

CALENDAR ITEM  
C03

MINUTE ITEM  
This Calendar Item No. C03  
was approved as Minute Item  
No. 03 by the State Lands  
Commission by a vote of 3  
to 0 at its 7/6/95  
meeting.

07/06/95

PRC 7844 WP 2500.1

Burks

A 11

S 7

DREDGING LEASE

APPLICANT:

Isle Capital Corporation  
Attn: S. M. Frank, President  
535 Main Street, Suite 202  
Martinez, California 94553

LOCATION:

Tide and submerged land located in New York Slough near  
Pittsburg, Contra Costa County.

LAND USE:

Dredge a maximum of 60,000 cubic yards of dredged materials on  
a one-time basis from New York Slough near Pittsburg, Contra  
Costa County, with disposal on adjacent upland property, to  
provide mooring and material handling facilities for ships.

TERM OF PROPOSED LEASE:

Initial period:

Fourteen (14) months, beginning July 6, 1995.

Royalty: No royalty charged because project is for public  
benefit.

Consideration:

Twenty-one dollars (\$21) a month; with a minimum of \$250  
payable in advance.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

CALENDAR ITEM NO. C03 (CONT'D)

AB 884:  
N/A

**OTHER PERTINENT INFORMATION:**

1. An Environmental Impact Report (SCH 89082209) was prepared and adopted for this project by the City of Pittsburgh. The project consists of construction of a dry bulk transfer and storage marine terminal and a one-time dredging of the mooring and material handling facilities. The State Lands Commission's staff has reviewed such document.
2. Isle Capital Corporation has requested that staff recommend Commission approval of the dredging portion of the project on July 6, 1995 to meet dredging windows (June 1 thru August 31). An end-user is negotiating with Isle Capital Corporation to start operations at the proposed dry bulk transfer and storage marine terminal in December 1996 and dredging needs to be done prior to construction of the mooring facilities.
3. Staff expects to ask the Commission to consider, at the next meeting, approval of a General Lease - Industrial Use, for the proposed construction of the dry bulk transfer and storage marine terminal. At that time, would also recommend that this lease be terminated and that dredging operations, if incomplete at that time, be incorporated within the new lease.

**EXHIBITS:**

- A. Site Map
- B. Location Map
- C. Quarterly Report Form
- D. Resolution 8472
- E. Mitigation Monitoring and Reporting Program

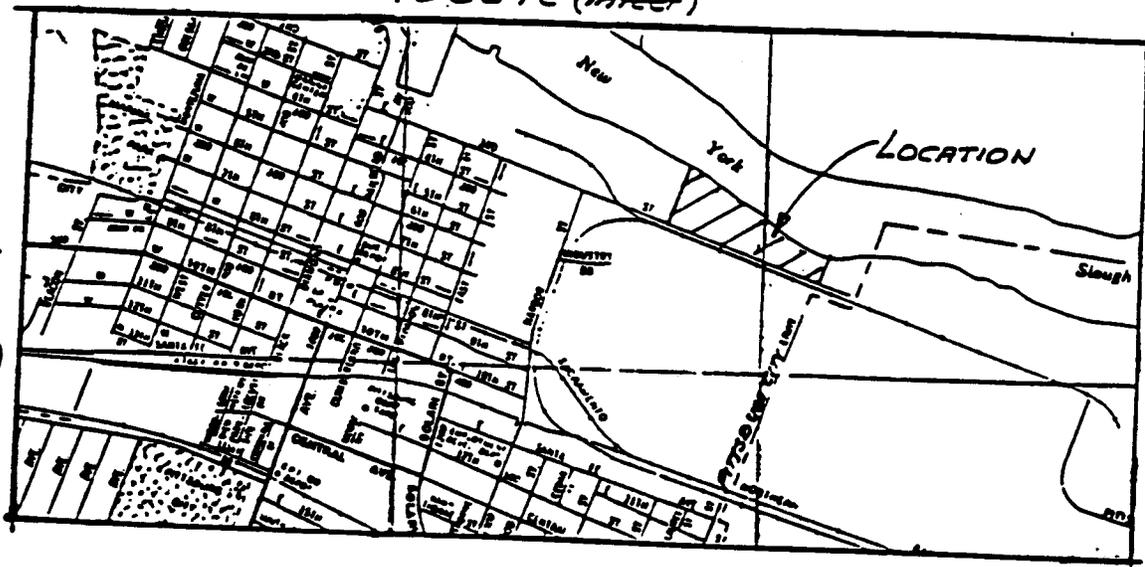
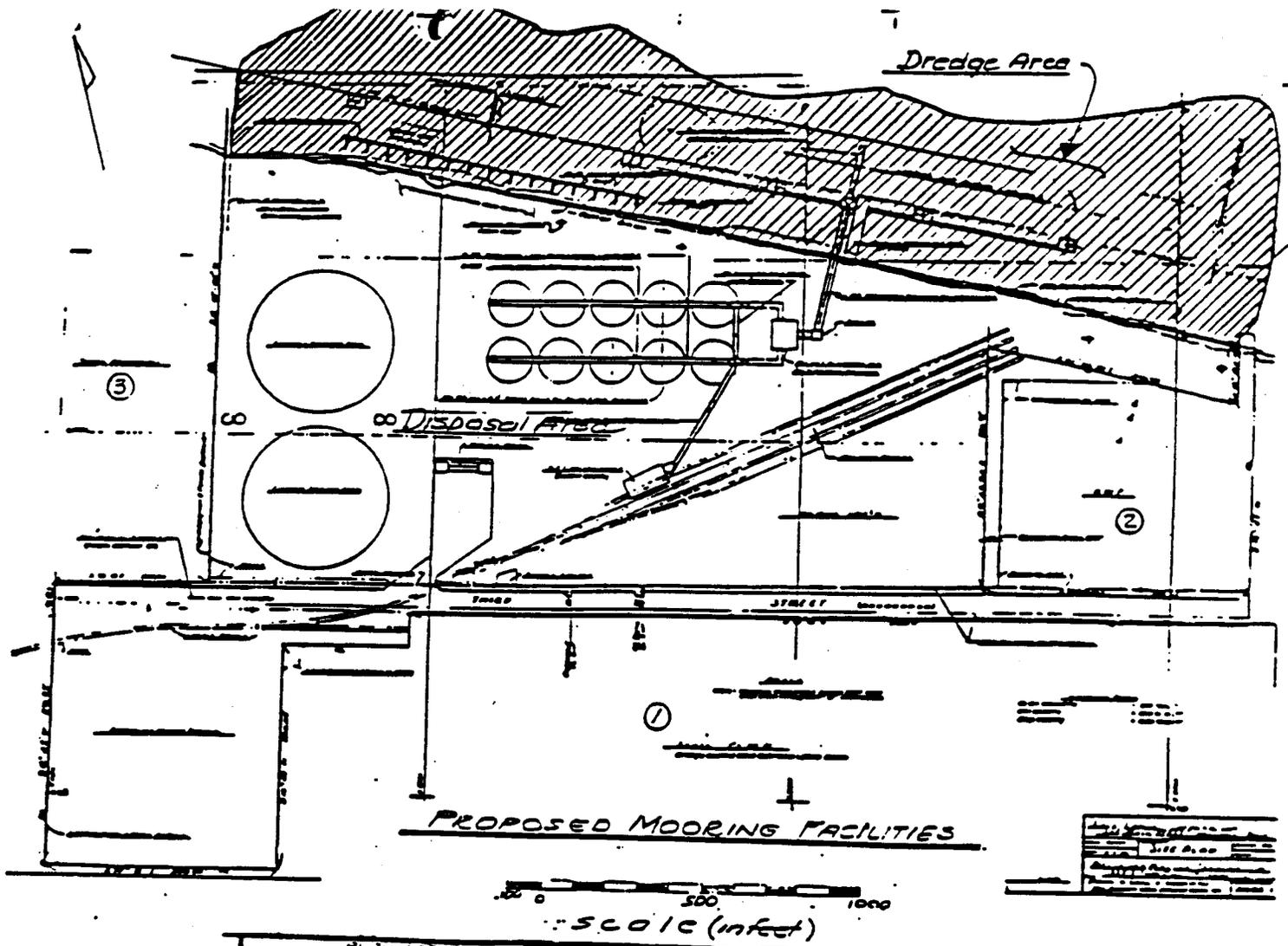
**IT IS RECOMMENDED THAT THE COMMISSION:**

1. FIND THAT THE ENVIRONMENTAL IMPACT REPORT WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE CITY OF PITTSBURG AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

