

(09/28/11)

## FEIR & GENERAL PLAN – SUMMARY RECOMMENDATIONS

### I. FINAL ENVIRONMENTAL IMPACT REPORT

The following comments/recommendations were included in a letter (March 16, 2011) from the Council of Industries (COI) to the Planning Commission, City Manager Bill Lindsay, Planning Director Richard Mitchell, Planner Hector Rojas and Assistant City Attorney Mary Renfro). These comments were reviewed by the City Attorney's office and forwarded to the decisions-makers for their consideration:

- COI COMMENT 9-9: “Throughout the DEIR there is a concern for siting *sensitive land uses immediately downwind, or near industrial facilities, port facilities or refineries. The COI supports buffer zones around these industrial areas to ensure this transition. In addition, bike paths, bay trail, pedestrian access needs to be redirected around port businesses due to issues with safety and homeland security. We suggest that the City implement overlay zones surrounding the industrial and port areas to divert residential, pedestrian and bicycle traffic to outside of this area.*”

CITY RESPONSE TO COMMENT 9-9: “The comment supports the continued enforcement of the Transitional/Buffer Zone Ordinance on the Ford Peninsula at marina Bay. As discussed in Response to Comment 9-6, the City would continue to apply the land use restrictions of the Transitional/Buffer Zone Ordinance. **The comment also suggest overlay zones to divert residential, pedestrian, and bicycle traffic outside the port areas. This comment is noted and forwarded to the decision-makers for their consideration.**”

- COI COMMENT 9-25:  
3.10 NOISE  
Section 9.52.090- Prohibited Noises Policies (pg3.10-3.26)  
SN4.2 “In particular, existing industrial and residential uses can successfully coexist through well-conceived circulation and urban design strategies including buffers (which may be in the form of soundwalls and/or enclosed buildings) and transitional uses...”  
COI: *We support the use of buffers between industrial and residential.*

Action(pg3.10-3.27)  
SN4.D “Quiet Zone Feasibility Study. Study the feasibility of obtaining Federal Rail Administration Quiet Zone status limiting the use of train horns which are a major source of noise pollution in Richmond.”

COI: *We recommend that the City continue to work with the railroads in discussion of this. Currently a group is discussing Train Horn Noise.*

CITY RESPONSE TO COMMENT 9-25: “The Comment states the City is updating the Noise Ordinance. The comment also supports the use of buffers between residential and industrial uses and recommends the City continue to work with the railroads regarding noise. **The recommendations for buffers and work regarding quiet zones for train noises are noted and forwarded to the decision-makers for their consideration.**”

- COI COMMENT 9-29:

Operational Thresholds

(pg 3.6-3.14) “According to the BAAQMD, the General Plan impact would not be considered cumulatively considerable if it would meet at least one of the following thresholds: -be consistent with the policies of a qualified Climate action Plan, or – produce emissions of no more than 6.6TCO<sub>2</sub>-e per service population annually.

COI: *Where does the city stand with the Climate Action Plan, and what constitutes a “qualified” plan? Does it require BAAQMD review and approval? The COI would like to work with the city on this.*

CITY RESPONSE TO COMMENT 9-29: “The comment questions the status of the Climate Action Plan **and states that the Council of Industries (COI) would like to work with the City regarding the policies and action items related to the Climate Action Plan.** The City is in the process of seeking funding for the Climate Action Plan. As the policies and action items listed in the Draft EIR are components of the General Plan, this is a comment on the merits of the project and not a comment on the Draft EIR. **The comment is noted and forwarded to the decision-makers for their consideration.**”

- COI COMMENT 9-30:

Project-Specific Impacts and Mitigation Measures – Construction – Policies – EC2.2 Climate-Friendly Fuels Action EC2.K (pg3.6-3.15)

“Construction and Demolition Ordinance: Develop an ordinance covering all construction and demolition activities that meets and exceeds minimal state building code diversion for beneficial reuse standards. Encourage preservation and readaptation of existing structures over replacement and deconstruction and reuse of building materials over demolition.”

COI: *Business/Industry/Historic Preservation Commission collaborated on a demolition ordinance for Historic Resources. We would like to continue to work with the city on a Construction and Demolition Ordinance.*

CITY RESPONSE TO COMMENT 9-30: “The comment references the **demolition ordinance for historic resources and states COI would like to continue to work with the City on this topic. The comment is noted and forwarded to the decision makers for their consideration”**

- COI COMMENT 9-42:

CR1D Bicycle, Pedestrian, and Tail Standards.

COI: Recommend the following changes:

~~“Require Recommend all new commercial, industrial and residential development to provide access for construction and operation of a trail where a local or regional trail is designated or planned if feasible. Provide for Include provisions that require owners of property along the shoreline to provide maximum feasible public access to the shoreline and to complete the Bay Trail as part of any project approval process. in appropriate areas, outside of areas that could impact public safety or compromise homeland security issues.”~~

CITY RESPONSE TO COMMENT 9-42: **“The comment expresses opposition to proposed General Plan Circulation Policy CR1.D, which requires all new commercial, industrial and residential projects to provide access for construction and operation of planned or designated trails. This is not a comment on the adequacy of the analysis contained in the Draft EIR, but on a policy contained in the General Plan. The comment is forwarded to the decision-makers for their consideration.”**

- COI COMMENT 9-44:  
3.14-3.15 Policy CR3.A At-Grade Railroad Crossings Improvements  
COI: “The recommendations included in this policy are infeasible due to the cost. However, the COI recommends that the City work with the railroad companies on issues of concern and would be happy to participate in those conversations.”

CITY RESPONSE TO COMMENT 9-44: **“The comment states that General Plan Circulation Policy CR3.A, related to railroad crossing improvements, is infeasible due to costs. This is not a comment on the adequacy of the analysis contained in the Draft EIR, but on a policy contained in the General Plan. The comment is forwarded to the decision-makers for their consideration.”**

## **II. GENERAL PLAN SUMMARY COMMENTS**

The following summary includes recommendations and comments regarding the General Plan. [Note: When recommending changes to General Plan text, “underlined” text is the new recommended language, e.g.: underlined; words that have “strikethroughs”, e.g.: ~~strikethrough~~ are recommended deletions.]

