

# **How the City of Richmond Subverted CEQA at Point Richmond Shores**

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Richmond City Council**



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In what has become an epic struggle among the residents of Brickyard Cove ([www.cccpointrichmond.com](http://www.cccpointrichmond.com)), Toll Brothers and the City of Richmond over the design of Point Richmond Shores (formerly Terminal 1), the potential historic significance of the original Terminal 1 building has remained under the radar until now.

My interest in this early 20<sup>th</sup> Century building is not so much in saving it as in using it as an example of how, in my opinion, the Richmond Planning Department, the Richmond Community Redevelopment Agency (RCRA) the Richmond City Attorney's Office, the contract attorney, Cox Castle Nicholson, and the environmental impact contractor, LSA Associates, apparently conspired to run roughshod over CEQA in an Machiavellian plot to achieve a desired outcome regardless of the process.

There are other allegations of flaws in the EIR for this project, many of which were pointed out by members of the public and Planning Commissioners during the Planning Commission hearing on August 3, 2006. I do not recall that the issue of historic preservation was brought up during the hearing, but it is perhaps the best documented example of how City staff simply ignored the law to subvert CEQA.

In short, the City of Richmond staff wanted to achieve a certain outcome. They wanted to make sure Toll Brothers constructed the largest possible building at the Terminal 1 site, and that nothing got in the way. It is perhaps, unfair to blame City staff for all of this, for they were carrying out what they perceived as a mandate of the City Council majority to build as much as fast as possible, to maximize financial returns to the City of Richmond and to minimize Toll Brothers' time and money spent for redesign of their original scheme.

Of course, to achieve all of these objectives, that pesky old Terminal 1 building had to be removed from its underlying pier in order to not obstruct the views of owners of million dollar condominiums.

This is what I have pieced together about how that particular objective was achieved. It involves a lot of technical details, so please bear with me.

In 2003, apparently anticipating having to come to grips with a CEQA evaluation of the historic significance of the original Terminal 1 building, the Richmond Community Redevelopment Agency retained Sheila McElroy of Circa, a historic preservation consulting firm, to prepare a report. On or about June 6, 2003, McElroy transmitted a draft evaluation (Exhibit 1) to the Agency.

The conclusion of the draft report was as follows:

The City of Richmond's Terminal One structure is potentially an historic resource. It is eligible for the California Register of Historical Resources for significance at a local level for its association with the City of Richmond's port development and related industry. As proposed demolition of Terminal One does not conform to the Secretary of the Interiors Standards and would be considered a Negative Impact under the California Environmental Quality Act.

With the information provided by Ms. McElroy, a credible architectural history professional whose opinion they had paid for, City staff was on notice that the building's historic significance needed to be included in the environmental impact reports to follow, and that alternatives and mitigations to demolishing the building must be considered under CEQA.

In a letter dated August 3, 2006, from Margo N. Bradish of Cox Castle Nicholson, LLP, this is how the McElroy draft report was described:

The agency retained Sheila McElroy of Circa to conduct a historic resource assessment of the wharf building at Terminal 1. In July of 2003, Ms. McElroy submitted a draft report for the Agency's review. The draft report contained background information but very little analysis, in support of its conclusions that the wharf was "potentially a historic resource" based on its significance at the local level. Agency staff believed that the wharf was not listed on the City's on the City's [sic] register of historic resources. My recollection is that Ms. McElroy indicated that, if a local assessment existed, it might affect her preliminary conclusions.<sup>1</sup>

This account is factually erroneous in several aspects. First, the report did, in fact, contain a substantial analysis, at least as complete as that provided by the consultant on which the Agency subsequently based their ultimate finding of no significance. Second, the report went further than concluding the wharf was "potentially a historic resource;" it concluded that "It is eligible for the California Register of Historical Resources for significance at a local level." The discussion of local listing, in this case, is somewhat irrelevant, in that determination of eligibility for the California Register is the gateway for CEQA review. Local listing carries a presumption of significance, but is not the final determinant.<sup>2</sup>

Apparently not satisfied with the preliminary conclusion of his first consultant, on July 31, 2003, Craig Murray of the RCRA contacted Nancy Stoltz, AIA, AICP, another professional historic preservation consultant, asking her to contradict the opinion of Ms. McElroy:

I'm asking your assistance to provide, as immediately available, confirmation that the City has conducted its reasonable, legitimate analysis to conclude it was not locally significant and, as available, email that out to contacts below.

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<sup>1</sup> Letter dated August 3, 2006, from Marge N. Bradish of Cox Castle Nicholson to Steve Duran, Re: Terminal 1 Historic Evaluation

<sup>2</sup> CEQA Guidelines, 15064.5. Determining the Significance of Impacts to Archeological and Historical Resources, a (2) A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

The email exchange was copied to Rachael Dragolovich, Alan Wolkan and Gary Hembree of the RCRA and Mimi Liem of the Richmond Planning Department.

On August 20, 2003, Nancy Stoltz sent a proposal to Craig Murray (Exhibit 5) to conduct a historical evaluation. Stoltz was not subsequently retained.

This is how Margo N. Bradish of Cox Castle Nicholson, LLP, described the interaction with Ms. Stoltz:

In July of 2003, Craig Murray asked Nancy Stoltz, a consultant to the City and its Historic Preservation Advisory Committee, whether the City had conducted an analysis that had concluded that the wharf was not locally significant, and suggested that Ms. Stoltz contact Ms. McElroy regarding the local register process. Ms. Stoltz responded by letter, indicating that the wharf was not listed on the local register of historic resources, but that to her knowledge, it had not been analyzed. Ms. Stoltz suggested three options for proceeding: request that Ms. McElroy expand her analysis to include eligibility under the City's Historic Structures Code; have Ms. Stoltz conduct the evaluation; or ask the Planning Department to conduct the evaluation, which would likely require hiring a consultant to perform the work.

What Ms. Bradish left out is the fact that Craig Murray solicited a proposal from Ms. Stoltz to provide an a evaluation of eligibility for the Richmond Register, which Ms. Stoltz provided. Ultimately, Ms. Stoltz was not retained because she would not promise the outcome desired by the Richmond Community Redevelopment Agency (Exhibit 3):

We got pretty far along in discussions but Craig essentially wanted me "to determine that Terminal 1 is not locally significant" per his original message. I told him I could not guarantee such a determination and that from what I know of the structure, even before I read Sheila's draft report, it was very likely significant. I explained to him that the threshold for local listing was less stringent than the California Register and that if Sheila had indicated that it was eligible for the California Register, it would surely be eligible for local listing.<sup>3</sup>

You don't have to rely on Ms. Stoltz' recollection for this. Craig Murray wrote to Stoltz on July 31, 2003:

Call came in from Ms. Margo Bradish, a Land Use Attorney with Cox, Castle, Nicholson. Margo along with our Asst. City Attorney Ms. Rachel Dragolovich are helping put together the Disposition, Development Agreement (DDA) with our developer Toll Brothers & currently both are reviewing some of the initial premises in the subject report. Margo, after discussion with City staff & Ms. Sheila McElroy, indicated that it is critical/as soon as possible, to get whatever analysis the City has done on the local level to determine that Terminal 1 is not locally significant & this may very well affect the conclusion about its eligibility for the state register. You may want to again contact/discuss with Sheila on the

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<sup>3</sup> Email, Stoltz to Butt, July 24, 2006.

past & current City local register process. I'm asking your assistance to provide, as immediately available, confirmation that the City has conducted its reasonable, legitimate analysis to conclude it was not locally significant and, as available, email that out to contacts below.

In 2004, the agency apparently found an architectural historian who would provide the conclusion the agency desired. An architect named Mark Hulbert, doing business as Preservation Architecture, located in Oakland, produced a report dated June 21, 2004, that found a truly innovative approach for stripping Terminal 1 of historic significance. I have provided a table in the attached PDF file that compares the historical summary of Circa (Sheila McElroy, who provided the agency's first report) and that of Preservation Architecture (Exhibit 4).

Both historians (McElroy and Hulbert) acknowledged that Terminal 1, along with the Garrard Boulevard/Dornan Drive tunnel and the roadway (Dornan Drive) that connects Terminal 1 with Point Richmond was Richmond's first municipal port project, constructed approximately 1915. They both also acknowledge that the original Terminal 1 building is substantially intact in its historic appearance. Then they diverge.

Both evaluated the historic significance with regard to criteria for eligibility for the California Register, which is the threshold for CEQA review.

Criterion A, of the California Register asks if "It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States?"

McElroy concluded that Criterion A was satisfied due to the significance of Richmond's economic development based on and associated with port facilities (shipping and storage):

Richmond's Terminal One structure was constructed between 1912 and 1915 as the first storage and shipping terminal for the new outer harbor project connecting rail and ship traffic. It was to provide sufficient storage room with easier access for the unloading of vessels.