CALENDAR ITEM NO. C03 (CONT'D)

2. ADOPT THE FINDINGS MADE IN CONFORMANCE WITH SECTION 15096(h) OF THE STATE CEQA GUIDELINES, AS CONTAINED IN EXHIBIT "D" ATTACHED HERETO.
3. A MITIGATION MONITORING AND REPORTING PROGRAM WAS ADOPTED BY THE CITY OF PITTSBURG AND IS ATTACHED AS EXHIBIT "E".
4. THIS ACTIVITY INVOLVES LANDS WHICH HAVE NOT BEEN IDENTIFIED AS POSSESSING SIGNIFICANT ENVIRONMENTAL VALUES PURSUANT TO P.R.C. 6370 ET SEQ. HOWEVER, THE COMMISSION HAS DECLARED THAT ALL TIDE AND SUBMERGED LANDS ARE "SIGNIFICANT" BY NATURE OF THEIR PUBLIC OWNERSHIP (AS OPPOSED TO "ENVIRONMENTALLY SIGNIFICANT"). SINCE SUCH DECLARATION OF SIGNIFICANT IS NOT BASED UPON THE REQUIREMENTS AND CRITERIA OF P.R.C. 6370, ET SEQ., USE CLASSIFICATIONS FOR SUCH LANDS HAVE NOT BEEN DESIGNATED. THEREFORE, THE FINDINGS OF THE PROJECT'S CONSISTENCY WITH THE USE CLASSIFICATION AS REQUIRED BY 2 CAL. ADM. CODE 2954 ARE NOT APPLICABLE.
5. AUTHORIZE ISSUANCE TO ISLE CAPITAL CORPORATION OF A FOURTEEN (14) MONTH DREDGING LEASE, BEGINNING JULY 6, 1995; SAID LEASE SHALL ALLOW DREDGING A MAXIMUM OF 60,000 CUBIC YARDS OF DREDGED MATERIALS ON A ONE-TIME BASIS FROM NEW YORK SLOUGH NEAR PITTSBURG, CONTRA COSTA COUNTY, WITH DISPOSAL ON UPLAND PROPERTY, TO PROVIDE MOORING AND MATERIAL HANDLING FACILITIES FOR SHIPS; IN CONSIDERATION OF \$21 PER MONTH WITH A MINIMUM OF \$250 PAYABLE IN ADVANCE; PROVISION FOR LIABILITY INSURANCE COVERAGE IN THE AMOUNT OF \$500,000; ON THE LAND DESCRIBED ON EXHIBIT "A" AND BY REFERENCE MADE A PART HEREOF.

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Map copyright by

**VICINITY MAP**

PURPOSE: To provide mooring and material handling facilities for ships  
 DATUM MLLW - 0.0

- ADJACENT PROPERTY OWNERS:
- ① USS POSCO
  - ② GWF
  - ③ ALBERT D. SEBEND CONSTRUCTION

IN Pittsburg  
 AT 695 ESCALANTE ST. PAGE 14.3  
 COUNTY OF CONTRA COSTA STATE CA 839  
 APPLICATION BY ISEC CAPITAL CORPORATION

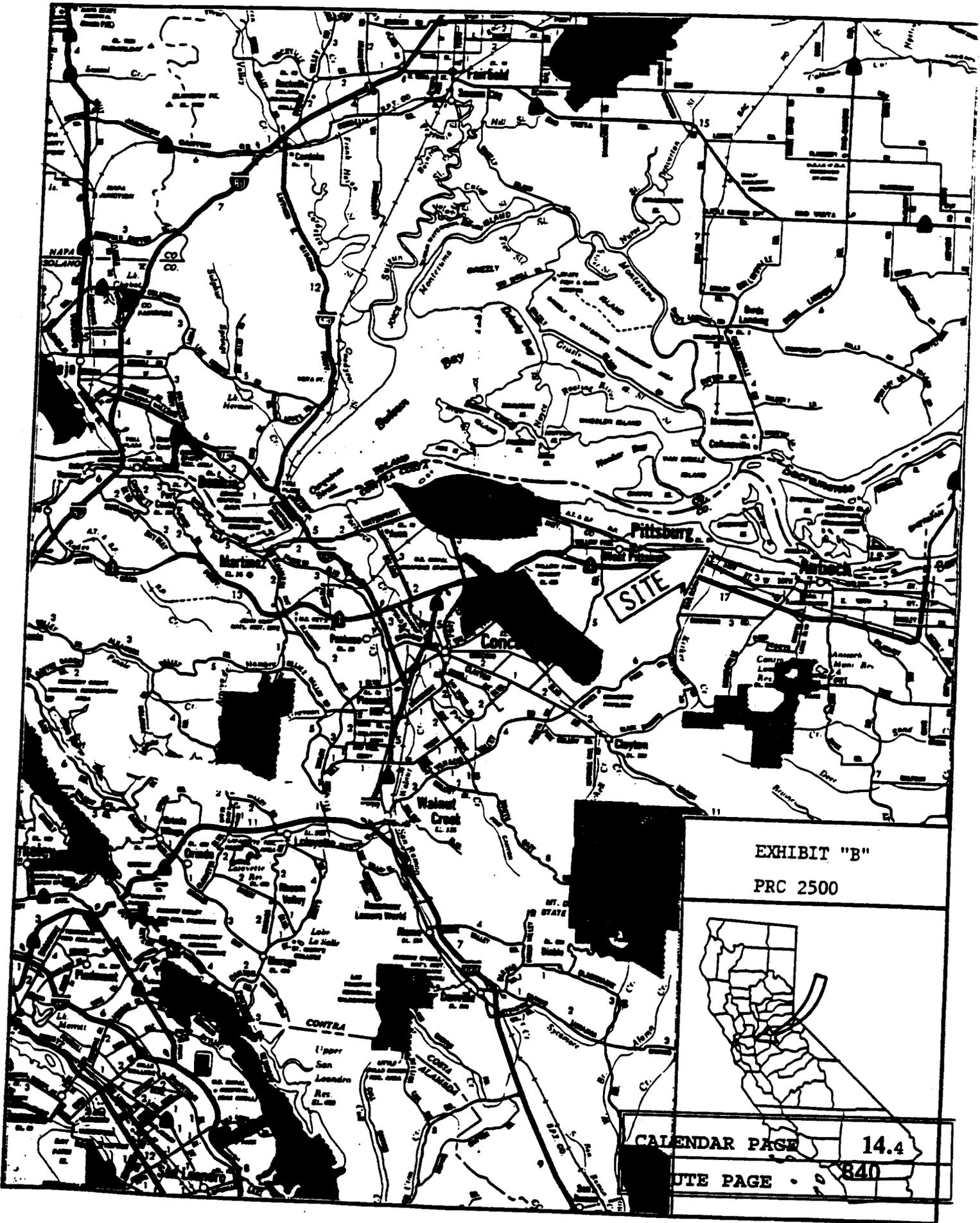


EXHIBIT "B"

PRC 2500



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ROUTE PAGE 840

EXHIBIT C

PINC No.

Permittee's Quarterly Report of Operations - Non-Commercial

Instructions: Complete and submit the white copy BEFORE the 25th of the month following the end of the Permit Quarter with Check (when appropriate) to STATE LANDS COMMISSION/1807 13th Street/Sacramento, California/95814 Attention: Accounting Unit The yellow copy is for your records.

Permittee \_\_\_\_\_

Address \_\_\_\_\_

Permit Qtr. Ending \_\_\_\_\_

19\_\_

Total Extractions For Period Above \_\_\_\_\_

Dates	Dredging/Excavation Site - Specific	Operator	Disposal Site	Type Of Material	Tons/Cubic Yards	Royalty Calculation	
						Calculation by Permittee: (quantity extracted) _____ tons or cubic yards (royalty rate) _____ \$ per ton or cubic yard e \$ _____ (royalty) _____, due and paid here.	Verification by State: _____ tons/c.y. = _____ \$ equals \$ _____
Summary						Difference: \$ _____	Additional royalty due (overpaid) _____
Month	Tons/Cubic Yards Extracted	Brief Description of Work Done During The Quarter		Tools, Machinery And Other Equipment In Serviceable Condition And On The Area Described In The Permit		Certification <i>I certify for declare/under penalty of perjury that the foregoing is true and correct and that I believe.</i>	
				Item	Days	(Signature of Permittee or Agent)	
						Title: _____	
						Dated: _____	
						At: _____	(City and State)

Do Not Write Below This Line

Amount Received \_\_\_\_\_ Date Received \_\_\_\_\_ C/R Reference \_\_\_\_\_

Calculations verified by \_\_\_\_\_ on \_\_\_\_\_

S.L.C. Reporting:  
 1.  Accounting - Sacramento  
 2.  Dredging Coordinator  
 3.  Mineral Extraction Unit

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 Prepared by \_\_\_\_\_ for Mineral Leasing Unit on \_\_\_\_\_

BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Re-certifying the Final EIR, )  
 Certifying the Addendum EIR, and )  
 Adopting the Findings of Fact )  
 and Statement of Overriding )  
 Considerations for the Environmental )  
 Effects of the HAN-LI International )  
 Marine Terminal Project )  
 U-88-36, APN 073-020-020, 073-030-007 )  
 \_\_\_\_\_ )

RESOLUTION NO. 8472

On August 12, 1988, Don Olson of HAN-LI International Group filed U-88-36 requesting a conditional use permit for a marine terminal on the 15.58 acre site located at the end of East Third Street (APN 073-020-020, 073-030-007) (the "project").

