



## Department of Conservation and Development

### County Planning Commission

**Wednesday, March 14, 2018 – 7:00 .P.M.**

#### **STAFF REPORT**

**Agenda Item # \_\_\_\_\_**

<b>Project Title:</b>	500 Pittsburg Avenue, Richmond – Warehouse Distribution Facility
<b>County File #'s:</b>	GP14-0003 and DP14-3041
<b>Applicant:</b>	Panattoni Development Company
<b>Owners:</b>	Redus EL, LLC
<b>Zoning/General Plan:</b>	North Richmond Planned Unit District (P-1) / Multiple-Family Residential-Medium Density (MM)
<b>Project Location:</b>	500 Pittsburg Avenue, Richmond APN's: 408-180-010 and 408-170-072
<b>California Environmental Quality Act (CEQA) Status:</b>	A Mitigated Negative Declaration (MND) indicating no significant environmental impacts has been prepared for the project.
<b>Project Planner:</b>	Francisco Avila, Senior Planner (925) 674-7801
<b>Staff Recommendation:</b>	Staff recommends the County Planning Commission approve the project subject to the attached findings and recommended conditions of approval. (See Section II for Complete Recommendation)

#### **I. PROJECT SUMMARY**

The applicant is requesting approval of a General Plan Amendment and Development Plan for the purposes of constructing and operating a 482,055-square-foot warehouse distribution facility. Grading will result in 244,238 cubic yards of earth movement (4,932 net import). The project also includes off-site roadway improvements, levee improvements and a General Plan amendment request to change the site's current Multiple-Family Residential-Medium Density designation to Business Park.

## **II. RECOMMENDATION**

Staff recommends that the County Planning Commission:

- A. FIND that on the basis of the whole record before the County that there is no substantial evidence the project will have a significant effect on the environment and that the January 8, 2018, Mitigated Negative Declaration prepared for the project reflects the County's independent judgment and analysis;
- B. ADOPT the January 8, 2018, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for the project;
- C. APPROVE the Development Plan, per the plans date received May 25, 2017, by the Department of Conservation and Development.
- D. ADOPT a motion recommending that the Board of Supervisors:
  - 1. FIND that on the basis of the whole record before the County that there is no substantial evidence the project will have a significant effect on the environmental and that the January 8, 2018, Mitigated Negative Declaration prepared for the project reflects the County's independent judgment and analysis;
  - 2. ADOPT the January 8, 2018, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for the project; and
  - 3. APPROVE the General Plan Amendment from Multiple-Family Residential-Medium Density to Business Park.

## **III. GENERAL INFORMATION**

- A. General Plan: The subject property is located within a Multiple-Family Residential-Medium density (MM) General Plan land use designation.
- B. Zoning: The subject property is located within the North Richmond Planned Unit (P-1) Zoning District.
- C. Environmental Review: In accordance with the provisions of the California Environmental Quality Act (CEQA), an initial study was prepared to determine potential environmental impacts of the project. A Mitigated Negative Declaration

(MND) was circulated for public review from January 8, 2018, to February 7, 2018. The Department of Transportation, East Bay Municipal Utility District, East Bay Regional Park District and the law offices of Adams Broadwell Joseph & Cardozo and Lozeau Drury all provided comments during the notification period. A complete summarization of public comments and staff's response is included in Section VII D. below.

D. Relevant Entitlements Involving the Subject Property:

1. **County File #SD10-9293 and DP10-3038:** On May 22, 2012, the County Planning Commission approved a previous vesting tentative map and development plan to allow a subdivision of the subject 29 acres into 240 residential units.
2. **County File #GP04-0008, DP05-3024 and SD05-8938:** The Board of Supervisors approved these applications in 2007 which allowed the following: change of land use designation from Heavy/Light Industry to the current Multiple-Family Residential-Medium Density land use designation, Final Development plan and subdivision of the subject parcels to include 370 living units.
3. **County File #LP2044-74:** This land use permit was approved for a nursery operation at the subject site.

**IV. SITE /AREA DESCRIPTION**

The project site is located on the southeast corner of the Richmond Parkway/Pittsburgh Avenue intersection in the unincorporated North Richmond area. This area along Richmond Parkway, is designated by the County as the North Richmond Planned Unit District. More specifically, this area is a pocket of heavy and light industrial development that is adjacent to multiple-family neighborhoods to the south, single-family neighborhoods to the east, and more industrial uses to the north and west on the opposite side of Richmond Parkway.

