

## COUNCIL OF INDUSTRIES' REVIEW AND COMMENTS:

The Council of Industries ("COI") is submitting two documents of recommendations and comments to the City Council for adoption to the proposed General Plan ("the Plan") entitled "Richmond General Plan 2030," released for public review on August 15, 2011. The documents include COI recommendations and comments for: (I) Planning Commission Resolution No. 11-20, and, (II) General Plan Summary, (III) FEIR Summary, and, (IV) General Plan Detail Recommendations. The documents with the following amendments (~~strike through~~ indicates deletion; underline indicates insertion) follow.

### **I. PLANNING COMMISSION RESOLUTION NO. 11-20 ("the Resolution")**

(pg1, par 1) "**WHEREAS**, California Government Code Section 65300 requires each city and county jurisdiction to adopt a comprehensive, long-term general plan for the physical development of the County and/or city, and any land outside its boundaries which bears relation to its planning; and.."

**Comment:** The City is in violation of Code 65300 if it accepts Resolution 11-20 of the Planning Commission since it restricts limits and denies business and industrial growth which is contrary to the "physical development of the city."

(pg3, par 2) "**WHEREAS**, the Planning Commission has reviewed the EIR, found that it adequately analyzes all potential environmental impacts of adoption of the proposed General Plan, and has recommended certification of the EIR."

**Comment:** The recommendations contained in the Resolution including the additions from Citizen's for a Better Environment Letter are impactful and did NOT receive environmental review. They were added after closure of the public and written comments (October 6, 2011) and were not included in the EIR for the General Plan. We request that if the City goes forward with these recommendations that they receive a full EIR and follow the established public review process.

(pg3, par 4, 5, 6) General Plan Actions ED1G, HW9.A, EC5.C and CN4.D (Air Quality Monitoring and Reporting Program).

**Recommendations:** Strike current language and replace with:

City of Richmond will attend meetings with the Bay Area Air Quality Management District and other government agencies to establish ongoing awareness of air quality in the Bay Area Air Quality Management District (BAAQMD) and participate in meetings with the agencies regarding regional air quality improvements.

The City of Richmond will continue to work with the County Health Services Department, BAAQMD and other agencies regarding health studies focused on the City of Richmond.

#### **Comments:**

- The COI supports the City working with the Bay Area Air Quality Management District and other government agencies to establish an understanding of current monitoring being done, sources determination, mitigation measures in place, and funding/grants available for source remediation.

- This doesn't recognize that air quality is a regional issue – in fact, the BAAQM District encompasses a nine (9) county area and must consider overall cumulative regional impacts which are not in the city's jurisdiction to control.
- The City has gone beyond its power of authority by stating they will "hold businesses and operations financially accountable for their impacts on the environment or community due to air pollution exceeding legal thresholds;" this responsibility is overseen by regional, state and federal agencies who have the authority, skilled staff and legislation support for implementation of their monitoring programs.

(pg4, par3, 4, 5) General Plan Policies ED2.6, HW6.4, LU3.1, and EC5.2  
**(Environmentally Progressive Businesses and Industries)**

**Recommendations:**

~~"and to demonstrate reasons for not hiring local employees."~~

Educate businesses regarding City's employment and training programs, Enterprise Zone and tax credit programs, small business assistance, loans and financing. In conjunction with the Economic Development Commission, meet with employers to review these ongoing programs.

~~Together with regulatory agencies, actively work with local industries to reduce harmful emissions and ensure compliance with all applicable environmental regulations to limit pollution and protect the community from environmental hazards, including the cost of impact studies and remediation."~~

City of Richmond will attend meetings with the BAAQMD and other government agencies to establish ongoing awareness of air quality in the BAAQM District and participate in meetings with the agencies regarding regional air quality improvements.

