Parking: In accordance with Mitigation Measure 5-6, the following parking spaces shall be made available for non PPMT parking requirements. For the Riggers Loft - 78 spaces, General Warehouse - 32 spaces, Cafeteria - 54 spaces, and Red Oak Victory - 25 spaces. These spaces shall be reserved during weekday working hours for employees and visitors of the three buildings and Red Oak Victory, at such future time that the buildings may be occupied by tenants, with 75% used jointly as shared parking by the Project Sponsor on nights and weekends, subject to mutual agreement of details. Whenever the Red Oak Victory or the National Park Service has special events, or anticipates substantial visitation, up to 100 parking spaces shall be made available for short term use.
19. Emissions: Following implementation of CARB regulations for fuel sulfur for oceangoing vessels in 2009 and 2012, the emissions of NOx and PM10, including those from this Project, shall be lower in the City of Richmond than the current baseline, and the health risk assessment shall indicate a lower risk than that which currently exists. Calculations shall be provided to the City of Richmond and submitted to the Planning and Building Services Department to show how this conclusion can be reached prior to obtaining a Building Permit, and such calculations shall be incorporated into the Design Review Permit (DR 1104434).

I CERTIFY that the foregoing resolution was adopted by the City Council of the City of Richmond for EIR 1104434, and DR 1104434 Port of Richmond, Honda Port of Entry Project, at a regular meeting held on November 18, 2008:

Ayes: Councilmembers Bates, Butt, Lopez, Rogers, Sandhu, Thurmond, and Viramontes
Noes: Mayor McLaughlin
Abstentions: None
Absent: Vice Mayor Marquez

DIANE HOLMES
Clerk of the City of Richmond

[SEAL]

Approved:

GAYLE McLAUGHLIN
Mayor of the City of Richmond

Approved as to Form:

RANDY RIDDLE
City Attorney

State of California }
County of Contra Costa : : ss.
City of Richmond }

Certified as a True Copy

DIANE HOLMES
CLERK OF THE CITY OF RICHMOND, CALIF.
BY Pam Chister DEPUTY

I certify that the foregoing is a true copy of Resolution No. 129-08, finally passed and adopted by the Council of the City of Richmond at meeting held on November 18, 2008.

EXHIBIT A-1: **CEQA Findings of Fact**
EXHIBIT A-2: **Statement of Overriding Considerations**
EXHIBIT A-3: **MMRP, September 2008**

From: [martha bielawski](#)
To: [City Clerk Dept User](#)
Subject: Terminal One Disposition pursuant to Amended Land Disposition Agreement.
Date: Sunday, February 5, 2023 11:19:55 PM

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To Whom It May Concern,

I strongly object to any large housing project in the Ferry Point/Brickyard Cove area, as I did when this proposal first came up years ago. This is a spectacular piece of land and I understand the city's desire to develop it in some way — but housing is the wrong way. This is a very vulnerable area with limited access. We saw just this winter that when a small landslide caused the evacuation of only 7-8 families at Seacliff, the process was impacted by flooding on Dornan Drive. The families had to leave via Canal Blvd. What if there were a larger event — earthquake, fire, flooding? There are already hundreds of families living in the Brickyard Cove, Seacliff, and now Waterline communities, and it is doubtful that evacuation would be safe as things are. Adding more housing units in this area is asking for disaster.

Martha Bielawski

Sent from my iPad

From: [mary Land](#)
To: [City Clerk Dept User](#)
Cc: [Eduardo Martinez](#); [Soheila Bana](#); [Claudia Jimenez](#); [Cesar Zepeda](#); [Doria Robinson](#); [Melvin Willis](#); [Gayle McLaughlin](#)
Subject: Public Comments - Open Forum: Terminal One Disposition pursuant to Amended Land Disposition Agreement
Date: Monday, February 6, 2023 2:51:15 PM

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This is to express my concerns, as a homeowner and resident, regarding the Terminal One project. The developer has not met community needs and has ignored issues that are important to current residents.

The secrecy of the developer's proforma, and the current design, are at odds with the community's request for environmental safety, appropriate density, parking issues, and quality of life for future and existing residents. I am requesting the City Council either reject the current project or require modifications including imposing a two-story limit and changes to provisions for the Bay Trail to comport with existing HOA obligations.

