

RESOLUTION NO. 110-14

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND CERTIFYING THE BOTTOMS PROPERTY RESIDENTIAL PROJECT ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE #2013102024), ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM, APPROVING A GENERAL PLAN AMENDMENT TEXT REVISION, APPROVING A VESTING TENTATIVE SUBDIVISION PARCEL MAP AND APPROVING A DESIGN REVIEW PERMIT (PLN13-250), SUBJECT TO FINDINGS AND CONDITIONS HEREIN

I. GENERAL FINDINGS

A. Introduction. Shea Homes is proposing to construct 60 residential units of market-rate condominiums in nine buildings and improvements to the San Francisco Bay Trail and off-site sidewalks on an approximately 6.18-acre infill site in the City of Richmond, Contra Costa County, California ("Project"). Required Project approvals include: (i) a General Plan Amendment Text Revision (PLN13-250) to allow building heights to exceed 35 feet in 'Medium-Density Residential' land use designations as part of an approved PA-Planned Area rezoning ("General Plan Amendment Text Revision, after undergoing appropriate Design Review Board and CEQA review and (ii) a Municipal Code amendment (PLN13-250) to rezone the site from C-C, Coastline Commercial; CCR, Community Regional Recreation; M-4, Marine Industrial to Planned Area (PA) ("Rezoning") and (iii) a Vesting Tentative Subdivision Parcel Map (PLN13-250) for the subdivision of the Project site and (iv) a Design Review Permit (PLN13-250) for the project design (collectively referred to as the "Project Approvals").

B. Environmental Review Process. As required by the California Environmental Quality Act (CEQA) Guidelines, the project is subject to environmental review. A number of public meetings were held, during which time the public was given the opportunity to comment on the Project and its environmental review. Some of these hearings are described in detail below; a more complete list is included in the November 13, 2014 Planning Commission Staff Report (see pages 10 and 11), which is incorporated herein by this reference. (See also Responses to Comments, page 2-104, regarding 30 meetings held with neighbors and various other members of the public.)

In March 2014 a Draft Environmental Impact Report was prepared and circulated for a 45 day comment period. During the response to public comments, staff and the environmental consultants, First Carbon Solutions and PMC concluded that the project may result in significant and unavoidable environmental impacts, and determined that the Draft Environmental Impact Report should be recirculated to analyze the additional impacts. In September 2014, a Recirculated Draft Environmental Impact Report (RDEIR) was prepared, consistent with the CEQA Guidelines; a minimum 45-day public review period was established for comments on the RDEIR.

During this public review period, the City received written comments on the RDEIR. Section 15088 of the State CEQA Guidelines requires that the Lead Agency responsible for the preparation of an EIR evaluate comments on environmental issues received during the public comment period from parties who reviewed the RDEIR, and prepare a written response addressing each of the comments. Following closure of the public review period on the RDEIR, the City responded to comments on the RDEIR received during the review period, which merely clarified and amplified the analysis in the RDEIR, and which the City Council found did not constitute significant new information. In response to comments, minor textual clarifications and revisions were incorporated into the Bottoms Residential Project Responses to Comments as set forth in Section 3, Errata, of the City's responses. Accordingly, a Final Environmental Impact Report (FEIR) was prepared for the Project in accordance with CEQA, the state CEQA Guidelines, and all other applicable law, and circulated to commenting agencies on October 30, 2014.

The FEIR assembles in one document all of the environmental information and analysis prepared for the Project, including comments on the information and analysis contained in the Draft EIR and responses by the City to those comments. The FEIR is accompanied by a draft Mitigation

Monitoring and Reporting Program (MMRP). Copies of the RDEIR, FEIR and MMRP were distributed to the Planning Commission and are referenced as **Exhibit A** and **Attachment 1-C** in the attachment list.

Under Public Resources Code Section 21081 and Title 14, California Code of Regulations Sections 15091, 15092, and 15093, the FEIR is required to identify the significant impacts that cannot be reduced to a less-than-significant level through mitigation measures. These impacts are considered 'significant and unavoidable'.

Pursuant to Section 15132 of the State CEQA Guidelines, the FEIR consists of the following:

- (a) The RDEIR, including all of its appendices;
- (b) A list of persons, organizations, and public agencies commenting on the RDEIR;
- (c) Copies of all letters received by the City during the RDEIR public review period and responses to significant environmental points concerning the Draft EIR raised in the review and consultation process;
- (d) Revisions to the RDEIR, as discussed above;
- (e) Any other information added by the Lead Agency to respond to written comments on the RDEIR.

C. Administrative Record. The administrative record, upon which all Findings related to the approval of the Project are based, includes the following:

- The FEIR and all documents referenced in, cited to, or relied upon by the FEIR.
- All information (including written evidence and testimony) provided by City Staff to the Planning Commission and the City Council relating to the EIR, the approvals, and the project.
- All information (including written evidence and testimony) presented at or in preparation of any City public hearing or City workshop related to the Project and the EIR.
- For documentary and information purposes, all City-adopted land use plans and ordinances, including without limitation the general plan, specific plans and ordinances, together with environmental review documents, findings, mitigation monitoring programs and other documentation relevant to project site.
- The Mitigation Monitoring and Reporting Program ("MMRP") for the Project.
- All other documents composing the record pursuant to Public Resources Code section 21167.6(e).

The custodian of the documents and other materials that constitute the record of the proceedings upon which the City's decisions are based is the Director of Planning and Building Services or his or her designee. Such documents and other materials are located at City Hall, Planning Division, 450 Civic Center Plaza, Richmond, California, 94804.

D. Findings. On December 16, 2014, the City Council conducted a duly noticed public hearing on the Project. After considering public testimony and materials in the administrative record of proceedings for the Project, including without limitation the staff report, the FEIR (State Clearinghouse #2013102024), the Statement of Overriding Considerations, the Mitigation Monitoring and Reporting Program and findings in support of the General Plan Amendment Text Revision, Rezoning, Vesting Tentative Subdivision Parcel Map and Design Review Permit, the City Council finds, in its independent and objective judgment, that the FEIR is adequate and sufficient in all respects, has been completed in compliance with CEQA, and that the findings set forth below are appropriate and adequate to support the Certification of the FEIR, adoption of the Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program and adoption of the Project Approvals. These Findings and Statement of Overriding

Considerations are made pursuant to CEQA, the City of Richmond Municipal Code, and other applicable law. These findings explain the potential environmental impacts of the Project, identify mitigation measures that have been adopted to mitigate those impacts, explain the alternatives that were evaluated and rejected, include the overriding considerations to support approval of the Project, include the findings to support the adoption of the Mitigation Monitoring and Reporting Program and include the findings to support the adoption of the General Plan Amendment Text Revision and Rezoning ("Findings").

In applying this General Plan Amendment Text, it is the intent of this Council that the City Council also finds that buildings located adjacent to the shoreline setback or sensitive resources shall begin at 25 feet in height and may be increased in height up to 55 feet subject to Design Review Board and Planning Commission approval as provided in the City municipal code. Height exceptions may also be made in instances when buildings are proposed on terraced or stepped hillsides resulting in the upslope side of a building being in conformance with the applicable height limit and the downslope side of a building not being in compliance.

II. CEQA FINDINGS.

The City of Richmond is the Lead Agency with respect to the Project pursuant to Section 15367 of the CEQA Guidelines. The following findings of fact, based on the FEIR and all other documents, testimony, and other materials comprising the administrative record, which are incorporated herein by reference, support the certification of the EIR:

(a) The City has complied with CEQA and CEQA Guidelines. The FEIR is an accurate and objective statement that fully complies with CEQA and CEQA Guidelines.

(b) No evidence of new significant impacts, as defined by CEQA Guidelines Section 15088.5, has been received by the City after circulation of the RDEIR which would require recirculation.

(c) The Project is consistent with the development analyzed in the FEIR.

(d) The FEIR was presented to the Planning Commission for its consideration on November 13, 2014, which reviewed and considered the FEIR and recommended certification of the EIR, Rezoning, Vesting Tentative Subdivision Parcel Map and Design Review Permit. The basis for the Planning Commission's findings are set forth in Resolution 14-09 which it adopted on November 13, 2014 (Attachment 1-1).

(e) Pursuant to Section 21082.1(c)(3) of the Public Resources Code, the City Council finds that the FEIR reflects the City's independent judgment and analysis as the Lead Agency for the Project.

(f) As noted above, Public Resources Code 21081 and Section 15091 of the State CEQA Guidelines require that the lead agency prepare written findings for identified significant impacts, accompanied by a brief explanation for the rationale for each finding. The FEIR identified potentially significant effects that could result from Project implementation. The City Council finds that feasible mitigation measures identified in the FEIR will reduce most, but not all, of those effects to less-than-significant levels. Those impacts that cannot feasibly be reduced to less-than-significant levels are identified and overridden due to specific Project benefits identified in the Statement of Overriding Considerations. In accordance with CEQA and the State CEQA Guidelines, the City adopts the following Findings.

(g) CEQA Guidelines Section 15145 provides that a lead agency need not evaluate any impacts that are too speculative. Speculative effects or land use policies that do not commit a governmental agency to an action affecting the environment are determined to be outside the scope of CEQA review for an individual project. There is no evidence to suggest that General Plan Amendment Text Revision PLN13-250 will result in any City-wide impacts beyond what is addressed in the RDEIR.

(1) As outlined in Section 2, Project Description (p. 2-18), Section 3.1, Aesthetics, and Section 5.1 (pp. 5-3 et seq) of the RDEIR, as well as various responses to comments, including without limitation Responses to Comments CRD-2, -3, -7, -8, -9, -10, -11, --12, -14, -15, -20, -21, and -22 (*see* Responses to Comments at 2-45 to 2-53, 2-95 to 2-96), incorporated by reference, the General Plan Amendment Text Revision proposed by the Project

Applicant would be limited in scope, and would only apply to those parcels of land within the City that are designated Medium Density Residential, meet other specified requirements (e.g., have an area greater than 2 acres), and successfully merit approval of a new PA zone. Specifically, the General Plan Amendment Text Revision would amend Table 3.1 of the General Plan to provide that, for Medium-Density Residential districts, the “Building height in a Medium-Density Residential land use classification may exceed 35 feet as part of an approved Planned Area (PA) district. Any proposed increase in height shall, prior to or contemporaneous with the consideration of the Planned Area (PA) district, undergo adequate environmental analysis under CEQA.” The City Council finds the FEIR adequately and accurately described the scope of the project in the Project description, which included a complete and accurate disclosure about the existence, purpose, and effect of the General Plan Amendment Text Revision, as the plain text of the RDEIR demonstrates, and as the Responses to Comments clarify (see, for examples, Responses to Comment CRD-1 et seq). The City further finds that the FEIR adequately assessed the scope of the General Plan Text Amendment in its analysis sections, including without limitation Section 5 of the RDEIR, which evaluated cumulative impacts of the Project.

(2) Any future proposed increases in height shall be subject to review and approval by the Design Review Board, Planning Commission, and City Council, as required under the City of Richmond Zoning Ordinance to ensure that the additional height is consistent with the principles and standards set forth in the General Plan and identified in the Zoning Ordinance provisions concerning PA districts, as discussed in the aforementioned sections of the FEIR, by staff in staff reports and during the Planning Commission hearing, and by the applicant in various correspondences. Per the aforementioned sections of the FEIR and under the plain language of the General Plan Amendment Text Revision, any rezoning action must undergo adequate and separate environmental analysis under CEQA.

(3) The extent to which the General Plan Amendment Text Revision will induce property owners and other applicants to seek additional allowable heights is completely unknown at this time and cannot be known. The General Plan Amendment Text Revision would not permit by right any height increases anywhere in the City, as the applicant would remain subject to those processes identified in the foregoing paragraphs, which include numerous discretionary approvals that would require separate and independent CEQA review. Accordingly, the General Plan Amendment would not streamline the entitlement of a height relaxation within any parcel in the City except that property constituting the Project site, and only because the Project includes a PA rezoning application. The PA zoning that is sought is described in detail in Attachment 1-F to the November 13, 2014 Planning Commission Staff Report, and incorporated herein by this reference. To the extent there do exist large parcels within the City that carry a ‘Medium-Density Residential’ land use designation and an existing PA zoning designation, such parcels are not uniquely situated and, for a property owner to receive a height relaxation on such a parcel, the owner would have to undergo the same rezoning process that any other property owner would be required to negotiate. All applicants would be required to meet the standards set forth in the Zoning Ordinance for PA classification; establish the General Plan policies, objectives, and goals that would be furthered by the height allowance; prepare separate and independent CEQA documentation with respect to the PA rezoning action; and obtain separate and independent approval of the rezoning action by the City’s legislative bodies. The Project entitlements would only permit an exceedance of the applicable 35-foot height limit because the applicant concurrently has sought approval of a new PA zone, as discussed in the FEIR and other portions of the administrative record. These determinations are discussed in the RDEIR, Responses to Comments (see, for example Responses to Comments CRD-1 et seq), by planning staff in staff reports and during the Planning Commission hearing, and in various correspondences from the applicant and its representatives.

(4) It is speculative to analyze the City wide impacts of the General Plan Amendment Text Revision within any given parcel because it is impossible to foresee to what extent other property owners would design buildings that exceed 35-foot height limits in ‘Medium-Density Residential’ districts. It is impossible to forecast where another property owner will site a structure or structures within a parcel, and to what extent the owner would seek to exceed the height limit (i.e., what particular height individual applications might seek). A limitless number of permutations exist, and studying these infinite possibilities imposes a burden on the City that cannot reasonably be carried, and that CEQA disfavors. These determinations are discussed in the RDEIR, Responses to Comments (see, for example Responses to Comments

CRD-1 et seq), by planning staff in staff reports and during the Planning Commission hearing, and in various correspondences from the applicant and its representatives.

(5) In accordance with the foregoing paragraphs, the City does not commit itself to any new regulations on any particular parcel by virtue of consideration or approval of the General Plan Amendment Text Revision. (See, for example, page 2-96 of Responses to Comments). The City retains the right to conduct further discretionary review and prepare further environmental review under CEQA should another property owner seek a height relaxation under the General Plan Amendment Text Revision and, under the General Plan Amendment Text Revision and other provisions of local law, the City must do the foregoing should it receive such an application.

(6) In accordance with the foregoing paragraphs, it is speculative if and where any increases in height limitations in the 'Medium-Density Residential' zone would be sought and approved elsewhere within the City, and CEQA does not require that a lead agency engage in speculation when preparing an EIR. (See Responses to Comments at 2-46; 2-48 to 2-50; 2-53; 2-95 to 2-96; RDEIR at 3.1-21 to 3.1-22).

(h) The City Council finds the scope of the FEIR's cumulative impacts properly satisfies CEQA, incorporating the findings of subparagraph (g), above. Under CEQA, a lead agency has the discretion to set a reasonable cutoff date for development projects that must be included in a cumulative impacts analysis, with the understanding that development projects are constantly proposed. The City here finds that the date of a project application suffices as a reasonable cutoff date, and that the applicant filed a Project application on October 4, 2013. The FEIR properly accounts for the cumulative impacts of the Project in combination with all past, existing, and reasonably foreseeable development projects as of that date, and that projects not accounted for the FEIR are not reasonably foreseeable, including development of the Terminal 1 site.

In May 2013, the City, which at the time owned the Terminal 1 site, initiated a competitive sales process whereby it issued a request for proposals for a development project on that site, seeking conceptual propositions by interested bidders. In December 2013, the City entered into an exclusive right to negotiate for the purchase of the Terminal 1 site by Terminal 1 Development, LLC, which allowed this potential purchaser the right to negotiate the sale in good faith, and in an exclusive manner, for 90 days. Thus, three months after the City accepted the Project application, it still had not received, nor committed to, a definite development proposal at the Terminal 1 site, nor had it received any application for environmental review. (See also Responses to Comments, pages 2-124 to 2-125.) The City therefore finds the likelihood or scope of development of Terminal 1 site has not been sufficiently certain or probable, and thus is not reasonably foreseeable pursuant to CEQA.

(i) The City Council finds that approval of the General Plan Amendment Text Revision and/or PA zoning would not constitute spot zoning. As explained in the FEIR, including without limitation the incorporated Master Response 7 (page 2-11 et seq of the Responses to Comments), the concept of PA zoning is a common planning mechanism that is meant to provide a local agency with flexibility to address unique or special circumstances or community demands that arise in the land use context. The City's municipal code, incorporated by reference, states the PA District zoning is designed to promote the development of large areas in substantial compliance with the principles and standards of the General Plan, and a specific purpose of this zoning is to eliminate conflicts that may result from the application of zoning standards designed primarily for smaller parcels. The City Council finds that, a conflict exists between the General Plan's existing density and height requirements, and that the General Plan Amendment Text Revision and PA zoning are appropriate mechanisms to resolve this conflict. The City Council finds that it best serves public policy to promote the General Plan's vision for density on the Project site, given the site's designation as a change area; its purpose to serve as a transition between port-related uses and residential dwellings; the fact that denser development of the Project site would alleviate development pressures in other portions of the City (including other portions of the City shoreline, where development is less favored); and the City's need for housing inventory. The City also finds that spot zoning is irrational discrimination, and that the proposed entitlements do not constitute spot zoning because a substantial public need requires refined zoning on the Project site.