The property consists of 29.5 relatively flat acres and is currently undeveloped. Previous grading activities have covered the vast majority of the site. Numerous large trees are scattered at the periphery of the property. Parcels in the vicinity range in size from 0.25-acres to over 30-acres and tend to be developed with industrial uses. The Wildcat Creek and trail are located immediately to the south.

## **V. PROPOSED PROJECT**

The applicant is requesting approval of a General Plan Amendment and Development Plan for the purposes of constructing and operating a new 482,055 square-foot warehouse distribution facility. The project includes: 1) off-street parking, 2) frontage improvements, 3) removal of 21 trees, 4) drainage improvements and 5) 244,238 cubic yards of grading (4,932 net import). An approximately 1.3-acre "Future Retail Pad" will be reserved at the northwest corner of the site.

The project also includes: off-site roadway improvements aimed at reducing cut-through semi-truck traffic in the residential portion of North Richmond, a County General Plan Amendment request to change the site's current Multiple-Family Residential-Medium Density designation to Business Park, and levee improvements along the southern edge of the property.

## **VI. AGENCY COMMENTS**

- A. Building Inspection Division:** In a memo dated April 7, 2017, Building Inspection staff indicated that the project must comply with applicable California Building Codes.
- B. Advanced Planning Section:** On June 3, 2014, Advanced Planning staff took a General Plan Amendment Study Authorization request to the Board of Supervisors (Board) for consideration. The Board approved the request which allowed County staff to further study the General Plan Amendment request as part of this application.
- C. Transportation Planning Section:** In a memo dated August 23, 2017, Transportation Planning staff indicated that the traffic analysis prepared for the project meets County requirements.
- D. Contra Costa County, Public Works Department, Application and Permit Center Floodplain Technician:** In a memo dated April 11, 2017, Public Works staff indicated that they did not have any comments on this application.
- E. Contra Costa County, Environmental Health Department:** In a letter dated September 10, 2015, Environmental Health Department staff indicated permits are required for wells and septic systems. Additionally, it was indicated that a large amount of solid material has been illegally disposed on the property that should be taken to an approved site for recycling or disposal.

- F. Contra Costa County, Environmental Health Department, Hazardous Materials Division:** In an email dated November 6, 2014, Health Services staff indicated that they do not have any concerns with this application.
- G. Contra Costa County, Public Works Department, Traffic Division:** Traffic Division staff provided joint comments with the Department of Conservation and Development, Transportation Planning Section, indicating that the traffic analysis prepared for the project meets County requirements.
- H. Contra Costa County, Public Works Department, Engineering Services:** In a memo dated October 18, 2017, Public Works staff provided their recommended conditions of approval for the project. Those conditions have been added as conditions number 35 through 69.
- I. Contra Costa County, Flood Control District (Flood Control):** Flood Control staff provided joint comments with the Contra Costa County, Public Works Department and provided their recommended conditions of approval as part of a memo dated October 18, 2017.
- J. Contra Costa County, Fire Protection District (Fire District):** Fire District staff submitted a letter dated April 5, 2017, indicating that the project must comply with the applicable Fire and Building codes.
- K. West County Wastewater District (WCWD):** In a letter dated December 29, 2016, WCWD staff indicated that sanitary sewer mains within Pittsburg Avenue are planned to be upgraded by January 2019. WCWD staff also indicated that the project sponsor shall be responsible for any further upgrades of the system if determined necessary by the WCWD.
- L. East Bay Municipal Utility District (EBMUD):** In a memo dated December 13, 2016, EBMUD staff indicated that a main extension, at the project sponsor's expense, may be required depending on EBMUD metering requirements and fire flow requirements set by the local fire department.
- M. City of Richmond:** In a memo dated December 4, 2014, City of Richmond staff indicates that they do not support the project. Points of opposition include the project's close proximity to residents and Wildcat Creek to the south. Staff acknowledges these concerns, however, mitigation measures have been adopted for the project, which once implemented will reduce potential impacts to surrounding land uses to less-than-significant levels.