### **1. BUFFER/ TRANSITION ZONES/ FORD PENINSULA:**

- REMOVE: Residential, low-density residential, medium density residential, neighborhood mixed use, high density housing, live/work, schools, “mixed-uses”, and sensitive uses in areas that are buffer/transition areas.  
*Reference:* Land Use 3.E – Maps: show high intensity mixed use, medium intensity mixed use and live/work in the Industrial Transition/Buffer Zone

(Ordinance 18-08). These need to be changed to **Business/Light Industrial** to reflect the Ordinance. [Maps, pg 3.10 Change Area 16 Southern Gateway; Change Area 3 Ford Peninsula in Marina Bay]

*Reference:* Land Use 3.E – Map: pg3.96 Change Area 12 Northshore indicates open space; needs to be changed back to **Business/Light Industrial**.

*Reference:* Verbiage in the following sections notes mixed uses and/or residential in industrial areas. Residential needs to be excluded from industrial areas and buffer/transition zones:

Goal ED5 Mixed uses along Key Corridors pg 1.29; Policy ED5.1 Higher-Density and Mixed-Use Infill Development, pg. 1.29,1.33; Policy ED8.1: A Range and Mix of Land Uses, pg 1.37; Policy ED8.2 Land Use Compatibility, pg 1.36 par2; Policy ED8.7 Visual Appearance, pg 1.38; Action ED8.D, pg1.39; Action ED8.A Southern Shoreline Specific Plan, pg 3.28; EC5.2; SN4.2 Land Use Compatibility; SN4.C Noise Ordinance; LU, CA-3 Ford Peninsula in Marina Bay, pg 3.26, Desired Urban Form, par3.

- ADD: “References to the Ford Peninsula Area need to ensure that the Industrial Buffer Zone (Ord. 18-08) is included in discussions of types and locations of future developments, and that the acceptable developments for the buffer zone area are Business/Light Industrial” (Land Use & Urban Design: pg. 3.40 Change Area 15 Regatta/Marina Bay; pg 3.68 Policy LU5.1 A Balanced Mix of Land Uses.)
- CHANGE: The Transitional/Buffer Zone (Ord. No 18-08) notation needs to be expanded to reflect the ordinance definition as follows (LandUse: pg3.15; Medium-Density Mixed-Use (Residential Emphasis); Activity Centers, pg3.17 footnote; Action LU5.C Industrial Use Buffers pg 3.71; Action LU5.A Zoning Ordinance Update, pg 3.71).

The following uses are not allowed within the Transitional/Buffer Zone: 1. Single-family residences, duplexes, multi-family, and live/work units, group homes, and residential care, residential uses as part of a mixed-use development, transitional housing or transient lodging such as hotels and motels and rooming and boarding houses, and any use in which people reside. 2. Day care, primary, elementary, junior high, and high schools, ~~adult vocational schools~~ and after-school programs for children and teens, public or private. 3. Parks and recreation facilities, noncommercial parks, playgrounds, and recreation facilities, commercial amusement parks, and any use that attracts or appeals to children. [Land Use Element]

- ADD: warehousing in the definition of “Business/Light Industrial” (pg. 3.19, Land Use)
- Table 3.4 Business and Industry Land Use Classifications. (pg3.19) [Land Use] EXCLUDE: Live/Work within the Industrial Buffer Zone area as it includes a “living” component which can include families and children and is

in essence a residential unit. ADD: “ Transitional/Buffer Zone (Ord. No 18-08) restrictions shall continue to apply; refer to exclusions noted in definition on page 3.15”

- Policy ED5.1 Higher-Density and Mixed-Use Infill Development (pg1.29): CHANGE TO: “Provide higher-density and infill mixed-use development affordable to all incomes on vacant and underutilized parcels along Richmond’s key commercial corridors including Macdonald Avenue, San Pablo Avenue, 23<sup>rd</sup> Street, Cutting Boulevard, Carlson Boulevard, Harbour Way and Marina Way – outside of the industrial Buffer Zone and other designated buffers.” (See: HW7.1,pg11.45; ED4.1, ED6.1, LU1.1)
- Policy ED 7.2 Land Use Compatibility (pg1.33) CHANGE TO: (par 4) CHANGE TO: “~~In particular, existing industrial and residential uses can successfully coexist through well-conceived circulation and urban design strategies including buffers (which may be in the form of sound walls and/or enclosed buildings) and transitional uses, rerouting of truck traffic and design components that mark transitions in land use.~~ Similar to other cities that host mixed uses, consider requiring land use covenants for new development in areas where new uses may generate a perception of conflict with existing uses. Require sufficient visual open space and/or landscaped screening between industrial operations and adjacent residential or recreational activities in order to create adequate buffers Industrial areas should be bound by clear and viable buffer zone areas between them and any residential area, including live-work. (See also: ED8.2; LU5.3; SN4.2)
- Action ED7B: Industrial Use Buffer (pg1.35). CHANGE TO: “New industrial uses established adjacent to existing residential or commercial uses shall consider incorporating measures to minimize impacts to residential uses such as enclosure of industrial activities in buildings, use of screening for visually unattractive uses, site design,
- Policy ED8.2 Land Use Compatibility (pg1.36) (par 3) CHANGE TO: “New development should complement the character and scale of existing neighborhoods, cultural resources, historic structures and landscapes. In particular, existing industrial and residential uses can successfully coexist through well-conceived circulation and urban design strategies including ~~buffers (which may be in the form of sound walls and/or enclosed buildings) and transitional uses or buffer zones, . rerouting of truck traffic and design components that mark transitions in land use.~~ Similar to other cities that host mixed uses, consider requiring land use covenants for new development in areas where new uses may generate a perception of conflict with existing uses. Require sufficient visual open space and/or landscaped screening buffer or transition zones between industrial operations and adjacent residential or recreational activities ~~in order to create adequate buffers.~~”
- Policy ED8.7 Visual Appearance (pg1.38) CHANGE TO: “Support efforts to enhance the appearance of all industrial, commercial, multi-unit residential, institutional and public properties in the City. The City supports property owners in their efforts to implement improvements such as landscaping, signage, lighting and other urban design elements. These steps will help

promote these areas as models for mixed-use development and attract the co-location of residential and industrial uses in areas where they do not currently exist. Develop urban design guidelines and require these to be incorporated into new development and encourage their application by existing uses.”