On November 27, 1990, the Planning Commission adopted Resolution No. 90-8469 certifying the Final Environmental Impact Report for the project as complete. A copy of the resolution is attached as Exhibit "A". By that resolution, the Commission directed the preparation of an Addendum EIR regarding certain changes to the project.

On January 16, 1991, the Commission held a duly noticed public hearing on the project. The Commission received and reviewed the Addendum EIR.

The Draft EIR, Final EIR and Addendum EIR are referred to collectively hereafter as the "EIR".

NOW, THEREFORE, the Planning Commission resolves as follows:

Section 1. The Planning Commission hereby certifies that it has reviewed and considered the EIR.

Section 2. The EIR indicates that certain significant environmental effects would result from approval of the project. In response to each significant effect so identified and summarized in this section, alterations have been required in, or incorporated into, the project which avoid or substantially lessen each such significant environmental effect.

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A. Planning and Policy Context

1. Significant Effect: The project is consistent with the General Plan land use designation for industrial uses on the site. However, the project will generate truck traffic on existing truck routes in significantly increased volumes, which conflicts with General Plan objectives of directing truck traffic away from residential neighborhoods.

Changes or Alterations: The Conditional Use Permit for the project is subject to several conditions of approval ("Conditions") which reduce the impact of increased truck traffic on residential neighborhoods and which bring the project into consistency with the General Plan. The applicant is required to pay an equitable share of the cost of the Master Plan study which will be conducted by the City to identify a new public street to serve as an alternate truck route ("Truck Route Bypass") which directs project traffic away from residential neighborhoods (Condition 14). The applicant is also required to participate in an assessment district for the financing and construction of the Truck Route Bypass (Condition 16). Prior to construction of the Truck Route Bypass, project truck traffic is required to be disbursed equally on two existing alternative routes (Condition 6) and both the truck traffic on any single route and the total truck traffic will be limited by the City (Condition 9.).

2. Significant Effect: Implementation of the project as proposed requires the closure of Third Street adjacent to the project site, a street which is presently designated schematically as a bikeway, pedestrian path and collector street in the General Plan Open Space and Circulation Element policies.

Changes or Alterations: The bicycle, pedestrian and collector street systems are chiefly conceptual in nature, rather than established routes. The establishment of adequate bicycle, pedestrian and street systems will be addressed as part of the Master Plan study for the waterfront industrial area. Conditions 14 and 16, respectively, require the applicant to contribute funds for the Master Plan study and the assessment district to be formed to implement necessary improvements identified in the study.

3. Significant Effect: The project creates a limited number of jobs in proportion to the size of the project site; its location in an industrial zone district is underutilized for preferred and potential labor-intensive industry.

Changes or Alterations: Condition 37 requires the applicant to use all possible efforts to work with the City's Human Resources Department for referral of unemployed Pittsburg residents for employment at the completed project. It should also be recognized that the secondary and tertiary employment (for truck, train, service and project client crews) will offset to an undetermined extent the non-labor-intensive character of the project.

B. Traffic and Circulation.

1. Significant Effect: At full buildout and operation as originally proposed, the Han-Li Terminal was to generate a maximum of 542 truck trips (271 total round trips) per day at a peak level. Traffic volumes on Harbor Street would be increased by 20 percent and truck trips would be roughly doubled (which is within the roadway capacity). Significant increases on California Avenue and the Highway 4 freeway ramps serving Railroad Avenue would also have resulted. The project would result in increased congestion (together with associated noise and air quality impacts discussed below) and traffic safety hazards, with probable negative effects on some residential neighborhoods along Harbor Street and California Avenue. Peak-hour traffic was projected to be 79 one-way vehicle trips per hour, and during the typical morning Pittsburg commute period 65 trips per hour were projected. During the average evening commute period, approximately 45 vehicle trips would be generated.

Changes or Alterations: As noted above, the City will conduct a Master Plan study which includes the identification of a Truck Route Bypass. Once constructed, this Truck Route Bypass would connect 3rd Street at the project site with the Pittsburg-Antioch highway (Highway 4) and allow truck traffic to bypass the affected residential neighborhoods. The applicant is required to contribute to the cost of the study (Condition 14) and to participate in the assessment district created to finance and construct the bypass route (Condition 16). Prior to construction of this bypass route, project truck traffic will be divided equally between two existing routes (Condition 6), as these have been defined by the City Engineer (Condition 5). Total truck traffic generated from the project site is limited during this time to 60 average daily trips (ADT) in the first year of operation, 100 ADT in the second year, and 160 ADT in the third year and thereafter until such time as the Truck Route Bypass is completed (Condition 9). Truck traffic from the project is prohibited from using the designated routes during the peak weekday commute hours (Condition 6).

2. Significant Effect: The project will add approximately 160 truck trips per day to each of two freeway ramps at Railroad Avenue and State Highway 4. This will significantly increase the congestion that already exists on the freeway entry and exit ramps, and on the route itself, particularly between Pittsburg and the Willow Pass grade.

Changes or Alterations: To substantially mitigate the impact on Highway 4, truck traffic to and from the project is not allowed on that highway between the hours of 6:30 a.m. to 8:30 a.m. and 4:00 p.m. to 6:00 p.m. (see Condition 10). This restriction on project truck traffic will continue even after completion of the Truck Route Bypass.

3. Significant Effect: The consistently large volume of heavy truck traffic generated by the project is likely to cause significant wear and tear to the pavement on the existing truck routes.

Changes or Alterations: The applicant is required to contribute to the cost of upgrading and maintaining pavement sections on the roads impacted by the project's truck traffic. Condition 16 requires the applicant to participate in the assessment district which will fund and construct the Truck Route Bypass. Until such time as that bypass route is constructed, the applicant is required to pay to the City \$38,540.00 per year (Condition 11). The first year cost is due and payable prior to commencement of operation and is due and payable each year thereafter. The money required by Condition 11 is to be used specifically for the maintenance and improvement of roads impacted by project truck traffic. The applicant is also required to repave East Third Street between the project site and Harbor Street prior to the operation of the plant (Condition 7). In addition, the applicant is required to dedicate land for, and construct, certain other roadway improvements (Conditions 13 and 17).

4. Significant Effect: The truck traffic generated by the project will exacerbate the problems created by wide-turning trucks with respect to the corner radii at several intersections, particularly at Harbor Street and California Avenue and at California Avenue and Railroad Avenue.

Changes or Alterations: Prior to operation of the project, the applicant is required by Condition 8 to fund (at its expense) the design and construction of proper curb turning radii at the intersections of Harbor Street and East 10th Street, Harbor Street and California Avenue, Railroad Avenue and 10th Street, and Railroad Avenue and California Avenue (proximity of Highway 4).

C. Water Quality.

1. Significant Effect: The open storage of gypsum and bauxite could cause degradation of the water quality of runoff from the site.

Changes or Alterations: The applicant is required to install an adequate storm drain system and a detention basin which will provide for settling and pH control of runoff, and for emergency containment of pollutant spills (Condition 21). Condition 25 further requires that final construction plans for the detention basin are to be approved as required by the San Francisco Bay Regional Water Quality Control Board, the Delta Diablo Sanitation District, and the Contra Costa Water District, as well as any other agency having jurisdictional control over the project. Additionally, the applicant has agreed that there shall be no exposed storage or retention of bulk materials on-site. (See Condition 36.)

2. Significant Effect: The handling and storage of cement and sulphur on the site could potentially impact water quality.

