
ADDENDUM #2 TO THE ENVIRONMENTAL IMPACT REPORT

PITTSBURG MARINE TERMINAL, UP-95-05

(Formerly Han-Li International Marine Terminal, UP-88-36)

CITY OF PITTSBURG, CALIFORNIA

STATE CLEARINGHOUSE #89082209



DUNCAN & JONES
Urban & Environmental Planning Consultants

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Prepared for the

City of Pittsburg, California

September 28, 1995

by

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I. INTRODUCTION

A. BACKGROUND TO AND PURPOSE OF THIS ADDENDUM

This report constitutes the second Addendum to the Environmental Impact Report (EIR) on the project originally called the Han-Li International Marine Terminal (UP-88-36), State Clearinghouse EIR #89082209. The EIR consists of the Draft EIR, dated April 20, 1990, the Final EIR, dated August 17, 1990, and the Addendum to the EIR, dated January 9, 1991, which together constitute the overall EIR on the project as originally submitted. These three EIR documents are hereby incorporated by reference. That project consisted of a proposed dry bulk transfer facility for marine, rail, and truck shipments originating from and destined for both international and regional locations. The 15.58 acre site in question is located at the eastern terminus of East Third Street in the IG (General Industrial) zone district, on parcels APN 073-020-020 and APN 073-030-007. The prior EIR addressed the environmental impacts of the project as originally proposed by the applicants, which at that time were the Han-Li International Group, and its subsidiary, Han-Li Pittsburg Terminal Operations.

Following a Public Hearing, the Pittsburg Planning Commission on November 27, 1990 adopted Resolution No. 90-8469 certifying the EIR as complete and adequate for purposes of rendering a decision on the project as submitted. The Commission directed the City staff and the EIR consultants to prepare an Addendum (the first Addendum) to the EIR in order to address proposed changes in the project, which had been described by the applicants during the Public Hearing.

The first Addendum to the EIR, dated January 9, 1991 was limited in its scope to the topic areas in which the proposed changes in the project were considered likely to have effects, primarily related to traffic and circulation, air quality, and noise. Other topic areas addressed in the EIR, comprising planning and policy, water quality, visual character and biotic resources, were determined to be unaffected by the proposed modifications in the project, and the levels of significance of the impacts described in the EIR and the nature of the mitigation measures identified in the EIR in these topic areas were found to be equally applicable to the proposed modified project.

The Planning Commission held a further Public Hearing on the project on January 16, 1991, at which it received and reviewed the Addendum to the EIR. The Commission re-certified the EIR, consisting of the Draft EIR and the Final EIR, and certified the Addendum on that date by Resolution No. 8472. On appeal, the City Council certified the EIR (Draft, Final and Addendum), made findings that the project was consistent with the goals and policies of the General Plan and with the development regulations of the Pittsburg Municipal Code, and approved the modified project subject to 51 conditions (based in part on the mitigation measures identified in the EIR) by Resolution No. 91-7658 on March 4, 1991. Stipulations for implementing a Mitigation Monitoring and Reporting Program were also included in the City Council's action.

On December 7, 1994, Don Olson, Isle Capital Corporation, owner of the Pittsburg Marine Terminal (formerly called the Han-Li International Marine Terminal) filed UP-94-16 requesting amendment of Conditions 5 and 6, and elimination of Condition 10, as listed in City Council Resolution No. 91-7658. Conditions 5 and 6 relate respectively to designated truck routes, and to

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the distribution and hours of truck traffic operation, and Condition 10 related to restrictions on truck traffic operations on Highway 4. These Conditions (together with Condition 9, on total daily truck trips defined in three phases: Year 1 - 60 trips/day; Year 2 - 100 trips/day; Year 3 - 160 trips/day) were referenced in Mitigation No. 4 of the Mitigation Monitoring and Reporting Program, dated January 25, 1991, which had been approved by the City Council with the EIR documents on March 4, 1991. A Notice of Negative Declaration for UP-94-16 was issued on January 24, 1995 indicating that it had been determined that the Use Permit Application (to add Tenth Street as a third designated truck route, to split truck traffic evenly among the three truck routes and to allow unrestricted hours of use by trucks on Railroad Avenue, and to delete restrictions on project-related truck trips on Highway 4) would not have a significant effect on the environment. The Planning Commission approved UP-94-16 and these changes in the conditions applicable to the project by Resolution No. 8870 on February 14, 1995.