- Action ED8.A Southern Shoreline Specific Plan (pg1.38) CHANGE TO: “The Vision should address the need to merge existing and proposed development into a mixed-use community including education, research and development, light industrial, residential and other sensitive uses. including a buffered area surrounding the industrial business area”
- Land Use Element, CA-3Ford Peninsula in Marina Bay; Desired Urban Form (pg 3.26, par 3); CHANGE TO: “The area identified for change on the Ford Peninsula in Marina Bay is envisioned as a transit-oriented high-intensity urban center designed to support a proposed ferry terminal. The area may include high-intensity residential, commercial and entertainment uses that capitalize on the views and transit-oriented development potential of the ferry terminal area -excluding the transition zone as defined in the Industrial Transition Ordinance [Ordinance No 18-08 N.S. An Ordinance of the City Council of the City of Richmond Amending Sections 15.04.020, 15.04.320, and 15.04.870 of the Municipal Code and Amending Sections of the Knox Freeway/Cutting Boulevard Corridor Specific Plan Relative to the Industrial Buffer Zone.]”
- DELETE: “two to five-story mixed use developments” in industrial and buffer areas, “especially at the main intersections of Harbour Way, Marina Way, 23<sup>rd</sup> Street, 37<sup>th</sup> Street, Canal Boulevard and San Pablo Avenue,” (Land Use, CA-7 Cutting Blvd. Corridor, Desired Urban Form, pg. 3.31, par5; See also: HW6.4 LU3.1; ED2.6; EC5.2)
- DELETE: references for Mixed-Use Residential development next to existing development in industrial areas.
  1. Land Use Element: Change Area-3: Ford Peninsula in Marina Bay, Desired Urban Form pg3.26, par3: “The area may include high intensity residential, commercial and entertainment uses...”
  2. Change Area-6: Marina Way Corridor, Desired Urban Form, pg3.30, par3: “~~Three to four-story structures should anchor key intersections with mixed-use residential and supporting commercial/retail uses.~~”
  3. Change Area 9: Ohio Avenue Corridor, Desired Urban Form, pg3.33, par3. “~~Private areas should be characterized by mixed-use residential development that can co-exist with existing development in industrial areas, as well as light manufacturing and local-serving retail at major intersections such as at 23rd Street, Harbour Way.~~”
  4. Policy LU5.1 A Balanced Mix of Land Uses, pg. 3.68, par1: “Promote a balanced mix of uses in major activity centers, community nodes and gateways, in neighborhood nodes (corner commercial clusters), and along key corridors ~~as well as in industrial areas.~~ Uses may include diverse housing options, office, civic, commercial, retail and parks and open space.”

5. Policy LU5.3 Land Use Compatibility pg.3.70, par4: ~~“In particular, existing industrial and residential uses can successfully coexist through well-conceived circulation and urban design strategies including buffers (which may be in the form of sound walls and/or enclosed buildings) and transitional uses, rerouting of truck traffic and design components that mark transitions in land use. Similar to other cities that host mixed uses, consider requiring land use covenants for new development in areas where new uses may generate a perception of conflict with existing uses. Require sufficient visual open space and/or landscaped screening between industrial operations and adjacent buffer or transition zones between residential or recreational activities in order to create adequate buffers.”~~
6. See also: ED7.2; ED8.2; SN4
  - Action LU5.A Zoning Ordinance Update (pg3.71)  
KEEP: Knox Freeway/Cutting Boulevard Corridor Specific Plan in the General Plan.  
ADD: “Support buffers and transition areas surrounding industrial areas, including the Industrial Buffer within the Ford Peninsula (Ord. 18-08).”
  - Action LU5.C Industrial Use Buffers (pg3.71) ADD::

“The following uses are not allowed within the transitional/Buffer Zone: 1. Single-family residences, duplexes, multi-family, and live/work units, group homes, residential care, residential uses as part of a mixed-use development, transitional housing or transient lodging such as hotels and motels and rooming and boarding houses, and any use in which people reside. 2. Day care, primary, elementary, junior high, and high schools, and after-school programs for children and teens, public or private. 3. Parks and recreation facilities, noncommercial parks, playgrounds, recreation facilities, commercial amusement parks, and any use that attracts or appeals to children.”

See also: ED7.B

## **2. SAFETY/SECURITY:**

- EXCLUDE reference to public access of shoreline from private property and port businesses per Homeland Security and Coast Guard restrictions. ADD “Public access will be restricted in areas of private property and per Homeland Security regulations.” (Economic Development Element: Policy ED8.4 Public Access to the Shoreline pg1.38; Action ED8.A Southern Shoreline Specific Plan; Policy ED9.2 Public Access to the Shoreline; Land Use Element: pg. 3.43 Finding 5; Policy LU3.5 An Economically Viable and Modern Port; Policy LU4.1 Richmond Shoreline; Action LU4.A Waterfront Redevelopment Plans; Policy LU5.2 A Mixed-Use Waterfront; GOAL LU1 An Improved Urban Environment pg. 3.45, par4; Policy LU3.5 An Economically Viable and Modern Port pg3.59, par1; Action CN2F, pg 7.24; PR1.E 10.33; PR4.2 pg10.42; Action PR4.C pg10.44; HW4.3 pg 11.32; HW4.E pg11.34; H) (See also: CR2.A, PR1.A, HW4.A, EH3.D, CR3.1, CR1.D)

