

Appendix A: EIR Noticing and Public Involvement

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A.1 - Notice of Preparation

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Lead Agency:

**Department of
Conservation and
Development**

30 Muir Road
Martinez, CA 94553

Phone: 1-855-323-2626

**Contra
Costa
County**



John Kopchik
Director

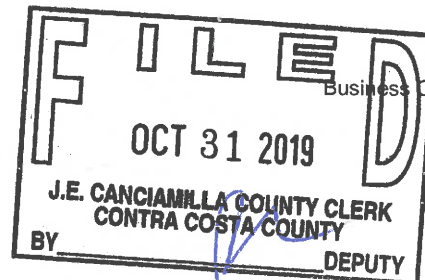
Aruna Bhat
Deputy Director

Jason Crapo
Deputy Director

Maureen Toms
Deputy Director

Kelli Zenn
Business Operations Manager

October 31, 2019



**NOTICE OF PREPARATION / NOTICE OF SCOPING MEETING
FOR A DRAFT ENVIRONMENTAL IMPACT REPORT
project Title: ON THE PROPOSED CENTERPOINT NORTH RICHMOND
WAREHOUSE PROJECT**

TO: RESPONSIBLE AND TRUSTEE AGENCIES, AND OTHERWISE INTERESTED AGENCIES, ORGANIZATIONS, AND INDIVIDUALS

The Contra Costa County Department of Conservation & Development (DCD) has received an application for a Development Plan permit (**County File Number: DP18-3007**) to allow construction of three warehouse buildings totaling 555,537 square feet. DCD is the lead agency for preparation of the environmental impact report (EIR) for this project and is issuing this Notice of Preparation pursuant to Section 15082 of the California Environmental Quality Act (CEQA) Guidelines.

PROJECT DESCRIPTION

The applicant, CenterPoint Properties (160 Franklin Street, #301, Oakland, CA 94607, (510) 821-1000), is requesting approval of a Development Plan which includes the following:

- Approval of Minor Subdivision Tentative Parcel Map in order to consolidate 20 parcels into 3 larger parcels (County File #MS19-0009);
- Demolition of the existing improvements (foundations associated with the former structures, asphalt, concrete, fence poles, and retaining walls;
- Construction of three tilt-up warehouse buildings totaling 555,537 square feet;

- Installation of 129,719 square feet of landscaped areas;
- 438 auto parking spaces and 266 trailer parking spaces;
- Off-site roadway/pedestrian improvements;
- Drainage improvements on-site and off-site;
- Annexation of one or more parcels into the West County Wastewater District;
- Annexation of subject parcels into Community Facilities District (CFD) 2010-1 formed for the Countywide Street Light Financing;
- Removal of 8 trees;
- Grading of approximately 168,000 cubic yards (37,000 cut and 131,000 fill);
- Soil remediation due to previous agricultural uses on site;

PROJECT LOCATION

The project site consists of approximately 31.48 acres encompassing all or portions of 20 parcels (reference Assessor's Parcel Number: 409-300-037) in unincorporated western Contra Costa County. The site is addressed as 506 Brookside Drive, which is located at the southeast corner of Brookside Drive and Fred Jackson Way in the North Richmond area.

Latitude / Longitude: 37° 57' 49.88" / 121° 21' 55.32"

ANTICIPATED IMPACTS

Pursuant to CEQA Guidelines Section 15060(d), DCD will not prepare an initial study prior to commencing work on the EIR. Based on knowledge of other projects in the vicinity of the project site, we anticipate that the project may result in potentially significant impacts in the following CEQA topic areas:

- Aesthetics: constructing three warehouse buildings will alter the aesthetics of a site that is currently vacant of any significant improvements.
- Air Quality: construction activities and on-going business operations would cause a temporary/permanent increase in emissions of criteria pollutants and greenhouse gases.

- Biological Resources: construction activities may result in impacts to a variety of protected plant and animal species and their habitats. Of special concern are potential impacts to avian species.
- Cultural Resources: construction activities may disturb known and previously undiscovered cultural resources.
- Geology & Soils: the existing soil conditions need to be analyzed in order to ensure soil preparation is sufficient for the project.
- Hydrology & Water Quality: off-site improvements may be needed to increase the capacity of the local drainage system.
- Noise: ambient noise levels may increase temporarily during construction and may increase permanently during operation.
- Transportation & Traffic: business operations may cause significant impacts to various intersections' level of serve.

PUBLIC COMMENTS

All responsible and trustee agencies, and interested agencies, organizations, and individuals are invited to submit comments which address environmental concerns resulting from the implementation of the proposed project.

Due to the time limits mandated by State Law, your response must be sent at the earliest possible date but no later than 30 days after receipt of this letter. Correspondence must be received at the following address by 5:00 p.m. on Monday, December 2, 2019:

**Contra Costa County
Department of Conservation & Development
Community Development Division
30 Muir Road
Martinez, California 94553
Attention: Francisco Avila**

The County File Number stated above should be included in all correspondence.

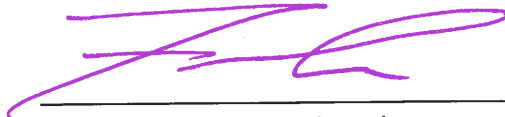
SCOPING MEETING

A scoping meeting will be held on **Monday, December 16, 2019, at 3:30 p.m.**, at 30 Muir Road, Martinez, California. At this meeting, interested agencies, organizations, and individuals may submit oral and written comments pertaining to environmental concerns related to the proposed project.

SUPPORTING DOCUMENTS

The Development Plan application and supporting documents are available for review at the Department of Conservation & Development, Community Development Division. If you wish to obtain a copy of any documents related to this project, please contact me at (925) 674-7801 or Francisco.Avila@dcd.cccounty.us.

Signature:



Francisco Avila, Senior Planner
Contra Costa County
Department of Conservation & Development

Att: Vicinity Map
Plans

MS19-0009 & DP18-3007 Vicinity Map

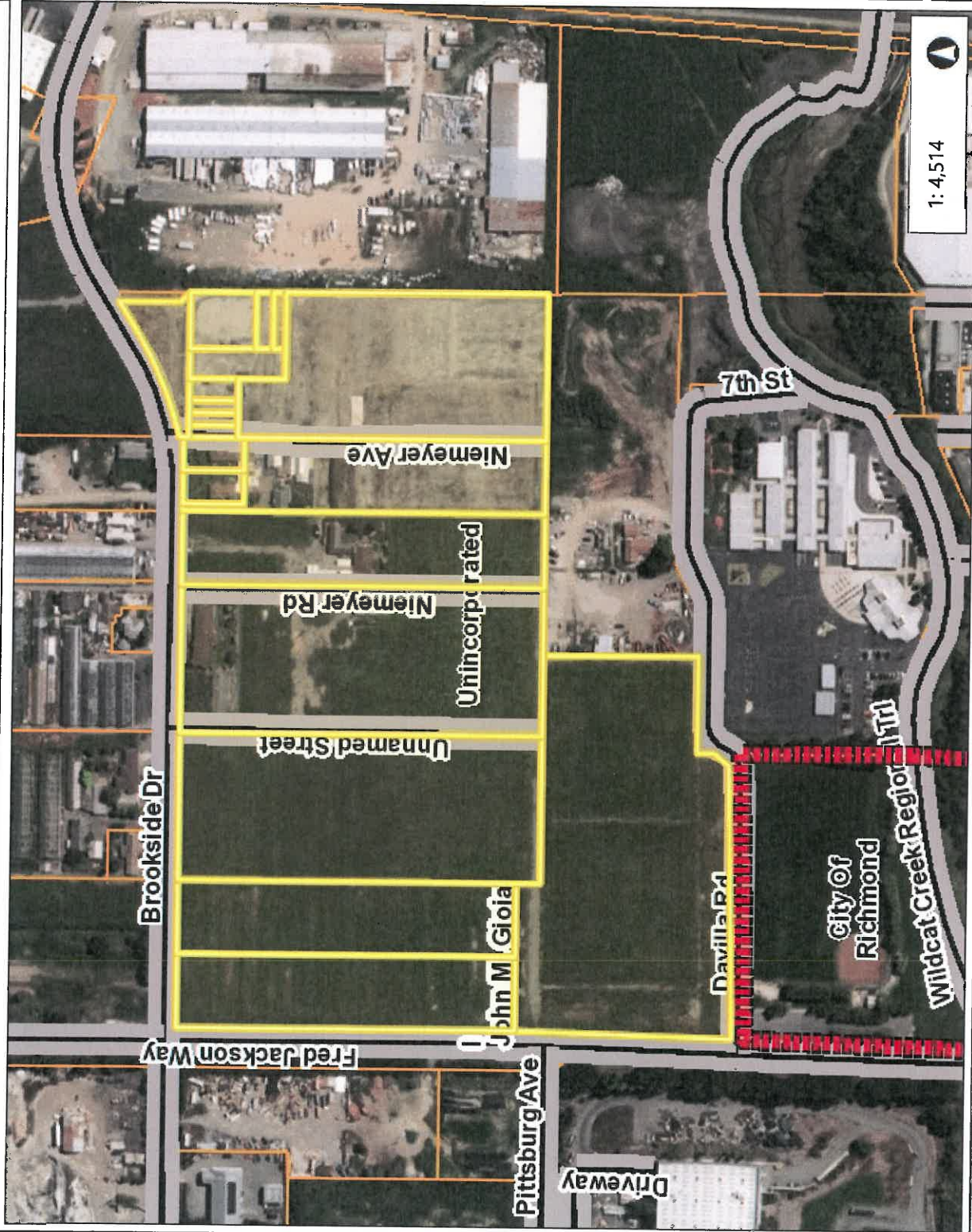


Legend

- Board of Supervisors' Districts
- City Limits
- Unincorporated
- Streets
- Assessment Parcels
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations

Notes

Contra Costa County -DOIT GIS



1: 4,514

0.1 Miles

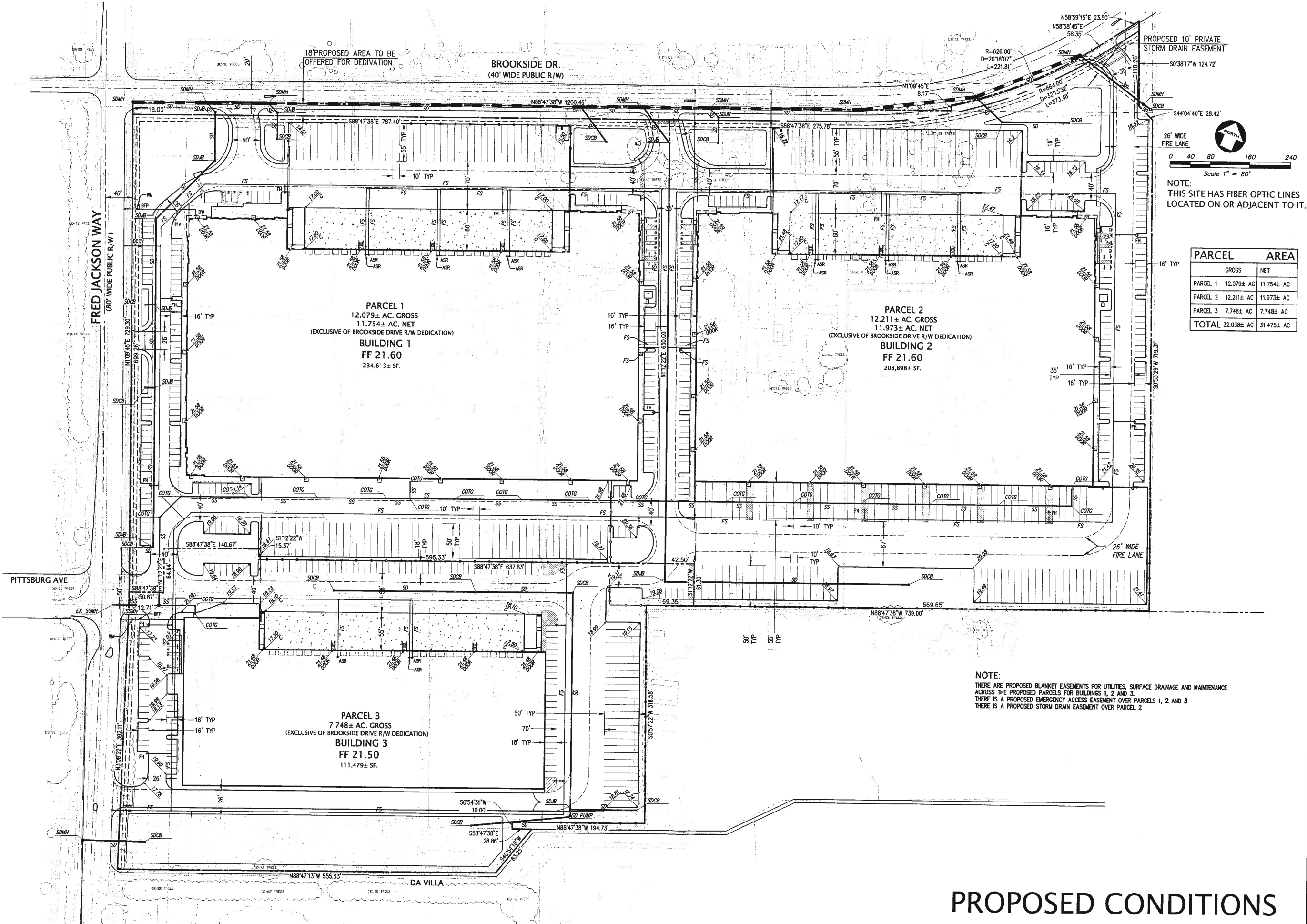
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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