Isle Capital Corporation has now submitted an application for further changes in Conditional Use Permits UP-88-36 and UP-94-16, and the request is defined as UP-95-15. Two other associated applications have been classified as DR-95-08 (Design Review) and VA-95-02 (Variance). These collectively address three desired changes in the Conditions of Approval, as follows:

- Modify Condition #2, which specifically limited the types of bulk materials permitted to be transferred on the site to cement and cementitious materials, aggregates (sand and gravel), gypsum/bauxite, scrap metal, limestone, lumber and grains. It is now requested that the list be expanded to include other non-hazardous materials, as classified by the EPA. All materials will be moved throughout the facility pneumatically or within enclosed or covered conveyors, and shall comply with Bay Area Air Quality Management District (BAAQMD) standards for emissions.
- Modify Condition #9, which specified a phased 3-year limit on maximum truck traffic (maximum of 60, 100, and 160 trucks per day respectively for the first, second and third years of operation). It is requested that the maximum number of truck that shall access the site shall not exceed 160 per day, without a phase-in period.
- Modify Condition #40, which defined the maximum height of structures on the site to 75 feet, with setbacks to comply with Section 18.54.100 (Additional Height Allowance) of the Pittsburg Municipal Code. It is requested that the maximum height of the proposed storage domes be 80 feet, plus up to an additional 20 feet for materials handling equipment on top. It is requested that the maximum height of the proposed loading/unloading structures and equipment on the dockside be 110 feet, and of all other structures be 75 feet, plus up to an additional 20 feet for equipment on top.

This second Addendum to the EIR has been prepared to address and evaluate these current proposed changes. Information on the character of the changes proposed in the physical development and the operations on the site (termed the "Project" in this document), and on the likely differences in impacts or mitigation measures that would result from approval of the requests, as compared with those identified in the EIR, is provided in this document, Addendum #2 to the EIR.

CEQA Guidelines (Section 15164 [a] [2] and [3]) state that an Addendum to an EIR is required when "only minor technical changes or additions are necessary to make the EIR under

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consideration adequate under CEQA" and if "the changes to the EIR made by the Addendum do not raise important new issues about the significant effects" of the project. No new issues are presented by the currently requested changes in the Conditions of Approval that were not already addressed previously to some degree in the EIR. The Addendum primarily focuses on the extent to which the probable impacts of the proposed modifications to the Project differ from, or contrast with, the type and level of impacts related to the prior project as approved.

B. CONTENT AND ORGANIZATION OF ADDENDUM #2 TO THE E.I.R.

The text of this Addendum #2 to the EIR is organized in a sequence which is consistent with the structure of the prior three EIR documents: the Draft EIR, the Final EIR/Responses to Comments, and the first Addendum. However, the scope of this Addendum is limited to addressing those topic areas and types of information which would now be subject to revision and modification as a result of the changes currently proposed by the applicants in the Conditions of Approval. This is the same approach that was followed in the first Addendum.

Chapter II in this Addendum presents information which amends and updates the description of the revised Project as proposed, and directly relates to Chapter II in each of the preceding EIR documents. Traffic and circulation is the subject of Chapter III in this Addendum, and corresponds to subject matter contained in Chapter IV of the DEIR and FEIR, and in Chapter III of the first Addendum. Visual considerations are addressed in Chapter IV in this Addendum, and this topic was previously evaluated in Chapter VIII.A in the DEIR and FEIR, but was not included in the first Addendum.

The remaining topic areas evaluated in the EIR are considered to be unlikely to be subject to any changes resulting from the current requests which would either 1) have significantly different effects than those previously identified in the EIR, or 2) require any additional or new mitigation measures to be applied that are not already covered by adopted mitigating conditions. These topics include: Planning and Policy Context (DEIR/FEIR Chap. III); Water Quality (DEIR/FEIR Chap. V); Air Quality (DEIR/FEIR Chap. VI, ADD. Chap. IV); Noise Considerations (DEIR/FEIR Chap. VII, ADD. Chap. V); Light and Glare (DEIR/FEIR Chap. VIII.B); and, Biotic Resources (DEIR/FEIR Chap. IX).

C. MITIGATION MONITORING AND REPORTING PROGRAM

The Mitigation Monitoring and Reporting Program (MMRP) dated January 25, 1991, and referred to as Condition of Approval No. 4 in Resolution No. 91-7658, may require minor modification to reflect current circumstances, or to incorporate revised or new measures that are related to the evaluations contained in this Addendum. The Mitigation Measures included in the MMRP which may require revision of this character include the following:

2. Master Plan Preparation (page 2); and,
4. Truck Traffic Plan (page 4)

It does not appear necessary to revise or modify any of the other Mitigation Measures as a result of the changes proposed by the applicants. The adopted Conditions of Approval in general reflect and overlap with the MMRP stipulations.

D. REVIEW PROCESS FOR ADDENDUM #2

The California Environmental Quality Act (CEQA) does not require that an EIR Addendum be circulated for public or agency review, nor is the Lead Agency (in this case the City of Pittsburg) required to prepare Draft and Final Addenda (Guidelines Section 15164). This EIR Addendum #2 will be submitted to the City Planning Commission for review and consideration, prior to and as a basis for making its determination regarding the applications submitted by the Project proponents. The Commission must certify the Addendum as complete and adequate for the purposes of rendering a decision on the applicants' requests, and indicate that the contents of the Addendum have been considered in its decision-making process.