The Terminal One structure is the primary element of the port development and retains a high level of integrity especially in the aspects of location, design, materials, workmanship and feeling. The Terminal strongly conveys the association of port facilities in northern California and the industrial growth of the City of Richmond.

Hulbert, on the other hand, built a case for considering Terminal 1 somewhat of an orphan and an anomaly, to be judged not in the context of Richmond's development but as just another undistinguished wharf among many up and down the Pacific Coast. In other words, the building became a smaller duck in a bigger pond.

Whereas Terminal No. 1 was originally built as a transshipment point between Richmond's industries, via the railroad and regional shipping routes, its use was converted to that of an independent, liquid storage and transport facility within just over a decade of its construction, and has served in that independent capacity for much of the past 80 years. Neither the nearby port facilities, once under the same ownership and operation as Terminal 1, nor the nearby shipyards share any historical or physical association with Terminal 1.

The story of Wharf No. 1 is, therefore, not that of a first and important municipal terminal, but is instead that of a contextually isolated, municipal terminal structure that comprised but a small component of a harbor that developed under private auspices, more than a decade later, and in a different location – at Richmond's Inner harbor. Nor was wharf No. 1 built as an edifice of consequential design, as intended. Rather, it was and is a spare industrial structure that does not exploit or celebrate its location at the entrance to the Richmond Channel.

While Wharf No.1 is consequence of events surrounding the Panama canal, specifically the attempt the create a harbor for the City of Richmond – due to its contextual isolation and its spare industrial character, Wharf No. 1 does not appear to fulfill these potential associations. Rather, its actual associations are to the few, adjoining yet non-historic public works and engineering structures, including the tunnel. Neither is Wharf No. 1 associated with other locally designated historic resources with which it may otherwise be geographically related. Terminal 1 therefore lacks associations with events with events or patterns of events that have made a significant contribution in national, state or local history.

Criterion C of the California Register asks if “It embodies the distinctive characteristics of a type, period, region, or method or construction, or represents the work of a master?”

Again, McElroy responded in the affirmative, concluding that Terminal 1 is the remaining example of an original port facility on the outer harbor of the City of Richmond

In general, the main Terminal One structure remains as it was constructed and retains most of the materials, design and craftsmanship of the original design.

Hulbert reached a different conclusion:

Despite the intentions of its planners and engineers, Terminal No. 1 is without architectural, engineering or material significance. Completed in 1915, at a time when the use of reinforced concrete for industrial engineering and architecture was relatively widespread, it is an innocuous, industrially engineered wharf and transit shed combining reinforced concrete and steel construction. Its engineering character is limited to the inherent quality of its vast, shed-like interior space, and to the quality of construction of its wharf. Moreover, its warehouse additions of 1920 are of negligible substance and interest. Wharf No. 1 also fails to substantiate its potentially memorable location.

Finally, the two consultants summed up their opinions, as follows:

McElroy:

The City of Richmond's Terminal One structure is potentially an historic resource. It is eligible for the California Register of Historical Resources for significance at a local level for its association with the City of Richmond's port development and related industry. As proposed demolition of Terminal One does not conform to the Secretary of the Interior Standards and would be considered a Negative Impact under the California Environmental Quality Act.

Hulbert:

Although a relatively old structure locally, as well as an early port shed, Terminal 1 does not appear to fulfill any of the eligibility criteria for the Richmond Register.

How could two supposedly qualified professionals come up with such diverse opinions? Without the benefit of documents that evidence a conspiracy to subvert CEQA, one could conclude that applying the California Register criteria to evaluation of old buildings is not an exact science and is, by nature, somewhat subjective. Different conclusions should not be unexpected. Historical significance, like beauty, may be in the eye of the beholder.

I don't think that is what happened. In my opinion, the Richmond Community Redevelopment Agency had a desired outcome and was committed to achieving it regardless of the means. I believe that both Mark Hulbert of Preservation Architecture and the Richmond Community Redevelopment Agency knew the outcome of the Terminal 1 report before it even started. Preservation Architecture was hired by the project owner, the Richmond Community Redevelopment Agency, which had also declared itself the lead agency pursuant to CEQA. The company that prepared the Environmental Impact Report for both Point Richmond Shores and the Terminal 1 Contaminant remediation, LSA Associates, took the Preservation Architecture opinion and ran with it, without any independent verification. LSA Associates does a lot of EIR work for the City of Richmond, including the EIR for Seacliff Estates, and I am sure the company would like to do more. The customer is always right.

Here is how Marge Bradish of Cox Castle Nicholson describes the choice of Preservation Architecture:

My recollection is that the Agency chose to retain another consultant to perform the local assessment based in part on a concern that Ms. McElroy's prior work had been conclusory<sup>4</sup> and as a result appeared to be potentially biased toward a

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<sup>4</sup> 1. Conclusive; 2. *Law* Convincing, but not so much so that contradiction is impossible; not justified or supported by all the facts: "*Perfunctory and conclusory findings of the magistrate . . . did not comport with*

particular conclusion. The agency retained Mark Hulbert of Preservation Architecture, a well-regarded historical architect with over 20 years of broad-ranging preservation experience, to conduct an assessment of the wharf under the local criteria. The agency provided Mr. Hulbert a copy of Ms. McElroy's draft report. In October of 2003, Mr. Hulbert issued a report concluding that the wharf was not eligible under the local criteria. Because of the extensive work that Mr. Hulbert had undertaken by that time, my recollection is that the Agency then requested that Mr. Hulbert complete an assessment of the wharf under the California and National register criteria. In March of 2004, Mr. Hulbert issued a report concluding that the wharf was not eligible under the California and National register criteria.

Ms. Bradish has some interesting points. She first accused McElroy of reaching conclusions not supported by the fact (*conclusory*). Then, she criticizes her of bias just because she reached an undesirable conclusion. In fact, the only bias surrounding this project resided in the Richmond Community Redevelopment Agency, whose director, Steve Duran, was recently quoted, ironically enough, in a story lauding Richmond's preservation and adaptive reuse of the Ford Building:

Duran said the 23-acre waterfront property that houses the Ford Plant "is actually more valuable without the building. You can't save all your historic resources. If you try to do so, you will stagnate and you won't grow as a city.<sup>5</sup>

Regarding bias, I don't suppose that Craig Murray exhibited bias when he emailed Stoltz on July 31, 2003:

I'm asking your assistance to provide, as immediately available, confirmation that the City has conducted its reasonable, legitimate analysis to conclude it was not locally significant and, as available, email that out to contacts below.

Or that Margo Bradish and Assistant City Attorney Rachael Dragolovich were co-conspirators in this effort, as described in the same July 31, 2003:

Margo along with our Asst. City Attorney Ms. Rachel Dragolovich are helping put together the Disposition, Development Agreement (DDA) with our developer Toll Brothers & currently both are reviewing some of the initial premises in the subject report. Margo, after discussion with City staff & Ms. Sheila McElroy, indicated that it is critical/as soon as possible, to get whatever analysis the City has done on the local level to determine that Terminal 1 is not locally significant

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*requirements of Federal Rules of Civil Procedure" National Law Journal*; .3. consisting of or relating to a conclusion or assertion for which no supporting evidence is offered (*conclusory* allegations).

<sup>5</sup> J. Douglas Allen-Taylor, "Two Cities, Two Approaches to Waterfront History," *Berkeley: Berkeley Daily Planet*, August 1, 2006

& this may very well affect the conclusion about its eligibility for the state register.

Meanwhile, the California Regional Water Quality Control Board (RWQCB), San Francisco Bay Region adopted a Remedial Action Plan (RAP) on July 19, 2004. The RAP did not evaluate the historical resources because it did not anticipate any changes, including demolition, of the existing building. In terms of CEQA review, the RAP simply declared the cleanup categorically exempt based on Section 15321 of the CEQA Guidelines.

Mark Johnson of the RWQCB confirmed this, telling me that, “There was no reason to remove the building for the remediation of the solvent impacted area. In fact, it has been completed and the building still remains in-place.”