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PROPOSED CONDITIONS

REVISION	
NO.	BY

KIER & WRIGHT
CIVIL ENGINEERS & SURVEYORS, INC.
2850 Collier Canyon Road
Livermore, California 94551
Phone (925) 745-8788
Fax (925) 745-8796

TENTATIVE PARCEL MAP
OF
506 BROOKSIDE DRIVE
FOR
CENTERPOINT PROPERTIES

RICHMOND
CALIFORNIA

DATE	JANUARY, 2019
SCALE	1" = 60'
SURVEYOR	GKL
JOB NO.	A17585-1
SHEET	3
OF	3 SHEETS

A.2 - Notice of Preparation Comment Letters

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Gavin Newsom
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Kate Gordon
Director

Notice of Preparation

November 1, 2019

To: Reviewing Agencies

Re: CENTERPOINT NORTH RICHMOND WAREHOUSE PROJECT
SCH# 2019110003

Attached for your review and comment is the Notice of Preparation (NOP) for the CENTERPOINT NORTH RICHMOND WAREHOUSE PROJECT draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

**Francisco Avila
Contra Costa County
Community Development Division
30 Muir Road
Martinez, CA 94553**

with a copy to the State Clearinghouse in the Office of Planning and Research at state.clearinghouse@opr.ca.gov. Please refer to the SCH number noted above in all correspondence concerning this project on our website: <https://ceqanet.opr.ca.gov/2019110003/2>.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

NOP Distribution List

County: *Costa*

SCH#

201911003

Resources Agency

☒ Resources Agency
Nadell Gayou

☐ Dept. of Boating & Waterways
Denise Peterson

☐ California Coastal Commission
Allyson Hitt

☐ Colorado River Board
Elsa Contreras

☒ Dept. of Conservation
Crina Chan

☐ Cal Fire
Dan Foster

☐ Central Valley Flood Protection Board
James Herota

☐ Office of Historic Preservation
Ron Parsons

☒ Dept of Parks & Recreation
Environmental Stewardship Section

☐ S.F. Bay Conservation & Dev't. Comm.
Steve Goldbeck

☒ Dept. of Water Resources
Resources Agency
Nadell Gayou

Fish and Wildlife

☐ Depart. of Fish & Wildlife
Scott Flint
Environmental Services Division

☐ Fish & Wildlife Region 1
Curt Babcock

☐ Fish & Wildlife Region 1E
Laurie Harnsberger

☐ Fish & Wildlife Region 2
Jeff Drongesen

☒ Fish & Wildlife Region 3
Craig Weightman

☐ Fish & Wildlife Region 4
Julie Vance

☐ Fish & Wildlife Region 5
Leslie Newton-Reed
Habitat Conservation Program

☐ Fish & Wildlife Region 6
Tiffany Ellis
Habitat Conservation Program

☐ Fish & Wildlife Region 6 I/M
Heidi Calvert
Inyo/Mono, Habitat Conservation Program

☐ Dept. of Fish & Wildlife M
William Paznokas
Marine Region

Other Departments

☐ California Department of Education
Lesley Taylor

☐ OES (Office of Emergency Services)
Monique Wilber

☐ Food & Agriculture
Sandra Schubert
Dept. of Food and Agriculture

☐ Dept. of General Services
Cathy Buck
Environmental Services Section

☐ Housing & Comm. Dev.
CEQA Coordinator
Housing Policy Division

Independent

Commissions, Boards

☐ Delta Protection Commission
Erik Vink

☐ Delta Stewardship Council
Anthony Navasero

☐ California Energy Commission
Eric Knight

☒ Native American Heritage Comm.
Debbie Treadway

☐ Public Utilities Commission
Supervisor

☐ Santa Monica Bay Restoration
Guangyu Wang

☐ State Lands Commission
Jennifer Deleong

☐ Tahoe Regional Planning Agency (TRPA)
Cherry Jacques

Cal State Transportation Agency CalSTA

☐ Caltrans - Division of Aeronautics
Philip Crimmins

☐ Caltrans - Planning
HQ LD-IGR
Christian Bushong

☒ California Highway Patrol
Suzann Ikeuchi
Office of Special Projects

Dept. of Transportation

☐ Caltrans, District 1
Rex Jackman

☐ Caltrans, District 2
Marcelino Gonzalez

☐ Caltrans, District 3
Susan Zanchi

☒ Caltrans, District 4
Patricia Maurice

☐ Caltrans, District 5
Larry Newland

☐ Caltrans, District 6
Michael Navarro

☐ Caltrans, District 7
Dianna Watson

☐ Caltrans, District 8
Mark Roberts

☐ Caltrans, District 9
Gayle Rosander

☐ Caltrans, District 10
Tom Dumas

☐ Caltrans, District 11
Jacob Armstrong

☐ Caltrans, District 12
Maureen El Harake

Cal EPA

☐ Air Resources Board

☐ Airport & Freight
Jack Wursten

☐ Transportation Projects
Nesamani Kalandiyur

☒ Industrial/Energy Projects
Mike Tollstrup

☒ California Department of Resources, Recycling & Recovery
Kevin Taylor/Jeff Esquivel

☐ State Water Resources Control Board
Regional Programs Unit
Division of Financial Assistance

☐ State Water Resources Control Board
Cindy Forbes - Asst Deputy
Division of Drinking Water

☐ State Water Resources Control Board
Div. Drinking Water # _____

☐ State Water Resources Control Board
Student Intern, 401 Water Quality Certification Unit
Division of Water Quality

☐ State Water Resources Control Board
Phil Grader
Division of Water Rights

☐ Dept. of Toxic Substances Control Reg. # _____
CEQA Tracking Center

☐ Department of Pesticide Regulation
CEQA Coordinator

Regional Water Quality Control Board (RWQCB)

☐ RWQCB 1
Cathleen Hudson
North Coast Region (1)

☒ RWQCB 2
Environmental Document Coordinator
San Francisco Bay Region (2)

☐ RWQCB 3
Central Coast Region (3)

☐ RWQCB 4
Teresa Rodgers
Los Angeles Region (4)

☐ RWQCB 5S
Central Valley Region (5)

☐ RWQCB 5F
Central Valley Region (5)
Fresno Branch Office

☐ RWQCB 5R
Central Valley Region (5)
Redding Branch Office

☐ RWQCB 6
Lahontan Region (6)

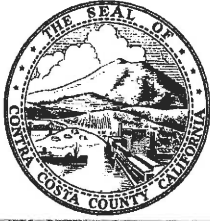
☐ RWQCB 6V
Lahontan Region (6)
Victorville Branch Office

☐ RWQCB 7
Colorado River Basin Region (7)

☐ RWQCB 8
Santa Ana Region (8)

☐ RWQCB 9
San Diego Region (9)

☐ Other _____



**CONTRA COSTA COUNTY
DEPARTMENT OF CONSERVATION & DEVELOPMENT**

30 Muir Road – 2nd Floor

Martinez, CA 94553-1229

Telephone: (925) 674-7832 **Fax:** (925) 674-7250

TO: Francisco Avila, Senior Planner, Current Planning Section

FROM: Colin Piethe, Planner, Transportation Planning Section

DATE: December 2, 2019

**SUBJECT: Centerpoint North Richmond Warehouse Project
Notice of Preparation ("NOP")
APN: 409-300-037
County File: DP18-3007**

This memo serves as the Department of Conservation and Development – Transportation Planning Section comments on the subject project. Thank you for the opportunity to comment on this Notice of Preparation. Please note previous comments from the Transportation Planning Section (May 8, 2018) are attached to this memo for reference.

1. Trip Generation and Transportation Demand Management

Fehr and Peers produced a traffic analysis assumptions memorandum that begins to estimate the potential number of trips that this project will generate. Fehr and Peers note that the tenants have not been chosen, making it difficult to choose the appropriate trip generation rate and land use category for the project, but they recommend using Scenario 1B, "High-Cube Transload and Short Term Storage Warehouse." The project under this scenario will generate 130 AM Peak Hour Trips and 159 PM Peak Hour trips. Therefore, per County General Plan Growth Management Element a traffic impact analysis is required prepared in according to the Contra Costa Transportation Authority's ("CCTA") Technical Procedures.

Additionally, the project will be required to comply with County Ordinance Code Chapter 82-32 – Transportation Demand Management ("TDM"). The applicant must provide TDM strategies that reduce single-occupant vehicle trips generated by this project (e.g. allow employees to work from home, comply with the Bay Area Commuter Benefit Program, providing transit passes, parking cash-out, electric vehicle and carpool-only parking spots, shuttle service, and/or monetary or other incentives to choose these modes over driving alone). TDM compliance will be a condition of project approval and County staff may recommend more specific mitigations once the Environmental Impact Report is released for this project.

Lastly, under Senate Bill ("SB") 743, The California Office of Planning and Research will require by July 2020 that transportation impacts are no longer measured by delay under the California Environmental Quality Act ("CEQA"), but by the amount of vehicle miles traveled ("VMT") that

they generate. Given this shift towards policies that discourage high VMT-generating projects, implementing TDM strategies for employees will help achieve state, regional and local goals toward reducing VMT and greenhouse gas emissions.

2. Local and state transportation policies and studies

Action #25 of the West County Action Plan for Routes of Regional Significance aims to “...discourage non-local heavy truck traffic...” in West County.

The North Richmond Truck Route Study (2007) examined the feasibility of alternative truck routes to reduce truck traffic in the residential area of North Richmond and near Verde Elementary School. During outreach for the study, community members supported solutions to these issues, and voiced concerns about diesel emissions from big rig trucks and traffic safety issues of trucks operating near schools and residential areas.

Given local policies regarding truck traffic, public health and safety concerns voiced by the community of North Richmond, the applicant should provide substantial measures for trucks to use alternate routes to local streets (including physical improvements to the project’s ingress/ingress points to encourage the use of specific routes). An existing preferred route is to take Richmond Parkway to Parr Boulevard to Fred Jackson Way to access the project site.

3. Parking

The project must comply with County Ordinance Code Chapter 82-16 – Off-street Parking. The current number of proposed parking spaces (704) exceeds the amount required by County Ordinance Code Section 82-16.406 – Off-street Parking (1 space per thousand square feet of gross floor area; 556 spaces for 555,537 sq ft.). Given the County’s policies to reduce GHG emissions (General Plan Goal 5-L and Policy 5-24), staff encourages the applicant reduce the number of parking spaces to, or below, the amount required; particularly auto parking spaces. In addition to off-street parking, the future site plans must demonstrate compliance with the landscaping and bicycle parking provisions of the aforementioned Code chapter.

Additionally, the project must comply with County Code Chapter 74-4.006(j) – Electric Vehicle (“EV”) Charging. Future site plans must clearly indicate location total number of these facilities.

4. Informational VMT Analysis

Per Fehr & Peers’ staff traffic analysis assumptions memorandum, we also recommend that the applicant conduct an informational analysis of the amount of VMT that this project will generate.

5. Proposed “off-site roadway/pedestrian improvements” and Complete Streets

Please provide more information regarding these improvements. Per the County’s Complete Street Policy, the applicant should provide adequate pedestrian infrastructure, bike lanes, and other roadway design treatments around the project site, and at off-site locations if deemed appropriate. In particular, the applicant should prioritize bicycle and pedestrian safety and mobility at all

vehicle entry points. The applicant should coordinate with Contra Costa County Conservation and Development, and Public Works staff to implement streetscape recommendations

6. "Removal of 8 Trees"

Please clarify where these trees are located. Street trees provide shading and traffic calming benefits, and staff encourages the applicant to replace any street trees removed as part of this project.