### **3. ECONOMIC DEVELOPMENT:**

- ADD & CONSULT Milliken Institute Report on California Manufacturing Job Losses. (Economic Development Element pg 1.6)
- ADD: investigation of incentive programs to retain and attract businesses e.g. tax incentives, express permitting procedures, decreased fees/taxes, etc. (Economic Development Element pg 1.10)
- Policy ED2.7 High Job Density (1.19) CHANGE TO: “Consider using the number of ‘jobs added per acre’ as an evaluative criterion for the review land use proposals. Consider number of jobs to be generated, taxes, fees, future growth, land use and zoning compatibility when reviewing land use proposals.”
- Action ED2.B Marketing Campaign (1.20). ADD: “Create and implement a marketing program to promote the benefits of the City to potential businesses, retail, and commercial developers. Attend networking conferences.”
- The geographic boundaries of the areas discussed should be defined, e.g. “Southern Shoreline”, “Southern Shoreline Specific Plan”, “San Pablo Peninsula”, “Marina Bay”, “Ford Peninsula” [Economic Development Element]
- ADD: Maps for the distinct change areas and district areas to clarify the specific geographic boundaries that the city is defining. [Land Use Element]
- ADD: “The City recognizes the Northern Parkway Change Area , Northshore Change Area, and the Southern Gateway as major economic areas and commits to , retain, grow and recruit such businesses to these areas.” (Land Use Element: Change Area 11: Northern Parkway General Plan Land Districts pg 3.35; Change Area 12 Northshore, pg 3.37; Change Area 16 Southern Gateway, pg3.41).

### **4. REGULATORY OVERSIGHT:**

- DELETE: references that the City will impose civil penalties for violations of air quality, hazardous substance control, marshlands & baylands water quality, contaminated sites inspections, etc. as they do not have the authority to impose civil penalties for violations.  
ADD to all related ELEMENTS: “The City will consult with the assigned regulatory agency(ies) in regards to: air source emissions issues/hazardous substance control/contaminated site inspections/air quality monitoring and reporting  
(Action ED1.G Air Quality Monitoring and Reporting Program pg1.17; Conservation Element pg 7.12, Finding 4, Finding 6 pg 7.12; Action CN3.A NPDES Compliance and Permit pg7.28; Policy CN6.1 Toxic and Contaminated Sites pg 7.37; CN4.D Air Quality Monitoring and Reporting Program, pg 7.32; Energy and Climate Change Element: EC2.J, pg8.21 Port Emissions and Reduction Plan; EC5.3, pg8.33 Air Quality; EC5.C, pg8.35 Air Quality Monitoring and Reporting Program; Health and Wellness Element: HW9.1, pg11.49 Air Quality; HW9.2, pg11.49 Toxic and Contaminated Sites;

HW9.A, pg11.53 Air Quality and Reporting Program ;HW9.E, pg11.54 Indoor Air Quality Guidelines; HW9.F, pg11.54 Air Quality Guidelines; HW9.G, pg11.54 Air Quality Impact Analysis Guidelines; HW9.7, pg11.51 Habitat and Biological Resources Protection and Restoration; HW9.8, pg11.51 Noise Levels, HW9.R,pg11.59 Noise Ordinance; HW9.S, pg11.59 Quiet Zone Expansion; Public Safety and Noise Element: SN1.H, pg12.17 Hazardous Materials Regulation; SN1.I, pg12.17 Hazardous Waste Reduction; SN4.1, pg12.23 Noise Levels; SN4.3, pg12.24 Transportation Related Noise; SN4.A, pg12.25 Noise Study Report Requirement; SN1.3, pg12.15 Hazardous Materials Operations)

- RECOMMEND: City review the BAAQMD Bay Area Clean Air initiative before considering such a broad action Plan (ED1.G).
- Action ED1.G Air Quality Monitoring and Reporting Program (pg1.17,par2)  
~~DELETE: "...develop provisions to hold businesses and operations financially accountable for their impacts on the environment or community due to air pollution exceeding legal thresholds."~~  
CHANGE TO: The City of Richmond will support the efforts of the BAAQMD in enforcing emission levels. (See also: HW9.A; EC5.C; CN4.D)

## **5. PUBLIC AND PRIVATE PORT PRIORITY BUSINESSES:**

- DESCRIBE: Public port areas independently form the private port area (Policy ED8.6 An Economically Viable and Modern Port pg1.38; HW9.D Port Emissions Reduction Plan, pg11.54) (See also EC2.J)
- Policy ED8.6 An Economically Viable and Modern Port (pg1.38)  
CHANGE TO: "Ensure the implementation of the Clean Air Action Plan for the Public Port area. Implement state and federal mandated port improvement programs. ~~Continue to work with state and federal agencies to establish programs that will reduce or eliminate emissions from ocean going vessels and encourage Port industries to reduce health and environmental impacts from related rail and truck traffic."~~ (see also LU3.5)
- REMOVE private property areas included in the change area noted on the Map Land Use Element, Figure 3.10 Map of Richmond's Change Area Districts (pg 3.36).
- CA-14: Port Priority Use Area, General Plan Land Use pg 3.39, par5  
~~DELETE SENTENCE: "Eventually, the large petroleum storage tanks located at the top of Seaciff drive should be moved to a less visually intrusive and more secure location."~~
- ADD: Clean Air Action Plan for the Public Port and use this report as the baseline for their focus on improvements to the public port area. (Land Use Element, Action Items)
- Port Emissions Reduction Plan (EC2.J, pg8.21). All references to Ports should be to the *PUBLIC – OR CITY OWNED PORT*. ADD: Port Clean Air Action Plan recommendations to the Emissions Plan.

## **6. KNOX FREEWAY/CUTTING BOULEVARD CORRIDOR SPECIFIC PLAN:**

- We do not support rescinding of the Knox Freeway/Cutting Boulevard Corridor Specific Plan – we would like to work with the city on updating this Plan to include the Ordinance expanded definition (above). (Action LU5.A Zoning Ordinance Update pg 3.71).