II. DESCRIPTION OF REVISED PROJECT

The owners of the Project site, Isle Capital Corporation, and the proponents of the revised proposals for the Pittsburg Marine Terminal (formerly called the Han-Li International Marine Terminal), are proposing the construction of a dry bulk transfer facility utilizing road, rail and water-borne transportation modes, as was previously addressed in the EIR. In this chapter, those elements in the project which was previously evaluated in the EIR and approved by the City of Pittsburg that are now proposed to be modified are identified and contrasted with the proposals currently submitted by the applicants. For the sake of clarity, "project" (lower-case) is used throughout to identify the prior development proposal as adopted, and "Project" (upper-case) is used to label the current proposal.

A. RELEVANT DETAILS OF THE PRIOR HAN-LI PROJECT

Both the original project evaluated in the DEIR/FEIR, and the modified project evaluated in the first Addendum, were defined in terms of specified types of materials, and were indicated in the first Addendum (page 3) to consist of "cement, bauxite, gypsum, limestone, aggregates (sand and gravel), grain, lumber and scrap metal". These materials were also specified in the Conditions of Approval as the only materials which were permitted to be handled and transferred on the project site (see Condition #2).

The project was also defined in terms of specified quantities of materials, with both the original and revised projects having an estimated total capacity of 2.235 million tons per year. Figures 1 and 2 in the first Addendum (pages 4-5), which replaced Figures 6 and 7 in the DEIR (pages 17-18), presented estimated annual tonnage figures for each commodity, related to the type and frequency of transportation mode to be employed, both for inbound and outbound movements, which were further expressed in terms of the total number of annual ship, train and truck movements. The latter were also defined in terms of average daily truck trips, indicated to total 194 truck trips per day for 260 days per year, extrapolated from the annual total of 50,400 truck trips.

The Draft EIR identified as a measure to mitigate the impacts resulting from these projected truck trips the construction of a new bypass roadway, which was visualized as enabling nearly all the trucks generated by the project to be routed away from several street sections considered to be critical, including Harbor Street (south of Santa Fe Avenue), California Avenue and Railroad Avenue, and the intersection of Railroad Avenue with Highway 4. The routing of the new truck bypass was illustrated in Figure 9 in the first Addendum (page 19), replacing Figure 48 in the DEIR (page 159), and was proposed to utilize Harbor Street from east Third Street to Santa Fe Avenue, and a new roadway parallel to the north side of Santa Fe Avenue and to the east side of Columbia Street to connect to the Pittsburg-Antioch Highway. This route was viewed as likely to serve commercial traffic generated from other existing or future industrial uses in the vicinity as well as the Han-Li project, and to divert its impacts away from residential neighborhoods and schools. An assessment district was intended to provide the means of funding the bypass.

The project evaluated in the first Addendum and given approval by Resolution No. 91-7658 differed from the project addressed in the DEIR/FEIR in that commodities previously proposed to be stored in open piles were now to be housed in an enclosed metal warehouse-type structure in the center of the site. This modification in design did not change the mode of transportation to be employed to/from the site, but the materials involved were to be handled on the site (both inside and outside the structure) by means of front-end loaders. The modified site plan diagram

II. DESCRIPTION OF REVISED PROJECT

was included in the first Addendum as Figure 5 (page 11), replacing Figure 4 in the DEIR (page 15).

In both cases, these site plan diagrams indicated the location of storage domes on the site, with three domes shown in the DEIR and four in the Addendum. Conceptual diagrams illustrating the elevations (horizontal views) of the domes were included in the DEIR, with Figure 9 (page 21) showing the domes proposed for cement storage, and Figure 10 (page 23) for sulphur storage. The height of these two types of dome were indicated in these figures to be for the cement storage domes, 75 feet plus an additional 10 feet for the handling equipment on top, for a total height of 85 feet, and for the sulphur storage dome, 80 feet plus an additional 15 feet for the equipment on top, for a total height of 95 feet. (It should be noted that the DEIR text (page 19) indicated that the cement storage domes would be "each 234 feet in diameter by 80 feet high", without reference to the equipment on top.) The Conditions of Approval, in Condition #40 (page 10), stipulate that "(T)he maximum height for any structure shall not exceed 75 feet. Building setbacks shall increase as required to comply with height regulations of Section 18.54.100 (P.M.C.)".

B. ACTIONS TAKEN SINCE PROJECT APPROVAL

As indicated above, the project obtained Pittsburg City Council approval of a use permit (UP-88-36) on March 4, 1991. The developer has subsequently secured permits from the Army Corps of Engineers and work on the dredging along the shoreline has been completed. The issuance of this permit and also of a grading permit by the Pittsburg Engineering Division occurred prior to the one-year sunset date of the use permit.