7. Impact Criteria

Despite having *"historically been used to evaluate impacts in the North Richmond area,"* the following proposed CEQA threshold should provide a reference given it is not an adopted County standard: *"...increasing the average control delay at the intersection by more than 5.0 seconds."*

If you have any questions, please call me at 925-674-7755 or email at colin.piethe@dcd.cccounty.us.

cc: Maureen Toms, DCD
John Cunningham, DCD



**CONTRA COSTA COUNTY
DEPARTMENT OF CONSERVATION & DEVELOPMENT**

30 Muir Road – 2nd Floor

Martinez, CA 94553-1229

Telephone: (925) 674-7209

Fax: (925) 674-7250

TO: Francisco Avila, Senior Planner

FROM: John Cunningham, Principal Planner *JC*

DATE: May 8, 2018

SUBJECT: Traffic Impact Review: #DP18-3007 (506 Brookside)

This memo provides comments on the subject project from the Transportation Planning Section. Please let me know if you have any questions.

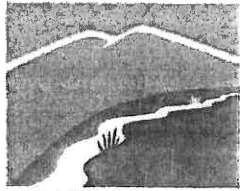
1. Consistent with 1) the West County Action Plan [Action #25 "...discourage non-local heavy truck traffic...], 2) the goals/intent of the North Richmond Truck Route Study, and 3) approach taken with the Panattoni project, in order to direct traffic away from the residential area and Verde Elementary, the applicant should provide more substantial measures to compel trucks accessing the project site to use Richmond Parkway: Parr Boulevard: Fred Jackson Way. Some measures are proposed, restricted driveway movements (similar to Panattoni) are not included however.
2. With the latest version of the Contra Costa Transportation Authority's (CCTA's) adopted travel demand model, the entire County was analyzed at full General Plan buildout. That said, any development consistent with the applicable General Plan is considered grandfathered in terms of traffic impacts. The traffic consultant should confer with CCTA staff to determine how best to characterize the status in the traffic study.
3. Page 2 ES: The study should clarify what is meant in the following bullet point, "*Buildout as defined by ABAG....as the in-process traffic volumes*". Is this establishing that the CCTA model reflects the ABAG inputs or were ABAG numbers directly sourced in order to generate volumes? Typically, the CCTA model numbers would be used. If some other inputs are used the study should clarify if those numbers result in higher or lower volumes than native CCTA data.
4. The traffic study should reference the latest version¹ of the CCTA Bicycle Pedestrian Plan in identifying planned and existing facilities. Both the 2009 and Draft 2018 Plan include facilities adjacent to the project. This is in conflict with the *Recommendations and Bicycle Access and Parking* sections, "*Since these roadways lack existing and planned bicycle facilities...*" The applicant should work with Public Works to ensure appropriate right of way is set aside for future improvements and explore opportunities to implement planned

¹ <http://keepcontracostamoving.net/documents/>

facilities.

5. Page 14: Transit Facilities: The consultant should clarify this statement, "*BART is an Amtrak train that services the East Bay, San Mateo County and San Francisco.*".
6. Where project volumes worsen existing violations but it is determined that the impact is less than significant; the study should identify what the threshold is to make that determination.
7. Please provide me with the responses provided to Carol Huang (San Pablo), and another other interested jurisdiction, regarding the City's input on the subject application.

c: Warren Lai, Public Works
Mary Halle, Public Works



Contra Costa County
**Public Works
Department**

Brian M. Balbas, Director
Deputy Directors
Mike Carlson
Stephen Kowalewski
Carrie Ricci
Joe Yee

Memo

March 7, 2018

TO: Francisco Avila, Senior Planner, Department of Conservation and Development
FROM: Jocelyn A. Bolibol LaRocque, Senior Civil Engineer, Engineering Services Division
By: Larry Gossett, Consulting Engineer, Engineering Services Division
SUBJECT: **PERMIT DP18-3007**
30-DAY COMMENTS – INCOMPLETE
(Centerpoint/Brookside Dr. & Fred Jackson Way/N. Richmond/409-300-037 et al)
FILE: DP18-3007

We have reviewed the application for development permit DP18-3007 received by your office on February 5, 2018 and submit the following comments:

Background

The applicant requests approval of a development plan to construct three warehouse buildings totaling 552,646 square feet on 19 parcels totaling 31.5 acres in the North Richmond area. The property is located at the southeast corner of Brookside Drive and Fred Jackson Way.

There are a few existing buildings located in the northeast portion of the property, but the site is predominantly vacant. All existing buildings will be removed.

Traffic and Circulation

This project proposes three driveways onto Brookside Drive and three onto Fred Jackson Way. Of these, two of the Brookside and one of the Fred Jackson driveways would be considered major truck access points.

The major driveway on Fred Jackson Way should be located further south to align with the intersection of Pittsburg Avenue, the major connector to Richmond Parkway.

Much concern has been expressed in the community with regards to cut-through truck traffic in residential neighborhoods in the Richmond area. The applicant will likely need to construct offsite truck traffic calming improvements as identified within the August 24, 2016, Preliminary Truck Traffic Calming Assessment for the North Richmond Neighborhood on one of the key corridors and/or those identified in the Traffic Impact Analysis. The driveways should be designed for ease of ingress from southbound Fred Jackson Way and to restrict left-turn egress

from the project site. And as stated above, a major driveway should be aligned with Pittsburg Avenue. There are studies underway and proposals to promote designated truck routes and discourage (or prohibit) truck use of residential streets. These mitigation measures will be further identified as the project moves through the environmental review process.

More detailed comments will be forthcoming from our Transportation Engineering Division under separate cover.

Overhead Utilities

There are existing overhead utilities along both Brookside drive and Fred Jackson Way. These will be required to be undergrounded as part of the construction of frontage improvements along the site.

Drainage

Division 914 of the County Ordinance Code requires that all storm water entering and/or originating on this property to be collected and conveyed, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having a definable bed and banks or to an existing adequate public storm drainage system which conveys the storm water to an adequate natural watercourse.

The subject property is within Drainage Area 19A. The adopted drainage plan for this area indicates the majority of the site drains northerly via 'Line B' to San Pablo Creek. The remainder drains southerly via "Line A" to Wildcat Creek. It appears the north/south portions of both Lines A and B have been constructed within Fred Jackson Way, but their adequacy will need to be verified based on current and future land use projections.

The east/west reaches of these storm drains have not been constructed. Their proposed alignment abuts the subject property; Line B along Brookside Drive and Line A along the south property line. Construction of these drainage facilities would be required in conjunction with this project.

A Preliminary Hydrology and Hydraulics Report was included as part of this submittal, but it did not address the adequacy of existing downstream facilities. It merely determined the difference in the runoff from the project site for pre and post-project conditions and the required storage volume necessary to detain the additional runoff for mitigation purposes. The intent was to store the additional runoff within the C3 facilities, but no volume/capacity calculations for said facilities was included.

Stormwater Management and Discharge Control Ordinance

A Stormwater Control Plan (SWCP) is required for applications that will create and/or redevelop impervious surface area exceeding 10,000 square feet in compliance with the County's Stormwater Management and Discharge Control Ordinance (§1014) and the County's Municipal

Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit.

A Preliminary Stormwater Control Plan was submitted with the application, but there are several inconsistencies that need to be addressed:

- The initial "Table 1" appears to be a summary of both the on-site and frontage improvements. There is a pervious/impervious area summary table on the back side of Table 1, but the numbers do not correlate with those in Table 1 itself.
- Table 1 states that HMP compliance is not applicable. , whereas the text in the fourth paragraph of the Executive Summary correctly states that it is.
- The IMP sizing calculations are for treatment only. Volume and outlet orifice sizes for hydromodification are not shown.

Provision C.10, Trash Load Reduction, of the County's NPDES permits requires control of trash in local waterways. To prevent or remove trash loads from municipal storm drain systems, trash capture devices shall be installed in catch basins (excludes those located within a bioretention/stormwater treatment facility). Devices must meet the County's NPDES permits and approved by Public Works Department. Location must be approved by Public Works Department.

Floodplain Management

The project does not lie within the 100-year flood boundary as designated on the Federal Emergency Flood Rate Maps.

Annexation to a Lighting District

The subject parcel is **not** annexed into the lighting district. The applicant will be required, as a condition of approval, to annex into the Community Facilities District (CFD) 2010-1 formed for the Countywide Street Light Financing.

Area of Benefit Fee

The applicant will need to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the North Richmond, West Contra Costa Transportation Advisory Committee (WCCTAC) Transit/Pedestrian and WCCTAC Bridges/Roads Areas of Benefit, as adopted by the Board of Supervisors. These fees shall be paid prior to issuance of building permits. Eligible construction costs for improvements relative to projects that comprise the basis for these fees may be credited against the applicable fee.

Drainage Area Fee

The applicant will be required to comply with the drainage fee requirements for Drainage Area 19A as adopted by the Board of Supervisors. Eligible construction costs for improvements relative to projects that comprise the basis for these fees may be credited against the applicable fee.

The submitted application should be considered incomplete. Before accepting the application as complete, the following concerns should be addressed:

- Provide adequate information on existing property information, rights of way, easements, etc. which may affect the design
- Provide adequate information on existing major road improvements (street layout, dimensions, typical street sections, etc.) which may affect the design
- Provide adequate information on the existing and proposed on and off-site drainage improvements (layout, easements, access) which may affect the design.
- Provide adequate preliminary SWCP.
- Any exceptions requested from County Ordinance Code Standards must be requested by the applicant in conjunction with the application submittal in accordance with Chapter 92-6 of the County Ordinance Code.

JL:LG:ss

\\PW-DATA\grpdata\engsvc\Land Dev\DP\DP 18-3007\Application\DP18-3007 30-day comments.docx

cc:

W. Lai, Engineering Services

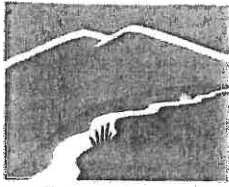
T. Rei, Flood Control

M. Halle, Transportation Engineering

M. Sen Transportation Engineering

William Lu, (Applicant/Owner)

c/o Centerpoint Properties, 725 S. Figueroa St., Ste 3005, Los Angeles, CA 90017



Contra Costa County
Public Works
Department

Brian M. Balbas, Director
Deputy Directors
Stephen Kowalewski, Chief
Mike Carlson
Carrie Ricci
Joe Yee

Memo

March 29, 2018

TO: Larry Gossett, Engineering Services
FROM: Jason Yee, Transportation Engineering JY
SUBJECT: Review of Revised Traffic Impact Analysis, 506 Brookside Drive

MESSAGE: Transportation and Traffic Engineering Staff have reviewed the Draft Traffic Impact Analysis (TIA) for the proposed Industrial Use development at 506 Brookside Drive, Richmond.

General Comments

1. Contra Costa County has an active project entitled Fred Jackson Way First Mile/Last Mile, which is scheduled for construction in 2021 and extends adjacent to 506 Brookside Drive. The timing of these two efforts may provide opportunities for a collaborative approach to pedestrian and bicycle infrastructure, as well as clean water features. We recommend a meeting between Public Works staff and the developers to identify partnership opportunities.
2. The community has expressed interest in using Da Villa, south of the proposed development, to access the school. The school can currently be accessed only through Giaramita Street, and Da Villa would allow for a secondary access route. The applicant should coordinate with the County to assure the site plan is compatible with this potential future widening to public road standards.
3. As an advisory comment, staff would like to make the applicant aware of the traffic mitigation fee programs that apply to properties in the North Richmond area. The North Richmond Area of Benefit (AOB) and West Contra Costa Transportation Advisory Committee (WCCTAC) fees will apply to this development.

Traffic Impact Analysis

1. Include the intersection of Goodrick Avenue and Parr Boulevard in the traffic impact analysis.
2. On page 3, "On-Site Circulation/Site-Access Operations", it is stated that there are two proposed driveways along Fred Jackson Way. The development plan set shows three driveways on Fred Jackson Way.

3. On page 4, "Recommendations", the third bullet recommends adjustment of signal timing at the intersection of Fred Jackson Way at Parr Boulevard. This intersection is controlled by a Three-way Stop. Please clarify if the analysis suggests that this intersection should be signalized.
4. On page 4, "Recommendations", the sixth bullet recommends narrowing the intersection of Pittsburg Street and Fred Jackson Way with bollards to prevent large trucks from turning right from Pittsburg Avenue onto Fred Jackson Way. Bollards can easily be damaged by large trucks, creating a maintenance issue. Consider installing a bulb-out, pork-chop island, or other channelization method and signage restricting trucks on southbound Fred Jackson Way. Install a Truck Route sign with a left arrow on Fred Jackson Way facing Pittsburg Street to direct trucks to the proper turning direction.
5. On page 7, "15. Rumrill Boulevard/Brookside Drive (Contra Costa County)" resides within the jurisdiction of the City of San Pablo.
6. On pages 23 through 28, the trip distribution patterns are included. Clarify the trip distribution patterns as described in the comments below:
 - i. On pages 23-24 the trip distribution pattern due to the traffic generated by the development is provided. However, Figures 7 and Figures 8 show different trip distribution patterns. Figure 8 is labelled as the Projected Truck Trip Distribution Pattern. The percentages on Figure 8 follow the distribution percentages described in pages 23-24, which are not specified specifically truck trip distributions.
 - ii. On page 24, the trip distribution pattern states that 15 percent of the traffic generated by the development is projected to travel west towards Richmond Parkway. However, on Figure 8, the traffic distribution is shown to travel east.
7. Consider sending the draft TIA to the City of San Pablo to collaborate on the analysis prior to public review.
8. On page 36, Intersection 16 is labelled as "Richmond Parkway/Brookside Drive," when the intersection should be "Richmond Parkway/Hilltop Drive."
9. The analysis identifies an increase of 294 daily truck trips and recommends a truck calming measure. However, the analysis does not identify this as a traffic impact. It is recommended that the document identify the truck traffic impacts and propose a mitigation method with truck traffic calming measure.