(j) The City Council finds that the Project does not create any inconsistencies with the General Plan by proposing a relaxation of the 35-foot height limit in areas designated Medium-Density Residential, as the General Plan Amendment Text Revision and PA zoning are appropriate mechanisms to modify the General Plan. A more detailed and complete explanation can be found in the FEIR, including without limitation the incorporated Master Response 1 (pages 2-4 et seq of the Responses to Comments).

(k) The City Council finds that the General Plan Amendment Text Revision and the PA zoning application are necessary to resolve tension in conflicting City policies. Specifically, the Project includes the General Plan Amendment Text Revision, and a corresponding increase in height limitations, in order to meet minimum density requirements that apply to areas designated Medium Residential Density under the City's General Plan. While the Project site is approximately 25.27 acres, approximately 14.26 acres are located under the San Francisco Bay. Of the remaining inland portion of the Project site (approximately 11 acres), about half of the site is encumbered by difficult topography, unstable Bay mud, regulatory setbacks and rights of way that preclude structures, and covenants imposed by the Department of Toxics Control, all of which makes development technically and/or legally infeasible on those portions, as described in the FEIR and other portions of the administrative record, including without limitation reports prepared by the Miller Pacific Engineering Group, all of which are incorporated herein by reference. A graphic summary of the buildable area is included in attachments to the November 13, 2014 Staff Report (see Density Calculation in Exhibit B.)

Whereas site constraints limit the buildable area, the General Plan designates the site as 'Medium-Density Residential' and, accordingly, envisions the site as providing a transition from port-related uses to adjoining residential uses along Seacliff Drive. (See Richmond General Plan, page 3.39.) The Project site also has been designated as one of the City's limited number of 'change areas', whereby the City Council has made policy decisions to allow for denser development near the shoreline in certain locations while protecting broad stretches of shoreline in other locations (see, for example, General Plan Policy CA-14). Consistent with these policies, the General Plan establishes a minimum density of 10 units per acre. Tension exists, however, since the buildable site area would not feasibly allow for the accommodation of enough dwelling units to meet the General Plan minimum density requirements while respecting other development standards that apply, such as a 35-foot height limit. Thus, in order to meet the General Plan's minimum density requirement and implement corresponding General Plan policies, the applicant has sought a relaxation of height requirements through the proposed General Plan Amendment Text Revision. Specifically, the applicant has sought approval for building facades that reach heights of approximately 48 feet. Since the Project site is sloped, the facades that would exceed the existing 35-foot height limitation are located on the "downhill" side of Project structures, where the "uphill" facades would comply with the existing 35-foot height limit.

III. FINDINGS RELATING TO ENVIRONMENTAL IMPACTS, MITIGATION MEASURES AND ALTERNATIVES

A. Environmental Impacts.

(1) As provided by Public Resources Code Section 21081, the City Council must make certain findings ("Findings") for each significant impact identified in the FEIR before adopting the Project and Project Approvals. These Findings could include the following:

- Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

These Findings summarize the determinations in the FEIR relating to the potential environmental impacts before and after mitigation. Except with respect to aesthetics, which are addressed separately below and in the Statement of Overriding Considerations, the City Council finds that changes or alterations have been required, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. **Attachment 1-B**, attached to this Resolution sets forth a summary description of each impact from the EIR, describes the recommended mitigation measures, and states whether or not the impact has been mitigated and if so, to what level. A full explanation of the conclusions relating to the impacts and mitigation measures can be found in the FEIR. In making these Findings, the City Council is relying on all the information in the administrative record and the FEIR. With respect to the FEIR, the City Council adopts and incorporates in these Findings all analyses, determinations, and conclusions made in the FEIR relating to the environmental impacts and mitigation measures, except to the extent that such analyses, determinations, and conclusions are modified by these Findings. These findings also are based on other information, testimony, and materials comprising the administrative record, which are incorporated by reference.

(2) The FEIR, incorporated herein by reference, evaluated the potential for the Project to result in significant impacts to the following environmental topics: aesthetics; agricultural resources; air quality; biological resources; cultural resources; geology, seismicity and soils; greenhouse gas emissions; hazards and hazardous materials; hydrology and water quality; land use; noise; population and housing; public services and recreation; traffic and circulation; and utilities and infrastructure. The FEIR was prepared at the project level. All impacts were found to be less than significant or less than significant after incorporation of mitigation measures, as needed, with the exception of certain impacts relating to scenic vistas, which were found to be significant and unavoidable. The City Council finds the analysis and determinations in the FEIR to be accurate and well-reasoned and hereby incorporates them by reference. Accordingly, the City Council finds that all of the Project environmental impacts, with the aforementioned exception regarding scenic vistas, are less than significant or reduced to a less-than-significant level through the mitigation measures identified in the FEIR (and summarized in **Attachments 1-B and 1-C**, incorporated herein by this reference).

(3) In accordance with the above, the RDEIR's overall finding of a significant and unavoidable aesthetic impact is due to Impact AES-1 (the project's impact on scenic vistas); impacts on scenic resources in a scenic highway, visual character, and light and glare were not determined to be significant.

(a) The significance of an environmental impact should be measured in light of the context in which it occurs. The CEQA Guidelines state: "the significance of an activity may vary with the setting. For example, an activity which may not be significant in an urban area may be significant in a rural area" (CEQA Guidelines Section 15064(b); see also Responses to Comments at page 2-99). The project site is currently undeveloped, and offers unobstructed views of the San Francisco Bay and shoreline. This RDEIR recognizes that these views are unique, particularly because Richmond is a predominantly built-out, urban environment, with the majority of natural open space areas limited to the City Council's edges.

At the same time, the project site has been designated as one of the City Council's limited number of 'change areas', whereby the City Council has made policy decisions to allow for development near the shoreline in certain locations while protecting broad stretches of shoreline in other locations (see, for example, General Plan Policy CA-14). The EIR prepared for the City Council of Richmond 2030 General Plan acknowledged the possibility that existing residents could have existing views of the shorelines or hillsides that would either be fully or partially obscured by buildings developed under the proposed General Plan, due to the increase in the number of buildings developed, as well as the increase in building height (City Council of Richmond 2030 General Plan EIR at page 3.15-10). The City Council found that development activities associated with the proposed General Plan would not result in significant adverse impacts on views, and that with mitigation, impacts related to General Plan buildout would be mitigated to a less than significant level. Specifically, General Plan Policies and Actions LU1.1, LU1.2, LU1.4, LU1.B, LU1.D, LU1.H, LU2.2, LU2.B, LU3.4, LU3.E, LU3.G, LU4.1, LU4.2, LU5.2, LU5.3, LU5.B, CN2.3, and AC2.2 were found to reduce the potential for impact on scenic resources and visual character (City Council of Richmond Resolution No. 51-12, pages 83-88). The Project would be developed in accordance with its Medium-Density General Plan land use designation. Thus, while the City Council finds that the Project's impacts to scenic

vistas are significant and unavoidable, the City Council recognizes that there exists a basis to determine that such impacts are less than significant.

(b) The City Council's significance determination regarding scenic vistas is based on the FEIR and other information in the administrative record. A key basis supporting determinations related to impacts on scenic vistas are sets of visual simulations for the Project and its alternatives, prepared by an array of experts. Visual simulations for the FEIR were prepared by the Environmental Vision and the Dahlin Group. Visual Simulations provided within the Aesthetics Section of the RDEIR are the result of an objective computer modeling process. Three-dimensional (3-D) computer modeling was developed from 3D and 2D CAD files of the proposed project site supplied by the project architect, civil engineer and landscape architect. Relevant data included architecture, alternative site plan, existing contours, grading, and the landscape plan. The project model was combined with CAD, geographic information system (GIS) data and digital aerial photographs of the existing site, viewpoint locations, and off-site features such as the Richmond breakwater and Angel Island, to produce digital modeling for the visual simulations. (See RDEIR at 3.1-11 to 3.1-12). Resumes of experts in the field used to analyze visual impacts are contained in Appendix K of the Responses to Comments.

With respect to views from public vantage points, three computer-generated visual simulations were prepared, which simulate the future visual character after project construction from *publicly* accessible locations. These visual simulations were presented in the RDEIR in Section 3.1 and include views from public streets, pedestrian walkways, and a public park. These visual assessments represent a reasonable range of public vantage points, capturing "worst-case" vantage points where public views would be most obstructed. As discussed in the FEIR, there are hundreds of public vantage points from which observers will not experience any obstruction of visual impacts. Moreover, CEQA does not require visual assessments to be conducted from individual private properties. (See RDEIR at 3.1-19 to 3.1-21; Responses to Comments at 2-8). That said, the Dahlin Group also prepared visual simulations from the lower floors of private homes and confirm that Project impacts would be significant and unavoidable.

The Dahlin Group's simulations and methodology were further reviewed by an independent third-party reviewer, KTU+A. The complete review is captured in a report that is entitled *View Studies-Peer Review*, and dated August 8, 2014. KTU+A's summary was included as Attachment 7 to the November 13, 2014 Planning Commission Staff Report, and concluded that the visual simulations in the RDEIR accurately portrayed the proposed conditions and that any variations were well within the range of acceptable industry standards and professional techniques.

Accordingly, the City Council finds that the visual simulations in the FEIR and administrative record accurately portray future site conditions, and provide a sound basis upon which to make aesthetic determinations. Inclusive in these determinations is a finding that the visual simulations accurately portray Project landscaping. As discussed in Response to Comment Abromaitis-4, the Proposed Tree Palette (Sheet L-1 of the Project's Conceptual Landscape Plan), prepared by vanderToolen Associates (whose expertise is set forth in Appendix K of the Responses to Comments) accurately indicates that trees on the Project site would not exceed 30 to 35 feet, and the Project's visual simulations account for the trees that comprise the Project's Conceptual Landscape Plan. The visual simulations also adequately account for the Project's grading plan, which properly and accurately accounts for Project related excavations and fill, as depicted on Sheet TM-4 of the Bottoms Property Planned Area Plan / Vesting Tentative Subdivision Map, which was prepared by a licensed civil engineer.

(c) The City Council finds that Project impacts to scenic vistas will be significant and unavoidable for the following reasons. As shown in the visual simulations contained in Exhibit 3.1-2 through Exhibit 3.1-4, located within Section 3.1, Aesthetics of the RDEIR, and as described in narrative form on pages 3.1-8, 3.1-11, 3.1-12, 3.1-19 and 3.1-20 of the RDEIR (incorporated by reference), distant views of the Bay and other resources such as the San Francisco City scape, long-range views of the San Francisco Bay, and Angel Island will not be obstructed by the project. However, close-range views of the San Francisco Bay between the breakwater and the shoreline will be obstructed by the project buildings to varying degrees from certain vantage points. This obstruction is evident in the visual simulations found in Section 3.1 of the RDEIR, and confirmed through review of various other simulations prepared for the Project, including view simulations from public and private vantage points prepared by the

applicant's architect, the Dahlin Group (see Response to Comment, Appendix K [expert credentials]); and simulations and a peer review prepared by Michael L. Singleton, of KTU+A).

(d) The City Council also finds the Project's significant and unavoidable impacts include obstructions of hillside resources, as demonstrated in the visual simulation included in Exhibit 3.1-3; as narratively described on page 3.1-20 of the RDEIR; and as discussed in other portions of the administrative record, the project would block the views of pedestrians traveling through certain areas in the vicinity of the Project site. The City Council finds that any type of building situated near pedestrian walkways would cause a significant and unavoidable impact, but that a reduction in building footprints or increased setbacks would not be feasible. As indicated in the FEIR and administrative record, including without limitation staff reports, testimony by staff and the applicant, and engineering reports prepared by Miller Pacific Engineering Group, which are incorporated by reference, the Project site is restricted by a variety of technical constraints (e.g., coverage by Bay waters, BCDC setback, unstable Bay mud) that limit its developable area to approximately 6 acres (where the legal parcels consist of more than 20 acres).

According to the foregoing sources, the Project provides a unit count that just satisfies the minimum density requirement for the Project site, as set forth in the General Plan, such that a reduction in units would create a conflict with the General Plan and be legally infeasible. The same evidence demonstrates that the Project site plan was carefully designed to accommodate the necessary 60 units as efficiently as was feasible, while satisfying City Council ordinances, community needs regarding parking and open space, the direction of the City Council's Design Review Board, and policies set forth by the San Francisco Bay Conservation and Development Commission (BCDC), such that increased setbacks would result in the elimination of necessary units, parking, open space, access, or wildlife corridors. Therefore, the City Council finds that the imposition of measures that would reduce building footprints and envelopes, or increase setbacks, would create conflicts with the General Plan and other legal infeasibilities, or result in development that is incompatible with neighboring residences. More particulars regarding the infeasibility of alternative project designs can be found in Subsection C, below, which is incorporated into this Subsection A by this reference.

(e) The City Council finds that reducing the height of the project buildings is not a feasible mitigation for impacts to any of the foregoing scenic resources. Doing so would not reduce the Project's impacts to scenic vistas to a less than significant level, and otherwise would not substantially lessen the Project's impacts. For instance, as shown in Exhibit 3.1-2 and narratively outlined within pages 3.1-8, 3.1-11, 3.1-12, 3.1-19 and 3.1-20 of the RDEIR, scenic resources include such features as Angel Island and the San Francisco City scape, but also the shoreline and the more immediate waters of the bay. This determination has been made in partial recognition of public comment received on the March 2014 Draft Environmental Impact Report. Meanwhile, as shown by visual simulations for various Project alternatives (including, without limitations, simulations depicted by Exhibits 7-2, 7-4, 7-6, 7-9, 7-11, and 7-14 in Section 7.0 of the RDEIR), views of the Bay from the breakwater to the shoreline, and inclusive of the shoreline, would be potentially obstructed by *any* building that is constructed on the project site along the 100-foot BCDC jurisdictional boundary. This would be the case even if the buildings were constructed within the existing 35-foot height limitation, as shown in Exhibit 7-4 of the RDEIR. While some alternatives graphically depicted in the FEIR would obstruct, to a lesser degree, views of the San Francisco Bay from the breakwater to the shoreline (compare, for instance, Exhibit 3.1-2 of the RDEIR/KTU+A simulations from Seacliff Place Park [V3 simulation, page 14], and Exhibit 7-2 of the RDEIR), these reductions are not substantial. (See, for example, discussion on pages 2-100 to 2-103 of Responses to Comments). To the extent a reduced roofline would constitute an improvement to the viewshed, it would not affect views to any of the long-range features, such as Angel Island, the San Francisco City scape, or views of the San Francisco Bay beyond the breakwater (which remain unimpeded under the proposed Project and are judged to be among the most valuable of the relevant scenic resources at issue). Regarding more short-range views, reducing the roofline of the Project's building envelope (while still providing for a Project design with enough dwelling units to meet the General Plan's minimum density requirements) would still obstruct a significant portion of the bay between the shoreline and the breakwater, and would obstruct nearly the entirety of the shoreline, another very significant visual resource (compare Exhibit 7-2 of the RDEIR with existing view in Exhibit 3.1-2 of the RDEIR and KTU+A depiction of existing view [see, e.g., view study V3, page 13]). Notwithstanding the foregoing, and as discussed in Subsection C of these findings, the alternatives in which rooflines are lowered (when compared to the proposed Project), the

concepts of which were selected by qualified architects that include Lauri Moffet-Fehlberg (see Appendix K to Responses to Comments for credentials), are determined to be infeasible for the reasons set forth below in the incorporated Subsection C.

(f) To the extent the City Council requires street trees, as contemplated under Condition 15(n) of the Design Review Board's approval, the City Council finds that these street trees too would cause a significant and unavoidable impact to scenic resources. This impact is outlined on page 3.1-20 of the RDEIR "the project would also block views from sidewalks along Seacliff Drive as motorists, bicyclists and pedestrians travel along the project frontage." This impact also is addressed in Responses to Comments Schusterman-3, -7, -8, and -9 (pages 2-149 to 2-151). The City Council finds the street trees would not visually isolate the lower portion of Seacliff Estates, as this residential development is not a scenic resource (see, for example, Section 3.1 of the RDEIR and related sections of the General Plan) and, moreover, there already exist trees in the street median and along the side of Seacliff Drive more closely situated near Seacliff Estates.

(g) Based on the foregoing paragraphs, the City Council finds that impacts to the listed scenic resources are significant and unavoidable, and that there are no feasible mitigation measures the City Council could impose that would avoid or substantially lessen the significant impacts to those resources.