LSA Associates, Inc., presumably under contract to the Richmond Community Redevelopment Agency, produced a report dated August 2004, entitled “Terminal One Contaminant Remediation, SRMP and Demolition Activities CEQA Analysis,” that included the following:

The Terminal One Industrial Complex consists of a 1915 reinforced concrete wharf structure, shed, two warehouse additions, a railroad spur, and concrete foundations that were used to support tanks for a liquid cargo facility. The Terminal One Industrial Complex was formally evaluated by Preservation Architecture to determine the historic significance of the complex based on the criteria of the National Register of Historic Places, California Register of Historic Resources, and the Richmond Register. The evaluation concluded that the Terminal One Industrial Complex: 1) lacks association with events or a pattern of events that have made a significant contribution in national, State, or local history; 2) is not associated with lives of persons important to national, State, regional, or local history; 3) does not embody distinctive characteristics of a type, period, or method of construction, and does not represent the work of a master or possess high artistic values; and 4) does not appear to fulfill any of the eligibility criteria for the Richmond Register. Therefore, the Terminal One Industrial Complex is not eligible for listing on the National, California, or Richmond registers and is not considered a historic resource pursuant to CEQA.<sup>6</sup>

Meanwhile, LSA Associates and the Richmond Planning Department proceeded to prepare the Draft Environmental Impact Report released October 2005, which did not even include a section on historic and cultural resources. The following is from Page 267 of the DEIR:

The remedial Action Plan for the project site included the removal of all existing structures on the site and considerable ground disturbing activities. CEQA analysis completed on the Remedial Action Plan included evaluation of those structures for eligible listing on the National, California or Richmond Registers,

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<sup>6</sup> Terminal One Contaminant Remediation, SRMP and Demolition Activities CEQA Analysis, LSA Associates, Inc., August 24, 17

as well as potential impacts to archaeological and paleontological resources. The structures were not found to be historic resources under CEQA and impacts to cultural resources were found to be less than significant.

The above statement is factually inaccurate because there was no CEQA review of the Remedial Action Plan that was ultimately approved. The LSA Associates review that tiered off a program EIR for expansion of the Redevelopment Area to Terminal 1 envisioned a RAP that required building demolition. That Notice of Determination was filed on August 13, 2004, with the Contra Costa County Clerk.

The result is that the Richmond Planning Department is currently seeking final certification of an EIR that has a critical deficiency. It did not recognize an adverse impact (demolition) on an historical resource despite the fact that City staff had constructive notice from at least one reliable source that it should have been included.

In any event, the EIR is clearly defective and must be amended before it can be certified. In amending the EIR, the City will have to evaluate mitigations and alternatives to demolition, which may, in turn affect the project design or site plan.

## **Exhibit 1 – Circa Draft Historical Evaluation**

### **I. Introduction**

This Historic Resource Analysis report has been developed for the City of Richmond Redevelopment Agency regarding the property known as Terminal One at Point Richmond (located on Parcel 7 of Assessor's Map 420, Book 560, Page 42, June 16, 1987). Plans for the proposed new housing complex include the demolition of Terminal One for the development of a public open space on the waterfront. The Terminal One structure is sited on lands that contained two "tank farms" and are considered contaminated. The property also has three easements that affect development of these portions.

### **II. Historical Background**

Before the Spanish came to Point Richmond, indigenous people lived off the land and bay. When the Spanish arrived in the early 1800's the area was identified as the Potrero, or pastureland, of the Rancho San Pablo that was owned by Don Francisco Castro. After 1850 the Rancho San Pablo was divided and development began in earnest.

Jacob Tewksbury, M.D., was a major Richmond landowner who constructed levees that extended across the waterway that divided Point Richmond and the mainland. When the Point was accessible by foot at low tide, Tewksbury petitioned the government to have the waterway declared land, making it available for private ownership. In 1895, Augustin Macdonald was hiking up Nicholl Nob and "discovered" Point Richmond. He observed the potential of the deep water off Ferry Point as the westernmost terminus being sought by Santa Fe Railway Company.

In July 1900 the Santa Fe Railway Company began ferry service to San Francisco from its Ferry Point Terminal. Santa Fe's tracks provided the first dependable connection between Point Richmond and the mainland, thereby initiating interest in large-scale development. The Standard Oil Company soon constructed a refinery and completed the closure of the waterway that provided more efficient access from San Francisco to San Pablo Bay.

In 1910 city council member E. J. Garrard led the City of Richmond in the development of port facilities. This development would have included dredging of a channel through marshy tidelands to reach the deep water of San Francisco bay. The Council urged Congressman Joseph R. Knowland of District 3 to approach congress's Rivers and Harbors Committee for funds to conduct a preliminary survey. They were successful and in 1911 the firm of Haviland &

Tibbet, Civil Engineers, completed the first report for construction of a tunnel and highway to the waterfront. A second report was completed in 1912 that proposed improvements to the harbor including the construction of a wharf shed [Wharf No.1], now known as Terminal One.

The 1912 report proposed that the wharf structure be designed in the "...Renaissance style of architecture, with simple but massive features." The report detailed each aspect of the terminal building's design, engineering and construction. The report also included elevations and a cross-section view (see Appendix 1 Plate 6).

A bond of \$730,000 was approved by City Council on November 19, 1912 for the construction of the terminal building 1 and 2, a section of the "training wall" and for dredging of a portion of the channel. Construction of the terminal structure was sometime between 1912 and 1915. Another bond in the sum of \$150,000 was approved in 1920 for the construction of the adjacent warehouse structure.

Representatives of the City of Richmond went to the Board of Army of Engineers in December 1913 to request funds for the development of the Harbor. Their request was recommended and approved. In 1917 \$428,000 was approved by Congress contingent on the City of Richmond appropriating the marching funds to improve the harbor. The Richmond Wharf and Dock Company operated until about 1923

The Richmond Terminal Corporation was in operation at Terminal One by 1923. By 1932 the Parr-Richmond Corporation occupied the Terminal One building and continued as the primary tenant until 1972. The Petromark Company leased bulk liquid storage space at Terminal One from Parr-Richmond from 1973. From the 1930's other sub-leases were assigned to Richfield Oil, the Ford Motor Company (which stored motor parts), and the U.S. Army (during the war years). The terminal was also used for the shipping and storage of dry goods awaiting shipment by truck, rail or boat. In a newspaper article from 1934 the writer describes his experience of using the Terminal One building for storage and shipping of beans "...to Gulf and Atlantic ports and to Porto Rico." By 1944 the outer harbor had many additional buildings and storage tanks surrounding the Terminal One building and wharf.

Industry had been active along the waterfront since the turn of the twentieth century, including the Standard Oil Refinery, the California Wineries Association, and the Richmond Pottery Company. But it was the development of the outer harbor in 1910 that brought attention to Richmond as a modern port. The success of the outer harbor and Terminal One facilitated interest in expanding the inner harbor and elevated Richmond's reputation as an important harbor that rivaled San Francisco and Oakland.

### III. Description of the Resource

The proposed Terminal One (Wharf No.1) structure was described in detail in the Haviland & Tibbet, Civil Engineers report of 1912 as being of the Renaissance style. The center and ends were to be "...treated as pavilions projecting 12 feet in front of the face of the wall, and rising five feet above the main cornice..." The description continued on to detail the size of the pilasters, columns and cornice. The actual Terminal One structure was constructed in a more simplified version of that proposed but true to the massive Renaissance style popular for commercial and civic structures of the period.

In the late nineteenth and early twentieth centuries "revival styles" had gained popularity mainly due to the influence of the Columbian Exhibition of 1893 (Chicago). The strong horizontal lines and massive forms of the Renaissance style represented America's expanding presence in international commerce. The designs were more about strength and progress than refinement and beauty.

Richmond's Terminal One structure was constructed between 1912 and 1915 as the first storage and shipping terminal for the new outer harbor project connecting rail and ship traffic. It was to provide sufficient storage room with easier access for the unloading of vessels. The terminal was built of reinforced concrete, rectilinear in plan, stretching about 740 feet in length, set on top of pilings and cantilevered over the water.

Probably due to budget constraints the proposed center and end "pavilions" were not projected nor raised above the cornice as planned but simplified as a continuous form. The bays, roll-up entry doors, side windows and transom windows are near to those on the original plans. The proposed "blocking course" of the cornice was not constructed but a simple cornice band runs the perimeter of the structure. The tri-part sign panel has the name WHARF NO. 1 / RICHMOND / A.D.MCMXV [1915] in raised letters. The primary facade of the structure faces the water. The interior of the terminal has exposed rafters and a rolling crane used for moving cargo. Site features remaining include the wharf, manhole covers, a rail spur and tie-downs.

In 1920 the adjacent warehouse structure was under construction. It was attached to the back elevation of the terminal structure, retaining many of the terminal's windows and bays. The warehouse section has been altered over the years. No original plans were found although photographs of the warehouse under construction do exist.

In general, the main Terminal One structure remains as it was constructed and retains most of the materials, design and craftsmanship of the original design. The Terminal One structure is sited on lands that contained two "tank farms". The tanks and various smaller structures have been removed. The area is bordered on the north and east by commercial and housing development. To the west is a

community park with a section of the Santa Fe Railway Ferry Point Terminal structure. To the south is the port.

#### **IV. The National Register Criteria for Evaluation**

The National Register of Historic Places is the official list of properties, structures, districts, and objects significant in American history, architecture, archeology, engineering, and culture. National Register properties have significance to the prehistory and history of their community, State, or Nation. The National Register Criteria for Evaluation is...“the basis for judging a property's significance for their association with important events or persons, for their importance in design or construction, or for their information potential...”