- N. West Contra Costa Unified School District (District):** District staff did not return agency comments on this application.
- O. East Bay Regional Park District (EBRPD):** In a letter dated, November 19, 2014, EBRPD staff recommends that the project be carefully analyzed with respect to potential impacts of the project on adjacent Wildcat Creek Trail uses.
- P. North Richmond Municipal Advisory Council (NRMAC):** According to the NRMAC minutes for their Thursday, April 2, 2015, meeting, the proposed project was recommended for approval. The approval included a request that the developer include a retail portion to the project. The applicant has responded by identifying a 1.3 acre portion of the project site that will be reserved for retail uses such as a gas station and/or mini-mart.
- Q. California Historical Resources Information System (CHRIS):** In a letter dated November 5, 2014, CHRIS staff indicated that study #29697, performed by McKale in 2005 covered 100% of the site. Therefore, CHRIS staff does not recommend additional studies at this site as there is a low possibility of containing unrecorded archaeological sites.
- R. California, Department of Fish and Wildlife:** In a letter dated November 7, 2014, Department of Fish and Wildlife staff requested a complete assessment of the habitats, flora and fauna within and adjacent to the project area, including endangered, threatened, and locally unique species and sensitive habitats. A complete biological assessment has been completed for this project and mitigation measures have been adopted to ensure that impacts to wildlife are reduced to less-than-significant levels.
- S. Trail Action Committee (TRAC):** In an email dated November 2, 2016, TRAC staff recommended that the project include a Class I bi-directional multi-use trail along the western frontage of the project. Staff acknowledges TRAC's comment, however, the project does not include any frontage improvements along the Richmond Parkway. Pedestrian access to nearby trails etc. are provided by an existing sidewalk along the western side of the Richmond Parkway. The East Bay Regional Parks District (EBRPD) has indicated that a pedestrian bridge may be built at some time in the future crossing the Richmond Parkway. The bridge will improve pedestrian access from the Wildcat Trail to the Wildcat Marsh Staging area. The applicant has committed to providing a 15-foot wide pedestrian bridge easement on the southern portion of the project site. This easement is reflected on the proposed site plan and will provide EBRPD an opportunity to construct a pedestrian bridge in the future.

## **VII. STAFF DISCUSSION/ANALYSIS**

- A. Appropriateness of Use: The proposed project includes the construction of a warehouse distribution facility totaling 482,055 square feet in area. Although no tenant has been identified for site, it is anticipated that due to the proposed Business Park General Plan land use designation, one or more of the following uses would occupy the site: warehousing, distribution, trucking yard, packaging, and or product development/training. Either of these uses would be appropriate for the site as the surrounding properties are developed with similar industrial operations that involve: manufacturing, chemical processing, warehouse distribution and heavy equipment maintenance services. Future development of any nearby vacant land is also anticipated to be consistent with the project as this portion of North Richmond consists primarily of industrial land use designations.

The site plan also indicates that an approximately 1-acre portion of the site is reserved for "Future Retail". It is anticipated that this retail portion of the project will include a gas station and separate retail building such as a mini-mart. A gas station would utilize underground fuel storage tanks and car wash related chemicals. Typically, gas station fuel systems consist of double wall fiberglass storage tanks with large volumes in excess of 40,000 gallons. Fuel dispensers and underground piping would also be double walled and include a monitoring and automatic cutoff system. All of these detailed project elements are regulated by California codes which are typically more stringent than Federal standards. Given required compliance with the applicable regulations, it is expected that the overall project will represent minimal risk of exposure to the public within the general area. The nearest sensitive receptors would be the Verde Elementary school which is located approximately 1/3 of a mile to the east and a single-family residential community located approximately 1,500 feet to the south across Wild Cat Creek. The distance between the project site and school/residences is anticipated to lessen any potential impacts the project would have on the occupants. Therefore, given that the vast majority of surrounding properties have been developed with similar developments and there are no immediately adjacent land uses which would be incompatible with the proposed use of the site, the proposal will be an appropriate use for the subject location.