A second use permit (UP-94-16) was approved by the Planning Commission on February 14, 1995, by Resolution No. 8870, which modified Conditions #5 and #6, and eliminated Condition #10 of UP-88-36.

In addition to the two designated truck routes (Harbor Street and Railroad Avenue) initially defined in Condition #5, UP-94-16 added to it Route #3, which extends "from the project site, continues onto East Third Street, to Harbor Street, to East Tenth Street, continuing on East/West Tenth Street as it changes to Willow Pass Road. Trucks going west on Highway 4 will continue on Willow Pass Road to Highway 4. Trucks going east on Highway 4 will use Bailey Road."

The hours during which trucks were permitted to travel on the designated truck routes as originally defined in Condition #6 were modified by UP-94-16. The limitations on truck travel on Route #2 (Railroad Avenue), previously not permitted during the hours 6:30-8:30 AM and 4:00-6:00 PM, Monday through Friday, were removed. Route #3 (Tenth Street) is subject to the same hours of permitted truck travel as Route #1 (Harbor Street), which are 8:30 AM to 4:00 PM, Monday through Friday. Truck travel is now to be "split equally between Route #1, Route #2, and Route #3, during the hours of 8:30 AM and 4:00 PM", whereas previously this truck usage was to be divided equally between Routes #1 and #2.

Condition #10 was eliminated entirely. This Condition had disallowed truck traffic to and from the project site on Highway 4 during the hours of 6:30-8:30 AM and 4:00-6:00 PM, and this restriction was to have remained applicable even after completion of the proposed Truck Route Bypass.

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The changes in the Conditions of Approval brought about by approval of UP-94-16 were the subject of a Notice of Negative Declaration, dated January 24, 1995. Conditions #5, #6, and #10, were (together with Condition #9) directly related to Mitigation No. 4 in the Mitigation Monitoring and Reporting Program (MMRP) approved with the EIR documents, which require the applicant to submit a Truck Traffic Plan along with development plans for the site. The Truck Traffic Plan requires the applicant to maintain records of truck trips and materials entering and leaving the site, and compile monthly reports for review and inspection by the City.

It was determined in the Negative Declaration that the addition of Truck Route #3 (Tenth Street), utilizing the improved Bailey Road interchange and Willow Pass Road grade on Highway 4, would minimize the potential traffic issues on Highway 4 identified in the EIR, the MMRP and the Conditions of Approval. It was also determined that Truck Route #3 would alleviate and minimize issues relating to concentrations of truck traffic affecting residential districts within the central area of Pittsburg that had been addressed in the EIR, because the maximum permitted truck traffic would now be split between three, rather than two, truck routes. The EIR had evaluated the traffic impacts of the project at buildout and at maximum operating capacity, and had identified the Truck Route Bypass as the means of mitigating the impacts of daily truck trips of the project at buildout. Condition #9, which limited total truck traffic (beginning with the third year of operation) to a maximum of 160 trucks per day prior to completion of the Truck Route Bypass, had been determined at the time of approval of the project to reduce the truck traffic impact on local streets to a less than significant level.

C. CURRENT PROPOSALS FOR A REVISED PROJECT

The modifications in the Conditions of Approval currently requested by the applicants affect the description of the Project in several ways. The types of materials to be transferred to, from and on the site would no longer be limited to those previously specified, nor would the operation of the Project be subject to restriction in accordance with the detailed breakdown by type of commodity of specified tonnage per year by transportation mode.

To achieve this, the applicants have requested a change in the language used in Condition #2 (page 5) of Resolution No. 91-7658, to read as follows:

The permitted materials to be transferred on site shall be cement, cementitious materials, aggregates (sand and gravel), gypsum/bauxite, scrap metal, limestone, lumber, grains, petroleum coke, and any other non-hazardous material as classified by the EPA . Dry and wettable bulk solid materials shall be moved throughout the facility pneumatically or by covered conveyors and shall comply with Bay Area Air Quality Management District (BAAQMD) standards for emissions.

Although the analyses contained in the project EIR characterized the project in very substantial detail with respect to the anticipated or projected quantities of materials, and the way in which each would be transported and handled, the Conditions of Approval only specify the types, but not the quantities, of materials permitted. The EIR used this approach primarily as a means of estimating the impacts of the project on transportation modes, and principally in terms of the effects of projected truck traffic on the local road network. Noise and Air Quality analyses were in turn closely related to this approach, as the volume of truck (and rail) movements needed to be estimated as an input into these evaluations. The attempts to quantify the operation of the project

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was also a result of efforts on the part of the City staff and the EIR consultants to gain a more detailed picture of the character of a project which initially was not very clearly defined.