##### Historic evaluation

The National Register Criteria for Evaluation is...“the basis for judging a property's significance for their association with important events or persons, for their importance in design or construction, or for their information potential...” National Register Bulletin 15. The National Register Criteria recognizes the following categories:

- Associative Value; Criterion A: properties significant for their association or linkages to events
- Associative Value; Criterion B: properties significant for their association to persons important to the past
- Design or Construction Value; Criterion C: properties significant as representatives of the fabricated expression of culture or technology
- Information Value; Criterion D: properties significant for their ability to yield important information about prehistory or history

Bulletin 15 further explains that a determination must be made on how the theme of the context is significant in the history of the local area, the State, or the nation. “A theme is a means of organizing properties into coherent patterns based on elements such as environment, social/ethnic groups, transportation networks, technology, or political developments that have influenced the development of an area during one or more periods of prehistory or history. A theme is considered significant if it can be demonstrated, through scholarly research, to be important in American history. Many significant themes can be found in the list of Areas of Significance used by the National Register.” This list is quoted as follows:

##### **AREAS OF SIGNIFICANCE**

Agriculture

Architecture

Archeology

- Prehistoric
- Historic--Aboriginal

- Historic--Non-Aboriginal
- Art
- Commerce
- Communications
- Community Planning and Development
- Conservation
- Economics
- Education Engineering Entertainment/Recreation
- Ethnic Heritage
  - Asian
  - Black
  - European
  - Hispanic
  - Native American
  - Pacific Islander
  - Other
- Exploration/Settlement
- Health/Medicine
- Industry
- Invention
- Landscape Architecture
- Law
- Literature
- Maritime History
- Military
- Performing Arts
- Philosophy
- Politics/Government
- Religion
- Science
- Social History
- Transportation
- Other

#### Evaluation of Integrity

Integrity is the measure by which properties are evaluated. To retain integrity a property must have most of the seven aspects of integrity as defined by the National Register Criteria for Evaluation. The seven aspects of integrity are quoted as follows:

- Location = Location is the place where the historic property was constructed or the place where the historic event occurred.
- Design = Design is the combination of elements that create the form, plan, space, structure, and style of a property.
- Setting = Setting is the physical environment of the historic property.

- Materials = Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration form a historic property.
- Workmanship = Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.
- Feeling = Feeling is a property's expression of the aesthetic or historic sense of a particular period of time.

## V. California Register Evaluation

Properties that are eligible for the National Register of Historic Places are also considered eligible for the California Register of Historical Resources. The California Register recognizes resources that are significant at the local, state or national level. The four California criteria are quoted as follows:

- It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United State;
- It is associated with the lives of persons important to local, California, or national history;
- It embodies the distinctive characteristics of a type, period, region, or method or construction, or represents the work of a master, or possesses high artistic values; or
- It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

## VI. Architectural Evaluation

### Field Survey

A field survey of the Terminal One structure was conducted on November 19, 2002. Photographs were taken of the property for the consultant's reference, and to select the best representative photograph for the updated Primary Record form to be submitted to the State of California Office of Historic Preservation. Both the interior and exterior of the railroad depot were surveyed.

### Analysis of the Survey

The goal of this survey was to analyze, review and update the level of historic integrity for use in the Historic Evaluation Report for the Terminal One structure in Richmond California using the State of California Department of Parks and Recreation [DPR 523] standardized *Primary Record* and *Building, Structure, Object Record* forms. Materials used for the completion of the forms include *Instructions for Recording Historical Resources* (SHPO, March 1996) and *How to Apply the National Register Criteria for Evaluation*, National Register Bulletin, #15,(NPS, October 1991).

Methods used to evaluate the integrity of the property for the Architectural History Survey and Report included information gathered from books and materials as listed in the Bibliography and analysis outlined in *How to Apply the National Register Criteria for Evaluation*, National Register Bulletin, #15,(NPS, October 1991). The Terminal One structure was analyzed for eligibility for inclusion on the California Register of Historical Resources, and the National Register of Historic Places. The National Register of Historic Places is the official list of properties, structures, districts, and objects significant in American history, architecture, archeology, engineering, and culture. National Register properties have significance to the prehistory and history of their community, State, or Nation.

The National Park Service evaluation process requires three basic steps: 1) identification of a significant historic context associated with the resource, 2) identification of the types of resources important in illuminating that context, and 3) an assessment of whether the resources being evaluated has those required physical characteristics. An analysis and evaluation of the Terminal One structure was conducted according to the above described process.

#### Meeting the Criteria

The Terminal One structure is the primary element of the port development and retains a high level of integrity especially in the aspects of location, design, materials, workmanship and feeling. The Terminal strongly conveys the association of port facilities in northern California and the industrial growth of the City of Richmond.

The warehouse addition built in 1920 is a tertiary structure that has been altered and has lost enough of its character defining features so as to have diminished integrity and therefore is no longer considered an historic resource.

The applicable National Register Criteria categories for the Terminal One structure are, **Criterion A** - significance of Richmond's economic development based on and associated with port facilities (shipping and storage), and **Criterion C** - the remaining example of an original port facility on the outer harbor of the City of Richmond.

## **VII. Secretary of the Interior's Standards for the Treatment of Historic Properties**

Four approaches have been developed by the National Park Service to protect and preserve historic resources. The Treatments are:

### **Preservation:**

"Preservation is defined as the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project."

**Restoration:**

"Restoration is defined as the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project."

**Reconstruction:**

"Reconstruction is defined as the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location."

**Rehabilitation:**

"Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values."

The decision of which approach to undertake is the responsibility of the lead agency however, Rehabilitation is the most widely applied treatment. This may be due to the fact that it is the only Treatment that allows for a new use, alteration and even additions to an historic property. The Rehabilitation Treatment is further described below.

Secretary of Interior's Standards for Rehabilitation

The Secretary of the Interior Standards for Rehabilitation and Guidelines are used to preserve "those portions and features of the property which are significant to its historic, architectural, and cultural values." The following standards have been

developed by the National Park Service to guide rehabilitation work that will meet an appropriate level of treatment

"The Standards for Rehabilitation (36 CFR 67) comprise that section of the overall historic preservation project standards and addresses the most prevalent treatment. 'Rehabilitation' is defined as 'the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.' "

As defined in the Standards, "Rehabilitation" assumes that some repair or alteration of the building will need to take place in order to provide for an efficient contemporary use. These repairs and alterations must not damage or destroy the materials and features, or their finishes, that are important in defining the building's historic character as listed above.

The Standards are:

1. "A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment."
2. "The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided."
3. "Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken."
4. "Most properties change over time; changes that have acquired historic significance in their own right shall be retained and preserved."
5. "Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved."
6. "Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, and pictorial evidence."

7. "Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible."
8. "Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken."
9. "New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment."
10. "New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired."

In general terms, if the project is consistent with the Secretary of the Interior Standard then the project does not have a significant impact under CEQA. The Standards for Rehabilitation emphasizes that character-defining elements must be identified to facilitate their rehabilitation. These character-defining elements are the materials, features, and finishes that distinguish the building's style, and help establish integrity.

Character-defining elements of Terminal One and site are as follows:

- Massing and form appropriate to the Renaissance style
- Concrete construction and finish
- Concrete water table
- Bay openings with entry guards
- Steel frame multi-pane windows
- Tri-part sign WHARF NO. 1 / RICHMOND / A.D.MCMXV
- Exposed steel trusses
- Rolling crane
- Rail spur remains (interior and site)
- Wharf on piles
- Tie downs (for ship)
- Plate covers (on wharf)

## **IX. Impacts of the Proposed Project**

“The California Environmental Quality Act (CEQA) is the principal statute mandating environmental assessment of projects in California”. Under CEQA, a

project that results in a "substantial adverse change in the significance of an historical resource" may have a significant adverse effect on the environment. The CEQA review process seeks to determine if a project will potentially impact the significance of the historic resource.

CEQA describes activities that would impair the significance of an historical resource as "The significance of an historical resource is materially impaired when a project:

- (A) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in the California Register of Historic Resources; or
- (B) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historic resources, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
- (C) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA."

#### Over view of Mitigations

Under CEQA there are four levels of mitigation, these "...measures need to be able to

- (1) avoid the identified significant adverse impact altogether,
- (2) minimize the identified significant adverse impact
- (3) rectify the identified significant adverse impact by restoring or rehabilitating the impacted resource, or
- (4) reduce or eliminate the impact over time by preservation or maintenance operations during the life of the project"

Recordation is important for archival purposes but documentation such as drawing, photographs, electronic recordation, displays and commemorative plaques do not mitigate the physical impact on an historic resource as a result of demolition.

The Secretary of the Interior Standard for Rehabilitation does allow for the rehabilitation of a structure to be returned "...to a state of utility, through repair or alteration, which makes possible an efficient contemporary use...". An in-depth study on the issue of toxins and re-use of the Terminal One structure is out of the scope of work for this report.