Changes or Alterations: Due to a revision in the scope of the project, the sulphur portion of the project has been eliminated. Thus, the potential adverse environmental effects on water quality due to sulphur pollution, as identified in the FEIR, will not occur. With regard to cement storage and handling, the project will minimize the environmental effects by: (1) the use of sealed storage domes; and (2) the transfer of cement to ships by a pneumatic vacuum system. The required installation of the runoff detention basin by the applicant (Condition 21) will provide additional protection against water contamination.

D. Air Quality.

1. Significant Effect: Project construction would result in the temporary deterioration of air quality, primarily from fugitive dust, resulting in locally elevated levels of suspended particulates.

Changes or Alterations: Condition 35 requires the applicant to water down the project site at least twice daily or more as needed during construction activities in order to control dust. In any event, there are no sensitive land uses downwind of the project site, to the east.

2. Significant Effect: The proposed project would release particulate emissions from a variety of sources and activities on the site. The annual emission of particulates from the site with proposed air pollution controls would be over 37,600 pounds per year. The peak daily emission of particulates would be 243 pounds per day.

Changes or Alterations: As initially proposed and evaluated in the FEIR, the project incorporated Best Available Control Technology (BACT) for most aspects of project operation. Examples include the pneumatic unloading, loading and storage system for cement which would be equipped with fabric filters with an effectiveness of over 99.9%. Fabric filters would also be provided for the grain unloading hopper. Furthermore, the conveyor system for grain is enclosed to reduce emissions. Condition 18 requires the applicant to pave all on-site vehicular and pedestrian access ways with asphalt or concrete. The remainder of the site (other than landscaped areas) is required to be graveled or paved. Finally, in response to concerns expressed during the EIR review period, the applicant has agreed that there shall be no exposed storage or retention of bulk materials on-site. Condition 36 therefore requires all materials stored on-site to be covered by a structure or dome as approved with the design review application.

3. Significant Effect: Emissions from the unloading and loading of sand, gravel, bauxite, gypsum and limestone utilizes water sprays at entry points and transfer points. A permanent spray system would water storage piles to reduce wind-blown particulates and wet the materials prior to removal from storage. The use of water sprays for control of particulates during loading and unloading of these materials would

not be considered as BACT.

Changes or Alterations: As discussed, the project has been revised so as to eliminate any exposed storage of bulk materials on-site (Condition 36). This will eliminate the need to spray storage piles with water. The use of water sprays for control of particulates during loading and unloading of sand, gravel, bauxite, gypsum and limestone requires negotiations between the applicant and the Bay Area Air Quality Management District ("BAAQMD") to identify and incorporate appropriate BACT for the project into the BAAQMD permit. Condition 3 requires the applicant to obtain all necessary permits required by all affected government agencies prior to issuance of building permits. As to this significant effect, the Commission also finds that further changes or alterations are within the responsibility and jurisdiction of another public agency and not the City. Such changes should be adopted by BAAQMA.

E. Noise Considerations.

1. Significant Effect: Noise from on-site activities such as conveyors, front-end loaders, railroad cars and truck loading is not expected to exceed the City's noise standard at the nearest residential areas. However, some on-site noise may periodically be audible at these residences.

Changes or Alterations: Potential noise impacts will be reduced below a level of significance by requiring the applicant to implement several attenuation measures. For example, all construction equipment is required to be provided with mufflers and potentially annoying noise sources must be directed towards the interior of the facility (Condition 28). Noise-producing unloading equipment and machinery must be acoustically attenuated as necessary to comply with the City's residential noise standards (Condition 29). To verify that actual noise levels at nearby residential receptors are in compliance with applicable noise standards, the applicant is required to conduct 24-hour noise monitoring after the facility is in operation (Condition 30). If noise levels exceed these noise standards, acoustical treatment would be required to be installed and additional monitoring performed to verify compliance with noise standards (Condition 30). Finally, condition 32 specifies that the applicant is required to incorporate the following measures:

- a. Sound-absorptive barriers or earth berms near equipment and loading areas.
- b. The use of noise damping material in the hopper construction.
- c. Silencers at the air outlets of the "docksiders" cement unloading equipment.

d. Restricting construction activities to between 7:00 a.m. and 5:00 p.m. Monday through Friday.

e. Use of shipboard loudspeakers during docking, undocking, and while in port is prohibited.

2. Significant Effect: Noise from project-generated trucks is expected to generate noise levels at residential areas along Harbor Street in excess of the City's "normally acceptable" standard for residential land use. Existing noise levels at these residential areas are already in excess of the City's standards.

Changes or Alterations: Condition 6 prohibits project trucks from traveling on the most sensitive residential streets (the Harbor Street route) during the hours between 4:00 p.m. and 8:30 a.m., as further described in the condition. Eventually, the construction of a Truck Route Bypass, and the resulting diversion of truck traffic to that bypass route, will further reduce potential noise impacts on Harbor Street residential areas. The Truck Route Bypass will also divert truck traffic from other industrial businesses away from the Harbor Street route.

3. Significant Effect: The revised truck route alternative has the potential to generate significant adverse noise impacts at residential areas presently exposed to "normally acceptable" noise levels.

Changes or Alterations: The Truck Route Bypass proposal will be examined by the Master Plan study to be conducted by the City. The City will also carry out the required environmental analyses as part of this Master Plan study effort. Appropriate mitigation measures to lessen any significant noise impacts associated with the Truck Route Bypass will be proposed at that time. These measures could include significant setbacks or noise barriers in order to maintain normally acceptable noise levels in residential areas adjacent to the bypass route. All such measures would be required to be implemented prior to or in conjunction with construction of the new road.

F. Visual Considerations.

1. Significant Effect: Implementation of the project will result in the construction of at least three massive dome structures, visible from various locations in the City of Pittsburg. The visual character of the proposed project improvements will be industrial in appearance (e.g., mechanical equipment, etc.), with little appeal to aesthetic interests. During ship and periodic rail loading and unloading operations, high-intensity flood lights may produce glare during nighttime hours.

Changes or Alterations: The distance of the site from residential neighborhoods, the downtown area, and existing structures in the surrounding area will prevent the domes from appearing overwhelming. Furthermore, Condition 40 restricts the maximum height of any structure to 75 feet. The applicant will also be required to submit a design review application to the City prior to receiving building permits (Condition 41). As part of this application, the applicant will be required to provide landscaping along the perimeters of the project site in order to soften the project's appearance (Condition 42). In addition, all exterior lighting is required to be directed to the interior of the facility; dome-mounted lights will be limited to aircraft warning lights and OSHA-required safety lighting for platforms and ladders (Condition 33). Sodium lights are required instead of mercury lights to reduce glare, and the height of light posts will be restricted to 26 feet (Condition 33). With regard to ship loaders and unloaders, Condition 34 restricts on-site lights to 26 feet in height; in addition, these lights must be directed toward equipment activity and must be reviewed and approved by the City (Condition 34).

G. Biotic Considerations.

1. Significant Effect: Development of the project as proposed would result in removal of ruderal, grassland and sparse riparian vegetation.

Changes or Alterations: As previously indicated, Condition 42 requires the applicant to submit a landscape plan for the site. The landscaping which is required to be installed as part of this plan will compensate for the removal of existing vegetation from the project site.

2. Significant Effect: Proposed dredging along New York Slough would temporarily disturb the aquatic environment.

Changes or Alterations: Condition 26 prohibits the applicant from carrying out dredging activities during the migrations of anadromous fishes.

3. Significant Effect: Wetland habitat would be modified by channel bank improvements and bottom dredging.

Changes or Alterations: Condition 3 requires the applicant to obtain all necessary permits for the project as required by all affected government and quasi-government agencies prior to issuance to any building permits. Any proposed modification of wetland habitat would be reviewed by those agencies with jurisdiction over wetlands, including the U.S. Army Corps of Engineers and the State's Fish and Game Department to determine whether permits from those agencies would be required. Any mitigation required would be made conditions of the permits obtained from these agencies.

Section 3. The EIR identifies one significant effect on the environment which has not been avoided or substantially lessened. Regional emissions from transportation-related sources and direct emissions from the site would exceed BAAQMD thresholds of significance for hydrocarbons, oxides of nitrogen and particulate matter. There are no mitigation measures considered available or practical which would reduce transportation-related emissions having a regional impact. Spray bars will be used to wet trucks and train loads before they leave the site. Fabric covers for trains and trucks are impractical economically; also, those carriers are not under the control of the applicant.

As to this significant effect, the Planning Commission finds that specific economic, social or other considerations make infeasible any mitigation measures or project alternatives described in the EIR, as described above and more fully set forth in Section 5, below.