The applicants indicate that the need for flexibility in operating the Marine Terminal on a competitive basis in relation to other facilities elsewhere, requires them to be able to deal not only in the commodities presently specified, but also in others that may present themselves as opportunities in the future. They indicate that they still intend to handle many of the commodities currently listed, but that the viability of the Terminal may be dependent upon being permitted to handle other non-specified, non-hazardous products, and that the ability to respond quickly to market conditions is vital and likely to be compromised if it is necessary to continually request additional approvals or modified permits from the City of Pittsburg and other agencies.

The applicants have been advised by the BAAQMD to modify their permit with the District (and with the City of Pittsburg) by eliminating the specific listing of commodities entirely, and to request that all dry bulk commodities be permitted to be handled, subject to the provision that they be non-hazardous, and that in their handling no greater emissions be produced than would result from the products currently approved. The Pittsburg Marine Terminal will be required to meet all BAAQMD air quality emission standards, and will employ "Best Available Control Technology" (BACT) by utilizing the enclosed handling of products they propose (e.g., pneumatic and contained material conveyors, bag houses, etc.). This change would substitute performance standards which can assure compliance with air quality emission regulations for the present regulatory approach of specifying a limited list of permitted materials which may be handled. This approach, although it reflected the EIR analyses and was closely related to the EIR's determinations of impact, represents a less direct regulatory approach which may be insufficiently flexible in accommodating the future operational needs of the Terminal.

The revised Site Plan of the Project (Revision B dated 9/8/95, by Smith & Monroe & Gray Engineers, Inc.) is shown in **Figure 1**. A total of nine domes are indicated for construction on the site, six of which are placed in a circular arrangement at the west side of the site. Each of these domes (Domes #1 - #6) is indicated to be 160 feet in diameter and 80 feet in height, and they are connected at their upper central points by a system of enclosed conveyors to each other, to a ship loader at the dockside, and to the truck and rail loading/unloading facility located at the center of the south side of the site. In the center of this circle of domes is a portable conveyor to access the interior of each dome at lower levels than the top of each dome. Towards the east side of the site, west of the GWF site, are Dome #7, which is indicated as having the same dimensions as Domes #1 through #6, and Dome #8, which is slightly larger (180 feet in diameter and 80 feet in height). These two domes are also connected to each other at their upper central points by a similar system of enclosed conveyors, and to a cement loader at the dockside and the truck and rail loading/unloading facility mentioned above. Dome #9 is located on the separate parcel of land at the southeastern-most corner of the site, on the south side of East Third Street, and is indicated to be 190 feet in diameter and 80 feet in height. It is not shown as connected to the facilities on the main portion of the site by any conveyor system.

Figure 2 provides a pictorial representation of the proposed development of the Project site in terms of the elevations of the domes and other facilities as seen from the west side of the site looking east, and from the south side of the site looking north. The general character of the enclosed conveyors linking the tops of the domes and the height and appearance of the ship loader can be understood from these elevational profiles.