- B. General Plan Amendment Request (GPA): The subject property currently has a General Plan land use designation of Multiple-Family Residential-Medium Density. This designation was approved for the site by the Board of Supervisors in 2004 as part of the previous residential entitlements. This designation is not compatible with the proposed uses, therefore, the applicant is proposing to change the designation to Business Park (BP), pursuant to GPA Study approved by the Board of Supervisors on June 3, 2014. The BP designation allows for a mix of commercial, office, and light

industrial uses which, by the high quality of their development and the nature of their operations, can be compatible with adjacent commercial and residential uses. In addition, smaller commercial establishments which serve on-site employees such as business services and local-serving retail uses are allowed with certain limitations as described in the table below:

	<u>Maximum allowed</u>	<u>Proposed</u>
<u>Site Coverage:</u>	40%	40%
<u>Building Height:</u>	60 feet	40 feet
<u>Floor Area Ratio:</u>	1.5	0.40
<u>Employees per gross acre:</u>	100	10

Despite complying with the general development standards for the proposed BP designation, staff is supporting this GPA request for multiple reasons. First, the surrounding area is currently developed with similar uses, which suggests that the project will not create any unnecessary impacts, such as noise and traffic compared to comparable uses in the immediate vicinity. Secondly, the project site is located immediately adjacent to the Richmond Parkway that offers convenient transportation for new employees and business related traffic. Thirdly, this portion of North Richmond is transitioning with several similar projects being proposed in the immediate vicinity. Collectively, these projects will be required to provide needed infrastructure improvements to an area that has historically been underdeveloped, along with providing many needed employment opportunities for area residents.

Lastly, staff is supporting the GPA request based on the developer's willingness to construct new right-of-way improvements within the North Richmond neighborhood that would discourage semi-trucks from traveling through the residential area south of Wildcat Creek. With these improvements, it is expected that many semi-truck trips will be eliminated from the residential North Richmond community, which will in-turn improve safety and the overall health of the community. Therefore, based on all the points raised above, the proposed GPA from MM to BP is an appropriate land use designation for the site.

- C. Consistency With North Richmond P-1 Development Standards: The subject property is within the North Richmond Planned Unit Zoning District (P-1). According to the P-1 development standards (light industrial), new warehouse/distribution facilities in excess of 10,000 square feet in area are allowable upon the review and approval of a Development Plan permit. Building designs should be harmonious in mass, scale, color and textures with nearby structures. The applicant has accomplished this by providing ample architectural treatments along the property frontage and a mix of colors to



break-up monolithic facades. The project's compliance with all setback, height and landscaping requirements is demonstrated within the table below:

	<u>Minimum Required</u>	<u>Proposed</u>
<u>Minimum Lot Area:</u>	7,500 square feet	29 acres
<u>Max Building Height:</u>	50 feet	40 feet
<u>Front setback:</u>	10 feet	235 feet
<u>Setback from Parkway:</u>	50 feet	222 feet
<u>Required Parking Spaces:</u>	521	534
<u>Minimum Landscape Space:</u>	10%	17%

Therefore, given that the project meets or exceeds all required development standards; the project is consistent with the North Richmond P-1.

- D. Environmental Review: In accordance with the state *Guidelines for Implementation of the California Environmental Quality Act (CEQA)*, an initial study was prepared to determine potential environmental impacts of the proposed project. The initial study identified potentially significant impacts in the environmental areas of aesthetics, biology, greenhouse gas emissions, noise, cultural resources, transportation/traffic, air quality and geology/soils. Upon completion of the initial study, it was determined that mitigation measures could be incorporated into the project that could reduce project impacts to a less than significant level.

The Initial Study and Notice of Public Review and Notice of Intent to Adopt a Mitigated Negative Declaration was posted with the County Recorder and circulated for public review on January 8, 2018. The final day for providing comments on the adequacy of the initial study was February 7, 2018. Seven letters were received during the comment period. The comments and staff responses are as follows:

1. California, Department of Transportation (DOT): DOT staff submitted a letter dated February 7, 2018, indicating that the project should include a Transportation Demand Management (TDM) program.  
Staff Response: Staff has added Condition of Approval #32, which if approved would require the applicant to prepare a Transportation Demand Management program for the project. Additionally, the condition requires the project to comply with the County Growth Management Program and Bay Area Air Quality Management District regulations regarding transportation.
2. East Bay Municipal Utility District (EBMUD): EBMUD staff submitted a letter dated January 26, 2018, reiterating that the project sponsor will be responsible

for complying with engineering and financial requirements for installing the necessary water infrastructure for the project. The letter also indicated that EBMUD's Standard Site Assessment Report indicates the potential for contaminated soils or groundwater to be present within the project site boundaries.