10. An additional 12.7 second delay is introduced in the northbound direction at Richmond Parkway/Pittsburg Avenue during the P.M. hours, due to the traffic impacts from the proposed project. The delay can be observed between the Cumulative (Year 2040) No Project and Cumulative (Year 2040) Plus Project scenarios in the appendices. Provide a scenario in the traffic model for the Cumulative (Year 2040) Plus Project Total Traffic Level Post-Mitigation, to demonstrate the effects of the revision to the signal timing at Richmond Parkway/Pittsburg Avenue and the surrounding intersections.

Plan Set Comments

1. On Fred Jackson Way, consolidate the three southernmost driveways into a single driveway aligned with Pittsburg Avenue. This alignment will improve circulation along Fred Jackson Way. With this new configuration, the consultant should determine if a 2-way stop or all-way stop is warranted at Pittsburg Avenue and Fred Jackson Way.
2. Remove the two driveways located at the northeast corner of the development, or relocate them further away from the intersection of Fred Jackson Way and Brookside Drive. The relocation of the two driveways away from the intersection will reduce conflicts near the All-Way Stop intersection. The proposed driveway locations should align with driveway access across Brookside Drive.
3. Staff recommends that the applicant designate the specific on-site circulation for passenger vehicles, trucks, and/or loading/unloading purposes. This is to address the increase in truck trips generated by the proposed development and how the site plan will facilitate truck movements on/off the Richmond Parkway and discourage truck trips through residential streets.
4. Include pedestrian improvements along the development frontages on Fred Jackson Way and Brookside Drive.
5. We would like to confirm that DCD staff is leading efforts to address best management practices in the site design related to air quality.
6. The applicant has identified a stormwater treatment facility in the public right-of-way. If this is to be allowed, a funding mechanism should be established for landscape maintenance.

Please contact me if you have any questions, or need additional information.



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michael@lozeaudrury.com

Via Email and U.S. Mail

December 4, 2019

Francisco Avila
Contra Costa County
Department of Conservation and Development
30 Muir Road
Martinez, CA 94553
Francisco.Avila@dcd.cccounty.us

John Kopchik, Director
Contra Costa County
Department of Conservation and Development
30 Muir Road
Martinez, CA 94553
John.Kopchik@dcd.cccounty.us

County Clerk
Contra Costa County
555 Escobar Street
Martinez, CA 94553

**Re: CEQA and Land Use Notice Request for the Project known as CenterPoint North
Richmond Warehouse Project**

Dear Mr. Avila, Mr. Kopchik, and County Clerk:

I am writing on behalf of the Laborers International Union of North America, Local Union 324 and its members living in Contra Costa County ("LiUNA"), regarding the project known as CenterPoint North Richmond Warehouse Project, including all actions related or referring to the construction of three warehouse buildings totaling 555,537 square feet located at 506 Brookside Drive, APN: 409-300-037 in the County of Contra Costa ("Project").

We hereby request that Contra Costa County ("County") send by electronic mail, if possible or U.S. Mail to our firm at the address below notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the County and any of its subdivisions, and/or supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from the County, including, but not limited to the following:

- Notice of any public hearing in connection with projects as required by California Planning and Zoning Law pursuant to Government Code Section 65091.
- Any and all notices prepared pursuant to the California Environmental Quality Act ("CEQA"), including, but not limited to:
 - Notices of any public hearing held pursuant to CEQA.
 - Notices of determination that an Environmental Impact Report ("EIR") or supplemental EIR is required for the project, prepared pursuant to Public Resources Code Section 21080.4.
 - Notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9.
 - Notices of preparation of an EIR or a negative declaration for the project, prepared pursuant to Public Resources Code Section 21092.
 - Notices of availability of an EIR or a negative declaration for the project, prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations.

December 4, 2019

CEQA and Land Use Notice Request for the Project known as CenterPoint North Richmond Warehouse Project

Page 2 of 2

- Notices of approval and/or determination to carry out the project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notices of approval or certification of any EIR or negative declaration, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notices of determination that the project is exempt from CEQA, prepared pursuant to Public Resources Code section 21152 or any other provision of law.
- Notice of any Final EIR prepared pursuant to CEQA.
- Notice of determination, prepared pursuant to Public Resources Code Section 21108 or Section 21152.

Please note that we are requesting notices of CEQA actions and notices of any public hearings to be held under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law.

This request is filed pursuant to Public Resources Code Sections 21092.2 and 21167(f), and Government Code Section 65092, which requires agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

Please send notice by electronic mail, if possible or U.S. Mail to:

Michael Lozeau
Hannah Hughes
Komal Toor
Lozeau Drury LLP
1939 Harrison Street, Suite 150
Oakland, California 94612
510 836-4200
michael@lozeaudrury.com
hannah@lozeaudrury.com
komal@lozeaudrury.com

Please call if you have any questions. Thank you for your attention to this matter.

Sincerely,



Komalpreet Toor
Legal Assistant
Lozeau | Drury LLP



**BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT**

ALAMEDA COUNTY
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Pauline Russo Cutter
Scott Haggerty
Nate Miley

CONTRA COSTA COUNTY
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Jack P. Broadbent
EXECUTIVE OFFICER/APCO

Connect with the
Bay Area Air District:



December 2, 2019

Francisco Avila, Senior Planner
Contra Costa County
Department of Conservation & Development
Community Development Division
30 Muir Road
Martinez, CA 94553

RE: CenterPoint North Richmond Warehouse Project – Notice of Preparation for a Draft Environmental Impact Report (**County File Number: DP18-3007**)

Dear Mr. Avila,

Bay Area Air Quality Management District (Air District) staff has reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the CenterPoint North Richmond Warehouse Project (Project). The Project proposes to develop three tilt-up warehouse buildings totaling 555,537 square feet, installation of 129,719 square feet of landscaped areas, 438 auto parking spaces and 266 trailer parking spaces, grading of approximately 168,000 cubic yards, and soil remediation due to previous agriculture uses on site.

The Richmond-San Pablo community is disproportionately impacted by air pollution. We have identified Richmond-San Pablo as a priority community through our Community Air Risk Evaluation (CARE) program and, more recently, through our Community Health Protection Program. The Air District has worked for many years to improve air quality and health in Richmond, and these efforts continue today as we currently work with community partners to develop a Richmond-San Pablo Area Community Air Monitoring Plan. Accordingly, increased emissions in Richmond-San Pablo would be concerning.

Air District staff recommends the EIR include the following information and analysis:

- **As identified by the Air District's CARE program and our Community Health Protection Program, the Richmond-San Pablo community is currently cumulatively impacted with air pollution, which makes additional air pollution a potentially significant localized impact.** We recommend that the EIR use a very conservative significance threshold to evaluate impacts and mitigation requirements for this Project.

-
- **The GHG impact analysis should include an evaluation of the Project's consistency with the most recent draft of the AB 32 Scoping Plan by the California Air Resources Board and with the State's 2030 and 2050 climate goals.** The Air District's current recommended GHG thresholds in our CEQA Guidelines are based on the State's 2020 GHG targets, which are now superseded by the 2030 GHG targets established in SB 32. The EIR should demonstrate how the Project will be consistent with the Scoping Plan.
 - **The EIR should estimate and evaluate the potential health risk to existing and future sensitive populations near the Project area from toxic air contaminants (TAC) and fine particulate matter (PM_{2.5}) as a result of the Project's construction and operation.** Air District staff recommends that the EIR evaluate potential cumulative health risk impacts of TAC and PM_{2.5} emissions on sensitive receptors near the Project area.
 - **The EIR should evaluate all feasible measures, both onsite and offsite, to minimize air quality and GHG impacts.** The EIR should prioritize onsite mitigation measures, followed by offsite mitigation measures, within the Project area. Examples of potential emission reduction measures that should be evaluated and considered include, but are not limited to:
 - Require or incentivize zero emission trucks for facility operations to the greatest degree feasible
 - Prohibit or minimize the use of diesel fuel, consistent with the Air District's Diesel Free By '33 initiative (<http://dieselfree33.baaqmd.gov/>)
 - Require construction vehicles to operate with Tier 4 or the highest tier engines commercially available
 - Prohibit trucks from idling for more than two minutes or prohibit idling altogether
 - Implement a program that incentivizes construction workers and building tenants to carpool, use EVs, or use public transit to commute to and from the site. The program may include the following features, as feasible:
 - a. Provide a shuttle service to and from BART,
 - b. Provide preferential parking to carpool vehicles, vanpool vehicles, and EVs,
 - c. Schedule work shifts to be compatible with the schedules of local transit services;
 - Install electric vehicle charging infrastructure
 - Install electric connections for transportation refrigeration units
 - Require electric forklifts and install associated charging stations
 - Install outdoor electrical receptacles for charging or powering of electric landscape equipment

December 2, 2019

- **The EIR should evaluate the Project's consistency with the Air District's 2017 Clean Air Plan (2017 CAP).** The EIR should discuss 2017 CAP measures relevant to the Project and show the Project's consistency with the measures. The 2017 CAP can be found on the Air District's website: <http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans>.
- **The Air District's CEQA website contains several tools and resources to assist lead agencies in analyzing air quality and GHG impacts.** These tools include guidance on quantifying local emissions and exposure impacts. The tools can be found on the Air District's website: <http://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/ceqa-tools>.
- **Certain aspects of the Project may require a permit from the Air District (for example, back-up diesel generators).** Please contact Barry Young, Senior Advanced Projects Advisor, at (415) 749-4721 or byoung@baaqmd.gov to discuss permit requirements. Any applicable permit requirements should be discussed in the EIR.

We encourage the City to contact Air District staff with any questions and/or to request assistant during the environmental review process. If you have any questions regarding these comments, or would like to schedule a meeting, please contact Areana Flores, Environmental Planner, at (415) 749-4616, or aflores@baaqmd.gov.

Sincerely,



Greg Nudd
Deputy Air Pollution Control Officer

cc: BAAQMD Director John Gioia
BAAQMD Director David Hudson
BAAQMD Director Karen Mitchoff
BAAQMD Director Mark Ross



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November 19, 2019

Contra Costa County
Department of Conservation & Development
Community Development Division
30 Muir Road
Martinez, CA 94553
Attention: Francisco Avila

Re: Centerpoint North Richmond Warehouse Project NOP and Scoping; DP18-3007

Dear Mr. Avila,

Thank you for the opportunity to express the position of the Contra Costa Mosquito & Vector Control District (the District) regarding the proposed scope and content of the Environmental Impact Report for the Centerpoint North Richmond Warehouse Project located in unincorporated North Richmond.

As a bit of background, the District is tasked with reducing the risk of diseases spread through vectors in Contra Costa County by controlling them in a responsible, environmentally-conscious manner. A “vector” means any animal capable of transmitting the causative agent of human disease or capable of producing human discomfort or injury, including, but not limited to, mosquitoes, flies, mites, ticks, other arthropods, and rodents and other vertebrates. Under the California Health and Safety Code, property owners retain the responsibility to ensure that the structure(s), device(s), other project elements, and all additional facets of their property do not produce or harbor vectors or otherwise create a nuisance. Owners are required to take measures to abate any nuisance caused by activities undertaken and/or by the structure(s), device(s), or other feature(s) of their property. Failure by the owner to adequately address a nuisance may lead to abatement by the Contra Costa Mosquito & Vector Control District and civil penalties up to \$1,000 per day pursuant to California Health and Safety Code §2060-2067.

Potential impacts to human health by disease vectors is not properly addressed under CEQA—an oversight that has created problems for mosquito abatement and vector control agencies throughout California. The analysis for a project should consider evidence of potential environmental impacts, even if such impacts are not specifically listed on the Appendix G checklist [CEQA Guidelines, § 15063(f)]. To determine whether Public Health and Safety may be significantly impacted, lead agencies should refer to the California Health and Safety Code § 2000-2093 for definitions and liabilities associated with the creation of habitat conducive to vector production and to guidance provided by local mosquito and vector control districts/agencies in their determination of environmental impacts. Would the project:

- a) Increase the potential exposure of the public to disease vectors (e.g., mosquitoes, flies, ticks, and rats)?
- b) Increase potential mosquito/vector breeding habitat (i.e., areas of prolonged standing/ponded water like wetlands or stormwater treatment control BMPs and LID features)?