Assuming that the mitigation of toxins allows for the re-use of Terminal One, the structure could be rehabilitated to be used by the public either in an active or passive use. New uses to be further investigated may include interpretive display of port history (shipping and freight); indoor recreational facility (tennis, skating, etc); minimal concessions relating to public destination activities (such as a cafe, bike rental, boat rental, windsurfing, kite store, etc). The extent of rehabilitation and code upgrades would require more detailed investigation.

## **VIII. Project Limitations**

The Terminal One structure is sited on lands that contained two “tank farms”. An Environmental Assessment Report was developed by Geomatrix and is available at the City of Richmond website [www.ci.richmond.ca.us and follow prompt to the Redevelopment Agency RFP’s]. A memorandum dated May 29, 2003 summarized the report. The contamination from the southwestern tank farm is considered significant and will require remediation prior to site development. The report explains that “Various chlorinated solvents (primarily tetrachloroethylene [PCE] were released there and are degrading to trichloroethylene [TCE], dichloroethylene [DCE], and vinyl chloride”. The report concludes that the removal of the structures (terminal and warehouse) is needed for remediation of the toxics.

## **X. Conclusion**

The City of Richmond’s Terminal One structure is potentially an historic resource. It is eligible for the California Register of Historical Resources for significance at a local level for its association with the City of Richmond’s port development and related industry. As proposed demolition of Terminal One does not conform to the Secretary of the Interior Standards and would be considered a Negative Impact under the California Environmental Quality Act.

### **Exhibit 2 – CEQA Guidelines**

#### **15064.5. Determining the Significance of Impacts to Archeological and Historical Resources**

(a) For purposes of this section, the term "historical resources" shall include the following:

(1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code, § 5024.1, Title 14 CCR, Section 4850 et seq.).

(2) A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

(3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code, § 5024.1, Title 14 CCR, Section 4852) including the following:

(A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

(B) Is associated with the lives of persons important in our past;

(C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

(D) Has yielded, or may be likely to yield, information important in prehistory or history.

(4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.

(b) A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.

(1) Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.

(2) The significance of an historical resource is materially impaired when a project:

(A) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or

(B) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or

(C) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

(3) Generally, a project that follows the [Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings](#)

[or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings \(1995\), Weeks and Grimmer](#), shall be considered as mitigated to a level of less than a significant impact on the historical resource.

(4) A lead agency shall identify potentially feasible measures to mitigate significant adverse changes in the significance of an historical resource. The lead agency shall ensure that any adopted measures to mitigate or avoid significant adverse changes are fully enforceable through permit conditions, agreements, or other measures.

(5) When a project will affect state-owned historical resources, as described in Public Resources Code Section 5024, and the lead agency is a state agency, the lead agency shall consult with the State Historic Preservation Officer as provided in Public Resources Code Section 5024.5. Consultation should be coordinated in a timely fashion with the preparation of environmental documents.

(c) CEQA applies to effects on archaeological sites.

(1) When a project will impact an archaeological site, a lead agency shall first determine whether the site is an historical resource, as defined in subdivision (a).

(2) If a lead agency determines that the archaeological site is an historical resource, it shall refer to the provisions of Section 21084.1 of the Public Resources Code, and this section, Section 15126.4 of the Guidelines, and the limits contained in Section 21083.2 of the Public Resources Code do not apply.

(3) If an archaeological site does not meet the criteria defined in subdivision (a), but does meet the definition of a unique archeological resource in Section 21083.2 of the Public Resources Code, the site shall be treated in accordance with the provisions of section 21083.2. The time and cost limitations described in Public Resources Code Section 21083.2 (c-f) do not apply to surveys and site evaluation activities intended to determine whether the project location contains unique archaeological resources.

(4) If an archaeological resource is neither a unique archaeological nor an historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment. It shall be sufficient that both the resource and the effect on it are noted in the Initial Study or EIR, if one is prepared to address impacts on other resources, but they need not be considered further in the CEQA process.

(d) When an initial study identifies the existence of, or the probable likelihood, of Native American human remains within the project, a lead agency shall work with the appropriate Native Americans as identified by the Native American Heritage Commission as provided in Public Resources Code section 5097.98. The applicant may develop an agreement for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American burials with the appropriate Native Americans as identified by the Native American Heritage Commission. Action implementing such an agreement is exempt from:

(1) The general prohibition on disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery (Health and Safety Code Section 7050.5).

(2) The requirements of CEQA and the Coastal Act.

(e) In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:

(1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

(A) The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and

(B) If the coroner determines the remains to be Native American:

1. The coroner shall contact the Native American Heritage Commission within 24 hours.
2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.
3. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code section 5097.98, or

(2) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.

(A) The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.

(B) The descendant identified fails to make a recommendation; or

(C) The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

(f) As part of the objectives, criteria, and procedures required by Section 21082 of the Public Resources Code, a lead agency should make provisions for historical or unique archaeological resources accidentally discovered during construction. These provisions should include an immediate evaluation of the find by a qualified archaeologist. If the find is determined to be an historical or unique archaeological resource, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation should be available. Work could continue on other parts of the building site while historical or unique archaeological resource mitigation takes place.

**Note:** Authority: Section 21083, Public Resources Code. Reference: Sections 21083.2, 21084, and 21084.1, Public Resources Code; *Citizens for Responsible Development in West Hollywood v. City of West Hollywood* (1995) 39 Cal.App.4th 490.

**Discussion:** This section establishes rules for the analysis of historical resources, including archaeological resources, in order to determine whether a project may have a substantial adverse effect on the significance of the resource. This incorporates provisions previously contained in Appendix K of the Guidelines. Subsection (a) relies upon the holding in *League for Protection of Oakland's Architectural and Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896 to describe the relative significance of resources which are listed in the California Register of Historical Resources, listed in a local register or survey or eligible for listing, or that may be considered locally significant despite not being listed or eligible for listing. Subsection (b) describes those actions which have substantial adverse effects. Subsection (c) describes the relationship between historical resources and archaeological resources, as well as limits on the cost of mitigating impacts on unique archaeological resources. Subsections (d) and (e) discuss the protocol to be followed if Native American or other human remains are discovered.

### Exhibit 3 – Correspondence Between Nancy Stoltz and Craig Murray

Tom,

I am forwarding this three-year old e-mail exchange between myself and Craig Murray in response to your inquiry regarding Terminal One. I am also forwarding two attachments: the July 31,2003, letter referenced in my message to Craig and a proposal I sent to Craig to conduct the evaluation. I was never hired to review Sheila's draft report and complete the evaluation. We got pretty far along in discussions but Craig essentially wanted me "to determine that Terminal 1 is not locally significant" per his original message. I told him I could not guarantee such a determination and that from what I know of the structure, even before I read Sheila's draft report, it was very likely significant. I explained to him that the threshold for local listing was less stringent than the California Register and that if Sheila had indicated that it was eligible for the California Register, it would surely be eligible for local listing.

Please call me if you have any further questions.

Nancy Stoltz  
415-383-9174

----- Original Message -----

**Subject:**Re: Terminal 1 Historic/Cultural Significance

**Date:**Mon, 04 Aug 2003 08:58:28 -0700

**From:**Craig Murray <[Craig\\_Murray@ci.richmond.ca.us](mailto:Craig_Murray@ci.richmond.ca.us)>

**To:**Rachel Dragolovich <[Rachel\\_Dragolovich@ci.richmond.ca.us](mailto:Rachel_Dragolovich@ci.richmond.ca.us)>, <[nstoltz@ix.netcom.com](mailto:nstoltz@ix.netcom.com)>

**CC:**Alan Wolken <[Alan\\_Wolken@ci.richmond.ca.us](mailto:Alan_Wolken@ci.richmond.ca.us)>, Gary Hembree <[Gary\\_Hembree@ci.richmond.ca.us](mailto:Gary_Hembree@ci.richmond.ca.us)>, Mimi Liem <[Mimi\\_Liem@ci.richmond.ca.us](mailto:Mimi_Liem@ci.richmond.ca.us)>, <[mbradish@coxcastle.com](mailto:mbradish@coxcastle.com)>

Nancy: Thank-you for the informative & quick response on Terminal 1, HPAC & the local register. I will check here if we need a Planning Dept./HPAC analysis or if this can be incorporated into the Circa report. I see that Richmond's former Planning Manager Nancy Kaufman is new Planning Director at Town of Larkspur. Thanks again. = Craig K. Murray =

>>> Nancy Stoltz <[nstoltz@ix.netcom.com](mailto:nstoltz@ix.netcom.com)> 07/31/03 02:20PM >>>  
Craig,

Please see the attached letter in response to your inquiry. I will fax you a signed copy.