## **7. SANTA FE CHANNEL:**

- This is an industrial based and port business area which extends to the Industrial Buffer Zone, Marina Way and Ford Peninsula. This area needs to remain industrial to support the businesses along the Santa Fe Channel that abut Cutting Boulevard. The Industrial Buffer Zone needs to include the exclusions we have added above to the Transition/Buffer Zone that are defined in the Ordinance No18-08. (Land Use Element, pg 3.22).
- Discussions of placing “two to five-story mixed use developments” in industrial and buffer areas, “especially at the main intersections of Harbour Way, Marina Way, 23<sup>rd</sup> Street, 37<sup>th</sup> Street, Canal Boulevard and San Pablo Avenue,” will not be compatible with industrial uses and buffer zone exclusions. (Land Use, CA-7: Cutting Boulevard Corridor, Desired Urban Form pg. 3.31, par5)

## **8. REGATA BOULEVARD/MARINA WAY SOUTH:**

- CHANGE TO: “The area south of Regatta Boulevard on either side of Marina Way South is designated as ~~High-intensity Mixed-Use (Major Activity Center)~~ to promote a mix of high-density residential, commercial, retail, office and entertainment uses on the eastern edge of the peninsula Business, Light Industrial.” (Land Use Element, CA-3: Ford Peninsula in Marina Bay, General Plan Land Use, pg. 3.26, par3) Current language s in direct conflict with the residential and business desires for this area. It is also in conflict with the agreed to Ford Peninsula Buffer Zone.

## **9. 23<sup>rd</sup> STREET:**

- Prohibit residential uses adjacent to the 23<sup>rd</sup> Street Rail Yard (Land Use Element; pg 3.26). ADD: “Residential uses and pedestrian and bike traffic are prohibited adjacent to the 23<sup>rd</sup> Street rail yard.”
- Discussions of placing “two to five-story mixed use developments” at 23<sup>rd</sup> will not be compatible with industrial uses and buffer zone exclusions. (Land Use, CA-7: Cutting Boulevard Corridor, Desired Urban Form pg. 3.31, par5)

## **10. CUTTING BOULEVARD CORRIDOR:**

- Change designation of “Business/Light Industrial” to Marine and Waterfront Commercial/Industrial/Port” (Land Use Element, pg3.31) in the Western Subarea to reflect current uses in area.

- ELIMINATE BIKE AND PEDESTRIAN ACCESS. Given that this is primarily an “auto and heavy truck-oriented maritime and water-related industrial segment”, the Western Subarea – from Canal Blvd to Hoffman Blvd., down through Harbour Way South, needs to ensure adequate road access for trucks and automobiles. (EC4.E, pg8.30)
- Desired Urban Form (Land Use Element, pg3.26) ADD: “The Western Subarea- from Canal Blvd to Hoffman Blvd, should provide adequate road access for trucks and automobiles. Extending this area from Hoffman Blvd down through Harbour Way South should provide truck access allowing for turning and maneuvering in a safe manner.”
- DELETE: ~~“Evaluate the feasibility of reducing the number or width of travel lanes on key mixed-use streets that have excess capacity such as Cutting Boulevard, and using the capacity and/or regained width for wider sidewalks and bicycle lanes.”~~ (EC4.E, pg8.30,par4) The Western Subarea of Cutting Blvd. provides truck access and goods movement to the industrial and port users. Reducing the number or width of lanes will have a significant negative impact on truck and goods movement traffic.

#### **11. SOUTHERN GATEWAY:**

- Change Area 16 Southern Gateway General Plan Land Use (Land Use and Urban Design Element, pg 3.41) CHANGE: Business/Light Industrial back to current zoning of Commercial/Business/Light Industrial.

#### **12. CIRCULATION:**

- ADD: Action Item to “Conduct an inventory of road usage, repair and maintenance of key routes.” (Circulation Element)
- The following programs should be completed prior to establishing Circulation policies as they will impact those policies.
  1. Goods Movement Program for the Port of Richmond (Policy CR4.1 Goods Movement,pg4.39; Policy CR4.2 Port of Richmond Operations pg 4.39; Action CR4A Goods Movement pg 4.40)
  2. Truck Routes Plan (Action CR4.B pg4.40)
  3. Transportation Demand Management Program (Action CR5.A pg4.42)
- Street Design Standards (Action CR2.D pg 4.35,par4) The Western Subarea of Cutting Blvd. is a major transportation route for port businesses, industrial/light industrial and commercial businesses along that corridor., therefore DELETE: ~~“Evaluate the feasibility of reducing the number or width of travel lanes on key mixed-use streets that have excess capacity such as Cutting Boulevard, and using the capacity and/or regained width for wider sidewalks and bicycle lanes.”~~ (See also: EC4.E; HW4.N)

- Bike Paths.
  1. DELETE reference to bike paths/lanes on highways and along goods movement corridors such as Cutting Boulevard (Circulation Element: Regional Connector Streets, pg. 4.14), and, adjoining Richmond Pacific's rail yards (Circulation Element pg 4.5; Map 4.1, pg 4.53); (EC2.E Bicycle and Pedestrian Plans, pg8.20)
  2. DELETE: "~~Requiring bicycles and walking on ALL streets.~~" Not plausible for safety reasons (EC4.E, pg8.30) (See also: CR2.D; HW4.N)  
Applies to: Safe and Convenient Walking and Bicycling (HW4.3, pg11.32); Bicycle, Pedestrian, and Trail Standards (HW4.E, pg11.34); Street Design Standards (HW4.N, pg11.37); (See also: EC2.4; CR1.5)
- Safety and Accessibility (Policy CR3.1 pg4.37) CHANGE: "...Continue to evaluate alternatives and funding sources for the work toward the elimination of at-grade railroad crossings to minimize traffic conflicts and increase connectivity and streetscape design to address traffic speeds and pollution."
- CHANGE: Marina Way South from a "Neighborhood Street to a Regional Connector Street reflecting current transportation needs and usage. (Circulation Element)
- ADD: Circulation Truck Routes map to Circulation Element, to show existing truck routes just as all bicycle routes are shown on separate Circulation Map. (Circulation Element: Action CR4.B,pg4.40 Trucks Routes Plan; Policy CR1.10, pg4.27 Vehicular Level of Service)