The structural, and parking issues, if not properly addressed will live on as problems, long after the developer has taken its money and gone. Let's please be thoughtful and cautious about this permanent development, so it doesn't become a greater problem for the neighborhood and community.

Thank you,

Mary Land
1316 Mallard Drive
Richmond, CA 94801
maryeku@gmail.com

From: [C. Michael Lederer](#)
To: [City Clerk Dept User](#)
Subject: public comments agenda item # P.1 Terminal One Disposition pursuant to Amended Land Disposition Agreement
Date: Tuesday, February 7, 2023 1:22:10 PM

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Dear Mayor Martinez and Council Members,

I recommend that you REJECT the project as presently proposed. Residents of Brickyard cove are eager for responsible development of the Terminal One site. This proposal is irresponsible in many ways that you will hear from others tonight. More important, it will not serve the City of Richmond well, financially, architecturally, socially, or environmentally. WE CAN DO BETTER.

Whether or not the Council choses to accept the project, I urge you to to ACCEPT DEDICATION OF THE PRIVATE PORTION OF BRICKYARD COVE ROAD FORTHWITH. If you accept the project, I urge you to modify the ALDA to do this no later than September 2023.

Sincerely,

Mike Lederer
Resident of Brickyard Cove since 2007
Member of the Brickyard Cove Alliance for Responsible Development

Mayor and Council Members

I am a member of the Board of Brickyard Cove HOA #1 and additionally communicate on behalf of each of the other HOA Boards and owners of the BYC Rd, a total of 561 dwelling units and 106,000 square feet of commercial space and 285 boat slips. I have worked for the last 5 years to address the challenges of BYC Rd and bring our community together. We have jointly agreed to fund \$250,000 at the time this private road is accepted as a Dedicated Public Road.

The attached document contains three items, a brief history of BYC Rd, a document containing amendments, modifications and clarifications to the documents comprising the proposed ALDA, and an annotated aerial photo of the roadway.

Our community has jointly asked Council Member Zapeda to introduce the attached amendments, modifications and clarifications to the proposed ALDA. We hope you will support our community and address an issue that should have been completed 18 years ago.

We take no position on the proposed Terminal One development as doing so would exceed the authority of our HOAs, our focus is on the roadway.

Please feel free to contact me.

Respectfully,

Steve Chamberlin

A Brief History of Brickyard Cove Road

When the City considered the development of the Brickyard area they focused on a broad median divided parkway similar to Beach Road in Belvedere. Due to the cost of building such a grand boulevard and the small amount of land controlled by the developer, the City entered into a deal to permit the developer to recoup the extra cost by permitting the developer to hold the road as a private road and force the other owners land to contribute, deferring acceptance of the street dedication until BYC Rd connected Dornan and Canal Boulevards.

- **Subdivision 3520** approved by City Council Nov. 25, 1968, dedicates BYC Rd as a Public Street, to be owned and maintained by the City of Richmond, as required by the City.
- A **Subdivision Agreement** establishing performance and lien bonds and deferring City acceptance of BYC Rd until Dornan/Canal Blvds are connected was executed by the City and developer on the same date. **This document is not recorded with Subdivision Map, depriving all future purchasers in the subdivision of public notice of this secret deal between developer and City. FIRST ERROR BY DEVELOPER AND CITY.**
- On Aug. 24, 1970, City and developer enter into recorded Agreement transferring Common Area, BYC Rd and sewer to HOA1. **City releases Performance and Lien bonds totaling \$250,000 securing completion and acceptance of road and sewer upon completion in accordance with City specifications and inspections.** Improvement bonds are not normally released until City accepts street and sewer dedication. **SECOND ERROR BY DEVELOPER AND CITY.**
- In 2005, Seacliff Drive, a dedicated and accepted Public Street, connection ties Dornan and Canal drives together, satisfying Subdivision Agreement condition and ending the “dead end” of BYC Rd. **Neither the City nor the developer complete the transfer and acceptance of BYC Rd. THIRD ERROR BY DEVELOPER AND CITY.** The Brickyard Cove community has maintained and borne the liability of this section of roadway for 18 years since the connection of Dornan/Canal, in spite of constant efforts to get the City to accept dedication and mitigate the unsafe road conditions for the last 4 years.

