

# RICHMOND BAY SPECIFIC PLAN

Final Environmental Impact Report  
Response to Comments  
SCH NO. 2014092082

Prepared for  
City of Richmond

November 2016



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# CHAPTER 1

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## Introduction

### 1.1 CEQA Process

On September 2, 2016 the City of Richmond (Lead Agency) released for public review a Draft Environmental Impact Report (Draft EIR) for the Richmond Bay Specific Plan (Specific Plan) and Sub-Area 4 Project (Project) and associated City discretionary approvals (SCH# 2014092082). The public review and comment period on the Draft EIR began on September 2, 2016 and closed on October 24, 2016 (extended from October 18).

The Draft EIR together with this Response to Comments document constitutes the Final EIR for the Specific Plan and Project. The Final EIR is an informational document prepared by the Lead Agency that must be considered by decision-makers before approving the Specific Plan and Project and that must reflect the Lead Agency's independent judgment and analysis of the anticipated physical impacts of the Specific Plan and Project on the environment (CEQA *Guidelines*, Section 15090). The California Environmental Quality Act (CEQA) *Guidelines* (Section 15132) specify the following:

“The Final EIR shall consist of:

- (a) The Draft EIR or a revision of that draft.
- (b) Comments and recommendations received on the Draft EIR either verbatim or in a summary.
- (c) A list of persons, organizations, and public agencies commenting on the Draft EIR.
- (d) The responses of the Lead Agency to significant environmental points raised in review and consultation process.
- (e) Any other information added by the Lead Agency.”

This Response to Comments document has been prepared pursuant to CEQA and in conformance with the CEQA *Guidelines*. This document incorporates comments from public agencies and the general public, and contains appropriate responses by the Lead Agency to those comments. The Final EIR reflects the City's independent judgment and analysis.

## 1.2 Method of Organization

This Response to Comments document for the Specific Plan and Project contains information in response to comments raised during the public comment period.

This chapter, *Introduction*, describes the CEQA process and the organization of this Response to Comments document.

Chapter 2, *Modifications to the Specific Plan and Revisions to the Draft EIR*, contains text changes to the Draft EIR. Some changes were initiated by the City; others were made in response to comments received on the Draft EIR.

Chapter 3, *Agencies, Organizations, and Individuals Commenting on the Draft EIR*, lists all agencies, organizations, and persons that submitted written comments on the Draft EIR during the public review and comment period.

Chapter 4, *Written Comments on the Draft EIR and Responses to Comments*, contains comment letters received during the public review and comment period. The responses to the comments are provided following each letter.

Chapter 5, *Responses to Comments Received at the Public Hearing on the Draft EIR*, contains a summary of all environmental topics raised regarding the Draft EIR at the Planning Commission public hearing on October 6, 2016, as well as responses to these comments.

Chapter 6, *Mitigation and Features Monitoring and Reporting Program*, describes the identified mitigation measures and the responsible parties, tasks, and schedule for monitoring and reporting compliance.

## CHAPTER 2

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# Modifications to the Specific Plan and Revisions to the Draft EIR

## 2.1 Modifications to the Specific Plan since Publication of the Draft EIR

Since publication of the Draft EIR on September 2, 2016, the City received additional input from stakeholders to the Specific Plan process and the Richmond community regarding the Specific Plan. In response to this input, several minor modifications have incorporated into the Specific Plan and this Response to Comments document for disclosure. These changes do not include a change to the Specific Plan's conceptual development program or the Foreseeable Maximum Theoretical Buildout scenario as presented in the Draft EIR. Changes to the Specific Plan are summarized and presented in the City's staff report for the Richmond Bay Specific Plan and EIR agenda items.

No modifications to the Sub-Area 4 Project, beyond those that arise from changes to the Specific Plan, have been made since publication of the Draft EIR.

## 2.2 Revisions to the Draft EIR

This section presents revisions to the text, tables and/or figures of the Draft EIR. These changes include both (1) revisions made in response to comments on the Draft EIR as well as (2) staff-initiated text changes to correct inconsistencies, to add information or clarification, where appropriate, and to provide updated information where applicable. None of the revisions or corrections substantially change the analysis and conclusions presented in the Draft EIR.

The following includes all revisions to the Draft EIR, in the sequential order by chapter, section and page in which they appear in the document. Multiple text changes to the same EIR paragraphs or tables are compiled and shown together. Revised or new language is underlined. Deleted language is indicated by ~~strikethrough~~ text.

## Chapter 2, Summary

On page 2-3, under the heading Environmental Impacts, Mitigation Measures and Residual Impacts, sub-heading Specific Plan, the third bullet is deleted as follows:

- ~~Air Quality: Exposure to Toxic Air Contaminants (Plan, Cumulative)~~

## Chapter 3, Project Description

The following revisions are made to Table 3-3 on page 3-17:

**TABLE 3-3  
SPECIFIC PLAN CONCEPTUAL PROGRAM AND  
FORESEEABLE MAXIMUM THEORETICAL BUILDOUT UNDER THE SPECIFIC PLAN**

Sub-Area	R&D/Business/ Service (Thousand Square Feet)	Retail (Thousand Square Feet)	Residential (Dwelling Units) <sup>b</sup>	Open Space (acres)
<b>Specific Plan Conceptual Program<sup>a</sup></b>				
Sub-Area 1	1,870	270	1,160	12.8
Sub-Area 2	140	130	1,330	<del>12.4</del> <u>10.7</u>
Sub-Area 3	1,560	0	0	1.4
Sub-Area 4	2,120	320	1,590	7.6
<b>Total</b>	<b>5,690</b>	<b>720</b>	<b>4,080</b>	<b><del>34.2</del><u>32.5</u></b>
<b>Foreseeable Maximum Theoretical Buildout<sup>c</sup></b>				
Sub-Area 1	1,870	270	1,840	12.8
Sub-Area 2	140	130	1,330	<del>12.4</del> <u>10.7</u>
Sub-Area 3	1,560	0	0	1.4
Sub-Area 4 <sup>d</sup>	2,120 <sup>d</sup>	320 <sup>d</sup>	2,530 <sup>d</sup>	7.6 <sup>d</sup>
<b>Total</b>	<b>5,690</b>	<b>720</b>	<b>5,700</b>	<b>145<sup>e</sup></b>

<sup>a</sup> Per the Specific Plan (section 3.4), the conceptual program presented in this table is illustrative in nature and demonstrates one way that the Specific Plan may be built out.