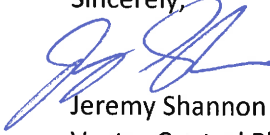
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Addressing these concerns in the environmental review and project planning phases can not only better protect public health and reduce the need for pesticide applications for vector control efforts, but avoid costly retrofits and fines for property owners in the future. Please don't hesitate to contact the District should you have any questions or need anything further.

Sincerely,



Jeremy Shannon

Vector Control Planner

925-771-6119

jshannon@contracostamosquito.com

NATIVE AMERICAN HERITAGE COMMISSION
Cultural and Environmental Department
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691 Phone: (916) 373-3710
Email: nahc@nahc.ca.gov
Website: <http://www.nahc.ca.gov>



November 13, 2019

Francisco Avila
Contra Costa County
Community Development Division
30 Muir Road
Martinez, CA 94553

RE: SCH# 2019110003, CenterPoint North Richmond Warehouse Project, Contra Costa County

Dear Mr. Avila:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
 - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
 - a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
 - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Nancy.Gonzalez-Lopez@nahc.ca.gov.

Sincerely,



Nancy Gonzalez-Lopez
Staff Services Analyst

cc: State Clearinghouse

November 20, 2019

Francisco Avila, Senior Planner
Contra Costa County
Department of Conservation & Development
Community Development Division
30 Muir Road
Martinez, CA 94553

Re: Notice of Preparation of a Draft Environmental Impact Report – Centerpoint North
Richmond Warehouse Project (County File #DP18-3007), Richmond

Dear Mr. Avila:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the Centerpoint North Richmond Warehouse Project located in the City of Richmond (City). EBMUD has the following comments.

WATER SERVICE

EBMUD's Central Pressure Zone, with a service elevation between 0 and 100 feet, will serve the proposed development. Once the property is subdivided, separate meters for each lot will be required. Similarly, separate structures on a single parcel require separate water services. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing water service to the proposed project. Engineering and installation of water services require substantial lead time, which should be provided for in the project sponsor's development schedule.

RIGHT-OF-WAY

EBMUD owns a right-of-way (R/W) that traverses a segment of the northeastern corner of the proposed development, R/W 5581 (located within the boundary of property APN 408-201-03-3). R/W 5581 is a 50-foot-wide easement that provides access to the twelve-inch main (12SMB84), which provides continuous service to EBMUD customers in the area. Any proposed construction activity in EBMUD rights-of-way would be subject to the terms and conditions determined by EBMUD including relocation of the water mains and/or rights-of-way at the project sponsor's expense.

Francisco Avila, Senior Planner

November 20, 2019

Page 2

WATER CONSERVATION

The proposed project presents an opportunity to incorporate water conservation measures. EBMUD requests that the City include in its conditions of approval, a requirement that the project sponsor comply with Assembly Bill 325, "Model Water Efficient Landscape Ordinance," (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,



David J. Rehnstrom

Manager of Water Distribution Planning

DJR:DWG:sjp

sb19_228 Centerpoint North Richmond



Contra Costa County
Flood Control
& Water Conservation District

Brian M. Balbas,
ex officio Chief Engineer
Allison Knapp,
Deputy Chief Engineer

November 26, 2019

Francisco Avila
Department of Conservation & Development
Community Development Division
30 Muir Road
Martinez, CA 94553

RE: Notice of Preparation, County File No. DP18-3007
Our File: 95-3007-18

Dear Mr. Avila:

We have reviewed the Notice of Preparation / Notice of Scoping Meeting for a Draft Environmental Impact Report (DEIR) on the proposed Centerpoint North Richmond Warehouse Project for Development Permit DP18-3007. We received the notice on October 31, 2019, and have the following comments:

1. The DEIR shall state in the hydrology section that this project is located within Drainage Area 19A (DA 19A). The "Boundary Map and Drainage Plan" and "Hydrology Map" for DA 19A (attached) show that the southern portion of the project site drains south to Line "A," while the northern portion of the site drains north to Line "B." The portions of Lines "A" and "B" within Fred Jackson Way appear to have been constructed, but this should be verified. The remaining sections that run along the northern and southern property lines of the project site have not been constructed yet. Since the applicant will be conditioned to construct sections of Lines "A" and "B" as a part of this project, this should be discussed in the DEIR as a mitigation measure.
2. The DEIR shall include the DA 19A "Boundary Map and Drainage Plan" showing Line "A" adjacent to Davilla Road. The DEIR shall state that the applicant shall construct Line "A" on the project site, as a majority of the runoff draining to this section of Line "A" will be from the project site. The applicant shall design and construct DA 19A Line "A" from approximately Station 6+50 to Station 14+15 and DA 19A Line "B" from approximately Station 8+30 to Station 20+60. Line "A" shall be located on the project site.

3. The DEIR shall state that the applicant shall pay DA 19A fees prior to the issuance of a building permit for this project.
4. The DEIR shall state that the applicant shall obtain a Flood Control Permit from the Application and Permit Center for the curb and gutter tie-in across Davilla Road, which is owned by the Contra Costa County Flood Control and Water Conservation District (FC District).
5. The DEIR shall state in the hydrology section that the applicant shall be required to submit preliminary hydrology and hydraulic calculations to the Engineering Services Division of the Public Works Department to prove the adequacy of the in-tract drainage system and the downstream drainage system.
6. The DEIR shall discuss how the proposed curb and gutter along the project frontages of Brookside Drive and Fred Jackson Way will transition and connect to the frontage improvements on the south side of Davilla Road. The DEIR shall state that Davilla Road is not a public road; it is FC District property for its access to Wildcat Basin.
7. The site plan prepared by HPA, Inc., dated October 17, 2017, shows a detention basin along the property line that separates APN 409-300-037 and FC District property. The DEIR will need to discuss impacts and mitigation measures related to the following comments/questions:
 - a. The DEIR shall discuss the impacts of emergency overflows from the detention basin. Overflows could block our emergency access. The DEIR should discuss where the emergency overflows would go. The overflow should not drain over Davilla Road or other private properties.
 - b. Considering the proximity of the detention basin to our property, the DEIR shall discuss the seepage impacts of the basin. There is a possibility that water from the basin may seep into the Davilla Road subgrade, which would undermine the structural integrity of our access road. Mitigation measures should be proposed.
 - c. We recommend that the DEIR propose an alternate location for the basin. It appears that the detention basin will be in close proximity to Building 3 and FC District property. How will the developer construct and maintain the basin without using our property? Any encroachments onto FC District property will require an FC District encroachment permit.

8. The DEIR shall state that any encroachments onto Davilla Road, which is FC District property, will require an FC District encroachment permit, under permits required section of the DEIR.
9. Under mitigation measures, the DEIR shall state that a drainage fee is due in accordance with Flood Control Ordinance Number 89-24. By ordinance, all building permits or subdivision maps filed in this area are subject to the provisions of the drainage fee ordinance. The DA 19A fee for this project is estimated to be \$453,000.
10. In the Hydrology Section, please identify and show all downstream watercourses, tributaries, and man-made drainage facilities adjacent to the project site, and that which could be impacted by this project. The discussion should include an analysis of the capacity of the existing watercourses.
11. The Hydrology Section should quantify the amount of runoff that would be generated by the project and discuss capacity of downstream systems. If the land use deviates from the planned land use of DA 19A, and runoff exceeds what is planned, an additional drainage study may be required.
12. If improvements or work within the natural watercourses, such as new outfalls are proposed, the DEIR should discuss the scope of improvements.
13. The DEIR shall state there is no funding for drainage maintenance in this area. The DEIR should address a perpetual funding source for maintenance of the new drainage facilities required to serve DA 19A.
14. We recommend that the DEIR request the appropriate environmental regulatory agencies, such as the U.S. Army Corps of Engineers, the State Department of Fish and Game, and the State Regional Water Quality Control Board, to explore the permits, special conditions, and mitigation that may be necessary for development of the area.

We appreciate the opportunity to comment on the Notice of Preparation submittal and welcome continued coordination. We look forward to reviewing an Administrative Draft EIR, which should address our comments. If you should have any questions, please call me at (925) 313-2283 or Teri Rie at (925) 313-2363.

Sincerely,



Lori Leontini
Senior Engineering Technician
Contra Costa County Flood Control
Water Conservation District

LL:cw
G:\fldctl\CurDev\CITIES\North Richmond\DP18-3007\Comments for DEIR 11-26-19.docx
Enclosure: DA 19A Boundary Map and Drainage Plan (FD-12421)

c: Teri Rie, Flood Control
c/enc: Centerpoint Properties, 160 Franklin Street, #301, Oakland, CA 94607

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Francisco Avila

From: Mariah Mayberry <mmayberry@wiltonrancheria-nsn.gov>
Sent: Tuesday, November 19, 2019 3:40 PM
To: Francisco Avila
Cc: Cultural Resource Department Inbox
Subject: North Richmond Warehouse project
Attachments: 1_Mitigation_Measures_NEPA_Avoidance.docx; 2
_Mitigation_Measures_NEPA_NativeAmericanMonitors.docx; 3
_Mitigation_Measures_NEPA_Discoveries.docx; 4
_Mitigation_Measures_CEQA_Construction_Worker_Awareness_Training 04-19-19.docx

Good afternoon,

I am emailing on behalf of Wilton Rancheria. After reviewing this project we determined it is in a culturally sensitive area and would like to request Tribal Monitoring during construction.
Please see attached Mitigation Measures.

Thank you



Mariah Mayberry

Wilton Rancheria

Tel: 916.683.6000 ext 2023 | Fax: 916.683.6015

9728 Kent Street | Elk Grove | CA | 95624

mmayberry@wiltonrancheria-nsn.gov

wiltonrancheria-nsn.gov

Tribal Cultural Resource Avoidance Mitigation Measure

Avoidance and preservation in place is the preferred manner of mitigating impacts to tribal cultural resources and will be accomplished by several means, including:

- Planning construction to avoid tribal cultural resources, archaeological sites and/ or other resources; incorporating sites within parks, green-space or other open space; covering archaeological sites; deeding a site to a permanent conservation easement; or other preservation and protection methods agreeable to consulting parties and regulatory authorities with jurisdiction over the activity. Recommendations for avoidance of cultural resources will be reviewed by the CEQA lead agency representative, interested Native American Tribes and the appropriate agencies, in light of factors such as costs, logistics, feasibility, design, technology and social, cultural and environmental considerations, and the extent to which avoidance is consistent with project objectives. Avoidance and design alternatives may include realignment within the project area to avoid cultural resources, modification of the design to eliminate or reduce impacts to cultural resources or modification or realignment to avoid highly significant features within a cultural resource. Native American Representatives from interested Native American Tribes will be allowed to review and comment on these analyses and shall have the opportunity to meet with the CEQA lead agency representative and its representatives who have technical expertise to identify and recommend feasible avoidance and design alternatives, so that appropriate and feasible avoidance and design alternatives can be identified.
- If the resource can be avoided, the construction contractor(s), with paid Native American monitors from culturally affiliated Native American Tribes present, will install protective fencing outside the site boundary, including a buffer area, before construction restarts. The construction contractor(s) will maintain the protective fencing throughout construction to avoid the site during all remaining phases of construction. The area will be demarcated as an “Environmentally Sensitive Area”. Native American representatives from interested Native American Tribes and the CEQA lead agency representative will also consult to develop measures for long term management of the resource and routine operation and maintenance within culturally sensitive areas that retain resource integrity, including tribal cultural integrity, and including archaeological material, Traditional Cultural Properties and cultural landscapes, in accordance with state and federal guidance including National Register Bulletin 30 (*Guidelines for Evaluating and Documenting Rural Historic Landscapes*), Bulletin 36 (*Guidelines for Evaluating and Registering Archaeological Properties*), and Bulletin 38 (*Guidelines for Evaluating and Documenting Traditional Cultural Properties*); National Park Service Preservation Brief 36 (*Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes*) and using the Advisory Council on Historic Preservation (ACHP) *Native American Traditional Cultural Landscapes Action Plan* for further guidance. Use of temporary and

Native American Monitoring Mitigation Measure

To minimize the potential for destruction of or damage to existing or previously undiscovered burials, archaeological and tribal cultural resources and to identify any such resources at the earliest possible time during project-related earthmoving activities, **THE PROJECT PROPONENT** and its construction contractor(s) will implement the following measures:

- Paid Native American monitors from culturally affiliated Native American Tribes will be invited to monitor the vegetation grubbing, stripping, grading or other ground-disturbing activities in the project area to determine the presence or absence of any cultural resources. Native American representatives from cultural affiliated Native American Tribes act as a representative of their Tribal government and shall be consulted before any cultural studies or ground-disturbing activities begin.
- Native American representatives and Native American monitors have the authority to identify sites or objects of significance to Native Americans and to request that work be stopped, diverted or slowed if such sites or objects are identified within the direct impact area. Only a Native American representative can recommend appropriate treatment of such sites or objects.
- If buried cultural resources, such as chipped or ground stone, historic debris, building foundations, or bone, are discovered during ground-disturbing activities, work will stop in that area and within 100 feet of the find until a archaeologist who meets the Secretary of the Interior's qualification standards can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the Caltrans, the SHPO, and other appropriate agencies. Appropriate treatment measures may include development of avoidance or protection methods, archaeological excavations to recover important information about the resource, research, or other actions determined during consultation.
- In accordance with the California Health and Safety Code, if human remains are uncovered during ground disturbing activities, the construction contractor or the County, or both, shall immediately halt potentially damaging excavation in the area of the burial and notify the County coroner and a qualified professional archaeologist to determine the nature of the remains. The coroner shall examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands, in accordance with Section 7050(b) of the Health and Safety Code. If the coroner determines that the remains are those of a Native American, he or she shall contact the NAHC by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). After the coroner's findings are presented, the County, the archaeologist, and the NAHC-designated Most Likely Descendant (MLD) shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed.