~~...support efforts to require existing industries to decrease harmful emissions and impacts;~~

~~...and 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.~~

**Comments:**

- Regarding local hiring, City should *encourage local hiring* by: (1) continue to provide outreach to new businesses and provide education on Enterprise Zone credits for local hires; (2) continue to educate local and potential employers on availability of training and development programs provided by the City; (3) continue to meet with key employers in conjunction with the Economic Development Commission to review City's employment and development programs.
- Air Quality Management is under the authority of Federal, State and Regional Agencies – the City cannot usurp that authority to oversee air quality, mitigating measures or remediation financial responsibilities.
- We cannot support medium density residential, residential, childcare, schools, etc. – as defined in the Industrial Buffer Zone Ordinance (18-08) in industrial areas, or in surrounding buffer/transition zones.

(pg4, par 1, 2; pg 5 par 1) General Plan Actions ED2.D, HW6.A, LU3.A, and EC5.A (Green Business Strategic Plan)

**Define “innovative ‘green’ companies” and what comprises “a ‘Green Economic Development Area.’”**

(pg6, Par 9, 10) General Plan Policies Lu4.1 and CN2.2 (Richmond Shoreline)

**Recommendations:**

Shoreline: The interface of land, tidal water and its related ecology

Minimize the impacts of development on the shoreline with special attention on intensity, density and proximity to the water.

**Comments:**

- New definition of “Shoreline: The interface of land, tidal water and its related ecology.” Not knowing how “related ecology” is defined, the following new language is unclear: “minimize the impacts of development on the shoreline with special attention on intensity, density and proximity to the water.”
- This is overlapping into the jurisdictional areas overseen by the San Francisco Bay Conservation and Development Commission (BCDC), Bay Area Water Quality Management District, Bay Planning Coalition, and Coast Guard, which oversee development along the shoreline.
- This neglects the fact that the City of Richmond has an active public port and private port area that would not thrive under restrictions such as these.
- This ignores that the City’s in-depth project review, EIR and permitting process for such projects are already in place.
- Could be in direct conflict with the LBNL project, as well as potential spin-off businesses that could locate to the “Campus Bay” area.

(pg 7, par 8, 9) General Plan Action CR4.B (Truck Routes Plan)

**Recommendations:**

Work with business operators and other stakeholders to ~~develop a plan to re-route diesel trucks to investigate current diesel truck routes for the industrial community, and potential alternative routes away~~ from neighborhood streets and sensitive uses such as homes, schools, parks and playgrounds ~~to minimize impacts from emissions and traffic conflicts.~~—The Plan should specifically ensure that the most efficient and direct routes do not negatively impact low income residents or communities of color disproportionately more than any other groups in terms of noise, air quality or safety. Collaborate with the community representatives; Port, truck operators, local businesses and regional and state transportation agencies to ~~develop~~ investigate the new routes while ensuring efficient movement of goods through port and industrial areas.

**Comments:**

- This assumes that all truck traffic can be rerouted. The plan should investigate current truck routes and work with business and industry on areas of concern
- This does not exclude residential delivery vehicles that run on diesel

(pg 8, par 1, 2) **General Plan Policy CR5.1 (Transportation Demand Management)**

**Recommendation:**

Give preference to development and transportation projects that emphasize design elements for bicycle and pedestrian access – this does not apply to development projects that would exclude such public access due to safety, security, or regulatory compliance.

**Comments:**

- We have continued to ask what “Transportation Demand Management” programs entail and impact on small to medium employers. This needs to be investigated as it would impact economic development and growth.
- New language may not be applicable to all development projects, e.g. bicycle access on industrial sites or port security controlled areas.

(pg 8, par 5, 6) **General Plan Action CR5.E (Diesel Engine Emissions)**

**Recommendation:**

“Work with truck, maritime shipping, and rail operators to develop strategies, with benchmarks and timetables, that will reduce diesel emission.” on their progress to meet the diesel conversion regulatory requirements. Provide educational outreach to business owners regarding emission requirements and grant funding availability.

**Comments:**

- Current regulations require reductions in diesel emissions and have implemented deadlines for this conversion. We suggest that the city work with Department of Transportation regarding current regulations
- Continue to educate small business owners as to the emission requirements and hold workshops on obtaining grant funding to assist with the cost of conversions.