Nancy

Craig Murray wrote:

> Ms. Nancy Elizabeth Stotz  
> AIA, AICP  
> Design And Planning  
> 20 Alvarado Avenue  
> Mill Valley, CA 94941  
> 415-383-9174  
>  
> Good Morning Nancy:  
>  
> I believe our email system here is faster than our phone system since I just received a call/voice mail from 4:40pm yesterday afternoon this morning regarding the Agency's subject project (I was here last night until after 7pm). Call came in from Ms. Margo Bradish, a Land Use Attorney with Cox, Castle, Nicholson. Margo along with our Asst. City Attorney Ms. Rachel Dragolovich are helping put together the Disposition, Development Agreement (DDA) with our developer Toll Brothers & currently both are reviewing some of the initial premises in the subject report. Margo, after discussion with City staff & Ms. Sheila McElroy, indicated that it is critical/as soon as possible, to get whatever analysis the City has done on the local level to determine that Terminal 1 is not locally significant & this may very well affect the conclusion about its eligibility for the state register. You may want to again contact/discuss with Sheila on the past & current City local register process. I'm  
> asking your assistance to provide, as immediately available, confirmation that the City has conducted its reasonable, legitimate analysis to conclude it was not locally significant and, as available, email that out to contacts below. Thank-you.  
>  
> Regards,  
> = Craig K. Murray =  
>  
> Contacts:  
>  
> Ms. Margo Bradish  
> Cox Castle Nicholson LLP  
> 505 Montgomery Street, Suite 1500  
> San Francisco, CA 94111-2585  
> 415-262-5100  
> Fax: 415-392-4250  
> [mbradish@coxcastle.com](mailto:mbradish@coxcastle.com)  
>  
> Ms. Rachel Dragolovich, Assistant City Attorney  
> City of Richmond  
> 510-620-6510  
> Fax: 510-620-6518  
> [rachel\\_dragolovich@ci.richmond.ca.us](mailto:rachel_dragolovich@ci.richmond.ca.us)  
>  
> Ms. Sheila McElroy, Principal  
> Circa: Historic Property Development  
> One Sutter Street, #910  
> San Francisco, CA 94104  
> 415-362-7711  
> [sheila\\_circa@excite.com](mailto:sheila_circa@excite.com)  
>

> Craig K. Murray  
> Development Project Manager II  
> Richmond Redevelopment Agency  
> 1401 Marina Way South  
> Richmond, CA 94804  
> Ph: Direct:(510) 621-1262, Office: (510)307-8140  
> Fx: (510)307-8149  
> [www.ci.richmond.ca.us](http://www.ci.richmond.ca.us)  
> [Craig\\_Murray@ci.richmond.ca.us](mailto:Craig_Murray@ci.richmond.ca.us)

**NANCY ELIZABETH  
STOLTZ  
AIA • AICP**

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**DESIGN AND  
PLANNING**  
20 ALVARADO AVENUE MILL VALLEY, CA  
94941  
4 1 5 • 3 8 3 • 9 1 7 4

July 31, 2003

Craig K. Murray  
Development Project Manager II  
Richmond Redevelopment Agency  
1401 Marina Way South  
Richmond, CA 94804

RE: Historical/ Cultural Significance of Terminal 1

Dear Craig:

This letter is n response to your e-mail request dated July 31, 2003, regarding the status of Terminal 1 relative to the City of Richmond's local register of historical resources. As you are aware, I had a contract to provide consulting services to the City and its Historic Preservation Advisory Committee throughout much of last year. However that contract has since expired. Though I have signed a subsequent contract with the City to provide some follow up services to the Planning Department, the scope of my work is very limited. Historic preservation services are now being provided directly by the Planning Department under the direction of Barry Cromartie, Planning Manager. My primary contact person in the Department is Mimi Liem.

I recently provided the Planning Department with an updated local register of historic resources, which they are in the process of entering into the GIS database. I am not sure when that information will be available on-line, but in the meantime you can obtain it from Mimi Liem. The Terminal 1 building at the foot of Dornan Drive was not listed on

the local register as of June 30, 2003, when I completed my last update for the Planning Department. To the best of my knowledge, the property has not been evaluated for eligibility. There was no request initiated by the Historic Preservation Advisory Committee (HPAC) during 2002 when I was working closely with it, nor had the property been listed between 2002 and December of 1999 when the Historic Structures Code establishing the Richmond Historic Register was first adopted.

Although you and I have had conversations about the building's potential eligibility, I was never asked by the Committee or authorized by the Redevelopment Agency to conduct a formal evaluation of eligibility of Terminal 1 for the local register. My recommendation at the time we first discussed the project was that the Redevelopment Agency should hire an historic resources consultant to conduct the evaluation for purposes of environmental review. I understand that your consultant, Sheila McElroy of Circa Design, has completed an historic resources evaluation of the property, including a documentation of its history, significance and eligibility for the California Register of Historical Resources and/or the National Register of Historic Places. You could ask her to expand her analysis to include eligibility under the City's governing ordinance, the Historic Structures Code. Alternatively, I could conduct an evaluation but would need a copy of her report and contract authorization from the Redevelopment Agency. You could also ask the Planning Department to conduct the evaluation, but they may need to hire a consultant perform the work and they may expect the Agency to cover the cost.

On the other had, if you would like to initiate a formal request to designate the building as an historic resource, you would definitely need to contact the Planning Department to initiate the request with the HPAC. You would also need to provide the Committee with historical and architectural information sufficient for it to make and informed recommendation to the City Council on the application. However, I don't know that you would need to go through a formal designation process in order to arrive at a determination of eligibility for purposes of conducting an evaluation under CEQA. My suggestion is that you refer that question to your counsel and proceed accordingly.

I hope this adequately answers your questions regarding the status of the property.

Sincerely,

Nancy Stoltz

August 20, 2003

Mr. Craig K. Murray  
Development Project Manager II  
Richmond Redevelopment Agency  
1401 Marina Way South  
Richmond, CA 94804

Re: Terminal One - Evaluation of Eligibility for Richmond Historic Register

Dear Craig:

Thank you for sending the information on the Terminal One property located at the foot of Dornan Drive. I understand that you would like an evaluation of the property's eligibility for listing as an historic resource at the local level. Eligibility for listing on the Richmond Historic Register is specified in Chapter 6.06 of the Richmond Municipal Code, known as the Historic Structures Code. I will be able to prepare a written evaluation of eligibility based on the documentation prepared to date by Sheila McElroy of Circa: Historic Property Development. This includes the Draft Historic Resource Analysis, dated June 6, 2003, and the draft DPR 523 forms, which were also prepared by Circa. I am already in receipt of the former and have requested a copy of the latter from Ms. McElroy, who has agreed to send it directly to me.

I also understand that this work is time critical and that you would like it initiated immediately.

I should be able to accommodate your request and will be able to start work on the project as soon as you are able to authorize it. I am not sure I can complete it by Friday, August 22, but I will do my best to complete it as soon as possible given the circumstances and my schedule.

I estimate that the assignment can be completed in a maximum of 20 hours. Therefore, I propose to complete it on a time and materials basis with a maximum total project cost not to exceed \$1,900, based on my hourly billing rate of \$90 and a reimbursable expense allowance of \$100. The final cost will be based on the number of hours spent and actual reimbursable expenses incurred, but will not exceed \$1,900. I propose the following scope of work:

**Terminal One Local Register Evaluation Work Scope:**

1. Review Draft Historic Resource Analysis, DPR 523 forms and supporting material prepared by Circa: Historic Property Development.
2. Conduct site visit to review the building condition and integrity.
3. Prepare a written evaluation of the subject property's eligibility for listing as an Historic Resource to be included on the Richmond Historic Register pursuant to chapter 6.06 of the Richmond Municipal Code, known as the Historic Structures Code.

I hope this proposal will be satisfactory and will meet your needs. Please call me if you have any questions or comments. I look forward to hearing from you soon and thank you for the opportunity to assist you with this project.