Inadvertent Discoveries Mitigation Measures

Develop a standard operating procedure, points of contact, timeline and schedule for the project so all possible damages can be avoided or alternatives and cumulative impacts properly accessed.

If potential tribal cultural resources, archaeological resources, other cultural resources, articulated, or disarticulated human remains are discovered by Native American Representatives or Monitors from interested Native American Tribes, qualified cultural resources specialists or other Project personnel during construction activities, work will cease in the immediate vicinity of the find (based on the apparent distribution of cultural resources), whether or not a Native American Monitor from an interested Native American Tribe is present. A qualified cultural resources specialist and Native American Representatives and Monitors from culturally affiliated Native American Tribes will assess the significance of the find and make recommendations for further evaluation and treatment as necessary. These recommendations will be documented in the project record. For any recommendations made by interested Native American Tribes which are not implemented, a justification for why the recommendation was not followed will be provided in the project record.

If adverse impacts to tribal cultural resources, unique archeology, or other cultural resources occurs, then consultation with Wilton Rancheria regarding mitigation contained in the Public Resources Code sections 21084.3(a) and (b) and CEQA Guidelines section 15370 should occur, in order to coordinate for compensation for the impact by replacing or providing substitute resources or environments.

Tribal Cultural Resource – Awareness Training - Mitigation Measure

A consultant and construction worker tribal cultural resources awareness brochure and training program for all personnel involved in project implementation will be developed in coordination with interested Native American Tribes. The brochure will be distributed and the training will be conducted in coordination with qualified cultural resources specialists and Native American Representatives and Monitors from culturally affiliated Native American Tribes before any stages of project implementation and construction activities begin on the project site. The program will include relevant information regarding sensitive tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The worker cultural resources awareness program will also describe appropriate avoidance and minimization measures for resources that have the potential to be located on the project site and will outline what to do and whom to contact if any potential archaeological resources or artifacts are encountered. The program will also underscore the requirement for confidentiality and culturally-appropriate treatment of any find of significance to Native Americans and behaviors, consistent with Native American Tribal values.



CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

40 Muir Road, 1st Floor • Martinez, CA 94553

e-mail: LouAnn.Teixeira@lafco.cccounty.us

(925) 313-7133

Lou Ann Teixeira
Executive Officer

MEMBERS

Candace Andersen
County Member

Donald A. Blubaugh
Public Member

Tom Butt
City Member

Igor Skaredoff
Special District Member

Federal Glover
County Member

Michael R. McGill
Special District Member

Rob Schroder
City Member

ALTERNATE MEMBERS

Diane Burgis
County Member

Stanley Caldwell
Special District Member

Charles R. Lewis, IV
Public Member

Sean Wright
City Member

November 14, 2019

Francisco Avila
Contra Costa County
Department of Conservation & Development
30 Muir Road
Martinez, CA 94553

**SUBJECT: Notice of Preparation/Notice of Scoping Meeting
CenterPoint North Richmond Warehouse Project**

Dear Mr. Avila:

Thank you for sending the Contra Costa Local Agency Formation Commission (LAFCO) the *Notice of Preparation (NOP)/Notice of Scoping Meeting* for a Draft Environmental Impact Report (DEIR) on the CenterPoint North Richmond Warehouse Project.

We understand that the project proposes construction of three warehouses and related on-site and off-site improvements. As the County prepares to commence work on the DEIR for this project, we offer the following general and specific comments.

General Comments

LAFCO is an independent, regulatory agency with discretion to approve, wholly, partially or conditionally, or disapprove, changes of organization or reorganizations. In accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, LAFCO is required to consider various factors when evaluating a proposal, including, but not limited to, the provision of municipal services and infrastructure to the project site, timely and available supply of water, fair share of regional housing, consistency with regional plans, and other factors.

The factors relating to boundary and SOI changes are contained in Government Code sections 56668 and 56425, respectively. Including an assessment of these factors in the County's environmental document will facilitate LAFCO's review and the LAFCO process. Deficiencies in the environmental document as required by LAFCO may result in the need for additional CEQA compliance work.

As a Responsible Agency pursuant to the CEQA, LAFCO will need to rely on the County's EIR in consideration of any local agency boundary changes required for the project. Given that LAFCO's approvals will be a fundamental part of the entitlements required for this project, the EIR should specifically 1) reference the LAFCO action(s) in the Project Description (e.g., SOI amendments, annexations), 2) list LAFCO as Other Public Agencies Whose Approval is Required, and 3) most importantly, the LAFCO action(s) and relevant factors should be adequately evaluated in the environmental document.

Specific Comments

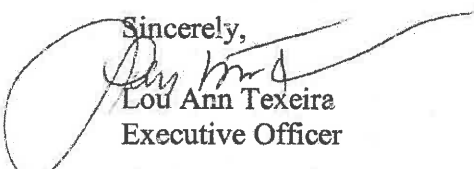
1. **Wastewater Services** – As noted in our previous comments on the project, the subject parcels will require annexation to the West County Wastewater District (WCWD). The EIR should include detailed information relating to wastewater service demand and supply/capacity, including: (1) an enumeration and description of the services to be extended to the project area; (2) level and range of services; (3) indication of when those services can feasibly be extended to the project area; (4) description of any improvements or upgrading of structures, roads, sewer or water facilities, or other conditions required in conjunction with the project; and (5) information with respect to how services will be financed.
2. **Annexation Boundary, Roadways and Right of Way (ROW)** – In accordance with LAFCO law and local LAFCO policies, boundary descriptions of territory included in any proposal shall be definite and certain. LAFCO discourages boundaries that split lines of assessment or legal parcel lines, or create islands, strips, or corridors. Boundaries which follow existing political boundaries and natural or manmade features such as rivers, lakes, railroad tracks, roads and freeways are preferred. Boundary lines of areas proposed for annexation, which include, where possible, land abutting both sides of a given street or right of way within the same entity are favored. When a boundary must follow a street or highway, the boundary will include the complete right of way for the entire street or highway.

The annexation of the subject area to WCWD should include roadways and ROW along Fred Jackson Way, Davilla Road and Brookside Drive.

Also, the notice indicates that the deadline for comments is December 2, 2019 and the scoping meeting will be held on December 16th after the deadline for comments – *is this correct?*

Thank you for inviting our input and comments regarding the scope of the DEIR for this project. Please contact the LAFCO office if you have any questions.

Sincerely,



Lou Ann Texeira
Executive Officer

c: LAFCO Planner

Francisco Avila

From: Lori Leontini <Lori.Leontini@pw.cccounty.us>
Sent: Friday, November 22, 2019 7:59 AM
To: Francisco Avila
Cc: Teri Rie; Randolph Sanders
Subject: NOP/Notice of Scoping Meeting for Draft EIR (DP18-3007)
Attachments: FCD Comments_April 2018.pdf

Hello Francisco,

I received the NOP/Notice of Scoping Meeting for a Draft EIR on the Centerpoint Warehouse Project in North Richmond. I wanted to follow up with you to confirm that our previous comments from April 2018 have been incorporated from Caroline's letter (see attached).

Regards,

Lori Leontini



Lori Leontini | Senior Engineering Technician

Contra Costa County Public Works: Flood Control & Water Conservation District

255 Glacier Drive, Martinez, CA 94553

p: 925.313.2283 e: lori.leontini@pw.cccounty.us | cccpublicworks.org



Interoffice Memo

DATE: April 4, 2018
TO: Francisco Avila, DCD—Community Development Division
Jocelyn A. Bolibol LaRocque, PWD—Engineering Services
FROM: Caroline Tom, Flood Control *Caroline Tom*
SUBJECT: Development Permit DP18-3007; 506 Brookside Drive,
Richmond Comments
FILE: 95-3007-18; APN 409-300-037

We have reviewed the application for Development Permit DP18-3007, which was received by your office on February 5, 2018, for the construction of three warehouses on 19 parcels near 506 Brookside Drive in North Richmond. We offer the following completeness issues, general comments, and recommended conditions of approval:

COMPLETENESS ISSUES:

1. This project is located within Drainage Area 19A (DA 19A). The "Boundary Map and Drainage Plan" and "Hydrology Map" for DA 19A (attached) show that the southern portion of the project site drains south to Line "A," while the northern portion of the site drains north to Line "B." The portions of Lines "A" and "B" within Fred Jackson Way appear to have been constructed; the remaining sections that run along the northern and southern property lines of the project site have not been constructed yet. The developer should be conditioned to construct these sections of Lines "A" and "B" as a part of this project.
2. The DA 19A "Boundary Map and Drainage Plan" shows Line "A" adjacent to Davilla Road. We recommend that the developer construct Line "A" on the project site, as a majority of the runoff draining to this section of Line "A" will be from the project site.
3. The developer should be required to submit preliminary hydrology and hydraulic calculations to the Engineering Services Division of the Public Works Department to prove the adequacy of the in-tract drainage system and the downstream drainage system.

4. Per the off-site improvement plans prepared by Kier & Wright Civil Engineers & Surveyors, Inc., dated December 1, 2017, curb and gutter are proposed along the project frontages of Brookside Drive and Fred Jackson Way. How will these improvements transition and connect to the frontage improvements on the south side of Davilla Road? Please be aware that Davilla Road is not a public road; it is Contra Costa County Flood Control and Water Conservation District (FC District) property for FC District access to Wildcat Basin. Currently, it appears that the proposed frontage improvements end abruptly just north of Davilla Road.
5. The site plan prepared by HPA, Inc., dated October 17, 2017, shows that a detention basin is proposed along the property line that separates APN 409-300-037 and FC District property. The applicant will need to address the following comments/questions:
 - a. It appears that the detention basin will be in close proximity to Building 3 and FC District property. How will the developer construct and maintain the basin without using our property? Any encroachments onto FC District property will require an FC District encroachment permit.
 - b. What is the plan for addressing emergency overflows from the detention basin? Where will the emergency overflows go? The overflow should not drain over Davilla Road or other private properties.
 - c. Considering the proximity of the detention basin to our property, there is a possibility that water from the basin may seep into the Davilla Road subgrade, which would undermine the structural integrity of our access road. How will the developer address this?

GENERAL COMMENTS:

1. Any encroachments onto Davilla Road, which is FC District property, will require an FC District encroachment permit.
2. The developer should be conditioned to design and construct storm drain facilities to adequately collect and convey stormwater entering or originating within the development to the nearest adequate man-made drainage facility or natural watercourse, without diversion of the watershed, per Title 9 of the County Ordinance Code.

3. Construction of DA 19A facilities would be eligible for credit against drainage area fees, provided such work is in compliance with the FC District DA 19A plan. Reimbursement for work that exceeds a development's drainage fee obligation would be based upon our "Drainage Area Credit and Reimbursement Policy." Please let us know if you would like a copy of this policy for your reference.
4. This project is located within DA 19A, for which a drainage fee is due in accordance with Flood Control Ordinance Number 89-24. By ordinance, all building permits or subdivision maps filed in this area are subject to the provisions of the drainage fee ordinance. Effective June 10, 1989, the current fee in this drainage area is \$0.35 per square foot of newly created impervious surface.

The DA 19A fee for this project is estimated to be \$453,000. This was based on the total project site area, as shown on the site plan prepared by HPA, Inc., dated October 17, 2017. Please see the enclosed spreadsheet for our drainage fee estimate. The drainage area fee for this lot should be collected prior to issuing a building permit for this project.