### **13. CONSERVATION, NATURAL RESOURCES AND OPEN SPACE:**

- ADD: The City will work with local, state and federal agencies on air source emissions issues." (Conservation and Natural Resources Element pg 7.12, Finding 4).
- Hazardous substance control: DELETE: "~~Avoiding future contamination by adopting standards for controlling the use of hazardous substances and preventing further pollution.~~" (Conservation and Natural Resources Element pg 7.12, Finding 6)
- Marshlands & Baylands water quality: DELETE: "~~Protect marshlands and baylands to ensure they are not polluted or damaged from bay filling and dredging.~~" (Conservation and Natural Resources Element, pg 7.16, Policy CN1.I). ADD: "Work with local, state and federal regulatory agencies to ensure water quality of marshlands & Baylands."
- DELETE: "~~Implement appropriate mitigation measures and clean-up of sites that are known to contain toxic materials as a condition of reuse.~~" Only the lead agency can determine appropriate mitigation measures.(Policy CN6.1 Toxic and Contaminated Sites, pg 7.37) (See also: LU4.4; ED1.3; HW9.2)
- NPDES Compliance and Permit (Action CN3.A, pg 7.28; HW9.L) DELETE DETAIL. ADD: a summary statement that the scope of the project will dictate

the NPDES permit detail

#### **14. ENERGY AND CLIMATE CHANGE:**

- Climate Action Plan (CAAP) ( EC1A, CN5E, EC6.3, HW10.A ) INCLUDE:
  1. Bay Area Air Quality Management District's (BAAQMD) emissions report in its analysis of area air emissions and include in review process
  2. Bay Planning Coalition's (BPC) review and report on climate change impacts on sea level rise. (Maps 8.1, EC1A, EC6.2)
  3. Port Clean Air Action Plan and associated recommendations
  
- Greenhouse Gas Emissions, Citywide Emissions (Energy and Climate Change Element pg 8.6, par 3), "Efforts to curb emissions related to those major commercial and industrial operations must be addressed at a regional level since the City of Richmond does not have the legal authority to limit or reduce their emissions." Given this, there are several policies and actions that are in conflict with this statement, and the City's level of authority:
  1. Climate-Friendly Goods Movement (EC2.7,PG8.18). ADD: "The City continues to support educational workshops on Carl Moyer funding for conversion of vehicles, and, encourage regulatory agencies to present other educational workshops in the City."
  2. Air Quality (EC5.3,pg8.33). DELETE: "~~the City will reduce impacts of 'direct, indirect and cumulative impacts of stationary and non-stationary sources of pollution such as industry, the Port, railroads, diesel trucks and busy roadways,' and, 'exceed air standards.'~~" CHANGE TO: "The City will work with local, state and federal agencies responsible for ensuring safety, health and environmental regulations are fully implemented by local businesses." (See also: CN4.1; HW9.1; ED1.4)
  3. Air Quality Monitoring and Reporting Program (EC5.C,pg9.35; CN4.D,pg7.32). INCLUDE the BAAQMD air monitoring report in the City analysis. DELETE: "~~hold businesses and operations financially accountable for their impacts on the environment or community due to air pollution exceeding legal thresholds~~"; as this is beyond the City's authority and jurisdiction; ADD: "The City will work with the State and/or Federal agencies that retain the responsibility and authority to regulate air quality regulations and violations." (See also: ED1.G; HW9.A)
  
- Buffer/ Transition Zones; "Environmentally Progressive Businesses and Industries (EC5.2, pg8.33): DELETE: "~~promote a mix of uses and a range of activities on industrial land to create jobs and revenue while avoiding conflict between industrial and nonindustrial uses.~~" (See also: ED2.6; HW6.4; LU3.1)
  
- Dredging & Bay Fill – The Habitat and Biological Resource Protection and Restoration (EC6.1,pg8.36) section includes language restricting dredging

and bay fill. DELETE THIS RESTRICTIVE LANGUAGE. Dredging is necessary to ensure proper channel usage by both the City port, and the private port businesses. State and federal regulatory agencies (BPC, Water Quality Control Board, Fish&Game) have strict regulations on dredging. This is also true with bay filling of dredged material. (See also: CN1.1; LU4.3; HW9.7)

- Bicycle and Pedestrian Paths/Access – Bicycle and Pedestrian Plans (EC2.E,pg8.20) -COI submitted separate comments and recommendations on the Bicycle and Pedestrian Master Plans; CONDUCT AND IMPLEMENT: the Goods Movement Plan before the Bicycle and Pedestrian plans are finalized. (See also: CR1.C; HW4.D)

### **15. GROWTH MANAGEMENT:**

- Transportation Demand Management Program (TDM) (Action GM1.C, pg 9.9)  
CLARIFY: “reduction in transportation impact fees for new or redevelopment projects...” ... “explore the feasibility of developing citywide TDM program that would be funded by annual fees or assessment on new development.”  
(See also: CR5.A)
- #9 Growth Element includes new development or redevelopment project fees. It is unclear if these are current, recommended, and/or duplicative:
  1. “transportation impact fees” ( Action GM1.C Transportation Demand Management Program (TDM), pg 9.9)
  2. impact fees to include “local streets; local and regional transportation systems; and public facilities such as parks and recreation, schools and emergency services. (Policy GM2.2 Community Amenities for New Development pg 9.10)
  3. “mitigation measures consistent with the Countywide Comprehensive Transportation Plan which funds regional transportation projects, community facilities and infrastructure..” (Action GM2.B Regional Development Mitigation, pg 9.11)
  4. “community facilities and infrastructure” supported by “the West Contra Costa County Subregional Transportation Mitigation Program (STMP) for planned and proposed development” (Action GM2.B Regional Development Mitigation, pg 9.11)
  5. “impact fee schedule” (Action GM2.C Local Development Mitigation,pg 9.11) (See also Action CF1.J)SEE ATTACHMENT 1: “Summary of Developer and Development Fees” for complete list.  
RECOMMEND: a matrix of the various impact fees currently in place, those that are being recommended, eliminate duplication, and, if the fees are to be assessed of new development and/or redevelopment projects.