Sincerely,

Nancy E. Stoltz, AIA, AICP

Historic Preservation Consultant

**Exhibit 4 – Comparison of Evaluations of Historic Significance from  
Circa and Preservation Architecture**

### Terminal 1 Historic Significance

California Register Criteria	McElroy (Circa)	Preservation Architecture
<p>Summary of History</p>	<p>In 1910 city council member E. J. Garrard led the City of Richmond in the development of port facilities. This development would have included dredging of a channel through marshy tidelands to reach the deep water of San Francisco bay. The Council urged Congressman Joseph R. Knowland of District 3 to approach congress’s Rivers and Harbors Committee for funds to conduct a preliminary survey. They were successful and in 1911 the firm of Haviland &amp; Tibbet, Civil Engineers, completed the first report for construction of a tunnel and highway to the waterfront. A second report was completed in 1912 that proposed improvements to the harbor including the construction of a wharf shed [Wharf No.1], now known as Terminal One.</p> <p>The 1912 report proposed that the wharf structure be designed in the “...Renaissance style of architecture, with simple but massive features.” The report detailed each aspect of the terminal building’s design, engineering and construction. The report also included elevations and a cross-section view (see Appendix 1 Plate 6).</p> <p>A bond of \$730,000 was approved by City Council on November 19, 1912 for the construction of the terminal building1 and 2, a section of the “training wall” and for dredging of a portion of the channel. Construction of the terminal structure was sometime between 1912 and 1915. Another bond in the sum of \$150,000 was approved in 1920 for</p>	<p>Some 90 years ago, the City of Richmond proposed the development of a publicly owned and operated port to serve the municipality and, in the context of the opening if the Panama canal, to enable the City to compete for trade on a regional scale. Whereas there were numerous private, industrial wharves and structures in existence by the 1910s, Wharf No. 1 was Richmond’s first municipally owned wharf and building – an was planned to be an edifice of strategic location, potent design, and contemporary materials – although, as discussed below, that plan was never realized. The year 1915, when Wharf No. 1 was completed, was also the year of the opening of the Panama Canal. Ports of the Pacific had long prepared for this eventuality. By this time, San Francisco and Oakland were both established and maturing commercial ports, and harbor plans were afoot throughout the Bay Area municipalities that fronted the bay, including Berkeley and Richmond.</p> <p>In the 1913 water system engineering report, under the heading “Harbor project,” the engineers reported the following: “With a view toward profiting by the increasing commerce expected after the opening of the Panama Canal, Richmond has taken important steps toward the establishment of a large port, which can readily compete with the other large ports on the Pacific Coast.</p> <p>Comprehensive plans have been adapted for an</p>

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	<p>the construction of the adjacent warehouse structure.</p> <p>Representatives of the City of Richmond went to the Board of Army of Engineers in December 1913 to request funds for the development of the Harbor. Their request was recommended and approved. In 1917. \$428,000 was approved by Congress contingent on the City of Richmond appropriating the marching funds to improve the harbor. The Richmond Wharf and Dock Company operated until about 1923</p> <p>The Richmond Terminal Corporation was in operation at Terminal One by 1923. By 1932 the Parr-Richmond Corporation occupied the Terminal One building and continued as the primary tenant until 1972. The Petromark Company leased bulk liquid storage space at Terminal One from Parr-Richmond from 1973. From the 1930's other sub-leases were assigned to Richfield Oil, the Ford Motor Company (which stored motor parts), and the U.S. Army (during the war years). The terminal was also used for the shipping and storage of dry goods awaiting shipment by truck, rail or boat. In a newspaper article from 1934 the writer describes his experience of using the Terminal One building for storage and shipping of beans "...to Gulf and Atlantic ports and to Porto Rico." By 1944 the outer harbor had many additional buildings and storage tanks surrounding the Terminal One building and wharf.</p> <p>Industry had been active along the waterfront since the turn of the twentieth century, including the</p>	<p>ultimate development costing over \$18,999,999, and giving sufficient room for approximately as much commerce as now handled at the city of San Francisco. Bonds have been voted to the extent of \$1,170,000 for the construction of the first unit of this harbor project. The first construction will consist of wharves for the so called "Inner harbor," extending well toward the center of the city and wharves at the outer harbor in deep water, access to which will be given by the construction of a large highway and tunnel through the Potrero Hill...The early completion of the first unit of the project should greatly accelerate the commercial and industrial development of the city."</p> <p>These statements made about and contemporary to the inception of Richmond's harbor contain several important pieces of contextual information. The first – about the regional expectations related to the opening of the Panama canal. Otherwise, that Richmond was intent on the development of a large and competitive harbor, as were other municipalities up and down the pacific Coast. The engineers also reported that the first construction associated with Richmond's harbor were its dykes and piers that would line the channel to the Inner harbor.</p> <p>The final report, dated September 1912 and entitled the Richmond harbor Project, provided the specific scheme for the overall Richmond harbor, including general plans for its channel, outer and inner harbors, as ell as specific designs for the tunnel, highway and, notably, Wharf No. 1 and No. 2 (figs. 6-7). These reproduced plans are</p>

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	<p>Standard Oil Refinery, the California Wineries Association, and the Richmond Pottery Company. But it was the development of the outer harbor in 1910 that brought attention to Richmond as a modern port. The success of the outer harbor and Terminal One facilitated interest in expanding the inner harbor and elevated Richmond's reputation as an important harbor that rivaled San Francisco and Oakland.</p>	<p>instructive in so much as they indicate the intent versus the reality of the plans and designs for the harbor. Of those intents, al that was manifest was a stripped down version of Wharf No. 1 along with the tunnel and roadway linking it to the then village of Point Richmond.</p> <p>In the context of the SF Bay ports, shipping and the Panama Canal, Terminal 1 remains an isolated event, disassociated from the overall port development and the eventual harbor.</p> <p>Whereas Terminal No. 1 was originally built as a transshipment point between Richmond's industries, via the railroad and regional shipping routes, its use was converted to that of an independent, liquid storage and transport facility within just over a decade of its construction, and has served in that independent capacity for much of the past 80years. Neither the nearby port facilities, once under the same ownership and operation as Terminal 1, nor the nearby shipyards share any historical or physical association with terminal 1.</p> <p>The story of Wharf No. 1 is, therefore, not that of a first and important municipal terminal, but is instead that of a contextually isolated, municipal terminal structure that comprised but a small component of a harbor that developed under private auspices, mre than a decade later, and in a different location – at Richmond's Inner harbor. Nor was wharf No. 1 built as an edifice of consequential design, as intended. Rather, it was and is a spare industrial structure that does not</p>

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<p><b>It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States</b></p>	<p><b>Criterion A</b> - significance of Richmond’s economic development based on and associated with port facilities (shipping and storage</p> <p>The Terminal One structure is the primary element of the port development and retains a high level of integrity especially in the aspects of location, design, materials, workmanship and feeling. The Terminal strongly conveys the association of port facilities in northern California and the industrial growth of the City of Richmond.</p> <p>Richmond’s Terminal One structure was constructed between 1912 and 1915 as the first storage and shipping terminal for the new outer harbor project connecting rail and ship traffic. It was to provide sufficient storage room with easier access for the unloading of vessels. The applicable National Register Criteria categories for the Terminal One structure are,</p>	<p>exploit or celebrate its location at the entrance to the Richmond Channel.</p> <p>While Wharf No.1 is consequence of events surrounding the Panama canal, specifically the attempt the create a harbor for the City of Richmond – due to its contextual isolation and its spare industrial character, Wharf No. 1 does not appear to fulfill these potential associations. Rather, its actual associations are to the few, adjoining yet non-historic public works and engineering structures, including the tunnel. Neither is Wharf No. 1 associated with other locally designated historic resources with which it may otherwise be geographically related. Terminal 1 therefore lacks associations with events with events or patterns of events that have made a significant contribution in national, state or local history.</p>
<p><b>It embodies the distinctive characteristics of a type, period, region, or method or construction, or represents the work of a master.</b></p>	<p><b>Criterion C</b> - the remaining example of an original port facility on the outer harbor of the City of Richmond</p> <p>In general, the main Terminal One structure remains as it was constructed and retains most of the materials, design and craftsmanship of the original design.</p>	<p>Despite the intentions of its planners and engineers, Terminal No. 1 is without architectural, engineering or material significance. Completed in 1915, at a time when the use of reinforced concrete for industrial engineering and architecture was relatively widespread, it is an innocuous, industrially engineered wharf and transit shed combining reinforced concrete and steel construction. Its engineering character is limited to the inherent quality of its vast, shed-like interior space, and to the quality of construction of its wharf. Moreover, its warehouse additions of 1920</p>

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		are of negligible substance and interest. Wharf No. 1 also fails to substantiate its potentially memorable location.
Conclusion	The City of Richmond's Terminal One structure is potentially an historic resource. It is eligible for the California Register of Historical Resources for significance at a local level for its association with the City of Richmond's port development and related industry. As proposed demolition of Terminal One does not conform to the Secretary of the Interior Standards and would be considered a Negative Impact under the California Environmental Quality Act.	Although a relatively old structure locally, as well as an early port shed, Terminal 1 does not appear to fulfill any of the eligibility criteria for the Richmond Register

**Exhibit 5 – Letter from Cox Castle Nicholson**

## MEMORANDUM

DATE: August 2, 2006

TO: Planning Commission, City of Richmond

CC: Alan Wolken, Deputy Director, Richmond Redevelopment Agency

FROM: Lynette Dias, Principal in Charge

SUBJECT: Terminal One/Point Richmond Shores

In 2004 independent of the Toll Brothers Project, the City of Richmond's Redevelopment Agency requested LSA conduct a CEQA analysis of the proposed contaminant remediation, Soil Risk Management Plan (SRMP) and demolition activities, which were being contemplated by the Agency in accordance with the Richmond Redevelopment Areas Mergers and Amendments (which was analyzed in an EIR published in 1999). The CEQA analysis concluded that: (1) each of the three proposed activities were anticipated as part of the Redevelopment Areas Merger and Amendments, which was approved by the City in 1999; and (2) that the three activities proposed were within the scope of the Richmond Redevelopment Areas Merger and Amendments EIR (SCH # 98072020) (Redevelopment EIR)<sup>1</sup>.