<sup>b</sup> Residential buildout assumes a mix of mixed-use buildings incorporating residential uses on upper floors as well as residential buildings with residential on the ground floor.

<sup>c</sup> The Foreseeable Maximum Theoretical Buildout is the program analyzed in this EIR.

<sup>d</sup> The development program for the Sub-Area 4 Project is presented in Table 3-5.

<sup>e</sup> Includes areas of the Meeker Slough Wetlands, Stege Marsh, and Hoffman Marsh within the Plan Area (approximately 112.3 acres)

Section 3, *Project Description*, under the subheading, Local Agencies, on page 3-42 the following text has been added:

- East Bay Regional Parks District (EBRPD) approval of a District encroachment permit will be required for any construction activities taking place within EBRPD lands.

Section 3, *Project Description*, page 3-43, under State and Regional Agencies is revised as follows to add the following:

- San Francisco Bay Conservation and Development Commission (BCDC) permits will be required for activities including dredging, fill placement, shoreline development, and substantial changes in use to any land, water or structure within the Commission’s jurisdiction. The Commission has “Bay” jurisdiction over all areas of the Bay subject to tidal action, which defines the location of the shoreline. The shoreline is located at the mean high tide line, except in marsh areas, where the shoreline is located at 5 feet above mean sea level. The Commission also has jurisdiction over managed wetlands and the tidal portion of certain waterways, and the “shoreline band” which is an area 100 feet wide landward of and parallel to the shoreline. shoreline development within 100 feet of the mean high tide line.

## Section 4.2, Air Quality

Section 4.2, *Air Quality*, Mitigation Measure AIR-2c.SP: Require Construction Fleet to Use Renewable Diesel, starting on page 4.2-28 has been revised as follows:

**Mitigation Measure AIR-2c.SP: Require Construction Fleet to Use Renewable Diesel.** All applicants proposing development of projects within the Plan Area shall require their contractors, as a condition of contract, to reduce construction-related exhaust emissions by ensuring that all off-road equipment greater than 25 horsepower (hp) and operating for more than 20 total hours over the entire duration of construction activities shall operate on renewable diesel (such as Diesel HPR), to the extent renewable diesel is commercially feasible and available. Renewable diesel is currently commercially available in Berkeley and Oakland. Alternatively, future project sponsors could have a construction air quality assessment performed which, if the results warrant and the City approves, would obviate the need for implementation of Mitigation Measure AIR-2c.SP.

Section 4.2, *Air Quality*, Mitigation Measure AIR-3c.SP: Electrification of Loading Docks, starting on page 4.2-33 has been revised as follows:

**Mitigation Measure AIR-3c.SP: Electrification of Loading Docks.** For all ~~projects~~ new loading docks at existing businesses as well as new projects developed within the Plan Area, developer(s) shall ensure that loading docks for retail, light industrial or warehouse uses that will receive deliveries from refrigerated transport trucks incorporate electrification hook-ups for transportation refrigeration units to avoid emissions generated by idling refrigerated transport trucks.

Section 4.2, *Air Quality*, the impact statement for Impact AIR-4.SP, on page 4.2-35 has been revised as follows:

**Impact AIR-4.SP: Adoption and development under the Specific Plan would result in new sources of toxic Air Contaminants (TACs) and could expose new receptors to existing sources of TACs (Criterion d.).** (~~Significant and Unavoidable~~ Less Than Significant With Mitigation)

Section 4.2, *Air Quality*, the second sentence in the first full paragraph on page 4.2-36 has been revised as follows:

While assessment of the impacts of the environment on a project is, in most cases, outside of the purview of CEQA pursuant to the California Supreme Court's decision in *CBIA v. BAAQMD*, Mitigation Measure AIR-4~~ab~~.SP: ~~Provision of Air Enhanced Air Filtration Systems~~ **Health Risk Assessment of Future Projects Under the Specific Plan** ~~are~~ is identified to reduce the likelihood of potential exposure impacts to sensitive land uses developed as part of the Specific Plan.

Section 4.2, *Air Quality*, the last sentence in the last full paragraph on page 4.2-36 has been revised as follows:

Notwithstanding implementation of these measures to reduce DPM emissions during construction, **Mitigation Measure AIR4**a**b.SP: Health Risk Assessment of Future Projects under the Specific Plan** is identified to provide evaluation of construction-related health risks for future projects to assess the impact to receptors that may exist in the future.

Section 4.2, *Air Quality*, the first full paragraph on page 4.2-37 has been revised as follows:

~~Although, w~~With mitigation, the Specific Plan would identify measures to ~~minimize~~ reduce potential health risk impacts ~~below, consistent with~~ BAAQMD's ~~thresholds. The impacts with regard to TACs and PM would therefore be less than significant with mitigation. Plan-level methodology, there may be instances in which site-specific or project-specific conditions preclude the reduction of all project impacts to less than significant levels. For purposes of a conservative analysis, therefore, this impact remains significant and unavoidable.~~"

Section 4.2, *Air Quality*, page 4.2-37, Mitigation Measure AIR-4a.SP: Diesel Particulate Matter Exposure for Residential and Other Sensitive Land Uses, and Mitigation Measure AIR-4b.SP: Health Risk Assessment of Future Projects under the Specific Plan, have been combined into one mitigation measure, presented as follows:

**Mitigation Measure AIR-4a.SP: (Health Risk Assessment of Future Projects Under the Specific Plan)**. Prior to issuance of a building permit for development within the Plan Area that includes sensitive land uses (e.g., residential uses, schools, daycares), except the Sub-Area 4 Project, the City shall review and approve, as appropriate, a health risk assessment and mitigation plan documenting that exposure of sensitive land uses to concentrations of Toxic Air Contaminants (TACs), including diesel particulate matter, meet or are less than (i.e., are as protective as) health-based thresholds established by BAAQMD. The health risk assessment and mitigation plan shall become an enforcement element of the building permit. At a minimum, the project-specific health risk assessment and mitigation plan shall:

- Use up-to-date, project-specific sensitive receptor location information and a detailed assessment of risks associated with I-580 and any permitted stationary sources at that time;
- Include an analysis of the health risks associated with each individual source, as well as an analysis of cumulative health risk impacts, and
- Demonstrate a less than significant exposure risk for future uses based on then-current BAAQMD thresholds using one or more of the following (or comparable) measures to reduce TAC exposure: 1) Install and ensure the operation in good working order of indoor air filtration systems; and/or 2) Integrate building design features (e.g., strategic placement of HVAC air intakes, use of vegetative or

structural screening, appropriate building set-back) to limit exposure from sources of TAC concentrations.