II. DESCRIPTION OF REVISED PROJECT

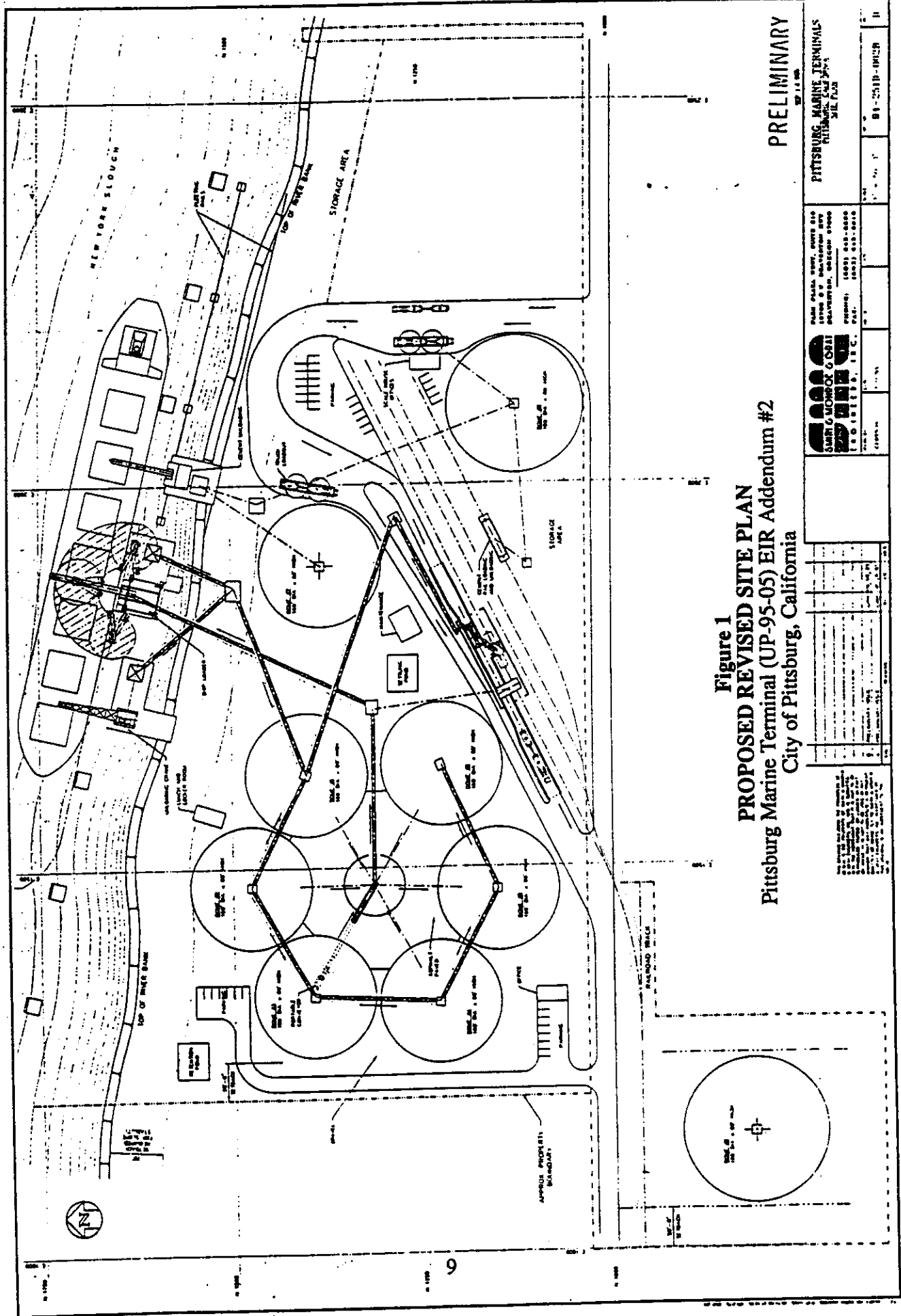


Figure 1
PROPOSED REVISED SITE PLAN
Pittsburg Marine Terminal (UP-95-05) EIR Addendum #2
City of Pittsburg, California

PRELIMINARY

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II. DESCRIPTION OF REVISED PROJECT

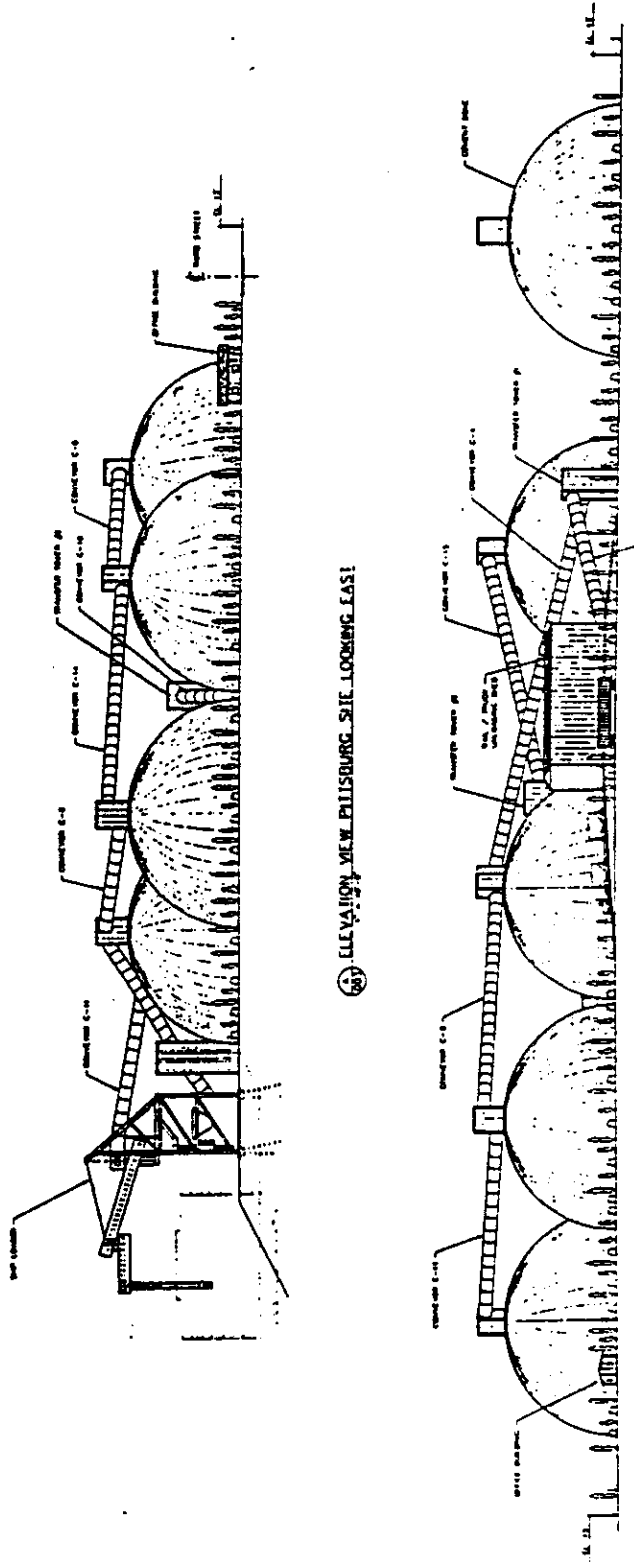


Figure 2
PROPOSED REVISED SITE PROFILES (ELEVATIONS)
 Pittsburgh Marine Terminal (UP-95-05) EIR Addendum #2
 City of Pittsburgh, California