(pg 9, par 1, 3) **General Plan Action CF1.F (Public Utilities Revitalization)**

**Recommendation:**

Work with Pacific Gas & Electric and the pipeline franchise holders to update gas and fuel line maps and require them to maintain and upgrade gas and fuel lines at their own expense to preserve the public health and safety, and follow the requirements as set forth in their pipeline franchise agreements regarding gas and fuel line upgrades.

**Comments:** Pipeline franchise holders have agreements with the City; this language cannot pre-empt those agreements.

(pg9, par 5, 6, 7) General Plan Policy EC1.1 (Leadership, Action, and Advocacy)

**Recommendations:**

- **DO NOT ADOPT proposed CBE amendments** to the General Plan Policy EC1.1 (Leadership and Advocacy) and General Plan Actions EC1.A, HW10.A, and CN5.E (Climate Action Plan).
- Adopt the Climate Action Plan, Leadership and Advocacy elements of the General Plan as proposed by City Staff.
- Continue to elicit participation by the neighborhood and business/industrial community in the Climate Action Plan construction and implementation.

**Comments: Regarding new language submitted:**

- The CBE amendment language is not “collaborative” nor is it in the spirit of the elements proposed by City Staff which encourage economic development and jobs creation in balance with leadership on climate change and air quality.
- California’s Global Warming Solutions Act – AB 32 – drives reductions in California’s and Richmond’s carbon footprint. This new language would restrict current/future/potential business growth and deter new business, jobs, and tax base.
- Although alternative fuels are being explored, in its 2009 Integrated Energy Policy Report, the California Energy Commission recognized that this will be a function of new vehicle technologies and fuels that are commercialized. Until then, petroleum will continue to be the primary fuel source for California vehicles.
- California will continue to need several different sources of fuel. Therefore, the City should recruit businesses that are on the forefront of creating these new fuel sources.

(pg 10, par 5, 6, 7; pg 11, par 1-6) General Plan Actions EC1.A, HW10.A and CN5.E (Climate Action Plan)

**Recommendations:**

- **DO NOT ADOPT proposed CBE amendments** to the General Plan Actions EC1.A, HW10.A and CN5.E (**Climate Action Plan**)
- Adopt the Climate Action Plan, Leadership and Advocacy elements of the General Plan as proposed by City Staff.
- Continue to elicit participation by the neighborhood and business/industrial community in the Climate Action Plan construction and implementation.

**Comments:** Refer to comments noted above in General Plan Policy EC1.1 (Leadership, Action, and Advocacy) **see page 4, 5 of this document.**

(pg 12, par 2-8) General Plan Action EC1.D (Major Industrial/Commercial Projects)

**Recommendation:**

- **DO NOT ADOPT General Plan Action EC1.D** language for new land use ordinance for industrial and commercial land uses.

**Comments:**

- The proposed requirements did not have public review or comment, nor were they studied in the EIR.
- They interfere and overlap with existing regulations. Current and evolving State regulatory legislation provide strong protections for air quality and environmental health
- They will have adverse economic impacts on businesses and jobs and are not in alignment with smart growth objectives.
- This will negatively impact any businesses looking to move to Richmond.
- Major industrial or commercial projects will go through CEQA reviews that would address project specific concerns.

(pg 13, pr 2, 3) General Plan Policy EC4.1 (Mixed-Use and Infill Development)

**Recommendation:**

~~Require property owners to comply with and pay for state and federal requirements for site remediation as a condition for approving development on contaminated sites.~~

**Comments:**

- Remediation scoping and determination of financial responsibility is under the authority of the regulatory agency assigned the oversight. This is beyond the authority of the City of Richmond.
- An EIR would provide guidance on the development requirements.