Section 4.2, *Air Quality*, page **4.2-38**, the two statements that appear immediately after Mitigation Measure AIR-4c.SP: Risk Reduction Plan for Backup Generators or New Permitted Stationary Sources are revised as follows:

**Significance after Mitigation:** ~~Significant and Unavoidable~~ Less Than Significant with Mitigation

**Mitigation:** Mitigation Measures AIR-2b.SP, AIR-2c.SP, AIR-4a.SP, ~~AIR-4b.SP~~, and AIR-4c.SP.

Section 4.2, *Air Quality*, page **4.2-52**, the impact discussion for Impact C-AIR-2-SP is revised as follows:

**Impact C-AIR-2.SP: The Specific Plan, in combination with past, present, and reasonably foreseeable future development would contribute to cumulative health risk impacts on sensitive receptors. (~~Significant and Unavoidable~~ Less Than Significant With Mitigation)**

Table 4.0-1 identified 60 cumulative projects and plans within the Cities of Richmond, Albany and El Cerrito. Many of these plans and projects have already been adopted and/or constructed and are already part of the existing setting. BAAQMD considers the relevant zone of influence for an assessment of air quality health risks to be within 1,000 feet of a project site. Of the 60 cumulative projects and plans identified in Table 4.0-1, there are seven that would be located within 1,000 feet of the Plan Area, and are shown in **Table 4.2-15**.

The Plan level analysis recommended by BAAQMD does not require modeling of risks associated with a plan (as was performed for the Sub-Area 4 Project in **Impact AIR-4.SA4**) as it would be speculative to predict the sequence and locations of construction activities at any given time. The Plan level analysis in **Impact AIR-4.SP** addresses health risk associated with the Specific Plan to the degree feasible. Of the seven cumulative projects in Table 4.2-10 the South Richmond Connectivity Plan, the Housing Element Update and the General Plan Update are guidance documents intended to facilitate planned growth in a sustainable fashion and would not be expected to have significant health risk impacts. Impacts of the Berkeley Global Campus/Richmond Field Station were addressed in the EIR for that project and identified to be potentially significant and unavoidable due to localized concentrations of PM<sub>2.5</sub> in the cumulative analysis. These potential impacts from sources of PM<sub>2.5</sub> would be addressed by **Mitigation Measure AIR-4a.SP: Diesel Particulate Matter Exposure for Residential and Other Sensitive Land Uses**. ~~However, there may be instances in which site specific or project specific conditions preclude the reduction of all project impacts to less than significant levels. For purposes of a conservative analysis, therefore, this impact remains significant and unavoidable.~~ With mitigation, the Specific Plan would identify measures to reduce

potential health risk impacts below BAAQMD's thresholds. The cumulative impacts with regard to TACs and PM would therefore be less than significant with mitigation.

**Significance after Mitigation:** ~~Significant and Unavoidable~~ Less Than Significant with Mitigation.

**Mitigation:** Mitigation Measure AIR.2b.SP, AIR.2c.SP, AIR-4a.SP, ~~AIR-4b.SP~~, and 4c.SP.

Section 4.2, *Air Quality*, page **4.2-56**, the last sentence in the last full paragraph before the References – Air Quality Section, and the mitigation statement that follows, are revised as follows:

Implementation of **Mitigation Measure AIR-4**ab**.SP Health Risk Assessment of Future Projects under the Specific Plan and Mitigation Measure AIR-4c.SP: Risk Reduction Plan for Backup Generators or New Permitted Stationary Sources** would address this potential cumulative impact and ensure that cumulative risks to proposed receptors under Sub-Area 4 Project would be less than significant.

**Mitigation:** Mitigation Measure AIR-4**ab**.SP and AIR-4c.SP.

## Section 4.3, Biological Resources

The following revisions are made to the last sentence of the first full paragraph on page **4.3-28** of Section 4.3, *Biological Resources* (under Sensitive Natural Communities – Terrestrial Resources):

Valley needlegrass grassland documented on Brooks Island ~~and remnant coastal terrace prairie within the Richmond Field Station site~~ would not be impacted by the Specific Plan or Sub-Area 4 Project and ~~are~~ is therefore not included in this analysis. Impacts related to remnant coastal terrace prairie within the Richmond Field Station site are discussed further in this section, under subsection 4.3.5, Program-Level Impacts of the Richmond Bay Specific Plan.

Section 4.3, *Biological Resources*, after the end of the first paragraph on page **4.3-55** has been revised to include the following sentence:

Open space property under the oversight of DTSC that requires long-term management because residual contamination is left in place requires that an appropriate entity (e.g., landowner, responsible party, etc.) enter into an Operation and Maintenance Plan with DTSC, implement an approved Operation and Maintenance Plan, and provide financial assurance to ensure sufficient funds are available to implement the long-term management.

Section 4.3, *Biological Resources*, second paragraph on page **4.3-58** has been revised to include information provided by the comment as follows:

In the operational phase of the Specific Plan, hydromodification management could be employed to reduce sediment runoff through stormwater flow management. The new stormwater management system will integrate water quality treatment features designed to meet current Contra Costa County and RWQCB design criteria. The Low Impact Development (LID) biotreatment measures that will be implemented throughout the Plan Area will include bioretention planters, street planters, bioswales, subgrade infiltration areas, permeable paving and any other approved treatment. Individual development projects within the Plan Area will also be required to be designed with LID principles and treat the runoff interior to that parcel. Implementation of LID biotreatment measures will take into account any existing remedies for the cleanup of contamination located on a site. While designed with LID principles in mind, the measures should not exacerbate contamination or interfere with any existing remedial technologies. These measures would offset anticipated increased sediment runoff resulting from increased stormwater runoff into jurisdictional wetlands.