B. Mitigation Measures.

As indicated in Subsection A, the City Council adopts all mitigation measures set forth in **Attachment 1-C** of this Resolution, which includes the MMRP for the Project, identifies each mitigation measure as adopted, an implementation schedule and method for verification of compliance. The MMRP will hereby be required to be incorporated in the conditions of approval to the Project, attached as **Attachment 4**. The City Council hereby determines that the MMRP contains feasible mitigation measures within the responsibility and jurisdiction of the City Council, and that implementation of these measures will avoid or reduce to a less-than-significant level the potentially significant impacts identified in the FEIR (with the exception of certain impacts to scenic resources, identified in Subsection A), and that no additional feasible mitigation is necessary to further reduce significant impacts.

C. Alternatives.

The EIR evaluated five alternatives, in addition to the proposed Project: (1) No Project; (2) In Place Increased Intensity Alternative; (3) Removal of Top Floors of Buildings 6, 7, 8 and 9 Alternative; (4) Reduction/Interior Reconfiguration of Buildings 6, 7, 8 and 9 Alternative; and (5) Reduced Unit Size Alternative. These alternatives are discussed in further detail in Section 7 of the RDEIR and Responses to Comments (see, for example, Master Response 2 at page 2-6 et seq of the Responses to Comments), and determinations about their feasibility are supported in the FEIR and elsewhere in the administrative record, including without limitation by reports prepared by the Miller Pacific Engineering Group and the Concord Group, all of which are incorporated by reference. The City Council finds that the range of alternatives studied in the FEIR reflect a reasonable attempt to identify and evaluate various types of alternatives that would potentially be capable of reducing the Project's significant environmental effects, while accomplishing most of the Project Objectives (as identified in the RDEIR). The City Council finds that the alternatives analysis is sufficient to inform the City Council, agencies, and the public regarding the tradeoffs between the degree to which alternatives to the Project could reduce environmental impacts and the corresponding degree to which the alternatives would hinder the achievement of the Project Objectives and economic, environmental, social, technological, legal, and other considerations.

The City Council finds the Project would satisfy the Project Objectives, and is more desirable than the other alternatives. As discussed above, Project impacts to scenic resources cannot feasibly be mitigated to a less-than-significant level, but the City Council finds the residual impacts are acceptable (especially upon consideration that the FEIR disclosed worst-case scenario impacts and that, as discussed in the Findings above, there exists a reasonable basis upon which to determine impacts to scenic vistas are less than significant). Moreover, as discussed below, the City Council finds the Project alternatives to be infeasible and, accordingly, has determined to approve the Project instead of approving one of the remaining alternatives.

In making this determination, the City Council certifies that it has independently reviewed and considered the information in alternatives provided in the FEIR and other information in the administrative record. These analyses are not repeated in total in these findings, but the discussion and analysis of the alternatives in these documents are incorporated into these findings by reference to supplement the analysis here.

The City Council's findings relating to each of the specific alternatives are set forth below:

1. Alternatives Considered But Rejected. As set forth in greater detail in the administrative record, including without limitation Section 7.1.3 of the RDEIR, the City Council initially considered a total of twelve alternatives, and in the early stages of preparing the FEIR rejected seven of those alternatives based on grounds of infeasibility. Those rejected alternatives included the (1) Alternative Project Site; (2) Existing Zoning Alternative; (3) Single-Family Detached Homes Alternative; (4) Remove Building 9 Alternative; (5) Two Stories Over Parking/Podium-Style Architecture Alternative; (6) "Dienst Sketch" Alternative; and (7) Reduced Density Alternative. These alternatives were each rejected for the reasons set forth at pages 7-13 to 7-37 of the RDEIR and the City Council finds their rejection is supported by the FEIR and other portions of the administrative record, as follows:

a. Alternative Project Site. The City Council finds, based on incorporated analysis in the administrative record, including without limitation page 7-13 of the RDEIR, that the City Council conducted an extensive review within the City Council of Richmond for alternative sites meeting the criteria listed on page 7-13 of the RDEIR, and was unable to find such a site. Notwithstanding the above, the City Council finds that an alternative site would not meet Project Objective 8, which provides for development of Brickyard Cove that is consistent with the General Plan, where the City Council's General Plan envisions the site as providing a transition from port-related uses to adjoining residential uses along Seaciff Drive. (See Richmond General Plan, page 3.39.) That is, the project site has been designated as one of the City Council's limited number of change areas, whereby the City Council has made policy decisions to allow for development near the shoreline in certain locations while protecting broad stretches of shoreline in other locations (see, for example, General Plan Policy CA-14). Not developing the Project site would create development pressures elsewhere in the City Council, in less favorable areas, and so policy specifically favors buildout of the Project site. For the above separate and independent reasons, the City Council rejects this alternative as infeasible.

b. Existing Zoning Alternative. The City Council finds, based on incorporated analysis in the administrative record, including without limitation page 7-14 of the RDEIR, that development of the site under existing zoning would require that the City Council engage in speculation to create a hypothetical development project. Separately, buildout under the existing zoning would result in commercial and industrial development that would be inconsistent with the General Plan's vision for the Project site (see General Plan, page 3.39) and, to the extent residential zoning is permitted under existing zoning, the allowable density under existing zoning would be insufficient to meet the General Plan's minimum density requirements of 10 dwelling units per acre. Such buildout would therefore create inconsistencies with the General Plan, and be legally infeasible. Third, the piecemeal fashion of the Project site's current zoning, whereby the Project site is split among numerous zones with irregular shapes (as depicted, for instance, in Exhibit 2-5 of the RDEIR), is not conducive to any other development proposal, and would need to be made consistent through a General Plan Amendment. The practical result of the Project's non-approval would be a "no build" scenario for the indefinite future, and none of the Project Objectives would be satisfied. For the above separate and independent reasons, the City Council rejects this alternative as infeasible.

c. Single-Family Detached Homes Alternative. The City Council finds, based on incorporated analysis in the administrative record, including without limitation pages 7-14 and 7-23 of the RDEIR, that development of the site with single family detached homes would result in the development of 51 single-family homes, based on site development constraints set forth in the incorporated FEIR and reports prepared by the Miller Pacific Engineering Group. Such buildout would result in a density of 8.25 dwelling units per acre, which is below, and inconsistent with, the General Plan's minimum density requirements of 10 dwelling units per acre. This inconsistency makes the alternative legally infeasible. Second, and as proposed by the applicant's architect (whose expertise is set forth in Appendix K of the Responses to Comments), the design necessary to maximize density (although insufficient with respect to the

General Plan) while respecting existing height limitations (of 35 feet) would entail the development of terraced homes, with the two-story side facing inland, and the three-story side facing the Bay. Locating three-story sides of homes along the Bay, and the Bay Trail buffer area, would entail greater massing along the public access area and shoreline, increasing aesthetic impacts compared to the proposed Project (which envisions two-story buildings in that area). Moreover, as supported by various view simulations in Section 7.0 of the RDEIR, the placement of any structures along the shoreline would obstruct views of an important scenic resource — the shoreline — and portions of the Bay, and so the significant and unavoidable impacts of the Project would not be avoided or substantially lessened. Third, the placement of three-story structures closer to the shoreline and along the Bay Trail buffer area also is in conflict with General Plan Policy LU4.1, which calls for a minimization of impacts of development on the shoreline with special attention to intensity, density, and proximity to water (whereas the proposed Project is found to be consistent with this policy by minimizing massing and density along the shoreline, as set forth on page 3.6-14 and clarified in staff reports [see, for example, page 9 of the Planning Commission November 14, 2013 staff report]). Fourth, the City Council finds the placement of single family homes on the project site would not meet Project Objective 8, which provides for development of Brickyard Cove that is consistent with the General Plan, where the City Council's General Plan envisions the site as providing a transition from port-related uses to adjoining residential uses along Seacliff Drive. (See Richmond General Plan, page 3.39) Finally, in addition to not meeting Project Objective 8, the City Council finds this alternative would fail to meet Project Objectives 5 (compliance with General Plan density) and Objective 7 (providing compact development patterns, contemporary building and landscape practices). For the above separate and independent legal, environmental, and policy reasons, the City Council rejects this alternative as infeasible.

d. Remove Building 9 Alternative. The City Council finds, based on incorporated analysis in the administrative record, including without limitation page 7-23 of the RDEIR, that removing Building 9 would reduce the total unit count by eight units. As a result, this alternative would yield 52 homes and a density of 8.4 dwelling units per acre on the developable portion of the Project site, as set forth in the incorporated FEIR and reports prepared by the Miller Pacific Engineering Group. Buildout with a density of 8.4 dwelling units per acre is below, and inconsistent with, the General Plan's minimum density requirements of 10 dwelling units per acre. This inconsistency makes the alternative legally infeasible. Accordingly, this alternative fails to meet Project Objective 5 (compliance with General Plan Density). For the above reasons, the City Council rejects this alternative as infeasible.

e. Two Stories Over Parking/Podium-Style Architecture. The City Council finds, based on incorporated analysis in the administrative record, including without limitation pages 7-23 and 7-24 of the RDEIR that this alternative, which involves a podium style building over shared parking, would not avoid or substantially lessen impacts to scenic resources when compared to the impacts of the proposed Project. Per the applicant's architect, whose credentials are listed in Appendix K of the Response to Comments, the side of the building facing the Seacliff Place HOA park would remain at three stories in order to accommodate enough dwelling units to satisfy the General Plan's minimum density (60 units). Portions of the shoreline and Bay would remain obstructed. In addition to environmental concerns, the alternative is infeasible from an economic standpoint. An analysis by the Concord Group, entitled *Strategic Market Opportunity Update for a Planned For-Sale Residential Development in Richmond, California*, also known as the *Bottoms Property Net Revenue and Cost Assessment* and incorporated by reference, indicates the alternative is not economically feasible, yielding a negative economic return (-18 percent). Separately, architectural constraints would require that entries to the dwelling units be provided off of a common interior hallway, per the applicant's architect (whose credentials are listed in Appendix K to the Response to Comments). The common entry and shared parking contemplates a type of development that is of lower quality, and inconsistent, with other residential developments in the neighborhood, since its appearance would be more visually similar to an apartment building than individual, for-sale units. Thus, from a policy standpoint, this alternative is not feasible. Moreover, the design does not meet fundamental Project Objective 1, which is to provide a high-quality, for-sale residential development that generally maintains or enhances property values in the surrounding area. Based on current market conditions and the analysis conducted by the Concord Group, maintaining or enhancing property values would be accomplished by providing Project amenities such as common open space area, private two-car garages, and individual private entries to each home. For the above

separate and independent environmental, economic, and policy reason (including the Project's failure to meet critical Project Objectives), the City Council rejects this alternative as infeasible.

f. Dienst Sketch Alternative. The City Council finds, based on incorporated analysis in the administrative record, including without limitation pages 7-24 and 7-37 of the RDEIR and pages 2-136 and 2-137 of the Responses to Comments, that this alternative, submitted for consideration by a public commenter, does not fit within the developable portion of the Project Site, as set forth in the incorporated FEIR and reports prepared by the Miller Pacific Engineering Group, when drawn to scale, and thus is not technically feasible. Separately, if the Dienst sketch were modified to fit within the developable area of the Project site, this alternative would result in a density below the 10 unit per acre range required by the General Plan, resulting in a legal infeasibility and contravening Project Objective 5 (compliance with General Plan density). Finally, though views of scenic resources would be improved, because the nearest building to the Seacliff Place HOA park would be a two-story building instead of a three-story building, the aesthetic impact on pedestrians along the shoreline and Bay Trail would be greater under this alternative, as various buildings would interfere with, or otherwise be located directly along, the Bay Trail. Aside from environmental concerns, siting the buildings in such an area would be inconsistent with General Plan Policy LU4.1, which calls for a minimization of impacts of development on the shoreline with special attention to intensity, density, and proximity to water (whereas the propose Project is found to be consistent with this policy by minimizing massing and density along the shoreline, as set forth on page 3.6-14 and clarified in staff reports [see, for example, page 9 of the Planning Commission November 14, 2013 staff report]). The design also would raise legal concerns insofar as a development project must comply with BCDC policies and regulations, and the Dienst Sketch Alternative threatens to encroach upon this setback. Finally, implementation of the Dienst sketch would conflict with Project Objective 4, which is to enhance construction of the Bay trail along the project frontage. For the above separate and independent legal, environmental, and policy reason (including the Project's failure to meet critical Project Objectives), the City Council rejects this alternative as infeasible.

g. Reduced Density Alternative. The City Council finds, based on incorporated analysis in the administrative record, including without limitation page 7-37 of the RDEIR, that this alternative necessarily contemplates a dwelling unit count that is below, and inconsistent with, the General Plan's minimum density requirements of 10 dwelling units per acre. This inconsistency makes the alternative legally infeasible. Accordingly, this alternative fails to meet Project Objective 5 (compliance with General Plan Density). Separately, substantial evidence in the FEIR and other portions of the record (see, for example, Exhibit 7-14 of the RDEIR) show this alternative would not avoid or lessen the significant and unavoidable impacts of the proposed Project to scenic resources, as identified in Subsection A. For the above reasons, the City Council rejects this alternative as infeasible.

2, No Project Alternative. CEQA requires that a "No Project" alternative be considered. A "No Project" alternative is generally considered to be equivalent to a "no development" alternative. Under this scenario, the Project would not be implemented. While the No Project Alternative would avoid the project's significant and unavoidable aesthetic impact, the No Project Alternative would not meet any of the project objectives, including those related to establishing a land use plan to improve the Bay Trail connection between the project site and Brickyard Cove Road, providing other pedestrian amenities, the provision of medium-density housing, and enhancing the treatment of stormwater on the site to reduce runoff during storm events. Under the No Project Alternative, the proposed Bottoms Property Residential Project would not be implemented and the existing vacant land use would continue for the foreseeable future. No increase in existing build out potential would occur, frustrating the General Plan vision that the Project site providing a transition from port-related uses to adjoining residential uses along Seacliff Drive. (See Richmond General Plan, page 3.39.) . For these reasons, which are set forth more fully in the FEIR and administrative record, this alternative is rejected as infeasible. (See also RDEIR at 7-38 to 7-42).

3. Increased Intensity Alternative. Under the Increased Intensity Alternative, the project would be built consistent with the current City Council of Richmond General Plan Land Use map but at a greater density than the proposed project. According to the City Council of Richmond General Plan Land Use map, the project site is designated as 'Medium-Density Residential' (10 to 40 dwelling units per acre).

To evaluate a project reasonably in keeping with the density range identified for this site, this alternative reflects a density of 30 dwelling units per acre. Accordingly, based on the developable acreage (6.18 acres), a density of 30 units per acre would yield a total of 185.4 dwelling units. (A density of 20 units per acre would yield an approximate total of 123 dwelling units.) Due to increased density, this alternative would result in a significant and unavoidable aesthetic impact to a greater degree than the Project, due to a greater number of units and resulting view impacts. Because this alternative would not substantially lessen or avoid the significant and unavoidable impact of the Project, a rationale which is set forth more fully in the FEIR and administrative record, this alternative is rejected from consideration. (See also RDEIR at 7-42 to 7-46). Separately, and as set forth in the FEIR, impacts to air quality and traffic would be greater under this alternative when compared to the proposed project, and provides for an independent basis to reject this alternative.

For the above separate and independent reasons, the City Council rejects this alternative as infeasible.

4. Removal of Top Floors of Buildings 6, 7, 8 and 9 Alternative. Under this alternative, the top floor of Buildings 6, 7, 8 and 9 would be removed, thus reducing the height of the buildings to less than 35 feet (see Exhibit 7-1). This would result in buildings with two-stories being located on the inland facing side of the project site, and three-stories being located on the Bay facing side (see Exhibit 7-2). This alternative would result in the removal of two units per building, for a total reduction of eight units. The eight units would be relocated and incorporated into Buildings 1-5, 7, and 8, thus maintaining a total of 60 units. The design concept was selected by qualified architects that include Lauri Moffet-Fehlberg (see Appendix K to Responses to Comments for credentials), and its selection was governed by site constraints (for example, Bay mud and Bay inundation, as set forth in the FEIR and Miller Pacific Engineer Group reports) and legal constraints, including the General Plan's minimum density for the Project site of 10 units per acre. These technical parameters made it infeasible to relocate the 8 units elsewhere on the Project site.

The removal of the top floors of the above buildings would not substantially lessen or avoid the Project's significant and unavoidable aesthetic impacts, as supported in the incorporated FEIR analysis and administrative record, including without limitation visual simulations prepared by the Dahlin Group and peer reviewed by KTU+A. Although this alternative would obstruct views from a nearby park to a lesser degree, views of the San Francisco Bay from the breakwater to the shoreline (compare, for instance, Exhibit 3.1-2 of the RDEIR/KTU+A simulations from Seacliff Place Park [V3 simulation, page 14], and Exhibit 7-2 of the RDEIR), these reductions are not substantial in nature. This alternative would not, for instance, affect or improve views of any of the long-range features, such as Angel Island, the San Francisco City Councilscape, or views of the San Francisco Bay beyond the breakwater (which remain unimpeded under the proposed Project and are judged to be among the most valuable of the relevant scenic resources at issue). Regarding more short-range views, this alternative's slightly reduced building envelope would still obstruct a significant portion of the Bay between the shoreline and the breakwater, and would obstruct nearly the entirety of the shoreline, another very significant visual resource (compare Exhibit 7-2 of the RDEIR with existing view in Exhibit 3.1-2 of the RDEIR and KTU+A depiction of existing view [see, e.g., view study V3, page 13]). Due to the failure of the alternative to avoid or substantially lessen environmental impacts, the City Council finds it is not feasible.