PRELIMINARY

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NO.	DATE	BY	CHKD.	DESCRIPTION

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SCALE	1" = 40'-0"
PROJECT NO.	94-251D-003
SHEET NO.	A

III. TRAFFIC AND CIRCULATION

This chapter of Addendum #2 to the EIR addresses the character of the proposed revisions to the Project Conditions of Approval as they relate specifically to traffic and circulation, and the extent to which they require any modifications or changes to be made in the content of the prior EIR documents. For the purposes of this Addendum, impacts are now defined as the changes which would result from approval and implementation of the Project as now proposed in relation to the conditions which currently exist (rather than with respect to those conditions which existed when the EIR was certified on March 4, 1991).

Of the three revisions in the Conditions of Approval requested by the applicants, it is the modification in Condition #9, relating to maximum permissible daily truck trips (in the absence of the Truck Bypass Route), that is considered in this chapter.

A. DAILY TRUCK TRIPS

After giving consideration to the traffic analyses presented in the three documents comprising the certified EIR on the Han-Li project, and the provisions contained in the MMRP (approved by the City with the EIR), the City elected not to restrict the number of truck trips going to the project site, but rather limited the overall number of trucks accessing the site by restricting the number of truck trips leaving from the project site each day with Condition #9 to the Conditional Use Permit, as follows:

9. *Prior to completion of the proposed Truck Route Bypass, total truck traffic generated from the site shall not exceed the following maximum daily trips:*

1. *First year of operation after compliance with conditions of approval:-* 60
2. *Second year of operation after compliance with conditions of approval:-* 100
3. *Third year of operation after compliance with conditions of approval:-* 160

If the Truck Route Bypass is not operational prior to the fourth year, the applicant may make a request to the City Council for an increase in daily trips.

The applicants have now requested that Condition #9 be modified to eliminate the phase-in period as follows:

9. *The number of trucks that shall access the site shall not exceed 160 per day.*

The Truck Bypass Route was proposed as a longer-term means of accommodating much larger volumes of truck traffic, projected at 1,500 truck trips per day in the First Addendum (Figure 10, page 21). The EIR Addendum indicated (on page 18) "(W)hile the Han-Li project could generate up to 20 truck trips per hour on any single street, this is not a significant number from the standpoint of roadway capacity. ... The City may wish to work cooperatively with the applicants to ensure that truck trips are distributed among several routes, including Railroad Avenue, so that the impacts on any one street would be reduced even further".

The approval of UP-94-16 earlier this year was supportive of this objective, in that the modification of Condition #6 not only added Truck Route #3 (Tenth Street) with improved

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access to Highway 4, but also removed the existing restrictions on the time-of-day use of Railroad Avenue by trucks. In particular, these modifications benefit the areas of residential and school uses abutting Truck Route #1 (Harbor Street) by reducing the overall share of project truck traffic on Route #1 from 50 percent to less than 33 percent of the maximum daily number of trucks allowed to access the Project site, as currently defined in Condition #9.

The requested change in Condition #9 would not have any greater impact than was applicable to the project evaluated by the first Addendum, and in fact the truck traffic impacts (as well as the traffic-related noise and air quality impacts) of the revised Project, as defined, would have a lesser effect on the three designated Truck Routes than previously were estimated for the two Truck Routes originally designated. No changes related to the proposed modification of Condition #9 are therefore necessary in the impacts or mitigation measures previously identified in the EIR. Nor does it appear necessary to revise or change Mitigation No. 4 in the MMRP.

IV. VISUAL CONSIDERATIONS

This chapter of Addendum #2 to the EIR addresses the character of the proposed revisions to the Project Conditions of Approval as they relate specifically to visual considerations, and the extent to which the requested modifications require any changes to be made in the content of the prior EIR documents. For the purposes of this Addendum, impacts are now defined as the changes which would result from approval and implementation of the Project as now proposed in relation to the conditions which currently exist (rather than with respect to those conditions which existed when the EIR was certified on March 4, 1991).

Of the three revisions to the Conditions of Approval requested by the applicants, it is the modification in Condition #40, relating to the maximum height of the proposed domes (and their ancillary equipment on top) and of the loading/unloading equipment on the dock, that is considered in this chapter.