## **16. PARKS AND RECREATION:**

- #10 Parks and Recreation Element – Include an action item to inventory the number of parks and recreational areas that are in need of maintenance and funding sources.
- Shoreline Parks Plan (PR1.E pg10.33, par 2) and Shoreline Access and Development (PR4.2, pg10.42) (Action PR4.C, pg10.44) ADD: Ordinance must comply with related state and federal Homeland Security and Coast Guard regulations and requirements. (See PR4.2, 10.42, HW1.8)
- Recommend City conduct a study to determine if a 1:1 parklands replacement is feasible with respect to viable and available property, financial and economic impacts as well as funding sources. (Action PR1.G Parkland Dedication Ordinance, pg10.34 par3) (See also: CN2.C; HW1.B)

## **17. COMMUNITY HEALTH AND WELLNESS:**

- #11 Community Health and Wellness Element: “Environmental Quality” Under this section the Plan notes epidemiologic studies, diesel particulate matter impacts, noise exposure impacts, second hand smoke impacts, environmental pollutants impact on Central Richmond, the number of air quality incidents per capita in Richmond, and the sources of diesel pollution in Richmond, however, there are no references to the studies or reports used to obtain this information. These need to be footnoted. (11.10, 11.11)
  1. INCLUDE: BAAQMD air report
- Mitigations/ Remediation. (HW Finding 9, pg11.15, HW Goal9, all policies and action items)  
ADD: The City will work with the local, state and federal regulatory agencies, support current regulations, and educate business and industry.”
- Toxic and Contaminated Sites (HW9.2, pg11.49)  
ADD: “The City will work with the lead agency assigned to oversee the remediation of toxic and contaminated sites.”
- Habitat and Biological Resources Protection and Restoration (HW9.7, pg11.51) CHANGE TO: “The City will work with the local, state and regional agencies that oversee habitat and biological resources protection and restoration.” This includes regulations concerning dredging and bay fill.
- Health Coverage Guidelines (HW3.C, pg11.30). DELETE: ~~“Collaborate with local trade organizations to update health coverage guidelines. Provide information to local employers that assists them with their efforts to provide health coverage to employees.”~~ This is beyond the scope of the City’s responsibilities and could result in an unfair labor practice as wages and benefits are subject to negotiation between the bargaining unit and the company or public sector representative.

- Buffer/Transition Zones
  1. CHANGE TO: “..provisions that require owners of property along the shoreline to provide maximum feasible public access to the shoreline and to complete the Bay Trail as part of any project approval process provided that safety, Homeland Security, and Coast Guard regulations allow public access.” (HW4.E,pg11.34) (See CR1.D)
  2. Environmentally Progressive Businesses and Industries (HW6.4, pg11.42)  
CHANGE TO: “... a mix of uses and a range of activities on industrial land to create jobs and revenue while avoiding conflict between industrial and nonindustrial uses, including exclusion of medium density residential, residential, childcare, schools, etc. –in industrial areas as defined in the Industrial Buffer Zone Ordinance (18-08), or in surrounding buffer/transition zones.”
  3. Higher Density and Mixed-Use Infill Development (HW7.1, pg11.45)  
ADD: “High density housing does not apply to buffer or transition zone areas (e.g. Industrial Buffer Zone, Ord 18-08)” (See: ED4.1, ED5.1, ED6.1; LU1.1)
- Noise Levels & Ordinance (HW9.8, HW9.R, HW9.S, SN4.D, SN4.1)  
Duplication of policies and actions noted in Element 12. Public Safety and Noise. Establishing the entire City of Richmond as a railroad quiet zone is not viable-- DELETE.
- 2. Air Quality (HW9.1, HW9.A ,HW9.E, HW9.F, HW9.G) CHANGE TO: The City will work with local, state and federal regulatory agencies whose responsibility is oversight of air and emissions regulations.” (See also: CN4.1; ED1.4; EC5.3, ED1.G; EC5.C; CN4.D)
- 3. REVIEW AND INCLUDE: BAAQMD Clean Air in Health and Wellness Element.
- Port Emissions (HW9.D, pg11.54)
  1. Clarify that there is a Public City owned port and private port owners.
  2. Review and monitor the Clean Air Action Plan for the City/public Port
  3. DELETE recommendation regarding the San Pedro Bay Ports Clean Air Action Plan – this would not be applicable to Richmond’s City Port since we are not a container/ deep water port.

## **18. PUBLIC SAFETY AND NOISE:**

- Mitigations/ Remediation. CHANGE TO: “The City will work with local, state and federal regulatory agencies, support current regulations, and educate business and industry.” (SN1.H Hazardous Material Regulation, SN1.I

Hazardous Waste Reduction, SN4.1 Noise Levels, SN4.3 Transportation-Related Noise, SN4.A Noise Study Report Requirement, etc.)

- Support Data. Provide references for studies noting physiological and psychological damage caused by noise (Element 12 Public Safety and Noise, pg 12.6), noise exposures (Table 12.2) impact of electromagnetic fields (SN1.4.), etc.

Maps & Tables require more explanation, and/ or need their sources footnoted (Table 12.1, 12.2); (Maps 12.2, 12.3, 12.4, 12.5, 12.7)

- Buffer/ Transition Zones. ADD: definition of a buffer zone – exclusions – per the Industrial Buffer Zone Ordinance (18-08) in Public Safety & Noise Element Finding 3, Finding 4., SN4.2 Land Use Compatibility, and, SN4.C Noise Ordinance
  - Sealevel Rise. SN1D Flood Hazard Zone Designation – RECOMMEND City wait on establishing a plan until Bay Planning Coalition and BCDC discussions and public vetting process is complete.
  - Noise SN4.1 Noise Levels –ADD: “The City will continue to work with regulatory agencies responsible for the monitoring and enforcement of noise standards in the community.”
1. Action SN4.D Quiet Zone Expansion (12.26)  
~~DELETE: “Establish the entire City of Richmond as a railroad quiet zone and complete a study to determine the improvement costs for all of Richmond’s at grade railroad crossings. (See also: HW9.S)~~
  2. Public Safety and Noise Element: Noise Conditions and Compatibility Standards(12.6) FOOTNOTE SOURCE: “Excessive noise has been tied to physiological and psychological damage”
  3. Public Safety and Noise Element: Noise Conditions and Compatibility Standards (12.8) Table 12.1 Noise Exposure Land Use Compatibility Standards – ADD: a descriptive overview for this Table.
- Public Safety and Noise Element: Key Findings and recommendations(12.11) Finding 3: Some environmental hazards in Richmond are caused by human activity.
    1. (par 2) CHANGE TO: “Regulating the Collaborate with regulatory agencies to ensure the safe production, transportation, handling, treatment and disposal of substances that may pose contamination risks are followed per State and Federal regulations. Ensure that the City’s Safety Plan Ordinance is complied with and updated per changes in regulations.”