Separately, massing and view impacts from the Bay trail and shoreline would be greater under this alternative than under the proposed Project because of longer, three-story buildings being located adjacent to the bayside buffer. Aside from environmental concerns, this alternative also would result in the same or greater land use impacts compared to the proposed Project, by conflicting with General Plan Policy LU4.1 which calls for minimization of impacts of development on the shoreline with special attention to intensity, density, and proximity to water (whereas the proposed Project is found to be consistent with this policy by minimizing massing and density along the shoreline, as set forth on page 3.6-14 and clarified in staff reports [see, for example, page 9 of the Planning Commission November 14, 2013 staff report]). In light of input from the local community, elected officials, and interest groups throughout the environmental review process to date, and the recommendations and deliberations of the Design Review Board, which are incorporated herein by this reference, the placement of a continuous wall of three-story buildings along the Bay shore and Bay Trail (as well as in the center of the development) is less desirable. (See RDEIR at 7-47 to 7-49).

Finally, the relocation of units would require shared front entries, which would be inconsistent with, and would fail to meet two fundamental project objectives of providing high quality residential homes and enhancing property values in the surrounding area to the greatest extent possible. For the foregoing separate and independent environmental, legal, and policy reasons (which include without limitation a failure to meet fundamental project objectives), which are set forth more fully in the FEIR and administrative record, the City Council rejects this alternative as infeasible. (See Responses to Comments at 2-71 to 2-72; 2-99 to 2-10; RDEIR 7-46 to 7-49).

5. Reduction/Interior Reconfiguration of Buildings 6, 7, 8 and 9 Alternative. Under this alternative, the four-story sides of Buildings 6, 7, 8 and 9 would be reduced to three stories, and the livable area would be relocated to the middle section of the buildings (see Exhibits 7-3, 7-4, and 7-5). As a result, both sides of the buildings would be three stories, and less than 35 feet in height, as set forth in the FEIR. The design concept was selected by qualified architects that include Lauri Moffet-Fehlberg (see Appendix K to Responses to Comments for credentials), and its selection was governed by site constraints (for example, Bay mud and Bay inundation, as set forth in the FEIR and Miller Pacific Engineer Group reports) and legal constraints, including the General Plan's minimum density for the Project site of 10 units per acre.

The reconfiguration of Project units would not substantially lessen or avoid the Project's significant and unavoidable aesthetic impacts. This alternative would not, for instance, affect or improve views of any of the long-range features, such as Angel Island, the San Francisco Cityscape, or views of the San Francisco Bay beyond the breakwater (which remain unimpeded under the proposed Project and are judged to be among the most valuable of the relevant scenic resources at issue; compare, for instance, Exhibit 3.1-2 of the RDEIR/KTU+A simulations from Seacliff Place Park [V3 simulation, page 14], and Exhibit 7-4 of the RDEIR.) Regarding more short-range views, this alternative would still obstruct a significant portion of the Bay between the shoreline and the breakwater, and would obstruct nearly the entirety of the shoreline, another very significant visual resource (compare Exhibit 7-4 of the RDEIR with existing view in Exhibit 3.1-2 of the RDEIR and KTU+A depiction of existing view [see, e.g., view study V3, page 13]). Due to the failure of the alternative to avoid or substantially lessen environmental impacts, the City Council finds it is not feasible. Members of the public have inquired as to why compliance with the existing General Plan height limitation would not result in substantial improvements in view shed. The City Council has reviewed the FEIR, the alternative's design concepts, and visual simulations prepared by an array of experts, and finds the height increase sought under the General Plan Amendment Text Revision is meant to accommodate the "downslope," Bay-facing elevations of the proposed Project, and that the "upslope," inland facing portions of the proposed Project are under 35 feet. (See, for example, Project elevations included in the Project application and as attachments to staff reports). Therefore, requiring compliance with a 35-foot height limitation across the entirety of the Project site does not result in substantial improvements of views, since such enforcement would require the applicant to "step down" only the downslope portion of buildings, which are not visible from the Seacliff Place HOA Park and other similar public vantage points. The visual simulations for this alternative, which contemplates sitewide compliance with the 35-foot height limit, confirms this determination.

In fact, the City Council finds that the placement of living space in the middle section of the building, and the resultant loss of varied rooflines, would result in a greater visual impact, where the greater massing and loss of architectural articulation would be less aesthetically pleasing. The deliberations and determinations of the City Council's Design Review Board, incorporated herein by reference, support the City Council's determination here.

For these separate and independent reasons, which are set forth more fully in the FEIR and administrative record, the City Council rejects this alternative as infeasible. (See Responses to Comments at 2-100 to 2-101; RDEIR at 7-50 to 7-52).

6. Reduced Unit Size Alternative. Under this alternative, the overall number of units would remain the same, but the unit sizes would be reduced from the proposed project's range of 2094 square feet to 3118 square feet, to a lesser range of 1968 square feet to 2055 square feet—a reduction in unit size of up to 35 percent (see Exhibits 7-6a, 7-6b, and 7-6c).

The reduction in size is an effort to reduce view impacts, while still providing a development that is within the 10 to 40 units per acre density range under the General Plan 'Medium-Density Residential' designation. The design concept was selected by qualified architects that include

Lauri Moffet-Fehlberg (see Appendix K to Responses to Comments for credentials), and its selection was governed by site constraints (for example, Bay mud and Bay inundation, as set forth in the FEIR and Miller Pacific Engineer Group reports) and legal constraints, including the City Council's development standards and the General Plan's minimum density for the Project site of 10 units per acre. For instance, as explained on page 2-103 of the Responses to Comments, minimum parking garage dimensions set by the City Council of Richmond, as well as the need to locate all the garages on same side of the building necessarily, determine the width and length of the buildings. A further explanation of architectural constraints and design requirements that informed the development of a conceptual building envelope for this alternative is described on pages 2-115 and 2-116 of Responses to Comments, which are incorporated by reference. Due to these legal, geographic, and topographical constraints, the footprint of the buildings and overall site development necessarily would be similar to the proposed project despite a reduction in the size of the units. Accordingly, this alternative utilizes a row-house town-home style building design, similar to an architectural product that has been utilized in many jurisdictions throughout the Bay Area in recent years. The design includes a stepped foundation design to accommodate the grades that are present across the project site. Garages would be provided from a common alley or street on the three-story bay/downhill side commonly referred to as "tuck under garages". Front doors would be on the opposite side, or ends of the buildings. The product design would be two stories on one side and three stories on the other; however, it does not orient itself to views of the San Francisco Bay specifically. Many units within this design may have little or no view of the Bay. The City Council finds that the design is reasonable and its selection is supported by substantial evidence.

The reconfiguration of Project units would not substantially lessen or avoid the Project's significant and unavoidable aesthetic impacts. This alternative would not, for instance, affect or improve views of any of the long-range features, such as Angel Island, the San Francisco Cityscape, or views of the San Francisco Bay beyond the breakwater (which remain unimpeded under the proposed Project and are judged to be among the most valuable of the relevant scenic resources at issue; compare, for instance, Exhibit 3.1-2 of the RDEIR/KTU+A simulations from Seacliff Place Park [V3 simulation, page 14], and Exhibit 7-6c of the RDEIR.) Regarding more short-range views, this alternative would still obstruct a significant portion of the Bay between the shoreline and the breakwater, and would obstruct nearly the entirety of the shoreline, another very significant visual resource (compare Exhibit 7-6c of the RDEIR with existing view in Exhibit 3.1-2 of the RDEIR and KTU+A depiction of existing view [see, e.g., view study V3, page 13]). Due to the failure of the alternative to avoid or substantially lessen environmental impacts, the City Council finds it is not feasible.

In fact, the City Council finds that alternative would result in a loss of varied rooflines (when compared to the proposed Project), have greater massing and loss of architectural articulation, and thus would be less aesthetically pleasing and result in a greater visual impact. The deliberations and determinations of the City Council's Design Review Board, incorporated herein by reference, support the City Council's determination here that, based on aesthetic and design considerations, the Reduced Size Alternative separately is infeasible.

Separate from the above environmental and design considerations, the Reduced Size Alternative would not satisfy the important project objective of maximizing the satisfaction of market demand, based on current market conditions and research conducted by the project. Finally, as shown by an analysis by the Concord Group, which is incorporated herein by reference, the high project costs and lower revenues from the smaller units result in marginal profitability that makes implementation of the alternative economically infeasible.

For these separate and independent reasons, as set forth more fully in the FEIR and administrative record, the City Council rejects this alternative as infeasible. (See Responses to Comments at 2-72; 2-101 to 2-103; 2-115 to 2-116; RDEIR at 7-52 to 7-55).

7. Alternatives Suggested During Public Comment Period: Members of the public also submitted comments which expressed a preference for one or more alternatives over the proposed project, or which suggested other alternatives (for example, that the Remove Building 9 Alternative could be viable when coupled with a reduction to unit size and incorporating the Building 9 units into Buildings 1-5, 7, and 8; or that the Single-Family Detached Homes Alternative could be viable if combined with reduced unit size). These and other suggestions were addressed in the Responses to Comments contained within the FEIR, and were determined to be infeasible (see Responses to Comments at 2-103; 2-133 to 2-137). While an EIR need not

consider every conceivable alternative to a project, nor analyze multiple variations on alternatives that it does consider (CEQA Guidelines 15126.6), the City Council finds the suggested alternatives are infeasible based on the FEIR and administrative record, as follows:

A. Reduction of Roofline. Various commenters suggested that alternatives involving the reduction of attic height or the reduction of floor to ceiling height would substantially lessen the proposed Project's impacts to scenic resources. (See, for example, Dienst Public Comment 2-15, and public testimony at November 13, 2014 hearing by Schusterman.) As discussed in the FEIR (see, for example, page 2-103 of the Responses to Comments), reducing rooflines by 3 to five feet would not substantially lessen or avoid significant impacts to scenic resources. Some of the alternatives in fact depict building envelopes with lower rooflines; while these alternatives, as graphically depicted in the FEIR, would obstruct, to a lesser degree, views of the San Francisco Bay from the breakwater to the shoreline (compare, for instance, Exhibit 3.1-2 of the RDEIR/KTU+A simulations from Seacliff Place Park [V3 simulation, page 14], and Exhibit 7-2 of the RDEIR), these reductions are not substantial. To the extent a reduced roofline would constitute an improvement to the viewshed, it would not affect views to any of the long-range features, such as Angel Island, the San Francisco City scape, or views of the San Francisco Bay beyond the breakwater (which remain unimpeded under the proposed Project and are judged to be among the most valuable of the relevant scenic resources at issue). Regarding more short-range views, reducing the roofline of the Project's building envelope (while still providing for a Project design with enough dwelling units to meet the General Plan's minimum density requirements) would still obstruct a significant portion of the Bay between the shoreline and the breakwater, and would obstruct nearly the entirety of the shoreline, another very significant visual resource (compare Exhibit 7-2 of the RDEIR with existing view in Exhibit 3.1-2 of the RDEIR and KTU+A depiction of existing view [see, e.g., view study V3, page 13]).

B. Single-Family Detached Home/Reduced Unit Size Hybrid Alternative. One commenter suggested that having reduced-size single family homes on the Project site would offer an alternative that would be environmentally superior. The "parent" alternatives to this hybrid, the "Single-Family Detached Home Alternative" and the "Reduced Unit Size Alternative" were discussed in the FEIR and these findings, and those analyses and determinations are incorporated by reference here. Moreover, as discussed on pages 2-133 and 2-134 of the incorporated Responses to Comments, this hybrid alternative would be legally infeasible in that it would be inconsistent with the General Plan's vision that the Project site "provide a transition from port-related use to adjoining residential neighborhood along Seacliff Drive" through implementation of medium density housing. Separately, a single-family housing development, even with smaller homes, would not substantially lessen any of the proposed Project's significant and unavoidable view impacts. As with the discussion and findings of the Single Family Detached Homes Alternative, incorporated herein by reference, single-family homes that comply with the 35 foot height limit would still obstruct portions of the shoreline and Bay waters before the breakwater. Moreover, single-family homes that comply with the 35-foot height limit still would be permitted to have three-stories facing the Bay trail and shoreline, which would conflict with General Plan Policy LU4.1 and create a legal infeasibility. Fourth, given site constraints set forth in the FEIR and administrative record, including without limitation reports prepared by the Miller Pacific Engineering Group, a single-family home alternative only could accommodate 51 units, making for residential density of 8.25 units, which falls below the General Plan's minimum density of 10 units per acre. Finally, the higher cost and lower revenues from smaller units, as supported through analysis by the incorporated Concord Group report, make a reduced unit size alternative economically infeasible. For the aforementioned separate and independent legal, environmental, economic, and policy reasons, the City Council rejects this hybrid alternative as infeasible.

C. Remove Building 9/Reduced Unit Size Hybrid Alternative. One commenter suggested an alternative whereby the eight units in Building 9 would be removed and transferred to Buildings 1-5, 7, and 8, whereby the additional units would be incorporated by reducing unit sizes. The "parent" alternatives of this hybrid, the "Removal of Top Floors of Buildings 6, 7, 8 and 9 Alternative" and the "Reduced Size Alternative," were analyzed in detail and those discussions in the FEIR and these findings are incorporated by reference. As discussed on pages 2-134 and 2-135 of the incorporated Responses to Comments, this hybrid alternative would not be economically feasible, per the incorporated analysis by the Concord Group. Separately, redistributing the Building 9 units to other structures would not substantially lessen any of the proposed Project's significant and unavoidable view impacts. Visual simulations in the FEIR demonstrate that Building 9, while the closest building to a nearby public park, does not in fact

significantly obstruct bay views; rather it is the “downhill” buildings that cause significant and unavoidable impacts to scenic views. (Compare Exhibit 7-9 of the RDEIR to Exhibit 3.1-2, KTU+A simulations from Seacliff Place Park [V3 simulation, page 14], and Exhibits 7-4 and 7-6c of the RDEIR [showing variety of structures within footprint of Building 9 do not obstruct Bay views but rather views of other Project buildings].) This hybrid alternative would continue to obstruct more short-range views, including obstruction of a significant portion of the Bay between the shoreline and the breakwater, and obstruction of nearly the entirety of the shoreline, a very significant visual resource (compare various exhibits in Section 7 of RDEIR with existing view in Exhibit 3.1-2 of the RDEIR and KTU+A depiction of existing view [see, e.g., view study V3, page 13]). Because this alternative would not avoid or substantially lessen the Project’s environmental, the City Council rejects it as infeasible. In fact, the City Council finds that the redistribution of units to project structures along the shoreline would increase the intensity of development in those areas above and beyond the massing shown in Exhibit 7-6c, where this exhibit consists of a visual simulation showing how reduced sized units would affect views when distributed across the entire project site (and not concentrated along the shoreline). Accordingly, the City Council finds commenter’s variation would have greater aesthetic impacts, both in terms of its potential to affect public views of scenic resources and the aesthetic experience of users of the Bay shore and Bay trail (see, for instance, pages 7-52 and 7-53 of the RDEIR, for a discussion that increasing the massing of shoreline buildings would cause greater visual impact). Separately, increasing massing along the shoreline would conflict with General Plan Policy LU4.1, which calls for minimization of impacts of development on the shoreline with special attention to intensity, density, and proximity to water (see, for instance, discussion of conflicts with similar alternatives on pages 7-14 and 7-37 of the RDEIR). For the foregoing separate and independent economic, environmental, legal, and policy reasons, the City Council rejects the hybrid alternative suggested by commenter as infeasible.

8. In light of the foregoing, the City Council finds that the FEIR’s discussion of alternatives to the proposed project was adequate, complete, and made in good faith, and that the range of alternatives was reasonable.

IV. STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological or other benefits of a project against its unavoidable environmental risks when determining whether to approve a project. If the specific economic, legal, social, technological or other benefits of a project outweigh the unavoidable adverse environmental effects, those effects may be considered “acceptable.” (CEQA Guidelines Section 15093(a).) CEQA requires the agency to state, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened.