5. The developer may be eligible for credit against their drainage area fees for existing impervious surface area on the property. The developer's engineer should submit a worksheet, which includes a scalable map, that calculates the deduction of fees for the existing impervious surface and the total amount of credit requested.
6. The FC District is not the approving local agency for this project as defined by the Subdivision Map Act. As a special district, the FC District has an independent authority to collect drainage fees that is not restricted by the Subdivision Map Act. The FC District regularly adjusts its drainage fees to reflect increasing construction costs. The drainage fee rate does not vest at the time of tentative map approval. The drainage fees due and payable will be based on the fee in effect at the time of fee collection.

RECOMMENDED CONDITIONS OF APPROVAL:

1. The applicant shall design and construct DA 19A Line "A" from approximately Station 6+50 to Station 14+15 and DA 19A Line "B" from approximately Station 8+30 to Station 20+60. Line "A" shall be located on the project site.

2. The applicant shall pay DA 19A fees prior to the issuance of a building permit for this project.
3. The applicant shall obtain a Flood Control Permit from the Application and Permit Center for the curb and gutter tie-in across Davilla Road.

We appreciate the opportunity to review projects involving drainage matters and welcome continued coordination. If you have any questions, please feel free to call or e-mail me at (925) 313-2348 or caroline.tom@pw.cccounty.us.

CT:cw

G:\fldctl\CurDev\CITIES\North Richmond\DP18-3007\FCD Comments_April 2018.docx

Enclosures: DA 19A Boundary Map and Drainage Plan (FD-12421), DA 19A Hydrology Map (FD-12422), and DA 19A Fee Estimate

c: Teri E. Rie, Flood Control
Marsha Brown, Finance
Larry Gossett, Engineering Services Consultant (by e-mail at larry@gossettce.com)
Judi Kallerman, DCD—APC, Plan Check
c/enc: William Lu (applicant/owner)
c/o Centerpoint Properties
725 S. Figueroa St., Ste 3005
Los Angeles, CA 90017

Public Comment letter, written by Healthy Richmond staff and North Richmond Resident Leadership Team, for: "Proposed *Centerpoint* North Richmond Warehouse Project" (Development Plan Permit; County File Number: DP18-3007)



RECEIVED

12/16/2019

PLANNING ADMINISTRATOR HEARING

AGENDA ITEM # 2a | 3a (3:30)

Contra Costa County Department of Conservation and Development,

Thank you for sending us the Environmental Impact Report for the two proposals for future development projects. This letter will focus on the "Proposed *Centerpoint* North Richmond Warehouse Project" (Development Plan Permit; County File Number: DP18-3007). The staff at Healthy Richmond has supported the North Richmond Resident Leadership Team to review the proposal and prepare public comments on the Environmental Impact Report, filed on October 31st, 2019, by the DCD.

The North Richmond Resident Leadership Team, or NRRLT, is a group of ten volunteer residents, known for their community organizing work. In 2019, they worked with residents, elected officials, and other stakeholders, to produce the Quality of Life plan; it laid out foundational components such as housing, business, and community safety that must be prioritized, protected, and transformed, in any future developments in North Richmond, to ensure the livelihood and health of current and future residents and their families. The Department of Conservation and Development are very familiar with our work, and signed on as partners to ensure that some of the community's collective recommendations are reflected in future County-level decisions, such as the Envision Contra Costa 2040 general plan, housing development, and traffic safety assessments and infrastructure improvements including greening projects.

As you know, the NRRLT has been actively engaged in attending both the Envision North Richmond Community meetings and the DCD Climate Action Plan meeting. The RLT is also reviewing the community development plans for the Las Deltas property led by the Housing Authority of CCC.

At our last RLT meeting, we were able to review the Notice of Preparation/Notice of Scoping Meeting for the draft EIR. Below is the specific list of anticipated impacts from their deliberations:

- **EROSION OF ROADS**- North Richmond is already facing poor infrastructure issues including crumbling roads and flooding due to poor drainage. The impact that this development would have on traffic and public infrastructure would be detrimental, because it sits on the corner of two primary roads, Fred Jackson Way and Brookside Blvd. The proposal requested to develop "438 auto parkings paces and 266 trailer parking", which is absolutely unsustainable, unless the County makes significant improvements to these streets, such as adding a middle lane to both these streets. These streets are notorious for three things: (1)big industrial trucks, (2)speeding, and (3)not having a pedestrian sidewalk, despite being a popular an essential walkway for residents.
- **TRAFFIC**- density in and around the neighborhood greatly impacts safety for pedestrians and drivers. Trucks continue to use the neighborhood streets as shortcuts to the Richmond



Parkway and the 80 and 580 freeways. Additional traffic will only exacerbate the high traffic issues in and around the neighborhood unless there is CHP enforcement of strict truck route restrictions, such as weight and height limitations.

- **AIR POLLUTION AND INCREASE TO EMISSIONS-** North Richmond has a history of environmental injustices, and is an epitome for health disparities, especially when compared to other areas in Contra Costa County; construction of this warehouse would have to ignore the impacts on residential spaces, culture, and families and further advance historic repressive environmental practices:
 - We are already in the center of every major freeway and highway in the East Contra Costa County (Richmond Parkway, I-80, and I-580), and drivers use Fred Jackson and Brookside to get from one part of Richmond to the other. Streets like Fred Jackson and Brookside are vital to the North Richmond residents, because of the multiple railroad crossings and waterways that create dead-end streets and very limited options to access areas outside of North Richmond.
 - Every day, North Richmond residents must cross railroads, hoping that the street does not get shut down by the trains that carry travelers, oil, coal, and other industrial transports. This has always been an issue for North Richmond, especially during crisis situations where emergency vehicles cannot access certain parts of North Richmond, transporting victims to emergency services, and so on.
 - Everyday, semi-trucks and other large vehicles drive through these two streets; when they attempt to make a turn at this intersection, they spend at least 3-10 minutes doing so, because the streets are very narrow.
- **AESTHETICS-** Having a huge warehouse that borders one of North Richmond's only parks and school is not what the community wants to see everyday. This will not foster the transformation through development that we articulated in the Quality of Life report, such as traffic improvements and greening infrastructure; this proposal goes against the very vision and purpose of our recommendations to create a walkable, healthy environment to improve the wellbeing of residents..
- **SCHOOLS AND YOUTH-** Since the NRRLT began their collective journey, the residents have always grounded their recommendations around the experiences of youth and children. Residents have always inquired about the space where this proposal takes place, because it is right next to the Lucky A's North Richmond Baseball Field and the Verde Elementary School. Residents expressed a vision where this unused land could be transformed into green spaces that are accessible to families (i.e., walkways to connect school to parks, urban forests, etc), especially because families and children at Verde Elementary School have longed expressed a current lack of green spaces. Hundreds of vehicles, trucks, and trailers driving in and out of three large warehouses that would be operating in the same area as this school would cause significant negative impacts to the environment, health, and well-being of the youth of North Richmond.
- **CONSTRUCTION AND DETOURS-** Multi-street construction projects would significantly affect the day-to-day lives of residents, and anyone traveling to or from

Public Comment letter, written by Healthy Richmond staff and North Richmond Resident Leadership Team, for: "Proposed *Centerpoint* North Richmond Warehouse Project" (Development Plan Permit; County File Number: DP18-3007)



North Richmond. This is evident by the impact of the current construction happening on Fred Jackson Way. In the event that two or more construction projects happen simultaneously, it would only exacerbate residents' sentiments towards the impact it will have on transportation.

Given the history of North Richmond and the health burdens such as high asthma rates that have sustained over generations, we hope that future development decisions will assist the community in transforming the neighborhood from a "community of concern" to a healthy environment that spurs small business development and greening infrastructure to assist in climate resiliency. We also ask that the Department of Conservation and Development explore and report on any "community benefits" that this project may have for residents of North Richmond.

Sincerely,
North Richmond Resident Leadership Team
Healthy Richmond
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Richmond, CA 94801
healthyrichmondbhc@gmail.com
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January 30, 2020

Mr. Francisco Avila
Senior Planner
Contra Costa County, Department of Conservation & Development
Community Development Division
30 Muir Road
Martinez, CA 94553

RE: Notice of Preparation for the Centerpoint North Richmond Warehouse Project (SCH
2019110003)

Dear Mr. Avila:

Thank you for the opportunity to provide comments on Contra Costa County's Notice of Preparation (NOP) for the Centerpoint North Richmond Warehouse Project (Project) in the unincorporated community of North Richmond. The NOP indicates that the County seeks comments regarding environmental concerns from the implementation of the proposed project. Given the Project's setting in a community of color that already suffers some of the worst pollution in the State, we submit these comments for the County's consideration as it prepares the draft environmental impact report (EIR).¹

I. THE PROJECT SITE IS SURROUNDED BY SENSITIVE RECEPTORS ALREADY EXPOSED TO SIGNIFICANT POLLUTION BURDENS.

The Project consists of the construction of three warehouse buildings, totaling 555,537 square feet, to be built next to a park and elementary school. Beyond those sensitive receptors to the south is a disadvantaged neighborhood that already suffers from multiple sources of pollution.

Based on the tentative parcel map, it appears the Project will have 72 dock doors for trucks to load and unload. The Project will pave 438 parking spots for cars and 266 parking spots for truck trailers. While the NOP does not say, warehouse projects typically operate 24 hours a day, seven days a week. The NOP also does not disclose whether the facilities will

¹ The Attorney General submits these comments pursuant to his independent power and duty to protect the environment and natural resources of the State. (*See* Cal. Const., art. V, § 13; Gov. Code, §§ 12511, 12600-12; *D'Amico v. Bd. of Medical Examiners* (1974) 11 Cal.3d 1, 14-15.)

include refrigerated uses. Cold storage warehouses require diesel trucks with transport refrigeration units (TRUs), which emit significantly higher levels of toxic diesel particulate matter (PM), nitrogen oxides (NO_x), and greenhouse gas emissions than trucks without TRUs.

The Project is located on the southeast corner of Fred Jackson Way and Brookside Drive in North Richmond. North of the Project site is Urban Tilth, a three-acre urban farm that teaches youth and community members to grow food, and then distributes the produce to members of the community. To the south, the site borders the North Richmond Ballpark, Verde Elementary School,² and a Head Start Preschool. Further south is residential neighborhood full of single- and multi-family homes, as well as several places of worship. According to the 2017 American Community Survey, 513 individuals live within approximately 1,000 feet of the site, 95 percent of whom are people of color.³ Of those nearby residents, a significant number (36 percent) are children.⁴

This community already is exposed to significant pollution in the surrounding area, including a hazardous waste facility, landfill, railroad tracks, and the Chevron Richmond Refinery. According to CalEnviroScreen 3.0, CalEPA's screening tool that ranks each census tract in the state for pollution and vulnerability, the Project's census tract ranks worse than 94 percent of the rest of the state for pollution burden and worse than 77 percent of the state for population vulnerability.⁵ This census tract is in the 84th percentile for diesel pollution and in the top ten percent for exposure to hazardous waste, cleanup sites, solid wastes, impaired water, and groundwater threats.

Residents of this census tract are in the 100th percentile for asthma rates. In 2017, this zip code had more than double the state's average age-adjusted hospital emergency department visit rate for asthma attacks.⁶ Children are more vulnerable to the health effects of pollution and this Project would further add to the environmental and health problems faced by the families that live in the area.

² Verde Elementary is composed predominantly of low-income students of color. Its 328 students are 99% people of color and 97% free/reduced lunch eligible. (*National Center for Education Statistics*, <https://nces.ed.gov/ccd/schoolsearch/>, last visited Dec. 9, 2019.)

³ *Environmental Protection Agency*, EJSCREEN, <<https://ejscreen.epa.gov/mapper/demogreportpdf.aspx?report=acs2017>> (as of Dec. 12, 2019). The nearby residents of color are predominantly Latinx (65%) and African American (24%).

⁴ By comparison, in 2018, 22.4 percent of the national population was under 18 years of age. *U.S. Census*, <https://www.census.gov/quickfacts/fact/table/US/PST045218>.

⁵ CalEPA, *CalEnviroScreen 3.0*, <<https://oehha.ca.gov/calenviroscreen>> (as of January 16, 2020).

⁶ *California Health & Human Services Agency Open Data*, Asthma ED Visit Rates by ZIP Code, <https://data.chhs.ca.gov/dataset/34f3464e-b2eb-4f74-9ef9-f378711aa0f5/resource/5b9309d9-5680-4970-85a6-804cce466040/download/asthmaedvisitrates-by-zipcode-2009-2012to2017-ca-cdph.xlsx> (as of Dec. 12, 2019).