2. (par 5) ADD: “Requiring buffer zones between hazardous materials facilities, industrial businesses, and port industries, and residential uses, live/work, shoreline areas, parklands, trails, public and open space facilities, schools, senior and youth facilities.”

ADD: the definition of an industrial buffer zone from Industrial Buffer Zone Ordinance (18-08).

- Public Safety and Noise Element: Key Findings and recommendations(12.12) Finding 4: Industries, roadways, railroads and business can generate unwanted noise. (12.12) ADD: Support and secure buffer zones between industrial businesses and port industries and sensitive uses (e.g. residential, livework, schools, parks, playgrounds, etc.)

ADD: the definition of an industrial buffer zone from Industrial Buffer Zone Ordinance (18-08).

- GOAL SN 1 Risk Management of Natural and Human-Caused Disasters (12.15) Policy SN1.3 Hazardous Material Operations  
DEFINE: “hazardous waste facilities”  
CHANGE TO: ~~“Protect Richmond’s shoreline and other natural resources from accidental occurrences by controlling the location of new hazardous waste facilities and by limiting the expansion of existing hazardous waste facilities adjacent to the shoreline and along streams or creeks.”~~ Work with local, state and federal agencies to ensure that hazardous materials regulations are being implemented and followed by covered parties, including spill prevention, handling and cleanup.”
- Action SN1D Flood Hazard Zone Designation(12.16)  
DELETE: ~~“Include a special designation for areas that will be impacted by rising sea levels.”~~  
RECOMMEND: City should hold off on creating action items in response to assumed sea level rise, until discussions on this matter are finalized between Bay Planning Coalition and BCDC.
- Action SN1.H Hazardous Material Regulation (12.17)  
DELETE. ~~“Regularly review and update regulations for the production, use, storage, disposal, transport and treatment of hazardous materials to reduce risk to human and environmental health.”~~ It is outside of the City’s authority.  
ADD: Work with local, state and federal agencies to ensure that hazardous materials regulations are being implemented and followed by covered parties, including spill prevention, handling and cleanup.”
- GOAL SN4 Acceptable Noise Levels (12.23) Policy SN4.1 Noise Levels  
CHANGE TO: “Work with regulatory agencies responsible for the monitoring and enforcement of noise standards in the community.” (See also: HW9.8)

1. DELETE: “~~Reduce or mitigate objectionable noise sources and require new noise sources to comply with noise standards.~~”  
CHANGE TO: Work with regulatory agencies responsible for the reduction and/or mitigation of objectionable noise level standards.
  
  2. “Regulate both indoor and outdoor noise levels to protect health and safety.”  
DELETE. The City does not have the authority to regulate this.
  
  3. DELETE. “~~Use a combination of noise standards and existing noise levels to determine impacts and mitigation measures.~~” Unclear.
- Policy SN4.2 Land Use Compatibility (12.23)  
DELETE: (par 4) “~~...In particular, existing industrial and residential uses can successfully coexist through well-conceived circulation and urban design strategies including buffers (which may be in the form of sound walls and/or enclosed buildings) and transition uses, rerouting of truck traffic and design components that mark transitions in land use.~~”  
ADD: Industrial areas should be bound by clear and viable buffer or transition zone areas between them and any residential area or sensitive uses, including live-work  
/ OR / Transitions from industrial uses to residential living can be successful when the transitional areas include well-conceived land use planning with adjacent buffer and/or transition zones.
  
  - DELETE: (par 4) CHANGE TO: “~~Require sufficient visual open space and/or landscaped screening between industrial operations and adjacent residential or recreational activities in order to create adequate buffers~~ buffer or transition zones between industrial operations and adjacent residential or recreational activities in order to create adequate buffers.” (See also: ED7.2; ED8.2; LU5.3)  
  
ADD: definition of a buffer zone – exclusions – per the Industrial Buffer Zone Ordinance (18-08)
  
  - Policy SN4.3 Transportation-Related Noise (12.24)  
DELETE: “~~Monitor changes in technology that will prevent and mitigate transportation related noise impacts on residential and sensitive uses in the community.~~” Action puts the City into a regulatory role; noise Issues are already regulated by state and federal OSHA. (See also: HW9.9)
  
  - GOAL SN4/Actions (12.25) Action SN4.A Noise Study Report Requirement  
DELETE. Puts the City into a regulatory role.

## **19. HISTORIC RESOURCES:**

- Element 14. Historic Resources. ADD: Clear definition of Historical Resource, Historic Structure, Significant Historical Resources, Cultural Resources, and Archaeological Sites. (References to: historic “resources”, “structures”, [14.2, 14.12, 14.14, 14.16, 14.22, etc.]; “significant historical resources.” [HR1A, 14.19, HR3 14.16], and “cultural resources” [14.2, 14.12, 14.14, 14.16, 14.22, etc.], “archaeological sites” [HR1.1, 14.18])
- Historic Resource Preservation (4.16) ADD: “Refer to the City’s Historic Resources Inventory, and/or State and Federal registries, regarding requirements for preservation of these historic resources.” (HR1.2).

## **20. NATIONAL HISTORIC PARK:**

- ADD: map indicating the locations of the various sites noted as part of the National Historic Park.