(pg 14, par 2) General Plan Action EC4.E (Street Design Standards)

***Define: “green streets”.***

(pg14, par 4, 5, 6) General Plan Policy 5.2 (Environmentally Progressive Businesses and Industries)

**Same Recommendations made for (pg4, par3, 4, 5) General Plan Policies ED2.6, HW6.4, LU3.1, and EC5.2 (Environmentally Progressive Businesses and Industries) found on pg 2 of this document.**

(pg 14, par 7, 8) General Plan Policies EC5.3, CN4.1, HW9.1, and ED1.4 (Air Quality)

**Recommendation:**

~~Fully utilize Richmond's police power to regulate industrial and commercial emissions.~~

**Comments:**

- Recommend that the City rely on established Federal, State and Regional frameworks for comprehensive regulation of air pollution by air pollution control agencies, using specified health, economic and technical criteria.
- Richmond is designated as a CARE community under the BAAQMD's Community Air Risk Evaluation program. This provides for active evaluation and reduction of

health risks associated with exposures to outdoor toxic air contaminants in the Bay Area, which focuses priority on communities such as Richmond.

(pg 15, par2, 3) General Plan Policy EC6.3 (Adapting to Climate Change)

**Recommendation:**

Design elements shall include providing adequate setbacks to allow for future elevation increases ~~of at least three feet from the existing elevation along the shoreline.~~

**Comments:**

Discussion of Sea Level Rise impact along the shoreline is still being debated amongst BCDC, Bay Planning Coalition and other agencies. We recommend that any recommendation be held off until there is an overall agreement as to potential impact on the shoreline, and to what degree.

(pg 16 par 3) General Plan Policy HW2.3 (Quality of Restaurant Food)

**Recommendation:**

~~Expand zoning restrictions on formula restaurants to all neighborhood commercial districts with high rates of obesity related diseases.~~

**Comments:**

- This does not seem feasible to implement - How do you determine if a neighborhood commercial district has a high rate of obesity diseases?
- Would this exclude formula restaurants that do provide healthy food alternatives, e.g. Subway, Chipotle?
- The City should work with County Health Services and promote a Healthy Living/ Healthy Eating Educational Campaign to provide information to areas of the City found to have high rates of obesity disease. Empower people with knowledge so that they make healthy decisions no matter where they shop or eat. This could be added into General Policy HW11.D **Healthy Choices Public Information Campaign.**

(pg 18, par 8, 9, 10; pg 19 par 1) General Plan Policy HW6.4 (Environmentally Progressive Businesses and Industries).

**Same Recommendations made for: (pg4, par3, 4, 5) General Plan Policies ED2.6, HW6.4, LU3.1, and EC5.2 (Environmentally Progressive Businesses and Industries) AND (pg14, par 4, 5, 6) General Plan Policy 5.2 (Environmentally Progressive Businesses and Industries) found on pg 2 of this document.**

(pg19, par2, 3, 4) General Plan Action HW9.A (**Air Quality Monitoring and Reporting Program**).

**Same Recommendations made for: (pg3, par 4, 5, 6) General Plan Actions ED1G, HW9.A, EC5.C and CN4.D (Air Quality Monitoring and Reporting Program) found on pg 1 of this document.**

**(pg 19, par 5, 6) General Plan Actions HW9.J, CN6.A, LU4.D, ED1.F (Site Remediation)**

**Recommendation:**

Require property owners to comply with ~~and pay for~~ state and federal requirements for site remediation as a condition for approving redevelopment on contaminated sites.

**Comment:**

- It is the lead agency's responsibility to oversee mitigation and cleanup fee assignments, not the City of Richmond.

**(pg 19, par 7, 8) General Plan Action HW9.U (Thresholds of Significance)**

**Recommendation:**

- **DO NOT ADOPT General Plan Action HW9.U** language for Thresholds of Significance

**Comments:**

- This language was added following closure of the public review period and was not reviewed in the EIR.
- Do not add an unnecessary new regulatory step when there are standards in place. Utilize the CEQA standards of significance for air emissions and other subjects established by BAAQMD.
- Adding additional, overbearing, constraints to the Plan will impact economic growth and create economic bias for businesses located in Richmond versus business and industry located in other cities that would not operate under these thresholds of significance.