In accordance with the requirements of CEQA and the CEQA Guidelines, the City Council finds that the mitigation measures identified in the FEIR, Conditions of Approval, and MMRP, when implemented, will avoid or substantially lessen most of the significant effects of the Project, as set forth in Sections III.A and III.B of these findings, which are incorporated into this statement by reference. However, certain impacts of the Project are unavoidable even after incorporation of all feasible mitigation measures. Specifically, the Project would result in significant and unavoidable impacts on certain scenic resources, as discussed in the FEIR, the administrative record, and the above findings, all of which are incorporated by reference. Although the project has been designed to minimize the impacts on scenic vistas, the FEIR conservatively categorizes the view impacts of the project as significant, and therefore, would cause a significant adverse impact to aesthetics. To this point, the City Council finds that it could, consistent with the findings set forth above in Section III.A.1.3.a, determine that Project impacts to scenic resources are insignificant and that, to the extent the City Council in fact is determining impacts are significant and unavoidable, the City Council is acting conservatively, and that the severity of the impacts is not of great magnitude. The City Council has taken the severity of the significant and unavoidable impacts of the Project into account in balancing these impacts against the benefits articulated below.

The City Council has adopted all the mitigation measures and finds that all mitigation measures identified in **Attachment 1-C** will be implemented with the Project and made conditions of approval (see **Attachment 4**). In accordance with CEQA Guidelines Section 15093

and other applicable law, the City Council has, in determining whether or not to approve the Project, balanced the economic, social, technological, and other Project benefits against its unavoidable environmental risk. The City Council further finds, based on the City Council's independent review of the FEIR and other information the administrative record, that the remaining significant and unavoidable effects of the Project are outweighed and are found to be acceptable due, separately and independently, to the following specific overriding economic, legal, social, technological, or other benefits, as follows:

(a) **Infill development in desirable location.** The Project would provide market-rate housing, on a vacant and deteriorated infill site near the San Francisco Bay Trail opportunities. Such development is consistent with the General Plan's vision for the Project site, which contemplates a transition from port-related uses to adjoining residential uses along Seacliff Drive. (See Richmond General Plan, page 3.39.) Moreover, the project site has been designated as one of the City Council's limited number of change areas, whereby the City Council has made policy decisions to allow for development near the shoreline in certain locations while protecting broad stretches of shoreline in other locations (see, for example, General Plan Policy CA-14). Development of the Project site would therefore alleviate development pressures elsewhere in the City Council where development is not as desirable and could have greater environmental impacts;

(b) **Exceedance of open space requirements.** The Project would provide 121,828 square feet of total open space, including 110,180 square feet of common open space. This amount exceeds the amount of open space required under the City Council's Zoning Ordinance by 99,328 square feet, and includes a 100-foot-wide San Francisco Bay Trail easement along the waterfront, as well as a small garden and riparian corridor in the center of the site for use by residents as an amenity. While leaving the Project site undeveloped would result in more open space when compared to buildout under the proposed Project, the City Council finds it is appropriate to compare the Project's open space component to open space requirements, since the General Plan specifically designates the Project site for development. (See Richmond General Plan, page 3.39.) Notwithstanding the above, the majority of the Project site currently is private property and closed to the public, and the Project contemplates more than 110,000 square feet of open space being improved to facilitate recreational use by the public. Furthermore, a signature feature of the Project is the inclusion of a riparian corridor that bisects the property, allowing for storm water runoff and providing a natural habitat for riparian species, residents, and visitors to enjoy, as set forth in the FEIR and the November 13, 2014 Planning Commission Staff Report;

(c) **Promotion of General Plan Goal LU 1.** The Project would accomplish General Plan Goal LU 1: An Improved Urban Environment by providing improvements that strengthen connections between neighborhoods and amenities such as retail, community facilities, parks and open space areas;

(d) **Promotion of General Plan Policy LU 2.** The Project would accomplish General Plan Policy LU 2: Healthy and Viable Neighborhoods by creating a healthy and viable neighborhood that provide safe places for people of all ages, ethnicities and abilities to live, work, and play. It will also distribute community facilities, urban parks and small public gathering areas to provide all residents with opportunities to enjoy the benefits of a rich social and physical environment;

(e) **Promotion of General Plan Goal LU-K.** The Project would accomplish General Plan Goal LU-K: of meeting future housing needs within City Council limits through infill development in areas already served by community facilities, utilities and transportation systems;

(f) **Promotion of General Plan Goal LU 6 and Sustainable Development.** The Project would accomplish General Plan Goal LU 6: High-Quality and Sustainable Development by developing a project with a high standard of design, planning and construction of new and renovated public and private facilities, infrastructure and services. By implementing several sustainable measures, the project will promote a planning approach that supports a sustainable and healthy community and reduces impacts on the natural environment. For instance, the Project would meet CalGreen Building Code energy efficiency

requirements and implement the best practices in the “Build it Green” handbook for multifamily residential projects (achieving more than 70 points in the checklist). The project also supports a walkable and vibrant community with streets that are safe for pedestrians, bicyclists and all modes of travel;

(g) **Promotion of General Plan Policy LU 6.5** The Project would accomplish General Plan Policy LU 6.5: High-Quality Design, Planning and Construction by developing a project that achieves a higher standard for housing design, site layout adjacent to the San Francisco Bay. The project also achieves current green building standards, seismic requirements, and pedestrian friendly design;

(h) **Promotion of General Plan Policy HW4.3** The Project would support General Plan Policy HW4.3: Safe and Convenient Walking and Bicycling by developing a project that promotes walking and biking as a safe and convenient mode of transportation by installing additional bicycle amenities such as bicycle parking, bicycle fixit stations, park benches, interpretive San Francisco Bay Trail signage and a commitment to maintain the open space adjacent to the Bay Trail in perpetuity;

(i) **Promotion of General Plan Goal PR3.** The Project would accomplish General Plan Goal PR3: Sustainable Design and Maintenance Practices by developing a project that has a planting and landscaping plan that is consistent with the San Francisco Bay Conservation and Development Commissions’ *Landscape Guide for the San Francisco Bay*. The project will also highlight natural features such as the proposed natural riparian corridor;

(j) **Promotion of General Plan Goal PR4.** The Project would accomplish General Plan Goal PR4: Stewardship of the Natural Environment by developing a project that has improved access to natural environments with appropriate levels of habitat sensitivity. This will create an opportunity to enhance the public enjoyment of the natural environments and provide public health benefits by creating opportunities for contact with nature on a smaller scale with the informal access to the San Francisco Bay surf line and the riparian corridor within the project. Moreover, the installation of new interpretative San Francisco Bay Trail and environmental signage will contribute to raising the awareness of natural and cultural resources by connecting people to nature with on-site interpretive signage, thereby complying with Policy ED 8.4 to improve public access to the shoreline and support expansion of trails and promoting hiking;

(k) **Construction Benefits.** Construction of the Project will entail the creation of an estimated 353 construction jobs, at least a portion of which are expected to be filled by City Council residents, according to an economic benefit report prepared by Development Planning & Financing Group, Inc. (DPFG Report), incorporated herein by this reference. DPFG is a national real estate consulting firm with 215 years of combined real estate experience, and the City Council finds the DPFG report to be credible and constitute substantial evidence. Per this report, construction benefits also would include approximately \$64.2 million in economic activity that would be created by the Project, including direct investment through the purchase of materials and payment of labor; indirect benefits through multiplier effects. The City Council finds that such benefits are crucial, given the City Council’s unemployment rate (12.5 in June 2013), while declining, still is higher than both the average national, state, and County unemployment rates (7.4 percent, 9.3 percent, and 7.7 percent, respectively), as discussed in the City Council’s Adopted Biennial Operating Budget, FY2013-14 to FY2014-15 (2013-2015 Budget), incorporated herein by this reference.);

(l) **Sales tax benefits.** The DPFG Report estimates the Project would generate as much as \$2.4 million in taxable sales from new residential spending, including \$1.4 million inuring to the benefit of the City Council (with the remainder “leaking” to other jurisdictions). Increased sales tax revenue is desirable given the City Council has a projected deficit in its operating budget of about \$328,895 for fiscal year 2013-14 and a projected deficit in its General Fund budget of \$407,507. (See 2013-2015 Budget; see also City Council of Richmond Comprehensive Annual Financial Report for the Year Ended June 30, 2013 [Financial Report], describing existing deficits, including \$14.4 million cumulative deficit, which is incorporated herein by this reference.) Moreover, given the City Council’s utility users’ tax revenue is its most stable revenue source, the

City Council finds that increasing the size and stability of its sales tax revenue source would constitute a welcome diversification of revenue. (See 2013-2015 Budget.);

(m) **Property tax benefits.** Development of the Project would directly generate increased property tax revenues from the value of improvements being placed on currently underutilized property. The DPFG Report estimates the Project would generate \$466,000 in property tax revenues, with \$198,000 inuring to the benefit of the City Council of Richmond (a \$184,000 increase over the existing land use). Increased property tax revenue is desirable given the City Council has existing and projected deficits, as described in subparagraph (l), above. Moreover, given the City Council's utility users' tax revenue is its most stable revenue source, increasing the size and stability of its property tax revenue source would constitute a welcome diversification of revenue. (See 2013-2015 Budget.) As disclosed in the Financial Report, property tax revenues recently have declined by \$5 million, or approximately 10 percent, such that a \$466,000 increase would be welcome as the City Council moves forward in its operations and budgeting;

(n) **General Fund revenues.** Development of the Project is expected to increase the City Council's General Fund revenues by \$313,000, per the DPFG Report. As discussed in foregoing subparagraphs (l) and (m), the City Council faces existing and future budget deficits, including a projected \$407,507 deficit in its General Fund budget, and revenues generated by the Project would help stabilize and/or close expected deficits;

(o) **Development fee benefits.** The Project is anticipated to generate \$2.46 million in development fees for the City Council of Richmond, including \$1.38 million in Affordable Housing In-Lieu Fees, which does not account for about \$1.5 million in fees that would inure to the benefit of the local school district and East Bay Mud, as identified in the DPFG Report. The deficits identified in subparagraphs (l) and (m), above, demonstrate the need for the City Council to generate additional revenues. Moreover, per the Financial Report, revenues from permits and fees is \$305,000 below expected revenues, where this deficit occurred due to a lower than expected growth in business licenses. Moreover, the provision of affordable housing is a constant struggle for Bay Area cities, including the City Council of Richmond, as reflected in the City Council's General Plan Housing Element. The provision of more than \$1.38 million in in-lieu fees would constitute welcome revenue as the City Council moves forward in providing affordable housing to its citizens. Thus, the City Council finds that Project fees would greatly benefit the City Council as it proceeds with operations and budgeting;

(p) **Earning increases.** Per the DPFG Report, the Project is anticipated to increase workers' earnings in all industries by \$28 million, which reflects salaries associated with on-site jobs as well as indirect and induced jobs created by the Project. The City Council finds that benefits improving the employment sector are crucial, given the City Council's unemployment rate (12.5 in June 2013), while declining, still is higher than both the average national, state, and County unemployment rates (7.4 percent, 9.3 percent, and 7.7 percent, respectively), as discussed in the City Council's Adopted Biennial Operating Budget, FY2013-14 to FY2014-15 (2013-2015 Budget), incorporated herein by this reference.);

(q) **Promotion of General Plan Goal ED1.** The Project would accomplish General Plan Goal ED1 and comply with Policy ED1.1, by contributing to a safe and welcoming environment for residents through the infill development of currently underutilized property;

(r) **Promotion of General Plan Policy ED1.5.** The Project would comply with General Plan Policy ED1.5 by contributing to the range of housing types and residential densities available in the City Council through the provision of 60 market-rate townhomes;

(s) **Solar facilities and improvements for electric vehicles.** The Project would provide conduit to enable future installation of Photovoltaic (PV) solar panels on the roof. Furthermore, the project would provide 30 amp 220 volt services in the garages to support installation of Level II Electric Vehicle (EV) charging stations, thereby contributing towards achieving General Plan Goal EC4 through compliance with Policy EC 3.1. The implementation of such technologies carries immediate environmental

benefits, and moreover sets an example for other developments that greatly benefit the City Council and its residents; and

(t) **Bay Trail enhancement.** The Project proposes, in partnership with the City Council, an extension of the San Francisco Bay Trail between Canal Boulevard and Seacliff Drive, closing a gap in the trail system identified in the City Council's General Plan. The new trail segment will include several design features that promote ease of access and user safety, including wider sidewalks, safer multi-use access, public access parking, pet pickup stations, a bike repair station, additional benches, an access path and a ramp to the surf line, trash receptacles, and an interpretative panel with digital image technology. A complete list of Project trail amenities is provided in the FEIR and November 13, 2014 Planning Commission staff report. The City Council finds this trail segment promote important municipal goals and policies related to recreation and quality of life, many of which are found in the General Plan, and will enhance the aesthetic and recreational experience of pedestrians in the vicinity of the Project site.

The Richmond City Council, acting as the Lead Agency and having reviewed the FEIR and public records, adopts this Statement of Overriding Considerations, which has balanced the benefits of the Project against its significant unavoidable adverse impacts in reaching a decision to approve the Project.

V. FINDINGS WITH RESPECT TO ADOPTION OF MITIGATION MONITORING AND REPORTING PLAN ("MMRP")

Section 21081.6 of the Public Resources Code requires the City Council to adopt a monitoring or compliance program regarding the changes in the project and mitigation measures imposed to lessen or avoid significant effects on the environment. The Mitigation and Monitoring and Reporting Plan (MMRP) for the proposed Project is hereby included in **Attachment 1-C**. The MMRP fulfills the CEQA mitigation monitoring requirements, as follows:

- The MMRP is designed to ensure compliance with the changes in the project and mitigation measures imposed on the Project during project implementation; and
- Measures to mitigate or avoid significant effects on the environment as set forth in the MMRP are fully enforceable through conditions of approval, permit conditions, agreements or other measures.

VI. GENERAL PLAN AMENDMENT TEXT REVISION FINDINGS

The City Council has considered the General Plan Amendment Text Revision, attached as **Attachment 1-D**, and makes the following findings:

(a) The proposed amendment is consistent with the rest of the general plan and appropriate changes have been made to maintain consistency. As discussed in Section 3.6 of the RDEIR, the proposed Project includes a General Plan Amendment Text Revision (PLN13-250) to allow building heights to exceed 35 feet in 'Medium-Density Residential' land use designations with an approved PA-Planned Area rezoning, after undergoing appropriate Design Review Board and CEQA review ("General Plan Amendment Text Revision "). Therefore, the proposed Project would be consistent with the General Plan upon adoption of the General Plan Amendment Text Revision. Further, as urban infill development, the Project would be consistent with General Plan Goal LU-K of meeting future housing needs within City Council limits through infill development in areas already served by community facilities, utilities and transportation systems. In addition, the project would create recreation and open space areas on the project site that would be useable to all segments of the community, including people with disabilities thereby further General Plan Policy CF-B.1. Further consistencies with the General Plan are identified in the Land Use section of the RDEIR and staff reports for the Project, and are incorporated herein by this reference. Accordingly, the proposed Project is consistent with the General Plan.

(b) The proposed General Plan Amendment Text Revision is in the public interest of the people of Richmond. The benefits of the Project that would be facilitated by the General Plan Amendment Text Revision are discussed in Section IV, above.

(c) As set forth more fully in the FEIR and administrative record and Section II (g) of these Findings, above, the General Plan reasonably foreseeably would apply only to the Project site, and it is speculative where another property owner would seek a height increase under its framework, and whether the City Council would approve such a request.

(d) In applying this General Plan Amendment Text, it is the intent of this Council that the General Plan Amendment Text Revision would not permit by right any height increases anywhere in the City. Any future applications proposing height increases will remain subject to CEQA review and approval by the Design Review Board, Planning Commission and City Council, as required under the City of Richmond Zoning Ordinance. Moreover, all such applicants would be required to meet the standards set forth in the Zoning Ordinance for Planned Area (PA) classifications including the requirement for Superior Urban Design and establish the General Plan policies, objectives and goals that would be furthered by a proposed height increase allowance. The City Council's approval of the General Plan Amendment Text Revision herein is solely made within the context of this Project. This approval is not intended to be characterized as establishing a precedent for future height increase proposals to be permitted by right. The City Council may consider exceptions to the applicable height limitations where a project is sited on a location adjacent to the shoreline that contains material changes in elevation. Furthermore, buildings located adjacent to the shoreline setback or sensitive resources shall begin at 25 feet in height and may only be increased in height with Design Review Board and Planning Commission approval.

VII. VESTING TENTATIVE MAP FINDINGS

The following findings of fact support of the approval of the Vesting Tentative Map as shown in **Attachment 1-A**. The City Council makes the following findings with statements of fact to support the findings as required by California Government Code Section 66474 for the approval of Tentative Parcel Map MS-9395.

- (a) The proposed map is consistent with the applicable general and specific plans.

Statement of Fact: The project is located on a site that is designated as 'Medium-Density Residential' in the General Plan and is also proposed to be rezoned to Planned Area District (PA) as a part of this project. The project is consistent with the 'Medium-Density Residential' District because the proposed project is within the density range of the General Plan designation (10 to 40 du/ac). The concept of a PA District Zoning is to promote development of large area in substantial compliance with the General Plan. The proposed zoning district designation and the General Plan are specifically intended to enable subdivisions for residential development. The Project's consistency with applicable policies is further detailed in the CEQA and General Plan findings, above, which are incorporated herein by this reference.