Staff Response: The applicant has been made aware of the permitting requirements of EBMUD via initial agency comments gathered for this project. With respect to potential soil/groundwater contamination, the property has undergone comprehensive Phase I and Phase II reviews. The Phase I Environmental Site Assessment Report, dated July 26, 2012, prepared by Partner Engineering and Science, Inc., included a site reconnaissance as well as research and interviews with representatives of the public, property ownership, site management, and regulatory agencies. The Phase I assessment did not identify any environmental issues during the course of the assessment. The Phase I did add that future grading and soil excavation activities at the subject property may encounter undiscovered buried underground storage tanks and/or contaminated soil. Therefore, future soil excavation and removal (if any) should be conducted by licensed contractors in accordance with applicable regulations and a soil management plan may be necessary for the handling, offsite disposal and/or on-site reuse of soils.

While the Phase I assessment primarily dealt with site surface conditions, the Phase II Subsurface Investigation included a Geophysical Survey of the subject property and 11 soil borings to facilitate soil and groundwater sampling. The report concluded that there was no evidence of a significant release at the site, and that neither the groundwater nor soil tested at the site needs to be handled as hazardous waste. However, neither investigation could evaluate the entire site, therefore, staff has added Condition of Approval #33, which if approved will require that the project developer follow all precautionary recommendations of both Phase I and II reports.

3. East Bay Regional Park District (EBRPD): EBRPD staff submitted a letter dated February 7, 2018, supporting the dedication of a 15-foot wide easement along the southern edge of the property for potential future Wildcat Creek Regional Trail overcrossing of Richmond Parkway. The letter went on to request verification of the timing of the easement recordation.

Staff Response: Staff has added Condition of Approval #34, which if approved will require the property owner to provide evidence that the dedicated easement has been recorded prior to the issuance of building permits for the project.

4. Law Offices of Adams Broadwell Joseph & Cardozo (ABJ&C): The law offices of ABJ&C represent the International Brotherhood of Electrical Workers Local 180, Plumbers & Steamfitters Local 343, Sheet Metal Workers Local 104 and Sprinkler Fitters Local 483 and submitted several letters dated January 25, 2018, requesting to be noticed on all future notices regarding the project and "immediate access" to the file and all supporting documents.

Staff Response: Staff has added the law offices ABJ&C to the notification list for this project and immediately made the file available to ABJ&C staff upon receipt of their request. On February 1, 2018, ABJ&C staff visited the County and independently scanned the entire file. No other correspondence has been received from ABJ&C since that time.

5. Law Office of Lozeau Drury LLP: The law office of Lozeau Drury LLP represents the Laborers International Union of North America, Local Union 324 and submitted a letter dated February 15, 2018, requesting notification of all future actions related to the subject project.

Staff Response: Staff has added the law office of Lozeau Drury LLP to the notification list for this project.

- E. Vehicular/Truck Traffic: The project proposes to construct a warehouse building totaling 482,055 square feet, which may include up to four tenants, and a retail portion that may include a gas station and mini-mart. The project is also estimated to generate 100 or more AM or PM peak-hour trips, therefore, the applicant has contracted Fehr & Peers to prepare a Focused Transportation Impact Assessment (Report) for the project, final report dated July 2017. The Report analyzed existing conditions, project conditions, cumulative conditions and potential for increased cut-through semi-truck traffic in the residential North Richmond neighborhood. Numerous intersections have been studied in preparation of the Report, in part using traffic counts during weekday AM and PM peak hour traffic volumes.

Mitigation measures have been identified aimed at reducing any potentially significant traffic related impacts to less than significant levels. Specifically, stripping and signal light adjustments will be made to the Pittsburgh Avenue/Richmond Parkway and Goodrick Avenue/Richmond Parkway intersections. Additionally, the applicant is

required to construct truck traffic calming measures (chokers, bulbouts, etc.) within the residential portion of North Richmond to reduce semi-truck traffic and increase pedestrian safety (Mitigation Traffic-6). Lastly, the applicant has designed the ingress and egress of the project so that all exiting semi-trucks will be directed towards the Richmond Parkway (preferred truck route) and not the residential portion of North Richmond. Therefore, the project as conditioned will not cause any unacceptable traffic related impacts in the immediate vicinity or area in general.