A. HEIGHT OF STRUCTURES

Condition #40, as adopted on March 4, 1991, makes the following provisions regarding the height of structures on the site:

40. *The maximum height for any structure shall not exceed 75 feet. Building setbacks shall increase as required to comply with height regulations of Section 18.54.100 (P.M.C.).*

The applicants have now requested that Condition #40 be modified as follows:

40. *The maximum height for domes shall be 80 feet plus up to 20 feet that shall be allowed for equipment on top. The maximum height for loading and unloading structures and equipment on the dock shall be 110 feet. the maximum height for all other structures shall be 75 feet plus up to 20 feet that shall be allowed for equipment on top.*

The Project site is located in the IG zoning district. Section 18.54.100 of the Pittsburg Municipal Code (page 129) provides that "(A)n increase over the maximum height allowance is allowed in the IL and IG districts equal to the number of additional feet the structure is set back from each property line beyond the minimum yard requirements up to a maximum of 75 feet. To be entitled to additional height, the building or structure must exceed the minimum on all sides. See also, Height Limit Exceptions (Section 18.80.020)."

Section 18.80.020 provides that "(A) tower, spire, cupola, chimney elevator penthouse, water tank, flagpole, monument, theater scenery, radio and television antenna, transmission tower, light standard, fire tower, and similar structure and necessary mechanical appurtenances covering not more than 10 percent of the ground area covered by the structure to which it is accessory may exceed the maximum permitted height in a district in which the site is located subject to the following regulations:

- B. In a C, I, GQ, or OS district, a structure may exceed the district height limit by 20 feet."

This Addendum does not address the extent to which the requested change in Condition #40 is or is not consistent with the City's Municipal Code regulations, but only whether the height of structures requested would constitute a different or more significant impact of a visual character

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than was previously evaluated in the EIR. Visual considerations were addressed in the Draft EIR (Chapter VIII.A, pages 125-131), and no changes relating to visual considerations were addressed or included in the first Addendum.

The maximum height of the domes proposed for the project and evaluated and illustrated in the DEIR was 95 feet (including ancillary rooftop equipment) for the sulphur storage dome, which was indicated to be 190 feet in diameter. The overall height of the cement storage domes was indicated to be 85 feet, with a diameter of 235 feet. No specified height was identified for the dockside loading/unloading equipment. The applicants' current request would raise the maximum overall height of the domes by 5 feet as compared with the highest dome evaluated in the EIR. The maximum requested height of the dockside loading equipment would be 15 feet higher than the highest dome identified in the EIR.

The applicants have indicated that the needed height of the loading/unloading equipment on the dock is a function of the height of the decks of the ships which must be served. The 80-foot height of the proposed domes is indicated to be necessary to enable the internal space to be effectively utilized, given the angle of repose characteristic of the materials to be handled. The enclosed conveyors require additional height above the top of the domes to be fully functional (see Figure 2 on page 10).

The DEIR made the following evaluation of the probable visual impact of the project with respect to the surrounding areas. "Due to the massing and size of the plant buildings and structures on the Johns Manville and the Diablo Services sites, the storage domes, ships, and other elevated structures (e.g. materials handling equipment) on the Project site will be largely obscured as viewed from Third Street west of Harbor, particularly from the residentially and commercially developed sections of the downtown area ... From Third Street at Railroad Avenue, in the center of downtown Pittsburg, the most visually prominent structures to the east in the direction of the Project site are the conveyor belt gantries of Diablo Services and the Johns Manville water tower, which are estimated to be 140 and 156 feet tall, respectively. ...Residents of the townhouse development will be able to see no more than the top ten or 20 feet of the storage dome structures."

The POSCO ship loading cranes located further to the east (not mentioned in the EIR) are also high structures, and the GWF Power Systems plant adjacent to the Project site was constructed with a structure height limit of 80 feet.

The domes and loading equipment as now proposed for the Project site would exceed in height the structures previously evaluated for their visual impact. However, the remote location of the site, situated at some distance from sensitive land uses, and surrounded by other industrial development having some higher structures than those now requested, has the effect of diminishing the significance of the five to fifteen foot increase in structure height now requested in excess of the 95 foot maximum height previously evaluated. The loading/unloading structures, which would be the highest structures on the site, are located along the northernmost strip of the site, alongside the shoreline. This location not only would be partly screened from view from the south and (to some extent) from the west by the storage domes, the height of the structures as perceived from off-site would tend to be diminished by the additional distance (about 600 feet from the southern property line), and by the open-work character of the loaders as illustrated in Figure 2.

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For all of these reasons, it does not appear necessary to change the determinations made in the DEIR regarding the lack of significance of visual impacts, and the absence of need to identify mitigation measures, regarding the proposed height of structures on the Project site. There are therefore no environmental factors related to the CEQA evaluations that would prevent the City from approving the requested change in Condition #40.