- (b) The design of lots, streets, open space, drainage, sewers, water and other improvements are consistent with the Zoning Ordinance.

Statement of Fact: The proposed lots exceed the minimum lot size as set forth by the Zoning District in which the subject site is located. The subject property is an infill site located in an urbanized area with existing drainage, sewer, water and improvements.

- (c) The site is physically suitable for the type of development proposed.

Statement of Fact: The site is adequate for residential development. It is within an existing residential City Council street and block and existing services and utilities are available to serve both the development and the neighborhood, as discussed extensively in the FEIR and Section 3.6, Land Use and Planning of the RDEIR.

- (d) The site is physically suitable for the proposed density of development.

Statement of Fact: The site is physically suitable for the density of development proposed because the site is within an existing City Council street and block, services are available that serve both the development and other existing 'Medium-Density Residential' structures are located in the area, and utilities will be installed to serve the site per City

Council standards, , as discussed extensively in the FEIR and Section 3.6, Land Use and Planning of the RDEIR.

- (e) The design of the land division is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.

Statement of Fact: The design of the land division is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat because the site does not have any creeks or other potentially significant habitat areas for fish or wildlife, as discussed in the RDEIR and clarified in Responses to Comments, which are incorporated by reference. As a precautionary measure, several mitigation measures have been included in the MMRP to ensure impacts to burrowing owls and nesting birds would not be significant.

- (f) The design of the land division and types of improvements proposed are not likely to cause serious public health problems.

Statement of Fact: The design of subdivision is not likely to cause any serious public health problems because the project consist of development of a typical residential housing development consisting of nine (9) buildings, and will be constructed to meet all applicable building and safety codes. The FEIR addressed the Project's potential to affect the public health in a number of ways (e.g., generation of emissions, noise, etc.) and, aside from impacts to scenic resources, the FEIR determined the Project would have no significant impacts.

- (g) The design of the land division and the type of improvements proposed will not conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision.

Statement of Fact: The design of the land division and the type of proposed improvements for the development will not conflict with easements acquired by the public at large because all existing utility or access easements will be conveyed to the new title for each subdivided lot. There is an existing 22 foot wide easement along the San Francisco Bay that provides public access to the San Francisco Bay Trail, and the Project would not interfere with public access to this easement.

VIII. SEVERABILITY

Should any provision, section, paragraph, sentence, or word of this Resolution be rendered or declared invalid by any court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this Resolution shall remain in full force and effect.

IX. APPROVALS

The City Council of the City of Richmond certifies the Final EIR (State Clearinghouse #2013102024), adopt the Statement of Overriding Considerations, adopt the Mitigation Monitoring and Reporting Program, and approve the General Plan Amendment Text Revision and Vesting Tentative Map.

- ATTACHMENT 1-A: Environmental Impacts Summary
- ATTACHMENT 1-B: Mitigation Monitoring and Reporting Program
- ATTACHMENT 1-C: Conditions of Approval
- ATTACHMENT 1-D: General Plan Amendment Text Revision Table 3.1
- ATTACHMENT 1-E: Vesting Tentative Map
- ATTACHMENT 1-F: Planned Area District Plan

I hereby certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held on December 16, 2014, by the following vote:

AYES: Councilmembers Boozé, Butt, Myrick, and Rogers.
NOES: Vice Mayor Beckles and Mayor McLaughlin.
ABSTENTIONS: None.
ABSENT: Councilmember Bates.

DIANE HOLMES
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

GAYLE MCLAUGHLIN
Mayor

Approved as to form:

BRUCE GOODMILLER
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Resolution No. 110-14**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on December 16, 2014.

GENERAL NOTES:

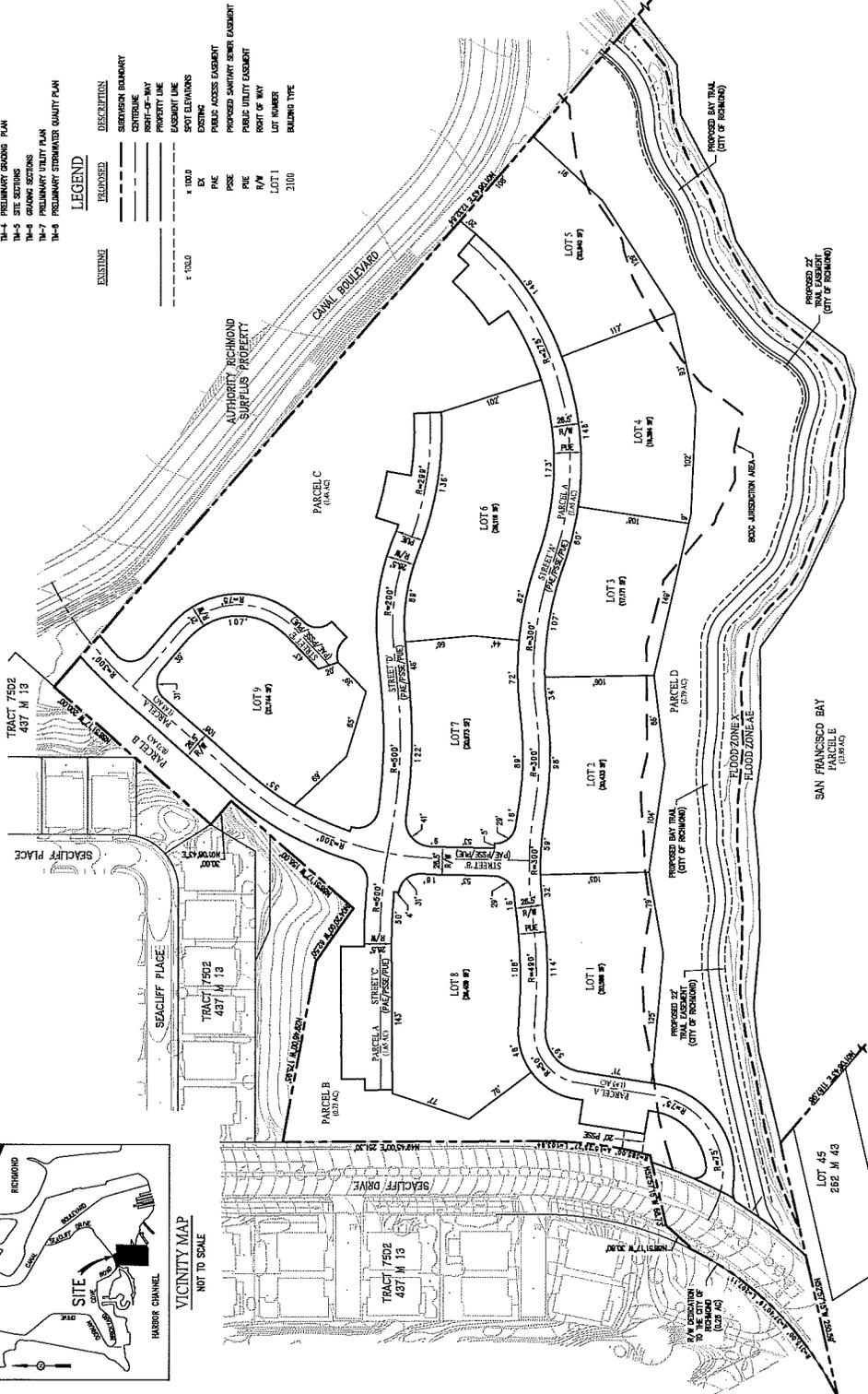
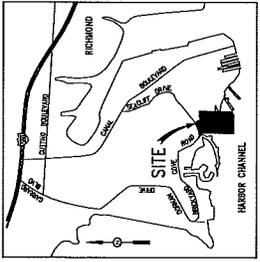
1. OWNERS: WILLIAM AND MARTY BENTONS THE BENTONS FAMILY TRUST 2300 SHREK CENTER DRIVE LITTLE ROCK, AR 72204
2. APPLICANT: WILLIAM AND MARTY BENTONS 2300 SHREK CENTER DRIVE LITTLE ROCK, AR 72204
3. CIVIL ENGINEERS: CALSON, BARBER & BROWN, INC. 2343 CANINO JAMPA, SUITE 300 LITTLE ROCK, AR 72204 ATTN: RYAN HANSEN RESUBDIVISION PROJECT
4. TOPOGRAPHIC SOURCE: AEROMETRIC SURVEYS DATE OF PHOTOGRAPHY: 08-09-11
5. BENCHMARK: CITY OF RICHMOND BUMP W/IN. NO. 205 APPROX. 67' FROM W/IN. & CENTERLINE ON WESTERN END OF WILLOW ST. CONTROL D.I.C.
6. A.P.M.: 90-300-021, 90-300-014, 90-300-040, 90-300-041, & 90-080-070
7. FEDERAL PLANS: LOCAL MAPS
8. ZONING: CA - CONCRETE INDUSTRIAL EXISTING: PA - PLANNED AREA, ORR - PLANNED & REGIONAL RECREATIONAL
9. LAND USE: EXISTING: VOLUNT MULTI-FAMILY RESIDENTIAL SPECIFIED: MULTI-FAMILY RESIDENTIAL
10. SITE AREA: 25.72 AC (GROSS)
11. RECREATIONAL UNITS: 50 MULTI-FAMILY UNITS
12. DENSITY: 2.02 UO/AC (GROSS) 4.656 UO/AC (NET)
13. RESIDENTIAL UNITS: 120
14. LOT AREA: 21.76 (LOT 1) 21.76 (LOT 2) 21.76 (LOT 3) 21.76 (LOT 4) 21.76 (LOT 5) 21.76 (LOT 6) 21.76 (LOT 7) 21.76 (LOT 8) 21.76 (LOT 9)
15. LOT COVERAGE: MAXIMUM: 31.2% (LOT 1)
16. EXISTING STRUCTURES: THESE ARE NO EXISTING UNITS BEING MAINTAINED
17. STREETS: ALL LOTS TO BE PRIVATE AND WILL BE MAINTAINED BY THE ASSOCIATION OF ALL STREETS S.L.A.C.
18. PARADEWAYS: PAVEMENT STRUCTURE TO BE DESIGNED BY THE CITY OF RICHMOND UPON RECEIPT OF PERMITS. THE CITY OF RICHMOND WILL CONDUCT AN ANALYSIS OF EACH STREET TRAIL AND PROVIDE A FINISHED SURFACE.
19. CONTIGUES: EXISTING CONTIGUES: 1 FOOT
20. CORNERS: PROPOSED CORNERS AS SHOWN ON PRELIMINARY PLANS SUBJECT TO FINAL DESIGN.
21. EXISTOR CONTROL: ALL EXISTOR CONTROL AND SEWER CONTROL MEASURES SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE PROVISIONS OF THE ASSOCIATION OF BAY FRONTS AND SEWERAGE DISTRICTS. ALL EXISTOR CONTROL MEASURES SHALL BE MAINTAINED BY THE ASSOCIATION OF BAY FRONTS AND SEWERAGE DISTRICTS. ALL EXISTOR CONTROL MEASURES SHALL BE MAINTAINED BY THE ASSOCIATION OF BAY FRONTS AND SEWERAGE DISTRICTS.
22. WATER: EAST BAY MUNICIPAL UTILITY DISTRICT
23. STORM & SEWER: PUMPED GAS & ELECTRIC
24. GAS & ELECTRIC: T80
25. TELEPHONE: T80
26. CABLE TV: T80
27. FLOOD ZONE: FLOOD ZONE A
28. STORM WATER QUALITY: FLOOD ZONE A
29. FIRE SPRINKLER: ALL UNITS WILL BE INSTALLED WITH FIRE SPRINKLERS. AVAILABLE FIRE FLOW TO BE DETERMINED BY EAST BAY MUNICIPAL UTILITY DISTRICT.
30. COMMON AREAS: ALL PRIVATE COMMON AREAS TO BE MAINTAINED BY THE ASSOCIATION OF BAY FRONTS AND SEWERAGE DISTRICTS.
31. RETAINING WALLS: ALL RETAINING WALLS TO BE MAINTAINED BY THE ASSOCIATION OF BAY FRONTS AND SEWERAGE DISTRICTS.
32. DIMENSIONS: THIS PROJECT MAY BE PHASED. MULTIPLE FINAL PLANS MAY BE REQUIRED TO COMPLETE THIS PROJECT.
33. FINAL MAP: THIS PROJECT MAY BE PHASED. MULTIPLE FINAL PLANS MAY BE REQUIRED TO COMPLETE THIS PROJECT.
34. CONDOMINIUM MAP: A CONDOMINIUM MAP WILL BE SUBMITTED FOR ALL 2 CONDOMINIUM UNITS AS DEFINED IN SECTION 1506 OF THE CALIFORNIA CIVIL CODE. THE TOTAL NUMBER OF CONDOMINIUM UNITS SHALL BE 120.

SHEET INDEX:

- TH-1 TENTATIVE SUBDIVISION MAP
- TH-2 BOUNDARY AND EXISTING CONDITIONS
- TH-3 SITE PLAN AND CONCEPTUAL MAP
- TH-4 PRELIMINARY GRADING PLAN
- TH-5 SITE SECTIONS
- TH-6 GRADING SECTIONS
- TH-7 PRELIMINARY UTILITY PLAN
- TH-8 PRELIMINARY STORMWATER QUALITY PLAN

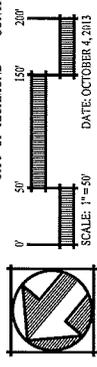
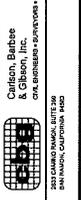
LEGEND

EXISTING	PROPOSED	DESCRIPTION
---	---	SEWERAGE BOUNDARY
---	---	PROPERTY LINE
---	---	EXISTING LINE
---	---	PROPOSED ACCESS EASEMENT
---	---	PROPOSED SANITARY SEWER EASEMENT
---	---	PROPOSED UTILITY EASEMENT
---	---	RIGHT OF WAY
---	---	LOT NUMBER
---	---	BOUNDARY TYPE



TENTATIVE SUBDIVISION MAP FOR CONDOMINIUM PURPOSES
BOTTOMS PROPERTY

CITY OF RICHMOND CONTRA COSTA COUNTY CALIFORNIA



DATE: OCTOBER 4, 2013
SCALE: 1" = 50'

BOTTOMS PROPERTY DEVELOPMENT

Environmental Impacts Summary

(see following pages)



ENVIRONMENTAL IMPACTS SUMMARY
for the
RECIRCULATED DRAFT
Environmental Impact Report
Bottoms Property Residential Project
City of Richmond, Contra Costa County, California

State Clearinghouse No. 2013102024

Prepared for:
City of Richmond
450 Civic Center Plaza-2nd Floor
Richmond, CA 94804
510.620.6706

Contact: Richard Mitchell, Director of Planning and Building

Prepared by:
FirstCarbon Solutions
1350 Treat Boulevard, Suite 380
Walnut Creek, CA 94597
925.357.2562

Contact: Mary Bean, Project Director
Charles Holcombe, Project Manager

Date: November 13, 2014

ENVIRONMENTAL IMPACTS SUMMARY

Summary of Impacts and Mitigation Measures

Table-1, below summarizes the impacts, mitigation measures, and resulting level of significance after mitigation for the relevant environmental issue areas evaluated for the proposed project. The table is intended to provide an overview; narrative discussions for the issue areas are included in the corresponding sections of the Recirculated Draft EIR.

California Public Resources Code Section 21081.6(a)(1)) requires that a Mitigation Monitoring and Reporting Program (MMRP) be adopted at the time that the lead agency determines to carry out a project for which an EIR has been prepared, to ensure that mitigation measures identified in the EIR are fully implemented. A Mitigation Monitoring and Reporting Program (MMRP) will be included within the Final EIR for the project, and will include information such as the timing of mitigation, the monitoring schedule and reporting procedures, and designation of responsible parties for implementing the mitigation measures.

Table-1: Environmental Impacts Summary of Impacts and Mitigation Measures

Impact	Mitigation Measure	Level of Significance
Section 3.1: Aesthetics		
Impact AES-1: The project would have a substantial adverse effect on a scenic vista.	No feasible mitigation measures exist	Significant and unavoidable impact.
Impact AES-2: The project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway.	No mitigation measures are required.	No impact.
Impact AES-3: The project would not substantially degrade the existing visual character or quality of the site and its surroundings.	No mitigation measures are required.	Less than significant impact.
Impact AES-4: The project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.	No mitigation measures are required.	Less than significant impact.
Section 3.2: Air Quality		
Impact AIR-1: The project would not conflict with or obstruct implementation of the applicable air quality plan.	Mitigation Measure AIR-2 is required.	Less than significant impact after mitigation.
Impact AIR-2: The project may violate an air quality standard or contribute substantially to an existing or projected air quality violation.	<p>MM AIR-2. During construction activities, the following air pollution control measures shall be implemented:</p> <ul style="list-style-type: none"> Exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. All haul trucks transporting soil, sand, or other loose material offsite shall be covered. All haul trucks transporting soil, sand, or other loose material offsite shall be covered. 	Less than significant impact after mitigation.