Section 4. The Planning Commission has considered various project and design alternatives as analyzed in the EIR and as summarized below. As to each alternative, the Commission finds that specific economic, social or other considerations make these project alternatives infeasible. A brief statement of the rationale for this finding as to each alternative is set forth here. An additional statement regarding overriding considerations is set forth in Section 5, below, and is incorporated here by reference as to each alternative.

A. Alternative: The No-project Alternative assumes a status quo of undeveloped land on the project site in the immediate future, with eventual alternate industrial development such as manufacturing, warehousing, a distribution center, or a combination of these types of uses.

Rationale: Eventual industrial development of the site could result in impacts which are similar in magnitude and significance to those of the proposed project. In some cases, impacts may even be greater. For example, certain manufacturing uses could result in an increase in gaseous, odorous, toxic or chemical emissions, even though suspended particulates were reduced. Grocery distribution or bakery production might require trucking during nighttime or early morning hours. Each nighttime truck operation would be equivalent to ten daytime operations in terms of noise impacts. The specific types and amounts of emissions and other impacts could only be determined when specific industrial uses were proposed.

In any event, the No-project Alternative would not meet the objective of the project proponent and is not economically feasible.

B. Alternative: Alternative "B", the Reduced Intensity Alternative, assumes that the tonnage of materials being handled on the project site would be substantially reduced, equivalent to 50 percent of currently proposed levels. Restrictions on operating hours (except for ship and barge loading) are also assumed.

**Rationale:** Although the level of some impacts would be reduced commensurate with a reduction in materials handled at the project site, the impacts associated with waterfront construction activities and dredging would be identical in magnitude and significance to those of the proposed project. Also, even were the emissions of nitrogen oxides to be halved, they would still be considered significant and would contribute to continuing ozone problems in the Bay Area. Furthermore, Alternative B would not be economically viable for the project proponent.

C. **Alternative:** Alternative "C", the Revised Access Alternative, is based on an alternate truck route being constructed between the project site and the Pittsburg-Antioch Highway, passing only through non-residential areas.

**Rationale:** Although Alternative "C" would serve to achieve the General Plan goal of directing truck traffic away from residential areas, it would require the establishment of an assessment district as well as the commitment of substantial financial resources in order to construct the roadway with grade separation at the railroad tracks. Also, the potential noise generation from traffic along the proposed truck route would be great enough to require significant setbacks and/or noise barriers (walls and berms) to maintain "normally acceptable" noise levels within residential areas. The applicant's proposed project has been conditioned to require the applicant to participate in an assessment district for eventual construction of an alternative access. Nevertheless, project operations can begin prior to the completion of the alternative access, although at a restricted level of truck traffic. This conditional approval recognizes that construction of the Truck Route Bypass is not economically feasible for the project alone but rather is only feasible when combined with contributions from other benefitted parties.

D. **Alternative:** Alternative "D" consists of an alternative site located north and east of the city limits of Antioch. The site is on approximately 37 acres adjacent to Minnaker Avenue and north of Wilbur Avenue.

**Rationale:** The alternative site is inferior to the project site in a number of respects. It is closer to residential land uses than the proposed project site, is immediately adjacent to a National Wildlife Refuge which would be adversely affected by noise and fugitive dust emissions from the project, and is not compatible with the planned disposition of dredge spoils (thus necessitating use of another disposal site or facility for this purpose). In addition, truck traffic would have to travel further to avoid residential areas and would also be required to cross a high-volume railroad track. The smaller site area, existing on-site material handling operation, and inadequate existing pier system present further difficulties to development of the project at the alternative site. It appears that mitigation measures required to reduce the probable impacts of the alternative site are less reasonably feasible than those measures required for the proposed project site, particularly due to the proximity of the residential units and the wildlife refuge to the alternative site.

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Section 5. The Planning Commission hereby adopts this statement of overriding considerations.

The project applicant has made reasonable and good faith efforts to mitigate potential impacts resulting from this project. This Commission has imposed numerous conditions of approval and potential design modifications to avoid or substantially lessen the significant environmental effects identified in the EIR. However, even with these measures, the project will produce certain unavoidable or partially unmitigated impacts in that there are no mitigation measures or alternatives considered available or practical which would reduce transportation-related emissions having a regional impact.

This Commission has considered the public record on the proposed marine terminal and has determined pursuant to Section 15093 of the State CEQA Guidelines, adopted by the City, that the project is in the public interest in that the benefits of the project outweigh the remaining unavoidable adverse impacts and the project should be approved. In particular, the project will result in the following benefits:

1. The establishment of an oceangoing port that will open up the City to direct international trade offers a unique opportunity to the City.
2. The project furthers the General Plan guiding policy of protecting the supply of land suitable for industrial purposes and promoting the development of appropriate industrial uses.
3. The project will expand the employment base of the City by creating 33 permanent jobs, all but two of which will be hired locally. The annual payroll for the project will be approximately \$1,400,000.00 per year.
4. The project will generate substantial sales taxes (e.g., the importation of cement products alone could result in over \$60,000,000.00 of sales) with a portion of those taxes earmarked for the City.
5. The project could also result in a potential property tax assessment of \$45,000,000.00, resulting in approximately \$450,000 in tax revenues. A portion of those taxes will be received by the City.
6. The project will invest approximately \$35,000,000.00 in construction costs alone, thus benefiting the local economy. A large percentage of the construction contracts will go to local contractors.
7. The project will contribute to the economic well being of the City and surrounding area by handling several essential products, including:

a. Cement and aggregate imports - the planned importation of approximately one million tons of cement and a substantial tonnage of aggregate resources will supply local "ready mix concrete" companies and will compensate for the existing short-falls of these materials which domestic manufacturers cannot supply. Receipt of these materials through the marine terminal facility will also minimize the need for truck transportation of these materials.

b. Imports of bauxite, limestone, and lumber - the project will enable local companies to secure these materials at a lower cost due to the favorable economics of rail and water transport.

c. Grains/wheat export - the project will generate new business, with a resultant likely increase in local employment.

8. The project will produce indirect economic benefits due to spending by several hundred ship crew members in the local economy each year.

9. The project will result in additional indirect economic benefits because support businesses (including ship brokers, international trading companies, ship supply companies, transportation consultants, etc.) will likely locate in Pittsburg because of the marine terminal project.

10. The project's contribution to and participation in an assessment district for the construction of the Truck Route Bypass will enable trucks from other facilities to be diverted away from sensitive residential areas adjacent to existing truck routes. Without the project's participation, the Truck Route Bypass construction would not be feasible.

11. Development of the project will allow public access and viewing of a marine terminal for educational purposes. The applicant will install a safe fenced observation area for the use of local residents and students. In addition, periodic educational tours of the terminal and ships will be arranged.

Section 6. The Planning Commission finds that the EIR was prepared in accordance with the provisions of the California Environmental Quality Act and the State CEQA Guidelines, adopted by the City. The Planning Commission hereby recertifies the FEIR and certifies the Addendum EIR. The Commission also finds that the City has: (a) eliminated or substantially lessened all significant effects on the environment where feasible (see Section 2, above); and (b) determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to overriding concerns (see Sections 3 and 5, above).

On motion by Commissioner Gordon, seconded by Commissioner Garcia the foregoing resolution was passed and adopted this 16th day of

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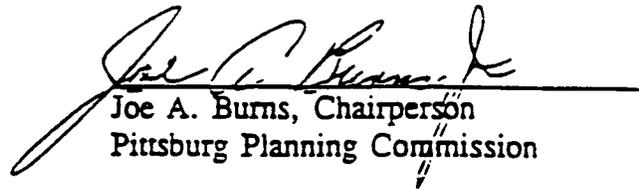
January, 1991, by the Planning Commission of Pittsburg, California, by the following vote:

AYES: Gordon, Garcia, Molina, Bedford, Burns

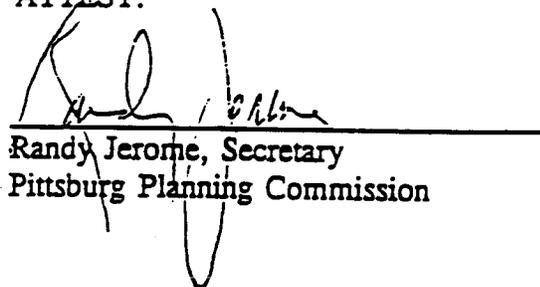
NOES: Beck, Riccio

ABSENT: —

ABSTAINED: —

  
Joe A. Burns, Chairperson  
Pittsburg Planning Commission

ATTEST:

  
Randy Jerome, Secretary  
Pittsburg Planning Commission

I, the undersigned, acknowledge that the above stated conditions are required to be fulfilled as a part of the approval of this application.