Section 4.3, *Biological Resources*, text after the end of the first paragraph on page **4.3-70** has been revised to include the following sentence:

Open space property that is under the oversight of DTSC that requires long-term management because residual contamination is left in place requires that an appropriate entity enter into an Operation and Maintenance Plan with DTSC, implement an approved Operation and Maintenance Plan, and provide financial assurance to ensure sufficient funds are available to implement the long-term management.

Similarly, Draft EIR, Section 4.3, *Biological Resources*, the following sentences have been inserted before the last sentence of the last paragraph on page **4.3-71**:

Implementation of LID biotreatment measures should also take into account any existing remedies for the cleanup of contamination located on a site. While designed with LID principles in mind, the measures should not exacerbate contamination or interfere with any existing remedial technologies. These measures would offset anticipated increased sediment runoff resulting from increased stormwater runoff into jurisdictional wetlands.

## Section 4.6, Climate Change and Greenhouse Gas Emissions

Section 4.6, Climate Change and Greenhouse Gas Emissions, has been revised to add the following text, under City of Richmond Draft Climate Action Plan, on page **4.6-25**:

### ***City of Richmond Draft Climate Action Plan***

The Climate Action Plan, ~~under preparation~~ prepared by the City and adopted by the City Council on October 24, 2016, is an implementing action of the Energy and Climate

Change Element adopted in 2012. The Climate Action Plan is developed to further the goals of the Energy and Climate Change Element, Community Health and Wellness Element, and other General Plan Elements and will serve as a roadmap for significantly reducing energy consumption and meeting or exceeding state GHG emissions reduction targets. The Climate Action Plan ~~will~~ also updates the City's emissions inventory, establishes an emissions reduction target, and identifies and prioritizes potential City and community actions to reduce emissions. Consistent with Resolution No. 108-08 and with BAAQMD guidance, the City has established a 2020 GHG reduction target for the CAP of 15 percent below 2005 levels by 2020. In addition, although executive orders do not have the same status as legislation, the City is committed to supporting the state's progress toward the deeper reductions called for in Executive Orders S-3-05 and B-3-15.

Section 4.6, Climate Change and Greenhouse Gas Emissions, has been revised to add the following text, starting on page **4.6-39**, at the top of the page:

**Consistency with the City of Richmond Climate Action Plan**

Adoption of and development under the Specific Plan and development of the Sub-Area 4 Project would also be subject to applicable policies in the City's Climate Action Plan (CAP), which was adopted by the City on October 25, 2016.

The CAP includes strategies, performance goals, and actions that are relevant to GHG emissions and energy consumption from land use development within Richmond. These policies and actions are individually identified in **Table 4.6-4** (more detail on the CAP is provided above under *Regulatory Setting*) and an assessment is made in the table as to whether the CAP strategies and actions are reasonably applicable to the Specific Plan. A determination is also made as to whether the Specific Plan is consistent with the strategy or action. Because the Sub-Area 4 Project is consistent with the Specific Plan, the analysis and conclusions apply to the Sub-Area 4 Project. As shown in Table 4.6-4, the Specific Plan is consistent with all of the applicable CAP strategies and actions. The CAP actions identified in the second column in the table ("CAP Actions That Could be Translated into Specific Plan Development Standards") comprise municipal measures that may not be directly applicable to the Specific Plan, and are identified in Table 4.6-4 for informational purposes, and will be implemented by the City on a city-wide basis. Although not yet implemented and therefore not directly applicable to individual development projects, the City may, through conditions of approval, require that future projects within the Plan Area comply with City requirements associated with these measures.

**TABLE 4.6-4  
SPECIFIC PLAN CONSISTENCY WITH APPLICABLE STRATEGIES, PERFORMANCE GOALS, AND ACTIONS OF THE  
CITY OF RICHMOND CLIMATE ACTION PLAN**

<b><u>CAP Strategies and Performance Goals</u></b>	<b><u>CAP Actions That Could be Translated Into Specific Plan Development Standards</u></b>	<b><u>Existing Specific Plan Components</u></b>	<b><u>Consistency of SP with CAP Strategies and Performance Goals?</u></b>
<p><b><u>Strategy T1 - Promote Smart Growth and Complete Neighborhoods</u></b></p> <p><u>The City will promote a range of development and conservation strategies that support economic growth, environmental health, and GHG reductions, including but not limited to placing higher density, mixed-use developments near or within existing development, and near transit services.</u></p> <p><b><u>Performance Goal:</u></b> By 2030, increase residential and employment density by 15% as compared to BAU</p>	<p>Not applicable</p>	<p><u>This strategy applies to the Specific Plan as a whole. The Specific Plan includes features that will facilitate GHG reductions, such as the provision of bicycle-friendly and pedestrian-centric design, Transportation Demand Management (TDM) programs which would incorporate the use of renewable energy, and designated parking for zero emission vehicles. Development under the Specific Plan will also include designated public transit routes, and slower speed limits to discourage automobile travel. The Specific Plan would also increase residential and employment density within the City.</u></p>	<p><u>Consistent</u></p>
<p><b><u>Strategy T2 - Complete Streets</u></b></p> <p><u>The City will design its streets so that they enable safe access to goods and services for all pedestrians, bicyclists, motorists, and transit users. Complete streets in dense urban areas will encourage people to walk, bicycle, or take transit rather than drive.</u></p> <p><b><u>Performance Goal:</u></b> By 2030, make vehicle calming and speed reduction enhancements to intersections and roadways that carry 25 percent of the City's traffic</p>	<ul style="list-style-type: none"> <li>• <u>TL2.1. Update the City's development impact fee program to provide funding for future circulation improvements including pedestrian, bicycle, and public transit facilities and amenities.</u></li> <li>• <u>TL2.2. Continue to explore the potential to designate streets around schools, parks, and public gathering places as safety zones where the vehicular speed limit may be lowered to 20 miles per hour or where vehicles are banned completely.</u></li> <li>• <u>TL2.3. Continue to implement streetscape improvements to enhance access, lighting, safety, and experience for pedestrians, bicyclists, transit users, and motorists. Focus improvements in areas with the highest need such as the downtown, mixed-use corridors, key intersections, designated pedestrian priority districts, and multi-use trails that connect high-density areas of the City to parks and open space.</u></li> <li>• <u>TL2.4. Develop strategies to calm traffic on streets that experience speeding or cut-through traffic. Measures should consider emergency vehicle access as well as pedestrian and bicycle circulation and may include traffic circles, curb extensions, stop signs, narrow travel lanes, fewer travel lanes, landscaping, and plantings.</u></li> <li>• <u>TL2.5. Connect residential neighborhoods to commercial centers with protected bike lanes and paths (linked to Land Use).</u></li> </ul>	<p><u>To the extent applicable to the Specific Plan and consistent with the CAP, the Specific Plan Thoroughfare Regulating Plan includes design standards that support establishment of complete streets in dense urban areas that encourage people to walk, bicycle, or take transit rather than drive. Specifically:</u></p> <p><u>The Specific Plan includes standards for three distinct types of bicycle transit lines within the Plan Area.</u></p> <p><u>The Specific Plan includes pedestrian wayfinding and other strategies to connect to the Richmond Field Station.</u></p> <p><u>The Plan Area includes linkage trails and open spaces to improve pedestrian connectivity, including improvements to the Bay Trail near Sub-Area 4.</u></p>	<p><u>Consistent</u></p>