Table ES-1 (cont.): Executive Summary of Impacts and Mitigation Measures

Impact	Mitigation Measure	Level of Significance
<p>Impact AIR-3: The project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors).</p>	<ul style="list-style-type: none"> • All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All roadways, driveways, and sidewalks shall be paved as soon as possible. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of the California Code of Regulations). Clear signage shall be provided for construction workers at all access points. • All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. • A publicly visible sign shall be posted with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours of a complaint or issue notification. The Bay Area Air Quality Management District's phone number shall also be visible to ensure compliance with applicable regulations. <p>No mitigation measures are required.</p>	<p>Less than significant impact.</p>

Table ES-1 (cont.): Executive Summary of Impacts and Mitigation Measures

Impact	Mitigation Measure	Level of Significance
<p>Impact AIR-4: The project would not expose sensitive receptors to substantial pollutant concentrations.</p>	<p>Implementation of Mitigation Measure AIR-2 is required, along with the following additional mitigation measures: MM AIR-4a. Use Tier 4 construction equipment with level 3 diesel particulate filter (DPF) for equipment greater than 50 horsepower. MM AIR-4b. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe. MM AIR-4c. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 miles per hour. MM AIR-4d. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area of the site shall be limited to a single activity at any one time. Activities shall be phased to reduce the amount of disturbed surfaces at any one time. MM AIR-4e. All trucks and equipment, including their tires, shall be washed off prior to leaving the site. MM AIR-4f. The idling time of diesel-powered construction equipment shall be limited to five minutes.</p>	<p>Less than significant impact after mitigation.</p>
<p>Impact AIR-5: The project would not create objectionable odors affecting a substantial number of people.</p>	<p>No mitigation measures are required.</p>	<p>Less than significant impact.</p>

Table ES-1 (cont.): Executive Summary of Impacts and Mitigation Measures

Impact	Mitigation Measure	Level of Significance
<p>Section 3.3: Biological Resources</p> <p>Impact BIO-1: The project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.</p>	<p>MM BIO-1a. If clearing and construction activities will occur during the nesting period for burrowing owls (February 1–August 31), then a qualified biologist shall conduct take avoidance surveys for burrowing owls on and within 500 feet of the project site. Surveys shall be conducted no more than 14 days prior to the start of construction activities, and in accordance with Appendix D of CDFW’s Staff Report on Burrowing Owl Mitigation (Staff Report), published March 7, 2012. Surveys shall be repeated if project activities are suspended or delayed for more than 15 days during nesting season. If no burrowing owls are detected, then no further mitigation is required. If active burrowing owls are detected, the project proponent shall follow the protocol outlined in MM BIO-1b, below.</p> <p>MM BIO-1b. If burrowing owls are detected onsite during pre-construction surveys, mitigation shall be required in accordance with CDFW’s Staff Report. If the surveys identify breeding or wintering burrowing owls on or adjacent to the property, occupied burrows shall not be disturbed and shall be provided with protective buffers which will be determine through coordination with CDFW but are typically no less than 300 feet from occupied burrows. Where avoidance is not feasible, an exclusion plan shall be implemented to encourage owls to move away from the work area prior to construction. The exclusion plan shall be subject to CDFW approval and monitoring requirements and approved by the City prior to issuance of a permit for ground-disturbing activities.</p>	<p>Less than significant impact after mitigation.</p>

Table ES-1 (cont.): Executive Summary of Impacts and Mitigation Measures

Impact	Mitigation Measure	Level of Significance
	<p>MM BIO-1c. Pre-construction surveys for nesting birds shall occur prior to the following: Any Project action, including ground-disturbing activities scheduled to occur between February 1 and September 1. The pre-construction survey shall be conducted by a qualified biologist no more than 14 days prior to the initiation of construction. If a lapse in Project activity of one week or more occurs, the surveys shall be repeated. If nesting birds are found, species specific buffers shall be implemented in consultation with CDFW. The buffer area shall be fenced off from work activities and no work shall occur in that area until the young have fledged, as determined by a qualified biologist. Active nests found within the vicinity of the Project area, outside the species specific buffer shall be monitored by the Project biologist during all work activities for changes in bird behavior, the qualified biologist shall perform at least two-hours of pre-construction monitoring to characterize normal bird behavior. At the first indication of nest abandonment all work shall halt and the biologist shall contact CDFW on how to proceed.</p>	
<p>Impact BIO-2: The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.</p>	<p>No mitigation measures are required.</p>	<p>Less than significant impact.</p>
<p>Impact BIO-3: The project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool,</p>	<p>No mitigation measures are required.</p>	<p>Less than significant impact.</p>

Table ES-1 (cont.): Executive Summary of Impacts and Mitigation Measures

Impact	Mitigation Measure	Level of Significance
coastal, etc.) through direct removal, filling, hydrological interruption, or other means.		
Impact BIO-4: The project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites.	No mitigation measures are required.	No impact.
Impact BIO-5: The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	No mitigation measures are required.	No impact.
Impact BIO-6: The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.	No mitigation measures are required.	No impact.
Section 3.4: Cultural Resources		
Impact CR-1: The project would not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5.	MM CR-1. If areas of prehistoric resources are encountered during subsurface excavation, all work within 50 feet of the discovery shall cease until a qualified archaeologist can determine the significance of the find. The project applicant shall require a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Upon completion of the archaeologist's evaluation, a report shall be prepared documenting the methods and results. The archaeologist shall recommend to the City potentially feasible mitigation measures that would preserve the integrity of the site or minimize impacts on it, including any or a combination of the following:	Less than significant impact after mitigation.

Table ES-1 (cont.): Executive Summary of Impacts and Mitigation Measures

Impact	Mitigation Measure	Level of Significance
<p>Impact CR-2: The project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5.</p>	<p>1. Avoidance, preservation, and/or enhancement of all or a portion of the cultural resource as open space or habitat, and, if the resources is specifically a prehistoric archaeological resource, with a conservation easement dedicated to the most interested and appropriate NAHC-designated tribal representative(s), if a tribe is willing to accept and maintain such an easement, or alternatively, a cultural resource organization that holds conservation easements;</p> <p>2. An agreement with any such tribal or cultural resource organization to maintain the confidentiality of the location of the site so as to minimize the danger of vandalism to the site or other damage to its integrity; or</p> <p>3. Other measures, short of full or partial avoidance or preservation, intended to minimize impacts on the archaeological resources consistent with land use assumptions and the proposed design and footprint of the development.</p> <p>After receiving such recommendations, the City shall assess the feasibility of the recommendations and impose the most protective mitigation feasible in light of land use assumptions and the proposed design and footprint of the project. The City shall, in reaching conclusions with respect to these recommendations, consult with both the project applicant and the interested NAHC-designated tribal representative(s).</p> <p>MM CR-2: If areas of prehistoric resources are encountered during subsurface excavation, all work within 50 feet of the discovery shall cease until a qualified archaeologist can determine the significance</p>	<p>Less than significant impact after mitigation.</p>

Table ES-1 (cont.): Executive Summary of Impacts and Mitigation Measures

Impact	Mitigation Measure	Level of Significance
<p>Impact CR-3: The project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.</p>	<p>of the find. The project applicant shall require a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Upon completion of the archaeologist's evaluation, a report shall be prepared documenting the methods and results, and offering recommendations.</p> <p>MM CR-3. In the event a fossil is discovered during construction for the proposed project, excavations within 50 feet of the find shall be temporarily halted or delayed until the discovery is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The project applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. If the find is determined to be significant and if avoidance is not feasible, the paleontologist shall design and carry out a data recovery plan consistent with the Society of Vertebrate Paleontology Standards.</p>	<p>Less than significant impact after mitigation.</p>
<p>Impact CR-4: The project would not disturb any human remains, including those interred outside of formal cemeteries.</p>	<p>MM CR-4. In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code § 5097.94 and § 5097.98 must be followed. If during the course of project development there is accidental discovery or recognition of any human remains, the following steps shall 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 the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause</p>	<p>Less than significant impact after mitigation.</p>

Table ES-1 (cont.): Executive Summary of Impacts and Mitigation Measures

Impact	Mitigation Measure	Level of Significance
	<p>of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the "most likely descendant" (MLD) of the deceased Native American. The MLD shall make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98.</p> <p>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 either in accordance with the recommendations of the most likely descendant or on the project site in a location not subject to further subsurface disturbance:</p> <ul style="list-style-type: none"> • The NAHC is unable to identify a most likely descendant or the most likely descendant failed to make a recommendation within 48 hours after being notified by the commission. • The descendant identified fails to make a recommendation. • The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner. 	
Section 3.5: Geology and Soils		

Table ES-1 (cont.): Executive Summary of Impacts and Mitigation Measures

Impact	Mitigation Measure	Level of Significance
<p>Impact GEO-1: The project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:</p> <ul style="list-style-type: none"> i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. ii) Strong seismic ground shaking. iii) Seismic-related ground failure, including liquefaction. iv) Landslides. 	<p>MM GEO-1. Prior to issuance of a grading permit, a qualified geotechnical engineer or engineering geologist shall prepare a design-level geotechnical investigation to provide site preparation and design recommendations related to site-specific geologic conditions, including seismic-related ground failure, shaking, and liquefaction. The recommendations of the design-level geotechnical investigation will build upon the recommendations contained in the Miller Pacific Supplemental Geotechnical Investigations to ensure compliance with Uniform Building Code Requirements, which shall be incorporated into the project plans and provided to the City of Richmond for review and approval.</p>	<p>Less than significant impact after mitigation.</p>
<p>Impact GEO-2: The project would not result in substantial soil erosion or the loss of topsoil.</p>	<p>No mitigation measures are required.</p>	<p>Less than significant impact.</p>
<p>Impact GEO-3: The project could be located on a geologic unit or soil that is unstable, or that could become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.</p>	<p>MM GEO-3a. As presented in the reports by Miller Pacific Engineering in 2012 and 2013, the site shall be prepared using a combination of excavation of fill above bay mud under Buildings 1–5 where appropriate, surcharging areas where the depth of mud is between 5 and 10 feet, or can be reduced to 5 to 10 feet, given site constraints, and avoidance of areas where the depth of mud is greater than 10 feet. Design-level investigation, including additional subsurface exploration, laboratory testing, and engineering analysis where necessary, shall be performed to quantify the amount and rate of expected future settlements based on the proposed site grading and expected building loads and thus ensure compliance with the 2013 California Uniform Building Code.</p>	<p>Less than significant impact after mitigation.</p>

Table ES-1 (cont.): Executive Summary of Impacts and Mitigation Measures

Impact	Mitigation Measure	Level of Significance
<p>Impact GEO-4: The project would not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.</p>	<p>MM GEO-3b. New improvements shall be set back a minimum of 15 feet from the base of the near-vertical rock cut at the site's northern boundary. Alternatively, a catchment wall or other retaining structure, such as soil nails and Tecco mesh or a Geobruigg-type debris barrier, shall be considered as part of a project design feature.</p>	
<p>Impact GEO-5: The project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.</p>	<p>Implement MM GEO-1, MM GEO-3a and MM GEO-3b.</p>	<p>Less than significant impact.</p>
<p>Section 3.6: Land Use and Planning</p>		
<p>Impact LUP-1: The project would not physically divide an established community.</p>	<p>No mitigation measures are required.</p>	<p>No impact.</p>
<p>Impact LUP-2: The project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.</p>	<p>No mitigation measures are required.</p>	<p>No impact.</p>
<p>Impact LUP-3: The project would not conflict with any applicable habitat conservation plan or natural communities conservation plan.</p>	<p>No mitigation measures are required.</p>	<p>No impact.</p>
<p>Section 3.7: Transportation and Traffic</p>		
<p>Impact TRANS-1: The project would not conflict with</p>	<p>No mitigation measures are required.</p>	<p>Less than significant impact.</p>

Table ES-1 (cont.): Executive Summary of Impacts and Mitigation Measures

Impact	Mitigation Measure	Level of Significance
<p>an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways.</p>		
<p>Impact TRANS-2: The project would not conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.</p>	<p>No mitigation measures are required.</p>	<p>Less than significant impact.</p>
<p>Impact TRANS-3: The project would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.</p>	<p>No mitigation measures are required.</p>	<p>No impact.</p>
<p>Impact TRANS-4: The project would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).</p>	<p>MM TRANS-4a. Prior to issuance of occupancy permits, the project Applicant shall install improvements at the Seacliff Drive/Sandpiper Spit intersection:</p> <ul style="list-style-type: none"> • If the City does not grant a design exception to allow construction of a median break and left-turn access into the site, the project Applicant shall eliminate the westbound left-turn pocket on Seacliff Drive at Sandpiper Spit to facilitate the U-turn movement. • If the City grants a design exception to allow construction of a median break and left-turn access into the site, then the left-turn pocket for Sandpiper Spit shall remain in place. • The Applicant shall install an enhanced trail crossing of the Ferry Point Loop Trail at the Seacliff 	<p>Less than significant impact after mitigation.</p>

Table ES-1 (cont.): Executive Summary of Impacts and Mitigation Measures

Impact	Mitigation Measure	Level of Significance
<p>Impact TRANS-5: The project would not result in inadequate emergency access.</p>	<p>Drive/Sandpiper Spit intersection to minimize conflicts between pedestrians, bicyclists, and vehicles.</p> <p>MM TRANS-4b. Prior to issuance of occupancy permits and ongoing during project operation, the Home Owners Association (HOA) shall maintain landscaping at the project driveways to avoid sight distance conflicts (based on the line of sight of a typical driver, shrubs should not be higher than approximately 30 inches and tree canopies should be approximately six feet from the ground).</p> <p>MM TRANS-5. Prior to issuance of building permits, the fire department shall review the site plan for emergency vehicle access to ensure that adequate access exists to ensure the safety of residents and property within the project in accordance with all applicable laws.</p>	<p>Less than significant impact after mitigation.</p>
<p>Impact TRANS-6: The project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.</p>	<p>MM TRANS-6a. Prior to issuance of occupancy permits, the project Applicant shall provide a 10 foot minimum width enhanced pedestrian crosswalk along Seaciff Drive , between the project driveway and the Bay Trail crossing of Seaciff Drive near the intersection with Brickyard Cove Road, based on recommended design treatments from the Bicycle Master Plan Design Guidelines, connecting to the proposed Class I facility along the western edge of the project site.</p> <p>MM TRANS-6b. Prior to issuance of occupancy permits, the project Applicant shall restrict the Canal Boulevard entrance to emergency vehicle access only to reduce conflicts between bicycles and vehicles. Alternatively, the Applicant shall provide trail crossing treatments on both the driveway approach and the</p>	<p>Less than significant impact after mitigation.</p>

Table ES-1 (cont.): Executive Summary of Impacts and Mitigation Measures

Impact	Mitigation Measure	Level of Significance
<p>Impact CUMULATIVE TRANS-1: The proposed project, as mitigated, in conjunction with other future projects, would have a less than cumulatively considerable impact on transportation facilities.</p>	<p>trail consistent with the Bicycle Master Plan Design Guidelines. Bicycle traffic shall not be expected to stop, but signage and striping would be appropriate to alert them to the presence of vehicles. Other bike path treatments across the driveway, such as colored pavement, may also be appropriate. Traffic exiting the site shall be stop-controlled. Signage and striping shall be used to alert drivers of the potential for bicycle traffic along the corridor.</p> <p>MM TRANS-6c. Prior to issuance of occupancy permits, trail intersection improvements shall be installed where the Class 1 trail along the shoreline of the property meets the Shipyard 3 section of Bay Trail at Canal Boulevard, including striping, directional signage and ADA access.</p> <p>MM TRANS-6d The home owners association shall maintain the Bay Trail in perpetuity, including shoreline revetments and all site landscaping.</p> <p>MM CUMULATIVE TRANS-1: Prior to issuance of building permits, the Project Applicant shall pay applicable local and regional traffic impact fees based on the expected level of vehicle trip generation.</p> <p>See also MM TRANS-4a, TRANS-4b, TRANS-5, TRANS-6a, TRANS-6b, and TRANS-6c, located within Section 3.7, Traffic and Transportation.</p>	<p>Less than significant impact.</p>

Mitigation Monitoring and Reporting Program

(see following pages)



**Mitigation Monitoring and Reporting Program
for the
FINAL Environmental Impact Report
Bottoms Property Residential Project
City of Richmond, Contra Costa County, California
State Clearinghouse No. 2013102024**

Prepared for:
City of Richmond
450 Civic Center Plaza-2nd Floor
Richmond, CA 94804
510.620.6706

Contact: Richard Mitchell, Director of Planning and Building

Prepared by:
FirstCarbon Solutions
1350 Treat Boulevard, Suite 380
Walnut Creek, CA 94597
925.357.2562