\_\_\_\_\_  
Applicant's Name (print)

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Property Owner's Name (print)

\_\_\_\_\_  
Property Owner's Signature

pitts/res/than-li

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EXHIBIT 'E'

BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Re-certifying the Final EIR, )  
 Certifying the Addendum EIR, and )  
 Adopting the Findings of Fact )  
 and Statement of Overriding )  
 Considerations for the Environmental )  
 Effects of the HAN-LI International )  
 Marine Terminal Project )  
 U-88-36, APN 073-020-020, 073-030-007 )  
 \_\_\_\_\_ )

RESOLUTION NO. 8472

On August 12, 1988, Don Olson of HAN-LI International Group filed U-88-36 requesting a conditional use permit for a marine terminal on the 15.58 acre site located at the end of East Third Street (APN 073-020-020, 073-030-007) (the "project").

On November 27, 1990, the Planning Commission adopted Resolution No. 90-8469 certifying the Final Environmental Impact Report for the project as complete. A copy of the resolution is attached as Exhibit "A". By that resolution, the Commission directed the preparation of an Addendum EIR regarding certain changes to the project.

On January 16, 1991, the Commission held a duly noticed public hearing on the project. The Commission received and reviewed the Addendum EIR.

The Draft EIR, Final EIR and Addendum EIR are referred to collectively hereafter as the "EIR".

NOW, THEREFORE, the Planning Commission resolves as follows:

Section 1. The Planning Commission hereby certifies that it has reviewed and considered the EIR.

Section 2. The EIR indicates that certain significant environmental effects would result from approval of the project. In response to each significant effect so identified and summarized in this section, alterations have been required in, or incorporated into, the project which avoid or substantially lessen each such significant environmental effect.

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A. Planning and Policy Context

1. Significant Effect: The project is consistent with the General Plan land use designation for industrial uses on the site. However, the project will generate truck traffic on existing truck routes in significantly increased volumes, which conflicts with General Plan objectives of directing truck traffic away from residential neighborhoods.

Changes or Alterations: The Conditional Use Permit for the project is subject to several conditions of approval ("Conditions") which reduce the impact of increased truck traffic on residential neighborhoods and which bring the project into consistency with the General Plan. The applicant is required to pay an equitable share of the cost of the Master Plan study which will be conducted by the City to identify a new public street to serve as an alternate truck route ("Truck Route Bypass") which directs project traffic away from residential neighborhoods (Condition 14). The applicant is also required to participate in an assessment district for the financing and construction of the Truck Route Bypass (Condition 16). Prior to construction of the Truck Route Bypass, project truck traffic is required to be disbursed equally on two existing alternative routes (Condition 6) and both the truck traffic on any single route and the total truck traffic will be limited by the City (Condition 9.).

2. Significant Effect: Implementation of the project as proposed requires the closure of Third Street adjacent to the project site, a street which is presently designated schematically as a bikeway, pedestrian path and collector street in the General Plan Open Space and Circulation Element policies.

Changes or Alterations: The bicycle, pedestrian and collector street systems are chiefly conceptual in nature, rather than established routes. The establishment of adequate bicycle, pedestrian and street systems will be addressed as part of the Master Plan study for the waterfront industrial area. Conditions 14 and 16, respectively, require the applicant to contribute funds for the Master Plan study and the assessment district to be formed to implement necessary improvements identified in the study.

3. Significant Effect: The project creates a limited number of jobs in proportion to the size of the project site; its location in an industrial zone district is underutilized for preferred and potential labor-intensive industry.

Changes or Alterations: Condition 37 requires the applicant to use all possible efforts to work with the City's Human Resources Department for referral of unemployed Pittsburg residents for employment at the completed project. It should also be recognized that the secondary and tertiary employment (for truck, train, service and project client crews) will offset to an undetermined extent the non-labor-intensive character of the project.

B. Traffic and Circulation.

1. Significant Effect: At full buildout and operation as originally proposed, the Han-Li Terminal was to generate a maximum of 542 truck trips (271 total round trips) per day at a peak level. Traffic volumes on Harbor Street would be increased by 20 percent and truck trips would be roughly doubled (which is within the roadway capacity). Significant increases on California Avenue and the Highway 4 freeway ramps serving Railroad Avenue would also have resulted. The project would result in increased congestion (together with associated noise and air quality impacts discussed below) and traffic safety hazards, with probable negative effects on some residential neighborhoods along Harbor Street and California Avenue. Peak-hour traffic was projected to be 79 one-way vehicle trips per hour, and during the typical morning Pittsburg commute period 65 trips per hour were projected. During the average evening commute period, approximately 45 vehicle trips would be generated.

Changes or Alterations: As noted above, the City will conduct a Master Plan study which includes the identification of a Truck Route Bypass. Once constructed, this Truck Route Bypass would connect 3rd Street at the project site with the Pittsburg-Antioch highway (Highway 4) and allow truck traffic to bypass the affected residential neighborhoods. The applicant is required to contribute to the cost of the study (Condition 14) and to participate in the assessment district created to finance and construct the bypass route (Condition 16). Prior to construction of this bypass route, project truck traffic will be divided equally between two existing routes (Condition 6), as these have been defined by the City Engineer (Condition 5). Total truck traffic generated from the project site is limited during this time to 60 average daily trips (ADT) in the first year of operation, 100 ADT in the second year, and 160 ADT in the third year and thereafter until such time as the Truck Route Bypass is completed (Condition 9). Truck traffic from the project is prohibited from using the designated routes during the peak weekday commute hours (Condition 6).

2. Significant Effect: The project will add approximately 160 truck trips per day to each of two freeway ramps at Railroad Avenue and State Highway 4. This will significantly increase the congestion that already exists on the freeway entry and exit ramps, and on the route itself, particularly between Pittsburg and the Willow Pass grade.

Changes or Alterations: To substantially mitigate the impact on Highway 4, truck traffic to and from the project is not allowed on that highway between the hours of 6:30 a.m. to 8:30 a.m. and 4:00 p.m. to 6:00 p.m. (see Condition 10). This restriction on project truck traffic will continue even after completion of the Truck Route Bypass.

3. Significant Effect: The consistently large volume of heavy truck traffic generated by the project is likely to cause significant wear and tear to the pavement on the existing truck routes.

Changes or Alterations: The applicant is required to contribute to the cost of upgrading and maintaining pavement sections on the roads impacted by the project's truck traffic. Condition 16 requires the applicant to participate in the assessment district which will fund and construct the Truck Route Bypass. Until such time as that bypass route is constructed, the applicant is required to pay to the City \$38,540.00 per year (Condition 11). The first year cost is due and payable prior to commencement of operation and is due and payable each year thereafter. The money required by Condition 11 is to be used specifically for the maintenance and improvement of roads impacted by project truck traffic. The applicant is also required to repave East Third Street between the project site and Harbor Street prior to the operation of the plant (Condition 7). In addition, the applicant is required to dedicate land for, and construct, certain other roadway improvements (Conditions 13 and 17).

4. Significant Effect: The truck traffic generated by the project will exacerbate the problems created by wide-turning trucks with respect to the corner radii at several intersections, particularly at Harbor Street and California Avenue and at California Avenue and Railroad Avenue.

Changes or Alterations: Prior to operation of the project, the applicant is required by Condition 8 to fund (at its expense) the design and construction of proper curb turning radii at the intersections of Harbor Street and East 10th Street, Harbor Street and California Avenue, Railroad Avenue and 10th Street, and Railroad Avenue and California Avenue (proximity of Highway 4).

C. Water Quality.

1. Significant Effect: The open storage of gypsum and bauxite could cause degradation of the water quality of runoff from the site.

Changes or Alterations: The applicant is required to install an adequate storm drain system and a detention basin which will provide for settling and pH control of runoff, and for emergency containment of pollutant spills (Condition 21). Condition 25 further requires that final construction plans for the detention basin are to be approved as required by the San Francisco Bay Regional Water Quality Control Board, the Delta Diablo Sanitation District, and the Contra Costa Water District, as well as any other agency having jurisdictional control over the project. Additionally, the applicant has agreed that there shall be no exposed storage or retention of bulk materials on-site. (See Condition 36.)

2. Significant Effect: The handling and storage of cement and sulphur on the site could potentially impact water quality.