**TABLE 4.6-4 (Continued)**  
**SPECIFIC PLAN CONSISTENCY WITH APPLICABLE STRATEGIES, PERFORMANCE GOALS, AND ACTIONS OF THE**  
**CITY OF RICHMOND CLIMATE ACTION PLAN**

<b><u>CAP Strategies and Performance Goals</u></b>	<b><u>CAP Actions That Could be Translated Into Specific Plan Development Standards</u></b>	<b><u>Existing Specific Plan Components</u></b>	<b><u>Consistency of SP with CAP Strategies and Performance Goals?</u></b>
<b><u>Strategy T2 - Complete Streets (cont.)</u></b>	<ul style="list-style-type: none"> <li>• <u>TL2.6. Integrate schools and youth facilities into pedestrian priority districts and implement Safe Routes to Schools projects to improve pedestrian connections to schools, transit, and neighborhood business districts.</u></li> </ul>		
<p><b><u>Strategy TL3: Improve Bicycle and Pedestrian Infrastructure</u></b></p> <p><u>The City will maintain and accelerate implementation of Richmond’s Bicycle and Pedestrian Master Plans, and provide additional actions that support pedestrian and bicyclist safety and comfort, expand the bicycle and pedestrian network, and increase amenities throughout the City.</u></p> <p><b><u>Performance Goal:</u></b> 50% of Bicycle Master Plan implemented by 2030 with 300% increase in bicycle trips (commute and non-commute)</p>	<ul style="list-style-type: none"> <li>• <u>TL3.1. Develop standards for bicycle, pedestrian, and trail improvements and amenities in new development and redevelopment projects. Include requirements for adequate, safe, and accessible bicycle parking, drinking fountains, public restrooms, benches, landscaping and lighting. Consider weather and low-light conditions when mapping routes and designing bicycle paths.</u></li> <li>• <u>TL3.2. Explore the potential to designate pedestrian priority areas near and within downtown, recreation destinations, commercial and mixed-use areas, transit stations, and schools.</u></li> <li>• <u>TL3.3. Require owners of property along the shoreline to ensure maximum feasible public access and to complete the Bay Trail as part of any project approval process.</u></li> <li>• <u>TL3.4. Per the Pedestrian and Bicycle Master Plans, increase the number of bikeway miles by 50 percent by 2030. The City currently has 32 miles of bicycle paths and must complete a total of 48 miles.</u></li> <li>• <u>TL3.6. Install “Share the Road” signs along all bicycle routes in the City to heighten driver awareness of bicyclists.</u></li> <li>• <u>TL3.7. Create citywide signage plan for bicyclists and pedestrians at buildings, transit stops, and major intersections showing the distance, time, route and calories burned along routes.</u></li> <li>• <u>TL3.8. Install secure bike parking at all school facilities.</u></li> <li>• <u>TL3.9. Provide resources and incentives for businesses to provide amenities that promote active transportation such as secured bicycle parking, showers and lockers.</u></li> </ul>	<p><u>The Specific Plan Thoroughfare Regulating Plan and Standards include standards for three distinct types of bicycle transit lines within the Plan Area. The Specific Plan also includes Bicycle Parking Standards which outline bicycle facility standards for various uses within the Plan Area including showers, lockers, and short and long-term secured parking.</u></p> <p><u>The Plan Area also includes linkage trails and open spaces to improve pedestrian connectivity, and includes improvements to the Bay Trail near Sub-Area 4. The Specific Plan also includes pedestrian wayfinding and other strategies to connect to the Richmond Field Station.</u></p>	<p><u>Consistent</u></p>

**TABLE 4.6-4 (Continued)**  
**SPECIFIC PLAN CONSISTENCY WITH APPLICABLE STRATEGIES, PERFORMANCE GOALS, AND ACTIONS OF THE**  
**CITY OF RICHMOND CLIMATE ACTION PLAN**