Tying the acceptance of this road to the construction of Terminal 1 is unfair, and is without any reason. Our community has already agreed to fund our fair share of the cost of repaving the roadway, the sum of \$250,000, to be paid upon transfer. Please amend the LDA documents to transfer the road by September, 2023

CLARIFICATIONS, MODIFICATIONS AND AMENDMENTS PROPOSED BY THE BRICKYARD COVE HOAs AND BOARDWALK MARINA

AGENDA REPORT:

Page 2 para. A: There appear to be three options for Council action discussed in this paragraph, not two as stated. Amendment of the ALDA is an option we support.

Page 13, Section H, 4: Maintenance Expense. The HOAs and Marina are supportive of maintaining the adjacent landscaping but this arrangement must be memorialized in agreements with each entity. This can be completed before acceptance of the dedication.

ATTACHMENT 2, ExhibitC-2:

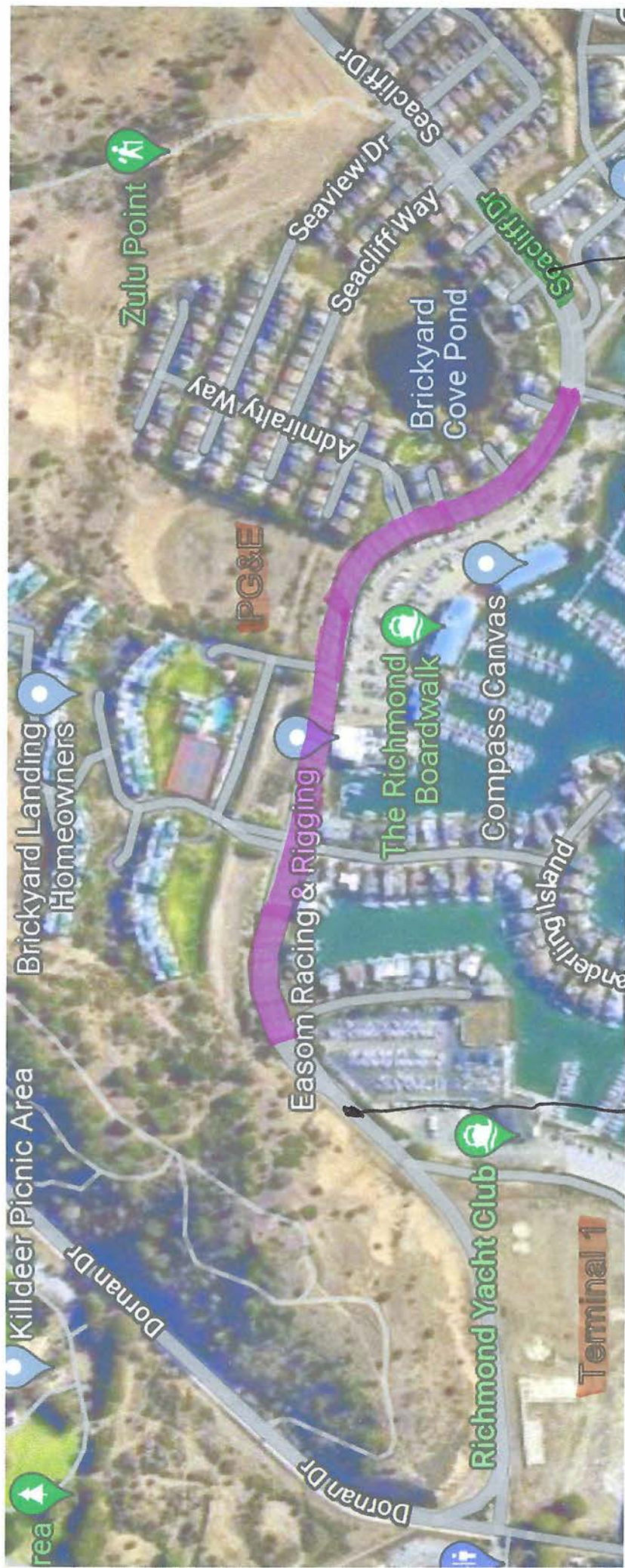
Page C-2-2: Clarify that these costs are included and part of the \$250,000 commitment to be funded by the Brickyard Cove community upon acceptance of the dedication.