Changes or Alterations: Due to a revision in the scope of the project, the sulphur portion of the project has been eliminated. Thus, the potential adverse environmental effects on water quality due to sulphur pollution, as identified in the FEIR, will not occur. With regard to cement storage and handling, the project will minimize the environmental effects by: (1) the use of sealed storage domes; and (2) the transfer of cement to ships by a pneumatic vacuum system. The required installation of the runoff detention basin by the applicant (Condition 21) will provide additional protection against water contamination.

D. Air Quality.

1. Significant Effect: Project construction would result in the temporary deterioration of air quality, primarily from fugitive dust, resulting in locally elevated levels of suspended particulates.

Changes or Alterations: Condition 35 requires the applicant to water down the project site at least twice daily or more as needed during construction activities in order to control dust. In any event, there are no sensitive land uses downwind of the project site, to the east.

2. Significant Effect: The proposed project would release particulate emissions from a variety of sources and activities on the site. The annual emission of particulates from the site with proposed air pollution controls would be over 37,600 pounds per year. The peak daily emission of particulates would be 243 pounds per day.

Changes or Alterations: As initially proposed and evaluated in the FEIR, the project incorporated Best Available Control Technology (BACT) for most aspects of project operation. Examples include the pneumatic unloading, loading and storage system for cement which would be equipped with fabric filters with an effectiveness of over 99.9%. Fabric filters would also be provided for the grain unloading hopper. Furthermore, the conveyor system for grain is enclosed to reduce emissions. Condition 18 requires the applicant to pave all on-site vehicular and pedestrian access ways with asphalt or concrete. The remainder of the site (other than landscaped areas) is required to be graveled or paved. Finally, in response to concerns expressed during the EIR review period, the applicant has agreed that there shall be no exposed storage or retention of bulk materials on-site. Condition 36 therefore requires all materials stored on-site to be covered by a structure or dome as approved with the design review application.

3. Significant Effect: Emissions from the unloading and loading of sand, gravel, bauxite, gypsum and limestone utilizes water sprays at entry points and transfer points. A permanent spray system would water storage piles to reduce wind-blown particulates and wet the materials prior to removal from storage. The use of water sprays for control of particulates during loading and unloading of these materials would

not be considered as BACT.

Changes or Alterations: As discussed, the project has been revised so as to eliminate any exposed storage of bulk materials on-site (Condition 36). This will eliminate the need to spray storage piles with water. The use of water sprays for control of particulates during loading and unloading of sand, gravel, bauxite, gypsum and limestone requires negotiations between the applicant and the Bay Area Air Quality Management District ("BAAQMD") to identify and incorporate appropriate BACT for the project into the BAAQMD permit. Condition 3 requires the applicant to obtain all necessary permits required by all affected government agencies prior to issuance of building permits. As to this significant effect, the Commission also finds that further changes or alterations are within the responsibility and jurisdiction of another public agency and not the City. Such changes should be adopted by BAAQMA.

E. Noise Considerations.

1. Significant Effect: Noise from on-site activities such as conveyors, front-end loaders, railroad cars and truck loading is not expected to exceed the City's noise standard at the nearest residential areas. However, some on-site noise may periodically be audible at these residences.

Changes or Alterations: Potential noise impacts will be reduced below a level of significance by requiring the applicant to implement several attenuation measures. For example, all construction equipment is required to be provided with mufflers and potentially annoying noise sources must be directed towards the interior of the facility (Condition 28). Noise-producing unloading equipment and machinery must be acoustically attenuated as necessary to comply with the City's residential noise standards (Condition 29). To verify that actual noise levels at nearby residential receptors are in compliance with applicable noise standards, the applicant is required to conduct 24-hour noise monitoring after the facility is in operation (Condition 30). If noise levels exceed these noise standards, acoustical treatment would be required to be installed and additional monitoring performed to verify compliance with noise standards (Condition 30). Finally, condition 32 specifies that the applicant is required to incorporate the following measures:

- a. Sound-absorptive barriers or earth berms near equipment and loading areas.
- b. The use of noise damping material in the hopper construction.
- c. Silencers at the air outlets of the "docksiders" cement unloading equipment.

d. Restricting construction activities to between 7:00 a.m. and 5:00 p.m. Monday through Friday.

e. Use of shipboard loudspeakers during docking, undocking, and while in port is prohibited.

2. Significant Effect: Noise from project-generated trucks is expected to generate noise levels at residential areas along Harbor Street in excess of the City's "normally acceptable" standard for residential land use. Existing noise levels at these residential areas are already in excess of the City's standards.

Changes or Alterations: Condition 6 prohibits project trucks from traveling on the most sensitive residential streets (the Harbor Street route) during the hours between 4:00 p.m. and 8:30 a.m., as further described in the condition. Eventually, the construction of a Truck Route Bypass, and the resulting diversion of truck traffic to that bypass route, will further reduce potential noise impacts on Harbor Street residential areas. The Truck Route Bypass will also divert truck traffic from other industrial businesses away from the Harbor Street route.

3. Significant Effect: The revised truck route alternative has the potential to generate significant adverse noise impacts at residential areas presently exposed to "normally acceptable" noise levels.

Changes or Alterations: The Truck Route Bypass proposal will be examined by the Master Plan study to be conducted by the City. The City will also carry out the required environmental analyses as part of this Master Plan study effort. Appropriate mitigation measures to lessen any significant noise impacts associated with the Truck Route Bypass will be proposed at that time. These measures could include significant setbacks or noise barriers in order to maintain normally acceptable noise levels in residential areas adjacent to the bypass route. All such measures would be required to be implemented prior to or in conjunction with construction of the new road.

F. Visual Considerations.

1. Significant Effect: Implementation of the project will result in the construction of at least three massive dome structures, visible from various locations in the City of Pittsburg. The visual character of the proposed project improvements will be industrial in appearance (e.g., mechanical equipment, etc.), with little appeal to aesthetic interests. During ship and periodic rail loading and unloading operations, high-intensity flood lights may produce glare during nighttime hours.

Changes or Alterations: The distance of the site from residential neighborhoods, the downtown area, and existing structures in the surrounding area will prevent the domes from appearing overwhelming. Furthermore, Condition 40 restricts the maximum height of any structure to 75 feet. The applicant will also be required to submit a design review application to the City prior to receiving building permits (Condition 41). As part of this application, the applicant will be required to provide landscaping along the perimeters of the project site in order to soften the project's appearance (Condition 42). In addition, all exterior lighting is required to be directed to the interior of the facility; dome-mounted lights will be limited to aircraft warning lights and OSHA-required safety lighting for platforms and ladders (Condition 33). Sodium lights are required instead of mercury lights to reduce glare, and the height of light posts will be restricted to 26 feet (Condition 33). With regard to ship loaders and unloaders, Condition 34 restricts on-site lights to 26 feet in height; in addition, these lights must be directed toward equipment activity and must be reviewed and approved by the City (Condition 34).

G. Biotic Considerations.

1. Significant Effect: Development of the project as proposed would result in removal of ruderal, grassland and sparse riparian vegetation.

Changes or Alterations: As previously indicated, Condition 42 requires the applicant to submit a landscape plan for the site. The landscaping which is required to be installed as part of this plan will compensate for the removal of existing vegetation from the project site.

2. Significant Effect: Proposed dredging along New York Slough would temporarily disturb the aquatic environment.

Changes or Alterations: Condition 26 prohibits the applicant from carrying out dredging activities during the migrations of anadromous fishes.

3. Significant Effect: Wetland habitat would be modified by channel bank improvements and bottom dredging.

Changes or Alterations: Condition 3 requires the applicant to obtain all necessary permits for the project as required by all affected government and quasi-government agencies prior to issuance to any building permits. Any proposed modification of wetland habitat would be reviewed by those agencies with jurisdiction over wetlands, including the U.S. Army Corps of Engineers and the State's Fish and Game Department to determine whether permits from those agencies would be required. Any mitigation required would be made conditions of the permits obtained from these agencies.

Section 3. The EIR identifies one significant effect on the environment which has not been avoided or substantially lessened. Regional emissions from transportation-related sources and direct emissions from the site would exceed BAAQMD thresholds of significance for hydrocarbons, oxides of nitrogen and particulate matter. There are no mitigation measures considered available or practical which would reduce transportation-related emissions having a regional impact. Spray bars will be used to wet trucks and train loads before they leave the site. Fabric covers for trains and trucks are impractical economically; also, those carriers are not under the control of the applicant.

As to this significant effect, the Planning Commission finds that specific economic, social or other considerations make infeasible any mitigation measures or project alternatives described in the EIR, as described above and more fully set forth in Section 5, below.