<b>CAP Strategies and Performance Goals</b>	<b>CAP Actions That Could be Translated Into Specific Plan Development Standards</b>	<b>Existing Specific Plan Components</b>	<b>Consistency of SP with CAP Strategies and Performance Goals?</b>
<p><b>Strategy TL4: Improve Signal Timing</b></p> <p>The City will time groups of traffic signals along priority arterials to provide smooth movement of traffic with minimal stops.</p> <p>Performance Goal: Increase number of coordinated traffic signals</p>	<ul style="list-style-type: none"> <li>• <u>TL4.1. Explore developing requirements for traffic signal timing in local traffic engineering design standards.</u></li> <li>• <u>TL4.4. Coordinate signal timing on roads to ensure more efficient traffic flow for motorists and bicyclists.</u></li> </ul>	<p>The Draft EIR includes 12 mitigation measures that would improve and/or coordinate signal timing for intersections within and in the vicinity of the Plan Area.</p>	<p>Consistent</p>
<p><b>Strategy TL5: Expand Public Transit Options and Improve Multi-Modal Network Connectivity</b></p> <p>The City will improve the efficiency of public transit services by coordinating transit schedules and ensuring all parts of Richmond are provided access to transit options. The City may also improve amenities at existing transit stops and stations to improve rider comfort and safety.</p> <p>Performance Goals: 30 percent increase in transit network coverage, 30 percent reduction in headways, and conversion of 50 percent of routes to BRT by 2030; ferry service provides 400 commute trips daily by 2030</p>	<ul style="list-style-type: none"> <li>• <u>TL5.1. Update the City's development impact fee program to provide funding for improvements to public transit facilities and amenities.</u></li> <li>• <u>TL5.2. Work with AC Transit to enhance public transit rider experience by installing shelters and improved lighting at heavily trafficked bus stops.</u></li> <li>• <u>TL5.3. Support expansion of night and weekend service to make public transit more reliable and accessible to seniors, youth, and low-income households.</u></li> <li>• <u>TL5.4. Facilitate dialogue between transit agencies to ensure schedule coordination. Schedule coordination will increase public transit usage by reducing overall travel times and making public transit more competitive with other modes of transportation.</u></li> <li>• <u>TL5.5. Work with WCCUSD to evaluate school bus routes to ensure efficient routing.</u></li> <li>• <u>TL5.6. Expand "Guaranteed Ride Home Program" and transition to new Contra Costa County guidelines for subsidies and enrollment.</u></li> <li>• <u>TL5.7. In partnership with BAAQMD, MTC, other regional partners and large employers: improve Richmond Circular Shuttle services linking BART and Amtrak stations to commuter destinations, and extend service to the planned ferry terminal and other nearby transit hubs. Seek funding through BAAQMD Shuttle and Rideshare program.</u></li> <li>• <u>TL5.8. With Port of Richmond, begin free shuttle service between the Port of Richmond and the BART station for port employees and Richmond residents.</u></li> </ul>	<p>To the extent applicable to the Specific Plan and consistent with the CAP, the Thoroughfare Regulating Plan and Specific Plan policies are designed to support and facilitate efficiency of public transit services.</p> <p>The Specific Plan will provide for high-density development in a compact area with an emphasis on encouraging transit service. The high usage of non-auto modes that is anticipated to result from buildout under the Specific Plan is due to the Specific Plan locating a mix of uses in a dense walkable urban environment with quality transit infrastructure.</p> <p>In addition, as part of the buildout of the Specific Plan and as required by associated mitigation measures as set forth in this EIR, certain multi-modal improvement projects as outlined in the South Richmond Transportation Connectivity Plan will be implemented. The SRTCP consists of various multi-modal improvements in and around the Plan Area that will primarily improve non-automobile connectivity between the Plan Area and surrounding communities and the Bay Area region.</p> <p>The Specific Plan will also include robust TDM standards and constrained parking requirements that will encourage more residents, employees and visitors to shift from driving alone to other modes of travel.</p> <p>The Specific Plan is designed to provide public transit corridors, and includes the formation of a Transportation Management Association (TMA) and a requirement that TDM plans for specific projects improve connectivity with Downtown Richmond and the new ferry terminal.</p>	<p>Consistent</p>

**TABLE 4.6-4 (Continued)**  
**SPECIFIC PLAN CONSISTENCY WITH APPLICABLE STRATEGIES, PERFORMANCE GOALS, AND ACTIONS OF THE**  
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<b>CAP Strategies and Performance Goals</b>	<b>CAP Actions That Could be Translated Into Specific Plan Development Standards</b>	<b>Existing Specific Plan Components</b>	<b>Consistency of SP with CAP Strategies and Performance Goals?</b>
<p><b>Strategy TL6: Expand Car Sharing, Bike Sharing and Ride Sharing</b></p> <p>The City will expand existing and promote new car sharing, bike sharing, and ride sharing programs within Richmond and the Bay Area.</p> <p>Performance Goal: 75 percent of City residents and employees are within half a mile of a car share pod by 2030</p>	<ul style="list-style-type: none"> <li>• <u>TL6.1. Create incentive program to encourage developers to incorporate car sharing into new development and redevelopment projects.</u></li> <li>• <u>TL6.8. Work with neighborhood groups to identify opportunities for installing car-sharing portals.</u></li> </ul>	<p>For development within the Plan Area, the City shall work with project applicants to identify a carshare provider, and identify locations to be reserved for use by carshare vehicles.</p> <p>The City shall also require completion of the 4 bike share facilities within the Plan Area identified in the Bicycle Facility Network map.</p>	<p>Consistent</p>
<p><b>Strategy TL7: Promote Low-Carbon Vehicles and Fuels</b></p> <p>The City will act to increase adoption of zero-emission vehicles (ZEVs) including plug-in battery electric vehicles (PEVs) and hydrogen fuel cell electric vehicles through actions including but not limited to supporting the expansion of PEV charging stations, creating a program that offers rental income for unused EVs, offering PEV car rentals, providing longer range PEV vehicles for rent to reduce range anxiety, sharing the City's underused EVs with other residents, providing subsidies for residential developers to provide EV car share stations and subsidies for sales/leases, and developing a robust educational campaign.</p> <p>Performance Goal: By 2030, 17% of vehicles used by residents and businesses are Plug-in electric vehicles (PEVs) or other zero emission vehicles (ZEVs)</p>	<ul style="list-style-type: none"> <li>• <u>TL7.2. Update parking standards in the Zoning Code and future form-based codes to include EV charging stations.</u></li> <li>• <u>TL7.4. Expand EV charging stations in Richmond on City properties, in downtown, and high traffic retail and commercial areas</u></li> </ul>	<p>Projects developed under the Specific Plan will adopt TDM programs. The Specific Plan includes a set of baseline TDM measures that all applicants will need to implement; each applicant will be given flexibility to work with the City to combine required TDM measures with additional TDM measures best suited to their tenants/employees and location to meet the Specific Plan's robust mode split goal. TDM plans developed in accordance with the Specific Plan may incorporate the use of renewable energy, including non-fossil fuels, and clean technology for transportation. Development under the Specific Plan will also be required to provide designated parking for zero emission vehicles, with electric vehicle charging capabilities and carpool/vanpool vehicles.</p>	<p>Consistent</p>
<p><b>Strategy TL9: Support Transportation Demand Management</b></p> <p>The City will partner with local agencies, schools, and community groups to engage students, residents, and businesses in confronting the climate change challenge. Together, we will continue identify and implement opportunities for school and community improvements related to active transportation (i.e., walking and biking) and public transportation.</p> <p>Performance Goal: By 2030, achieve 10 percent increase in participation and number of employees provided transit subsidies and a doubling of employees able to work from home (from 5 percent to 10 percent) at least one day a week.</p>	<ul style="list-style-type: none"> <li>• <u>TL9.1. Continue to implement Richmond's Commuter Benefit Ordinance requiring businesses to offer and encourage employees to take alternative modes of transportation.</u></li> <li>• <u>TL9.2. Provide tax and development incentives for employers with more than 100 employees within the City to establish a trip reduction plan that would incorporate annual employee commute surveys, marketing of commute alternatives, ride matching assistance, and transit information.</u></li> <li>• <u>TL9.3. Explore the potential to support a Parking Cash-Out policy that requires certain employers to provide cash in-lieu of a parking space. This policy "unbundles" parking from employees' benefits.</u></li> </ul>	<p>Projects developed under the Specific Plan will adopt TDM programs. The Specific Plan includes a set of baseline TDM measures that all applicants will need to implement; each applicant will be given flexibility to work with the City to combine required TDM measures with additional TDM measures best suited to their tenants/employees and location to meet the Specific Plan's robust mode split goal. TDM plans developed in accordance with the Specific Plan may incorporate the use of renewable energy, including non-fossil fuels, and clean technology for transportation. Development under the Specific Plan will also be required to provide designated parking for zero emission vehicles, with electric vehicle charging capabilities and carpool/vanpool vehicles.</p>	<p>Consistent</p>