Contact: Mary Bean, Project Director
Charles Holcombe, Project Manager

November 13, 2014

Table 1: Bottoms Property Residential Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>2. Air Quality</p> <p>MM AIR-2. During construction activities, the following air pollution control measures shall be implemented:</p> <ul style="list-style-type: none"> Exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. All haul trucks transporting soil, sand, or other loose material offsite shall be covered. All haul trucks transporting soil, sand, or other loose material offsite shall be covered. <p>All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</p> <ul style="list-style-type: none"> All roadways, driveways, and sidewalks shall be paved as soon as possible. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of the California Code of Regulations). Clear signage shall be provided for construction workers at all access points. All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified visible emissions evaluator. A publicly visible sign shall be posted with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours of a complaint or issue notification. <p>The Bay Area Air Quality Management District’s phone number shall also be visible to ensure compliance with applicable regulations.</p>	<p>Verify inclusion in project specifications; site inspections</p>	<p>During construction activities</p>	<p>City of City of Richmond Planning and Building Division</p>		

Table 1 (cont.): Bottoms Property Residential Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM AIR-4a. Use Tier 4 construction equipment with level 3 diesel particulate filter (DPF) for equipment greater than 50 horsepower.	Verify inclusion in project specifications; site inspections	During construction activities	City of City of Richmond Planning and Building Division		
MM AIR-4b. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.	Verify inclusion in project specifications; site inspections	During construction activities	City of City of Richmond Planning and Building Division		
MM AIR-4c. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 miles per hour.	Verify inclusion in project specifications; site inspections	During construction activities	City of City of Richmond Planning and Building Division		
MM AIR-4d. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area of the site shall be limited to a single activity at any one time. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.	Verify inclusion in project specifications; site inspections	During construction activities	City of City of Richmond Planning and Building Division		
MM AIR-4e. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.	Verify inclusion in project specifications; site inspections	During construction activities	City of City of Richmond Planning and Building Division		
MM AIR-4f. The idling time of diesel-powered construction equipment shall be limited to five minutes.	Verify inclusion in project specifications; site inspections	During construction activities	City of City of Richmond Planning and Building Division		
3. Biological Resources					
MM BIO-1a. If clearing and construction activities will occur during the nesting period for burrowing owls (February 1–August 31), then a qualified biologist shall conduct take	Verify inclusion in project specifications; site inspection prior to	During the nesting bird season (February 1 through	City of City of Richmond Planning		

Table 1 (cont.): Bottoms Property Residential Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>avoidance surveys for burrowing owls on and within 500 feet of the project site. Surveys shall be conducted no more than 14 days prior to the start of construction activities, and in accordance with Appendix D of CDFW’s Staff Report on Burrowing Owl Mitigation (Staff Report), published March 7, 2012. Surveys shall be repeated if project activities are suspended or delayed for more than 15 days during nesting season. If no burrowing owls are detected, then no further mitigation is required. If active burrowing owls are detected, the project proponent shall follow the protocol outlined in MM BIO-1b, below.</p>	<p>commencement of vegetation removal/ground disturbance</p>	<p>August 31)</p>	<p>and Building Division</p>		
<p>MM BIO-1b. If burrowing owls are detected onsite during pre-construction surveys, mitigation shall be required in accordance with CDFW’s Staff Report. If the surveys identify breeding or wintering burrowing owls on or adjacent to the property, occupied burrows shall not be disturbed and shall be provided with protective buffers which will be determine through coordination with CDFW but are typically no less than 300 feet from occupied burrows. Where avoidance is not feasible, an exclusion plan shall be implemented to encourage owls to move away from the work area prior to construction. The exclusion plan shall be subject to CDFW approval and monitoring requirements and approved by the City prior to issuance of a permit for ground-disturbing activities.</p>	<p>Verify inclusion in project specifications, site inspection</p>	<p>During pre-construction surveys</p>	<p>City of City of Richmond Planning and Building Division</p>		
<p>MM BIO-1c. Pre-construction surveys for nesting birds shall occur prior to the following: Any Project action, including ground-disturbing activities scheduled to occur between February 1 and September 1. The pre-construction survey shall be conducted by a qualified biologist no more than 14 days prior to the initiation of construction. If a lapse in</p>	<p>Verify inclusion in project specifications, site inspection prior to commencement of vegetation removal/ground</p>	<p>Prior to the following: Any Project action, including ground-disturbing activities scheduled to occur</p>	<p>City of City of Richmond Planning and Building Division</p>		

Table 1 (cont.): Bottoms Property Residential Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>Project activity of one week or more occurs, the surveys shall be repeated. If nesting birds are found, species specific buffers shall be implemented in consultation with CDFW. The buffer area shall be fenced off from work activities and no work shall occur in that area until the young have fledged, as determined by a qualified biologist. Active nests found within the vicinity of the Project area, outside the species specific buffer shall be monitored by the Project biologist during all work activities for changes in bird behavior, the qualified biologist shall perform at least two-hours of pre-construction monitoring to characterize normal bird behavior. At the first indication of nest abandonment all work shall halt and the biologist shall contact CDFW on how to proceed.</p>	disturbance	between February 1 and September 1			
<p>4. Cultural Resources</p> <p>MM CR-1. If areas of prehistoric resources are encountered during subsurface excavation, all work within 50 feet of the discovery shall cease until a qualified archaeologist can determine the significance of the find. The project applicant shall require a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Upon completion of the archaeologist's evaluation, a report shall be prepared documenting the methods and results. The archaeologist shall recommend to the City potentially feasible mitigation measures that would preserve the integrity of the site or minimize impacts on it, including any or a combination of the following:</p> <ol style="list-style-type: none"> 1. Avoidance, preservation, and/or enhancement of all or a portion of the cultural resource as open space or habitat, and, if the resources is specifically a prehistoric archaeological resource, with a conservation easement dedicated to the most interested and appropriate NAHC-designated tribal representative(s), if a tribe is willing to 					
	Verify inclusion in grading plan notes, site inspection	During site grading	City of City of Richmond Planning and Building Division		

Table 1 (cont.): Bottoms Property Residential Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>accept and maintain such an easement, or alternatively, a cultural resource organization that holds conservation easements;</p> <p>2. An agreement with any such tribal or cultural resource organization to maintain the confidentiality of the location of the site so as to minimize the danger of vandalism to the site or other damage to its integrity; or</p> <p>3. Other measures, short of full or partial avoidance or preservation, intended to minimize impacts on the archaeological resources consistent with land use assumptions and the proposed design and footprint of the development.</p> <p>After receiving such recommendations, the City shall assess the feasibility of the recommendations and impose the most protective mitigation feasible in light of land use assumptions and the proposed design and footprint of the project. The City shall, in reaching conclusions with respect to these recommendations, consult with both the project applicant and the interested NAHC-designated tribal representative(s).</p> <p>MM CR-2. If areas of prehistoric resources are encountered during subsurface excavation, all work within 50 feet of the discovery shall cease until a qualified archaeologist can determine the significance of the find. The project applicant shall require a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Upon completion of the archaeologist's evaluation, a report shall be prepared documenting the methods and results, and offering recommendations.</p>	<p>Verify inclusion in grading plan notes, site inspection</p>	<p>During site grading</p>	<p>City of City of Richmond Planning and Building Division</p>		

Table 1 (cont.): Bottoms Property Residential Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>MM CR-3. In the event a fossil is discovered during construction for the proposed project, excavations within 50 feet of the find shall be temporarily halted or delayed until the discovery is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The project applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. If the find is determined to be significant and if avoidance is not feasible, the paleontologist shall design and carry out a data recovery plan consistent with the Society of Vertebrate Paleontology Standards.</p>	<p>Verify inclusion in grading plan notes, site inspection</p>	<p>During site grading</p>	<p>City of City of Richmond Planning and Building Division</p>		
<p>MIM CR-4. In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code § 5097.94 and § 5097.98 must be followed. If during the course of project development there is accidental discovery or recognition of any human remains, the following steps shall be taken:</p> <ol style="list-style-type: none"> 1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the “most likely descendant” (MLD) of the deceased Native American. The MLD shall make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, 	<p>Verify inclusion in grading plan notes, site inspection</p>	<p>During site grading</p>	<p>City of City of Richmond Planning and Building Division</p>		

Table 1 (cont.): Bottoms Property Residential Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98.</p> <p>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 either in accordance with the recommendations of the most likely descendant or on the project site in a location not subject to further subsurface disturbance:</p> <ul style="list-style-type: none"> • The NAHC is unable to identify a most likely descendant or the most likely descendant failed to make a recommendation within 48 hours after being notified by the commission. • The descendant identified fails to make a recommendation. • The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner. 	Direct observation of verification	Prior to issuance of a grading permit	City of City of Richmond Planning and Building Division		
<p>5. Geology, Soils, and Seismicity</p> <p>MM GEO-1. Prior to issuance of a grading permit, a qualified geotechnical engineer or engineering geologist shall prepare a design-level geotechnical investigation to provide site preparation and design recommendations related to site-specific geologic conditions, including seismic-related ground failure, shaking, and liquefaction. The recommendations of the design-level geotechnical investigation will build upon the</p>	Direct observation of verification	Prior to issuance of a grading permit	City of City of Richmond Planning and Building Division		

Table 1 (cont.): Bottoms Property Residential Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>recommendations contained in the Miller Pacific Supplemental Geotechnical Investigations to ensure compliance with Uniform Building Code Requirements, which shall be incorporated into the project plans and provided to the City of Richmond for review and approval.</p>					
<p>MM GEO-3a. As presented in the reports by Miller Pacific Engineering in 2012 and 2013, the site shall be prepared using a combination of excavation of fill above bay mud under Buildings 1–5 where appropriate, surcharging areas where the depth of mud is between 5 and 10 feet, or can be reduced to 5 to 10 feet, given site constraints, and avoidance of areas where the depth of mud is greater than 10 feet. Design-level investigation, including additional subsurface exploration, laboratory testing, and engineering analysis where necessary, shall be performed to quantify the amount and rate of expected future settlements based on the proposed site grading and expected building loads and thus ensure compliance with the 2013 California Uniform Building Code.</p>	Direct observation of verification	Prior to issuance of a grading permit	City of City of Richmond Planning and Building Division		
<p>MM GEO-3b. New improvements shall be set back a minimum of 15 feet from the base of the near-vertical rock cut at the site's northern boundary. Alternatively, a catchment wall or other retaining structure, such as soil nails and Tecco mesh or a Geobrugg-type debris barrier, shall be considered as part of a project design feature.</p>	Direct observation of verification	Prior to issuance of a grading permit	City of City of Richmond Planning and Building Division		
<p>7. Transportation and Traffic</p>					
<p>MM TRANS-4a. Prior to issuance of occupancy permits, the project Applicant shall install improvements at the Seaciff Drive/Sandpiper Spit intersection:</p> <ul style="list-style-type: none"> • If the City does not grant a design exception to allow construction of a median break and left-turn access into 	Review and approval of street improvement plans by the City of City of Richmond Engineer	Prior to issuance of occupancy permits	City of City of Richmond Engineer		

Table 1 (cont.): Bottoms Property Residential Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>the site, the project Applicant shall eliminate the westbound left-turn pocket on Seacliff Drive at Sandpiper Spit to facilitate the U-turn movement.</p> <ul style="list-style-type: none"> If the City grants a design exception to allow construction of a median break and left-turn access into the site, then the left-turn pocket for Sandpiper Spit shall remain in place. The Applicant shall install an enhanced trail crossing of the Ferry Point Loop Trail at the Seacliff Drive/Sandpiper Spit intersection to minimize conflicts between pedestrians, bicyclists, and vehicles. 					
<p>MM TRANS-4b. Prior to issuance of occupancy permits and ongoing during project operation, the Home Owners Association (HOA) shall maintain landscaping at the project driveways to avoid sight distance conflicts (based on the line of sight of a typical driver, shrubs should not be higher than approximately 30 inches and tree canopies should be approximately six feet from the ground).</p>	Verify inclusion in project specifications, site inspection	Prior to issuance of occupancy permits and ongoing during project operation	City of City of Richmond Planning and Building Division		
<p>MM TRANS-5. Prior to issuance of building permits, the fire department shall review the site plan for emergency vehicle access to ensure that adequate access exists to ensure the safety of residents and property within the project in accordance with all applicable laws.</p>	Verify inclusion in project specifications, site inspection	Prior to issuance of building permits	City of City of Richmond Fire Department		
<p>MM TRANS-6a. Prior to issuance of occupancy permits, the project Applicant shall provide a 10 foot minimum width enhanced pedestrian crosswalk along Seacliff Drive , between the project driveway and the Bay Trail crossing of Seacliff Drive near the intersection with Brickyard Cove Road, based on recommended design treatments from the Bicycle Master Plan Design Guidelines, connecting to the proposed Class I facility along the western edge of the project site.</p>	Verify inclusion in project specifications, site inspection	Prior to issuance of occupancy permits	City of City of Richmond Engineer		

Table 1 (cont.): Bottoms Property Residential Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>MM TRANS-6b. Prior to issuance of occupancy permits, the project Applicant shall restrict the Canal Boulevard entrance to emergency vehicle access only to reduce conflicts between bicycles and vehicles. Alternatively, the Applicant shall provide trail crossing treatments on both the driveway approach and the trail consistent with the Bicycle Master Plan Design Guidelines. Bicycle traffic shall not be expected to stop, but signage and striping would be appropriate to alert them to the presence of vehicles. Other bike path treatments across the driveway, such as colored pavement, may also be appropriate. Traffic exiting the site shall be stop-controlled. Signage and striping shall be used to alert drivers of the potential for bicycle traffic along the corridor.</p>	<p>Verify inclusion in project specifications, site inspection</p>	<p>Prior to issuance of occupancy permits</p>	<p>City of City of Richmond Engineer</p>		
<p>MM TRANS-6c. Prior to issuance of occupancy permits, trail intersection improvements shall be installed where the Class 1 trail along the shoreline of the property meets the Shipyard 3 section of Bay Trail at Canal Boulevard, including striping, directional signage and ADA access.</p>	<p>Verify inclusion in project specifications, site inspection</p>	<p>Prior to issuance of occupancy permits</p>	<p>City of City of Richmond Engineer</p>		
<p>MM TRANS-6d The home owners association shall maintain the Bay Trail in perpetuity, including shoreline revetments and all site landscaping.</p>	<p>Verify inclusion in project specifications, site inspection</p>	<p>Prior to issuance of occupancy permits</p>	<p>City of City of Richmond Planning and Building Division</p>		
<p>MM CUMULATIVE TRANS-1: Prior to issuance of building permits, the Project Applicant shall pay applicable local and regional traffic impact fees based on the expected level of vehicle trip generation. See also MM TRANS-4a, TRANS-4b, TRANS-5, TRANS-6a, TRANS-6b, and TRANS-6c, located within Section 3.7, Traffic and Transportation.</p>	<p>Verify payment of all applicable local and regional traffic impact fees</p>	<p>Prior to issuance of building permits</p>	<p>City of City of Richmond Planning and Building Division</p>		

General Plan Amendment Text Revision Table

**Bottoms Property Project
Proposed General Plan Amendment**

Table 3.1 of the Richmond General Plan 2030 currently reads:

Table 3.1: Residential Neighborhood Land Use Classifications

Land Use Classification	Ranges	Character
<p>Hillside Residential Includes attached and detached single-family housing on subdivided parcels and clustered multi-family residential on developable portions of hillside parcels below the 400-foot elevation. Hillside development should address key environmental challenges and constraints such as steep slopes and soil erosion. Neighborhood mixed-use development is allowed at neighborhood nodes.</p>	<p>Density: Up to 5 du/ac Intensity: Not applicable Height: Up to 35 feet</p>	
<p>Low-Density Residential Includes attached and detached single-family residential development in level to moderately sloped areas. Neighborhood mixed-use development is allowed at neighborhood nodes. Existing multi-family residential structures may remain and may be improved without increasing densities, or may revert to single-family residential uses.</p>	<p>Density: 5 to 15 du/ac Intensity: Not applicable Height: Up to 35 ft.</p>	
<p>Medium-Density Residential Includes single and multi-family housing types such as one to three-story garden apartments, historic bungalows and cottages on small lots, townhouses and stacked flats. Neighborhood mixed-use development is allowed at neighborhood nodes.</p>	<p>Density: 10 to 40 du/ac Intensity: Not applicable Height: Up to 35 ft. *</p>	
<p>Neighborhood Mixed-Use Includes residential and neighborhood-serving retail uses such as shops, markets, professional offices, boutiques, barber shops, beauty salons and restaurants. Residential development above ground floor commercial is strongly encouraged. Development is emphasized at neighborhood nodes.</p>	<p>Density: 10 to 30 du/ac Intensity: 0.25 to 0.5 FAR Height: Up to 45 feet</p>	

The Bottoms Property proposed General Plan Amendment will add an asterisk to the Medium Density Residential description in Table 3.1 of the General Plan. The text describing the asterisk will read:

** “Building height in a Medium-Density Residential land use classification may exceed 35 feet as part of an approved Planned Area(PA) district. Any proposed increase in height shall, prior to or contemporaneous with the consideration of the Planned Area (PA) district, undergo adequate environmental analysis under CEQA.”*