Page C-2-4, E, 6: Replace the first sentence with: City shall accept the dedication of the right of way as a public street by September 2023.

EXHIBIT C-1. ESTIMATED SCHEDULE OF PERFORMANCE

Item 11. Revise as: Acceptance of Roadway. To be completed by September 2023.

Item 14. Delete



public road

Dedicated, private sections of BYC Rd

public road

From: [Sue Hodges](#)
To: [City Clerk Dept User](#)
Subject: Terminal One Disposition pursuant to Amended Land Disposition Agreement
Date: Monday, February 6, 2023 3:02:49 PM

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To:
City of Richmond

From:
Sue Spahr Hodges
500 Seacliff Place Seacliff Place
Point Richmond, CA 94801
(805) 705-8089

Re:
Terminal One Disposition pursuant to Amended Land Disposition Agreement

To Whom it May Concern:

The purpose of this letter is to express my concerns regarding the terms of Attachment C-2 to the amended Land Disposition Agreement (“ALDA”) for Terminal One Project. I object to the assumption that the public is satisfied with the ALDA and Attachment C-2. We are not. This attachment does not address several issues that are important to us, some of which are adequate parking and massing of units along the perimeter, especially that of the Richmond Yacht Club. We would encourage you to bring back aspects of the original project that benefits the community, with or without the park.

Additionally, the developer’s pro forma (only recently made available to the public) analysis is clearly based on older data and appears to exclusively serve the interests of the developer. The prices arrived at in the analysis are, in my opinion, vastly underestimated.

Additionally, we want the City to take over the road and to limit the contribution of the HOAs to \$250,000 for rebuilding the road.

And lastly, it has been brought to our attention by Bruce Beyaert of TRAC that certain provisions in C-2 related to the Bay Trail are inconsistent with the obligations of the existing HOAs with regard to its maintenance, and because of the generality of language, would be

inconsistent with the obligations that should be assumed by the new HOA for the Terminal One project upon its creation. With this in mind, the language of I.E.5 should be modified to read:

Parkway Maintenance. Subject to the approval by the following entities, the presently existing HOAs (BYCHOA 1 & 2, Brickyard Landing, Seacliff, and Waterline) and Boardwalk Marina, shall be responsible for maintenance of irrigation and landscaping in parkway areas adjacent to their property and the street, but not the park or any Terminal One Bay Trail section along all sides of Terminal One property including the north section on BCR west of Yacht Club to Dornan Drive.

For the same reasons, the language of II.G.2 should be modified as follows:

Special Tax. Except as expressly provided herein, Cove residents individually and presently existing HOAs (BYCHOA 1& 2, Brickyard Landing, Seacliff, and Waterline) and Boardwalk Marina, shall not be charged with any special tax, assessment or other cost allocation to pay for construction or maintenance of any park, wharf, Terminal 1 landscaping, or lighting, or any Terminal One Bay Trail section along all sides of Terminal One property including the north section on BCR west of Yacht Club to Dornan Drive.

Thank you for the opportunity to submit my concerns.

Respectfully,

Sue Spahr Hodges

From: [Yasaman Nazmi](#)
To: [City Clerk Dept User](#)
Subject: Agenda Item Z2 Latitude Residential Project
Date: Monday, February 6, 2023 5:02:53 AM

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I would like to know to whom the city has sold terminal one. Is it a non profit affordable housing developer? Which one? And what is the proposed development? Yas

Yasaman Lee
415.596.7776 (cell)

From: [Cordell Hindler](#)
To: [City Clerk Dept User](#)
Subject: Public Comments Q.1 Budget Session
Date: Thursday, February 2, 2023 5:21:45 PM

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Hello Mayor Martinez, Council Members and Staff,

I Really Appreciate the Hard Work That These Departments Put Into to Make our city Better

Sincerely
Cordell