**TABLE 4.6-4 (Continued)**  
**SPECIFIC PLAN CONSISTENCY WITH APPLICABLE STRATEGIES, PERFORMANCE GOALS, AND ACTIONS OF THE**  
**CITY OF RICHMOND CLIMATE ACTION PLAN**

<b>CAP Strategies and Performance Goals</b>	<b>CAP Actions That Could be Translated Into Specific Plan Development Standards</b>	<b>Existing Specific Plan Components</b>	<b>Consistency of SP with CAP Strategies and Performance Goals?</b>
<p><b>Strategy TL9: Support Transportation Demand Management (cont.)</b></p>	<ul style="list-style-type: none"> <li>• <u>TL9.4. Explore the potential to support fare-free transit zones in major commercial areas, free or very low-cost bus passes for target groups.</u></li> <li>• <u>TL9.5. Explore the potential for a streetcar system that connects the Downtown with the planned ferry terminal in the South Shoreline Area</u></li> <li>• <u>TL9.6. Develop online tools that provide real time information to transit riders.</u></li> <li>• <u>TL9.7. Develop a sample TDM program for businesses in the City that encourages use of public transit through transit subsidies and incentive programs.</u></li> </ul>		
<p><b>Strategy EE3: Promote Green Building</b>  <u>The City will ensure effective enforcement of Title 24 building energy standards, and consider incentives such as permit streamlining for new residential and commercial construction projects that incorporate energy efficiency improvements beyond minimum Title 24 standards. The City will encourage developers to design buildings that incorporate innovative and sustainable building techniques whenever possible.</u></p>	<ul style="list-style-type: none"> <li>• <u>EE3.1. The City will continue to evaluate enhancing the California Building Code with “reach codes” that consider deeper green building practices, zero net energy design, and water savings opportunities.</u></li> <li>• <u>EE3.2. Work with the building department to increase compliance of all building construction, additions, and renovations with the state’s Green Building Standards (CALGreen Code), including Title 24, Part 6 energy standards.</u></li> </ul>	<p><u>Projects developed under the Specific Plan will incorporate Green Building Standards, through requiring compliance with CALGreen.</u></p> <p><u>The Specific Plan will require implementation of the City of Richmond’s Commercial and Residential Green Building Standards which would require LEED building measures and “GreenPoint” rated checklists on new projects to improve energy efficiency and conservation.</u></p>	<p><u>Consistent</u></p>
<p><b>Strategy EE3: Promote Green Building (cont.)</b>  <u>Performance Goal: All new buildings meet or exceed Title 24 standards at time of construction; by 2020 all new residential buildings will be ZNE; by 2030 all new commercial buildings will be ZNE</u></p>	<ul style="list-style-type: none"> <li>• <u>EE3.5. Update the Residential Rental Inspection Program (RRIP) to include basic energy efficiency standards and enhanced life-safety provisions.</u></li> <li>• <u>EE3.6. Provide expedited permitting for new construction and renovations that include specified energy efficiency upgrades and green building measures.</u></li> <li>• <u>EE3.7. Promote participation in PG&amp;E’s Savings By Design program among property owners seeking to renovate existing properties or developers planning new properties.</u></li> <li>• <u>EE3.8. Promote innovative design (e.g., ZNE buildings) and the incorporation of green building best practices in new residential and commercial development and major renovations by providing information on green building techniques at the permitting counter and on the City’s website.</u></li> </ul>	<p><u>The Specific Plan will require energy efficient appliances for all projects developed under the Specific Plan.</u></p> <p><u>If feasible, all new residential projects developed within the Plan Area shall be ZNE by 2020. If feasible, all new commercial buildings shall be ZNE by 2030. Prior to 2030, all new commercial development with structures over 10,000 square feet in size shall meet LEED certification standards for building design and construction (BD+C).</u></p>	

**TABLE 4.6-4 (Continued)**  
**SPECIFIC PLAN CONSISTENCY WITH APPLICABLE STRATEGIES, PERFORMANCE GOALS, AND ACTIONS OF THE**  
**CITY OF RICHMOND CLIMATE ACTION PLAN**