Section 4. The Planning Commission has considered various project and design alternatives as analyzed in the EIR and as summarized below. As to each alternative, the Commission finds that specific economic, social or other considerations make these project alternatives infeasible. A brief statement of the rationale for this finding as to each alternative is set forth here. An additional statement regarding overriding considerations is set forth in Section 5, below, and is incorporated here by reference as to each alternative.

A. Alternative: The No-project Alternative assumes a status quo of undeveloped land on the project site in the immediate future, with eventual alternate industrial development such as manufacturing, warehousing, a distribution center, or a combination of these types of uses.

Rationale: Eventual industrial development of the site could result in impacts which are similar in magnitude and significance to those of the proposed project. In some cases, impacts may even be greater. For example, certain manufacturing uses could result in an increase in gaseous, odorous, toxic or chemical emissions, even though suspended particulates were reduced. Grocery distribution or bakery production might require trucking during nighttime or early morning hours. Each nighttime truck operation would be equivalent to ten daytime operations in terms of noise impacts. The specific types and amounts of emissions and other impacts could only be determined when specific industrial uses were proposed.

In any event, the No-project Alternative would not meet the objective of the project proponent and is not economically feasible.

B. Alternative: Alternative "B", the Reduced Intensity Alternative, assumes that the tonnage of materials being handled on the project site would be substantially reduced, equivalent to 50 percent of currently proposed levels. Restrictions on operating hours (except for ship and barge loading) are also assumed.

Rationale: Although the level of some impacts would be reduced commensurate with a reduction in materials handled at the project site, the impacts associated with waterfront construction activities and dredging would be identical in magnitude and significance to those of the proposed project. Also, even were the emissions of nitrogen oxides to be halved, they would still be considered significant and would contribute to continuing ozone problems in the Bay Area. Furthermore, Alternative B would not be economically viable for the project proponent.

C. Alternative: Alternative "C", the Revised Access Alternative, is based on an alternate truck route being constructed between the project site and the Pittsburg-Antioch Highway, passing only through non-residential areas.

Rationale: Although Alternative "C" would serve to achieve the General Plan goal of directing truck traffic away from residential areas, it would require the establishment of an assessment district as well as the commitment of substantial financial resources in order to construct the roadway with grade separation at the railroad tracks. Also, the potential noise generation from traffic along the proposed truck route would be great enough to require significant setbacks and/or noise barriers (walls and berms) to maintain "normally acceptable" noise levels within residential areas. The applicant's proposed project has been conditioned to require the applicant to participate in an assessment district for eventual construction of an alternative access. Nevertheless, project operations can begin prior to the completion of the alternative access, although at a restricted level of truck traffic. This conditional approval recognizes that construction of the Truck Route Bypass is not economically feasible for the project alone but rather is only feasible when combined with contributions from other benefitted parties.

D. Alternative: Alternative "D" consists of an alternative site located north and east of the city limits of Antioch. The site is on approximately 37 acres adjacent to Minnaker Avenue and north of Wilbur Avenue.

Rationale: The alternative site is inferior to the project site in a number of respects. It is closer to residential land uses than the proposed project site, is immediately adjacent to a National Wildlife Refuge which would be adversely affected by noise and fugitive dust emissions from the project, and is not compatible with the planned disposition of dredge spoils (thus necessitating use of another disposal site or facility for this purpose). In addition, truck traffic would have to travel further to avoid residential areas and would also be required to cross a high-volume railroad track. The smaller site area, existing on-site material handling operation, and inadequate existing pier system present further difficulties to development of the project at the alternative site. It appears that mitigation measures required to reduce the probable impacts of the alternative site are less reasonably feasible than those measures required for the proposed project site, particularly due to the proximity of the residential units and the wildlife refuge to the alternative site.

Section 5. The Planning Commission hereby adopts this statement of overriding considerations.

The project applicant has made reasonable and good faith efforts to mitigate potential impacts resulting from this project. This Commission has imposed numerous conditions of approval and potential design modifications to avoid or substantially lessen the significant environmental effects identified in the EIR. However, even with these measures, the project will produce certain unavoidable or partially unmitigated impacts in that there are no mitigation measures or alternatives considered available or practical which would reduce transportation-related emissions having a regional impact.

This Commission has considered the public record on the proposed marine terminal and has determined pursuant to Section 15093 of the State CEQA Guidelines, adopted by the City, that the project is in the public interest in that the benefits of the project outweigh the remaining unavoidable adverse impacts and the project should be approved. In particular, the project will result in the following benefits:

1. The establishment of an oceangoing port that will open up the City to direct international trade offers a unique opportunity to the City.
2. The project furthers the General Plan guiding policy of protecting the supply of land suitable for industrial purposes and promoting the development of appropriate industrial uses.
3. The project will expand the employment base of the City by creating 33 permanent jobs, all but two of which will be hired locally. The annual payroll for the project will be approximately \$1,400,000.00 per year.
4. The project will generate substantial sales taxes (e.g., the importation of cement products alone could result in over \$60,000,000.00 of sales) with a portion of those taxes earmarked for the City.
5. The project could also result in a potential property tax assessment of \$45,000,000.00, resulting in approximately \$450,000 in tax revenues. A portion of those taxes will be received by the City.
6. The project will invest approximately \$35,000,000.00 in construction costs alone, thus benefiting the local economy. A large percentage of the construction contracts will go to local contractors.
7. The project will contribute to the economic well being of the City and surrounding area by handling several essential products, including:

a. Cement and aggregate imports - the planned importation of approximately one million tons of cement and a substantial tonnage of aggregate resources will supply local "ready mix concrete" companies and will compensate for the existing short-falls of these materials which domestic manufacturers cannot supply. Receipt of these materials through the marine terminal facility will also minimize the need for truck transportation of these materials.

b. Imports of bauxite, limestone, and lumber - the project will enable local companies to secure these materials at a lower cost due to the favorable economics of rail and water transport.

c. Grains/wheat export - the project will generate new business, with a resultant likely increase in local employment.

8. The project will produce indirect economic benefits due to spending by several hundred ship crew members in the local economy each year.

9. The project will result in additional indirect economic benefits because support businesses (including ship brokers, international trading companies, ship supply companies, transportation consultants, etc.) will likely locate in Pittsburg because of the marine terminal project.

10. The project's contribution to and participation in an assessment district for the construction of the Truck Route Bypass will enable trucks from other facilities to be diverted away from sensitive residential areas adjacent to existing truck routes. Without the project's participation, the Truck Route Bypass construction would not be feasible.

11. Development of the project will allow public access and viewing of a marine terminal for educational purposes. The applicant will install a safe fenced observation area for the use of local residents and students. In addition, periodic educational tours of the terminal and ships will be arranged.

Section 6. The Planning Commission finds that the EIR was prepared in accordance with the provisions of the California Environmental Quality Act and the State CEQA Guidelines, adopted by the City. The Planning Commission hereby recertifies the FEIR and certifies the Addendum EIR. The Commission also finds that the City has: (a) eliminated or substantially lessened all significant effects on the environment where feasible (see Section 2, above); and (b) determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to overriding concerns (see Sections 3 and 5, above).

On motion by Commissioner Gordon, seconded by Commissioner Garcia the foregoing resolution was passed and adopted this 16th day of

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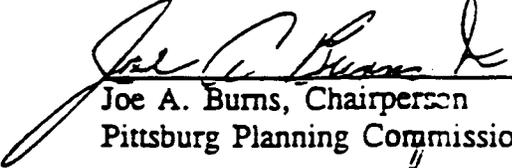
January, 1991, by the Planning Commission of Pittsburg, California, by the following vote:

AYES: Gordon, Garcia, Moline, Bedford, Burns

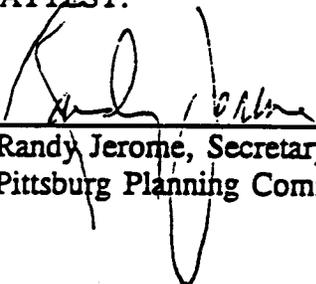
NOES: Beck, Riccio

ABSENT: —

ABSTAINED: —

  
\_\_\_\_\_  
Joe A. Burns, Chairperson  
Pittsburg Planning Commission

ATTEST:

  
\_\_\_\_\_  
Randy Jerome, Secretary  
Pittsburg Planning Commission

I, the undersigned, acknowledge that the above stated conditions are required to be fulfilled as a part of the approval of this application.

\_\_\_\_\_  
Applicant's Name (print)

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Property Owner's Name (print)

\_\_\_\_\_  
Property Owner's Signature

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