The Bay Area fails to meet federal and state attainment standards for ozone, PM₁₀, and PM_{2.5}.⁷ North Richmond is part of a community the California Air Resources Board (CARB) has selected for a community air monitoring program pursuant to Assembly Bill 617. AB 617 communities are selected based on their high cumulative exposure burdens for toxic air contaminants and criteria air pollutants. One of the Richmond community's air monitoring sensors is located near the Project at the North Richmond Ballpark, where residents come to play baseball, softball, and soccer.

II. THE COUNTY MUST COMPREHENSIVELY EVALUATE THE PROJECT'S ENVIRONMENTAL IMPACTS, INCLUDING CUMULATIVE IMPACTS ON SENSITIVE RECEPTORS.

The purpose of CEQA is to ensure that a lead agency fully evaluates, discloses, and, whenever feasible, mitigates a project's significant environmental effects.⁸ An EIR serves as an "informational document" that informs the public and decisionmakers of the significant environmental effects of a project and ways in which those effects can be minimized.⁹ CEQA requires an EIR to include "enough detail 'to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.'"¹⁰ In the context of air quality analysis, an EIR must "make[] a reasonable effort to substantively connect a project's air quality impacts to likely health consequences."¹¹

Here, the County provides that the Project applicant seeks approval of a Development Plan that includes consolidation of 20 parcels into three larger parcels; demolition of existing improvements on the site; construction of three tilt-up warehouse buildings totaling 555,537 square feet; paving for 438 auto parking spaces and 266 trailer parking spaces; removal of eight trees; grading of approximately 168,000 cubic yards (37,000 cut and 131,000 fill); and soil remediation due to the site's previous agricultural uses.¹²

The County's EIR should analyze the full environmental impacts of the Project, which will add a considerable number of diesel truck trips, and their attendant air pollution, to this already overburdened area. That includes the Project's impact on the sensitive receptors that surround the Project to the north and south who already suffer the health impacts of environmental pollution.¹³ The area is a non-attainment area for ozone and particulate matter

⁷ Bay Area Air Quality Management District, *Air Quality Standards and Attainment Status*, <<https://www.baaqmd.gov/about-air-quality/research-and-data/air-quality-standards-and-attainment-status>> (as of Jan. 16, 2020).

⁸ Pub. Resources Code, §§ 21000–21002.1.

⁹ CEQA Guidelines, § 15121, subd. (a).

¹⁰ *Sierra Club v. County of Fresno [Friant Ranch]* (2018) 6 Cal.5th 502, 516.

¹¹ *Ibid.* at p. 510.

¹² NOP at pp. 1–2.

¹³ Because sensitive receptors are uniquely vulnerable to the health effects of environmental damage, CARB recommends 1,000 feet separation between sensitive receptors and distribution

and Project operations will likely increase emissions of those pollutants. Additionally, the neighborhood around the Project already has one of the worst asthma rates in the state—adding additional air pollutants will contribute to this problem.

The County also must sufficiently relate pollutant data to specific adverse human health effects in the Project's EIR. In *Friant Ranch*, the California Supreme Court found a project's air quality impact analysis to be inadequate under CEQA because its "general description of symptoms that are associated with exposure" "fail[ed] to indicate the concentrations at which such pollutants would trigger the identified symptoms" and did not provide the public with an "idea of the health consequences that result when more pollutants are added to a nonattainment basin."¹⁴ The Project's EIR can avoid this problem by detailing the existing conditions and projecting the impact that additional pollution will have on the community.

For instance, studies have shown that increases in near-roadway air pollution are associated with reduced lung function in non-asthmatic children.¹⁵ Exposure may be particularly harmful during the first year of life, resulting in decreased lung function into adolescence.¹⁶ Increased NO_x emissions are also associated with an increased risk of developing asthma.¹⁷ Human health is not the only potential impact from Project-generated air emissions. Chronic exposure to air pollution may negatively influence children's cognitive processing and memory.¹⁸ Since the Project seeks to build next to an elementary school, park, and preschool, in an area with a high percentage of children, the EIR should account for the Project's cumulative impacts on the community.

centers or other land uses that would generate more than 100 trucks per day. (California Air Resources Board, *Air Quality and Land Use Handbook: A Community Health Perspective* (April 2005) ("CARB Handbook"), p. 4.)

¹⁴ *Friant Ranch*, *supra*, 6 Cal.5th at p. 519.

¹⁵ Urman, et al., *Associations of Children's Lung Function with Ambient Air Pollution: Joint Effects of Regional and Near-Roadway Pollutants* (2014) 69 *Thorax* 540, 546; Chen, et al., *Chronic Effects of Air Pollution On Respiratory Health in Southern California Children: Findings from The Southern California Children's Health Study* (2015) 7 *Journal of Thoracic Disease* 46, 49.

¹⁶ Schultz, et al., *Early-Life Exposure to Traffic-Related Air Pollution and Lung Function in Adolescence* (2016) 193 *American Journal of Respiratory and Critical Care Medicine* 171, 174–75; Usemann, et al., *Exposure to Moderate Air Pollution and Associations with Lung Function at School-Age: A Birth Cohort Study* (2019) 126 *Environment International* 682, 688.

¹⁷ Gauderman, et. al., *Childhood Asthma And Exposure To Traffic And Nitrogen Dioxide* (2005) 16 *Epidemiology* 737, 742; Nishimura, et al., *Early-Life Air Pollution and Asthma Risk in Minority Children. The GALA II and SAGE II Studies* (2013) 188 *American Journal of Respiratory and Critical Care Medicine* 309, 312.

¹⁸ Grineski, et al., *Hazardous Air Pollutants Are Associated With Worse Performance In Reading, Math, And Science Among US Primary Schoolchildren* (2019) *Environmental Research* 108925.

III. THE COUNTY SHOULD CONSIDER ALL FEASIBLE MEASURES TO MITIGATE ANY POTENTIALLY SIGNIFICANT PROJECT IMPACTS

CEQA requires a lead agency to adopt all feasible mitigation measures that minimize the significant environmental impacts of a project.¹⁹ The lead agency is expected to develop mitigation in an open public process,²⁰ and mitigation measures must be fully enforceable and nondeferrable.²¹ To the extent the EIR determines the Project will have significant environmental impacts—especially any affecting sensitive receptors—the County should consider robust mitigation measures to avoid or limit those impacts.

For example, possible air quality mitigation measures²² could include:

- Requiring buffer zones of at least 1,000 feet between warehouses and sensitive receptors;
- Ensuring that operations of diesel trucks or equipment on site are as far from sensitive receptors as possible;
- Limiting operation and construction days and times;
- Establishing and enforcing truck routes that avoid sensitive receptors;
- Requiring special consideration and mitigation for warehouses with cold storage capability, including requiring the use of zero-emission or all-electric, plug-in capable TRUs;
- Establishing fleet requirements for warehouse tenants and carriers serving tenants, such as requiring the exclusive use of zero-emission delivery trucks and vans and requiring any Class 8 trucks entering the site use zero-emissions technology or meet CARB's lowest optional NO_x emissions standard;
- Requiring installation of indoor air filtration at nearby schools (at minimum, Verde Elementary School) and residences;
- Requiring installation of indoor air filtration and climate control at the warehouse to reduce-impacts on workers;
- Requiring electric vehicle charging infrastructure for both cars and trucks necessary to support zero-emission vehicles and equipment on site;
- Requiring all trucks and trailers entering the site be in compliance with all current air quality regulations;
- Requiring and enforcing no idling policies;
- Requiring the use of electric-powered yard equipment onsite;
- Requiring that all construction equipment meet Tier 4 emission standards;

¹⁹ Pub. Resources Code, § 21100, subd. (b)(3).

²⁰ *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 93.

²¹ CEQA Guidelines, § 15126.4

²² For more in-depth information about potential air quality mitigation measures near high volume roadways, see CARB's Technical Advisory on the topic and, more generally, the CARB Handbook, which offers more mitigation ideas. Both are available at <https://www.arb.ca.gov/ch/landuse.htm>. The mitigation measures included here are focused on air quality; however, additional mitigation measures may be necessary for traffic, noise, or other significant impacts.

- Constructing new or improved transit stops, sidewalks, bicycle lanes, crosswalks, and traffic control or traffic safety measures, such as speed bumps or speed limits;
- Improving vegetation and tree canopy for community members in and around the Project site;
- Requiring methods to reduce employee vehicle traffic, such as van shuttles, transit and carpool incentives, and bicycle parking and facilities for employees;
- Requiring installation of solar panels with backup energy storage on each building roof area with a capacity that matches the maximum allowed for distributed solar connections to the grid;
- Adhering to California green building standards; and
- Constructing the warehouse to meet Leadership in Energy and Environmental Design standards.

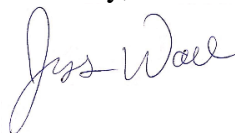
Mitigation measures like these have been adopted by similar projects throughout California. The Attorney General's Office would be happy to provide any assistance it can as the County considers how best to mitigate the Project's environmental impacts.

IV. CONCLUSION

This Project's EIR affords the County the opportunity to serve its constituents by transparently evaluating, disclosing, and mitigating the environmental impacts of this proposed Project. When implemented well, CEQA builds public trust and promotes sustainable development that will serve the local community for years to come. The Project could result in a large expansion of industrial uses in North Richmond, along with those uses' environmental impacts. The County is correct that a project of this size and potential impacts necessitates an EIR. In drafting the EIR, we urge the County to evaluate the Project's impacts comprehensively, particularly those affecting the many nearby sensitive receptors. CEQA entitles this already-overburdened community to full disclosure and mitigation of the environmental impacts of the Project prior to its approval.

Please do not hesitate to contact me if you have any questions or would like to discuss these issues further.

Sincerely,



JESSICA WALL
Deputy Attorney General

For XAVIER BECERRA
Attorney General

Appendix:



**Satellite Image of Project Area with Blueprint of Proposed Warehouses,
with Sensitive Receptors Highlighted in Green**

December 16, 2019- Scoping Session 3:30 p.m.

Item 2a:

Centerpoint Properties LLC DP18-3007 & MS19-0009

Ann Abrerell ??- 18 year resident of Richmond. So I'm here first as a concerned resident, my 2nd capacity is that I'm a member of Healthy Richmond. The quality access, the access to quality healthcare committee. There are two things I wanted to point out in the information that was sent. First there is no, nothing new to us knowing the asthma and that air quality in Richmond. They increased asthma issues with the air quality in Richmond that is nothing new. It's been going on for a very, very long time. Children are being affected, families are being affected. There are many reports that are public notice that talk about the air quality, specifically about asthma there in the report or in the scoping the developer mentions air quality activities and on- going business operations would cause a temporary/permanent increase in emissions of criteria pollutions and greenhouse gases. The heightened concern, the concern period is temporary but the heighten concern is that in the scope the word permanent is used. The use of that word translates to the community as saying this construction and new development can cause a perminate air quality issue. I'm not quite sure that any develop, I'm hoping that this county would really pay close attention to any development that says there will be a permeate air issue that could cause death that can increase health dispraises. There's already health and inequities we know about them in Richmond. There are reports that the CC health services that are all on line and that could be read about, There is no secret to what's been going on in Richmond in many, many years. The second thing that's not in the report. There is no allude to it. Is any community benefit might come a little bit down the road. Very curious why nothing in **** has been mentioned. Not to say that it replaces any of the other issues, but there is nothing about the community benefit. If there were, it will be great to see if you are going to propose a temporary or permanent air quality issue at the bare minimum can there be community benefits in the area of health that can cover a lot of the health disparities that are going to happen as a result of this build.

Jay Berrington (sp)- I represent Ghilotti brothers. We are the adjacent land owners, just on the other side of Fred Jackson Parkway at 180 Brookside and we have ** construction yard that's been there for many years and we are really pleased with this project and what it does to the neighborhood, how it's laid out and just the overall improvements to the neighborhood. We are very much in support of it.

December 16, 2019 – Scoping Session 3:30 p.m.

Item 2b

Scannell Properties LLC DP17-3045

Matt Henderson - My name is Matt Henderson I'm a representative from Scannell Properties and I'm just making a comment that I was looking at the request for approval bullet points here of various things parking insight and improvement annexations. I just wanted to make a comment that we should maybe consider including a lot line adjustment as part of the project as we will be moving some of the lot line parcels on the properties. I wanted to make sure we included in the scope.

Ann Abreerell ??: My comments remain the same with this project in terms of the huge concern with the air quality and emission that will happen. I do understand a lot of this will come out in the ER for both projects but a lot what the major concern is the kind of the blankness of the statement of yes there will be and there is just kind of just saying yep there is going to be some air quality issues and keep going. Its amazing how that tremendous health and equity is just so pushed to the side and when these constructions yes we need housing, yes we need new development but yes we want people to live. We don't want them passing by the way side for the sake of a new building. So yet again my same comments around the air quality can already many, many, reports right now even through the bay area air quality air management district in SF that talks about the issues in Richmond.