The Amendments included adding the Terminal One site to the 11-A Harbour Redevelopment Area. Two of the primary goals of the Redevelopment Plan include:

- Stimulation of residential, commercial, industrial and port development in the proposed area; and
- Removal of impediments to land development and guidance of development toward a high level of design standards and assistance with rehabilitation of functionally or structurally substandard buildings.

Site remediation, building demolition and implementation of the Soils Management Plan for the Terminal One site would allow for future redevelopment of the site and is consistent with and would further the goals and objectives of the Richmond Redevelopment Areas Mergers & Amendments.<sup>2</sup>

The activities evaluated in the 2004 CEQA analysis, which were determined to fall within the scope of the Redevelopment EIR are described below.

<sup>1</sup> The Redevelopment EIR was approved by the City; the Final EIR consists of both the information provided in the Draft EIR and the Response to Comments document. Where references to information or conclusions provided in the Redevelopment EIR are made throughout this EIR, the "Draft Redevelopment EIR" is used.

<sup>2</sup> Redevelopment Agency of the City of Richmond, 1999. *Report to City Council on the Proposed Amendments to the Redevelopment Plans Including the Merger of the Richmond Development Projects*. May.

*Contaminant Remediation.* Remediation of contamination within the project site would include the installation of a subsurface barrier in the Southwestern Tank Farm Area and consist of ISTD treatment and soil excavation in the Central Area. Contaminant remediation activities would be conducted by the Agency. The ISTD treatment would be used to remediate volatile organic compound (VOC) contamination within the Southwestern Tank Farm Area. LSTD would consist of the application of electrically-generated heat to the subsurface via a series of vertical heaters. The extracted heat and contaminated vapors would be treated in an above-ground system. The treatment of the Southwestern Tank Farm Area would also involve construction of a vertical surface barrier and a post-treatment groundwater monitoring program. Soils excavation in the Central Area would include the excavation and removal of soil 2 to 3 feet below the ground surface that is contaminated with benzo(a)pyrene.

*Soils Risk Management Plan (SRMP).* The soil risk management plan would specify protocols for handling hydrocarbon-impacted soil within the site, including the need for removal or on-site management of contaminated soils as part of the future development of the project site. Specifically, soil containing nuisance levels of hydrocarbons may be excavated to 3 feet below final grade in areas that will not be covered by hardscape or building foundations. In areas covered by either hardscape or building foundations, soil containing nuisance levels of hydrocarbons would be managed in place. Identification of areas to be excavated would be made by inspection once final site grading is complete as part of the development of the site.

*Demolition Activities.* Subsequent to the remediation of contamination within the site, the Terminal One Industrial Complex would be demolished to allow for future development of the site. The complex includes a shed, two warehouse additions, a railroad spur, and concrete foundations that were used to support tanks for a liquid cargo facility. Demolition activities, including the disposal of building materials, would be conducted in compliance with all applicable regulations, including those of the RWQCB and Bay Area Air Quality Management District (BAAQMD). Best Management Practices (BMPs) would be implemented to ensure that no materials enter San Francisco Bay. Similar to site remediation activities, demolition of on-site structures would allow for future redevelopment of the site and would be consistent with and would further the goals and objectives of the Richmond Redevelopment Areas Mergers and Amendments.

In regards to historic resources, the 2004 CEQA analysis concluded that the Terminal One Industrial Complex is not eligible for listing on the National, California, or Richmond registers and is not considered a historic resource pursuant to CEQA. The Terminal One Industrial Complex consists of a 1915 reinforced concrete wharf structure, shed, two warehouse additions, a railroad spur, and concrete foundations that were used to support tanks for a liquid cargo facility. The Terminal One Industrial Complex was formally evaluated by Preservation Architecture to determine the historic significance of the complex based on the criteria of the National Register of Historic Places, California Register of Historical Resources, and the Richmond Register.<sup>3</sup> The evaluation concluded that the Terminal One Industrial Complex: 1) lacks associations with events or a pattern of events that have made a significant contribution in national, State, or regional history; 2) is not associated with lives of persons important to national, State, regional, or local history; 3) does not embody distinctive characteristics of a type, period, or method of construction, and does not represent the work of a

<sup>3</sup> Preservation Architecture, 2004. *Terminal No. One Historic Evaluation*. June 21.

master or possess high artistic values; and 4) does not appear to fulfill any of the eligibility criteria for the Richmond Register.

The Point Richmond Shores Draft EIR briefly discusses this finding in Chapter VIII, under effects found not to be significant. It states the following:

*The Remedial Action Plan for the project site included the removal of all existing structures on the site and considerable ground disturbing activities. CEQA analysis completed on the Remedial Action Plan included evaluation of those structures for eligible listing on the National, California or Richmond registers, as well as potential impacts to archaeological and paleontological resources. The structures were not found to be historic resources under CEQA and impacts to cultural resources were found to be less than significant.*

*Thus, for the purposes of this EIR, baseline conditions are considered to be the conditions on the site after the implementation of contaminant remediation and the removal of existing structures. As such there are no structures, and therefore no historic structures on the site. While the potential for encountering archaeological or paleontological resources is limited, as described in Section V. Cultural Resources of the Initial Study, conditions for their handling will be incorporated into the conditions of project approval.*



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File No. 36353

August 3, 2006

VIA FACSIMILE AND U.S. MAIL

Mr. Steve Duran  
Community & Economic Development Director  
Richmond Redevelopment Agency  
Community Services Center  
1401 Marina Way South  
Richmond, California 94804

Re: Terminal One Historic Resource Evaluation

Dear Mr. Duran:

Pursuant to a request from Agency staff, following is a summary of my recollection of the chronology of events in connection with the historic resource evaluation conducted for the wharf structure at Terminal One. As I discussed with staff, I have not reviewed my hard files on this matter (as they were just received from storage), but I will inform you if they reveal any additional information.

The Agency retained Sheila McElroy of Circa to conduct a historic resource assessment of the wharf building at Terminal One. In July of 2003, Ms. McElroy submitted a draft report for the Agency's review. The draft report contained background information, but very little analysis, in support of its conclusion that the wharf was "potentially a historic resource" based on its significance at the local level. Agency staff believed that the wharf was *not* listed on the City's on the City's register of historic resources. My recollection is that Ms. McElroy indicated that, if a local assessment existed, it might affect her preliminary conclusions.

In July of 2003, Craig Murray asked Nancy Stoltz, a consultant to the City and its Historic Preservation Advisory Committee, whether the City had conducted an analysis that had concluded that the wharf was not locally significant, and suggested that Ms. Stoltz contact Ms. McElroy regarding the local register process. Ms. Stoltz responded by letter, indicating that the wharf was not listed on the local register of historic resources, but that to her knowledge, it had not been analyzed. Ms. Stoltz suggested three options for proceeding: request that Ms. McElroy expand her analysis to include eligibility under the City's Historic Structures Code; have Ms. Stoltz conduct the evaluation; or ask the Planning Department to conduct the evaluation, which would likely require hiring a consultant to perform the work.

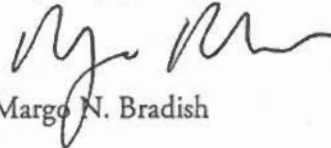
My recollection is that the Agency chose to retain another consultant to perform the local assessment, based in part on a concern that Ms. McElroy's prior work had been conclusory and

Mr. Steve Duran  
August 3, 2006  
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as a result appeared to be potentially biased toward a particular conclusion. The Agency retained Mark Hulbert of Preservation Architecture, a well-regarded historical architect with over 20 years of broad-ranging preservation experience, to conduct an assessment of the wharf under the local criteria. The Agency provided Mr. Hulbert a copy of Ms. McElroy's draft report. In October of 2003, Mr. Hulbert issued a report concluding that the wharf was not eligible under the local criteria. Because of the extensive work that Mr. Hulbert had undertaken by that time, my recollection is that the Agency then requested that Mr. Hulbert complete an assessment of the wharf under the California and National Register criteria. In March of 2004, Mr. Hulbert issued a report concluding that the wharf was not eligible under the California and National Register criteria.

Please do not hesitate to contact me should you have any further questions with regard to this matter.

Very truly yours,



Margo N. Bradish

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cc: Robert P. Doty, Esq.  
Mr. Alan Wolken