- F. Gas Station/Retail Use – The site plan shows that an approximately 1-acre portion of the property is reserved for “Future Retail” which may include a gas station and separate retail building. According to the 2005-2020 County General Plan, the proposed BP designation allows for a mix of commercial, office, and light industrial uses which, are compatible with adjacent commercial and residential uses. Prior to construction of any gas station or retail uses on the site, the applicant will be required to submit a Development Plan application to ensure the improvements are consistent with the development standards as prescribed within the North Richmond P-1. As the project site is located immediately adjacent to the Richmond Parkway, which a heavily traveled roadway and within close proximity to established residential neighborhoods, a retail oriented component to the project is justified.

As gas stations typically store and transport large volumes of fuel which is highly combustible, there are risks associated with permitting these types of uses in any portion of the County. However, the industry is heavily regulated and transport of any fuel will be routed away from the residential portion of North Richmond similarly to all semi-truck existing the subject property. As previously mentioned, given that California codes are typically more stringent than Federal standards, the project will represent a minimal risk of exposure to the public and overall is considered a benefit to an area that is lacking in community services.

- G. Drainage: The proposed development will alter the existing drainage patterns on the site and impact drainage facilities in the area with the introduction of new impervious surface area. The County Public Works Department has reviewed the project and the preliminary Storm Water Control Plan for the project and deemed it preliminarily complete. Public Work’s recommended conditions of approval will ensure compliance with federal pollutant discharge and county storm water management regulations.

The project site is also located just north of the Wildcat Creek levee. The site receives protection from the levee because properties north of the creek are generally lower in elevation. As such, the applicant is proposing to eliminate any risk of being mapped into the Special Flood Hazard Area 100-year flood boundary by raising the elevation of the property. This elevation change will require installation of a floodwall near the

Richmond Parkway and adding of fill near the parcel to the east. It will be the applicant's responsibility to file a Letter of Map Revision with the Federal Emergency Management Agency and to obtain all necessary permits (e.g., Contra Costa County Flood Control & Conservation District and U.S. Army Corps of Engineers). Additionally, the applicant has added one drainage easement and one access easement along the levee to ensure that responsible agencies can perform maintenance when needed.

- H. Child Care Needs Assessment and Response: The purpose of a Child Care Needs Assessment is to provide information on the location and capacity of existing or proposed child care facilities and the estimated care services needs caused by the proposed project. Pre-school children are considered less than 5 years of age, while school age children are age 5 to 14. As the project will involve construction of 482,055 square feet of warehouse space, it is assumed (using a housing unit generation factor value of 0.00011 multiplied by the project's square footage) that a demand of 53.00 housing units will be generated by the project. Thus, using a United States Census Bureau, Persons per Household of 2.81, the project is anticipated to add 149 residents to the area. According to the Child Care Needs Assessment for this project, prepared by Kimley and Horn, dated January 2016, it was estimated that 20 percent of the project's new population would be school age. These children would attend schools within the West Contra Costa Unified School District. The report goes on to indicate, that the parents of pre-school age children can utilize one of eight existing child care facilities. Based on the Child Care Needs Assessment prepared for this project, it was concluded that the existing facilities in the North Richmond area will meet the future child care needs generated by the project. Therefore, additional child care facilities and services beyond the existing capacity in the North Richmond area would not be required as a result of the project.

## **VIII. CONCLUSION**

County staff has analyzed the proposed project in terms of neighborhood compatibility, environmental impact, appropriateness of use and conformance with the County General Plan and zoning code. The project will conform to all applicable development standards for the North Richmond Planned Unit District, and will add a warehouse use and associated employment opportunities in an area with high demand for this type of development.

Therefore, staff is recommending that the Planning Commission adopt the mitigated negative declaration prepared for the project, approve the Development Plan and adopt a recommendation that the Board of Supervisors, approve the General Plan Amendment from Multiple-Family Residential-Medium Density to Business Park for the site.