<b>CAP Strategies and Performance Goals</b>	<b>CAP Actions That Could be Translated Into Specific Plan Development Standards</b>	<b>Existing Specific Plan Components</b>	<b>Consistency of SP with CAP Strategies and Performance Goals?</b>
<p><b>Strategy RE1: Increase Local Solar Energy Generation</b></p> <p>The City will promote the installation of distributed, small-scale solar photovoltaic systems (solar PV), as well as other renewable energy generation systems, in existing buildings and new construction, prioritizing investments in municipal buildings, schools, and public housing developments.</p> <p>Performance Goal: By 2030, 1,010 new residential solar installations averaging 4 kW per system; 69 new commercial solar installations averaging 174 kW per system</p>	<ul style="list-style-type: none"> <li>RE1.1. Ensure a solar permit streamlining program is in place, and that new buildings include "solar ready" measures, as required by CalGreen, to enable easier installation of photovoltaic panels.</li> <li>RE2.1. Support MCE by identifying underutilized sights within the City that are appropriate for solar development.</li> </ul>	<p>All new commercial development with structures over 10,000 square feet in size and new residential development with 10 or more dwelling units shall include installation of at least 1.5 kW of solar PV for each residence, or each 5,000 square feet of commercial structure. These requirements shall be waived or reduced, by the minimum extent necessary, where production of electric energy from solar panels is technically infeasible, for example due to lack of available and feasible shaded areas, and/or for cases in which the City's Design Review Board determines that an unacceptable aesthetic impact (an impact related to design or public views) would occur.</p>	<p>Consistent</p>
<p><b>Strategy RE2: Promote and Maximize Utility Clean Energy Offerings</b></p> <p>The City will promote renewable and alternative energy generation in its own operations and throughout the community.</p> <p>Performance Goal: In partnership with MCE supply at least 87 percent of community electricity from sources that are 95 percent renewable, by 2025.</p>	<ul style="list-style-type: none"> <li>RE2.5. Partner with MCE and Community-based Organizations to promote enrollment in MCE's Light Green, Deep Green, and Local Sol programs among businesses and residents.</li> <li>RE2.6. Work with local businesses, such as local food processors and manufacturers, to use participation in MCE's Deep Green program as an advertising opportunity to demonstrate products were made with 100% renewable electricity.</li> <li>RE2.7. Engage with PG&amp;E to promote enrollment in their Solar Choice program upon its launch</li> <li>RE2.8. Increase MCE enrollment among Richmond businesses and residences, and encourage participation in their Light Green, Deep Green and Local Sol programs</li> </ul>	<p>For utility-provided electricity (e.g., not generated onsite via solar PV), commercial and residential buildings shall receive the maximum amount available from renewable sources through participation in Marin Clean Energy's "Deep Green" program, or equivalent.</p>	<p>Consistent</p>
<p><b>Strategy RE3: Promote Switching From Natural Gas to Clean Electricity</b></p> <p>The City will promote conversion of residential and commercial natural gas systems to electric systems powered by renewable energy or solar thermal systems.</p> <p>Performance Goals: Residential: By 2030, Replace 54 percent of existing natural gas water heaters in homes each year with electric models; Commercial: 6 percent of currently forecasted natural gas use is electrified by 2020, and 17% by 2030</p>	<ul style="list-style-type: none"> <li>RE3.2. Consider adopting an ordinance for new construction requiring the installation of all electric appliances and heating systems, and encouraging Zero Net Energy Buildings.</li> <li>RE3.4. Work with the building department to ensure a solar water heater permit streamlining program is in place.</li> </ul>	<p>If feasible, all new residential projects developed within the Plan Area shall be ZNE by 2020. If feasible, all new commercial buildings shall be ZNE by 2030. Prior to 2030, all new commercial development with structures over 10,000 square feet in size shall meet LEED certification standards for building design and construction (BD+C).</p>	<p>Consistent</p>

**TABLE 4.6-4 (Continued)**  
**SPECIFIC PLAN CONSISTENCY WITH APPLICABLE STRATEGIES, PERFORMANCE GOALS, AND ACTIONS OF THE**  
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<b>CAP Strategies and Performance Goals</b>	<b>CAP Actions That Could be Translated Into Specific Plan Development Standards</b>	<b>Existing Specific Plan Components</b>	<b>Consistency of SP with CAP Strategies and Performance Goals?</b>
<p><b>Strategy SW1: Establish a Zero Waste Framework</b>  <u>The City will implement Zero Waste strategies aimed to prevent waste, and increase recycling, reuse, and composting of waste materials so that fewer materials are sent to landfills. Strategies will include, but not be limited to, developing a Zero Waste Ordinance and a Zero Waste Strategic Plan.</u>                      Performance Goal: <u>By 2030, 90 percent of all solid waste is diverted from landfills</u></p>	<ul style="list-style-type: none"> <li>• <u>SW1.1. Develop a Zero Waste ordinance to provide the framework for a Zero Waste Richmond by 2030 (equivalent to 90% diversion rate).</u></li> <li>• <u>SW1.2. Implement the State’s 75% Diversion Initiative (AB 341) within the Richmond Municipal Code such as a Commercial Recycling Law for all Richmond Businesses.</u></li> <li>• <u>SW1.3. Continue to require upgrades to Republic’s recycling, construction and demolition debris, and green waste sorting and processing infrastructure as new technologies become available.</u></li> <li>• <u>SW1.5. Install recycling bins throughout the City along public right-of-ways, parks, and transit stops.</u></li> <li>• <u>SW1.6. Develop a Zero Waste Strategic Plan.</u></li> </ul>	<p><u>Projects developed within the Plan Area shall work to achieve a 75 percent solid waste diversion rate by 2020 and a 90 percent diversion rate by 2030 for all non-construction waste streams.</u></p> <p><u>Business within the Plan Area shall be required to divert at least 75 percent of green waste to composting, and shall work toward diverting 100 percent of green waste to composting.</u></p> <p><u>The City will also explore the feasibility of diverting 90 percent of construction and demolition waste originating from within the Plan Area from landfills by 2030.</u></p>	<p><u>Consistent</u></p>
<p><b>Strategy SW2: Increase Participation in Existing Recycling Programs and Incentives</b>  <u>The City will work with local waste haulers and agencies to increase recycling and composting, and ensure appropriate disposal of hazardous waste</u>                      Performance Goal: <u>By 2030, 90 percent of all solid waste is diverted from landfills</u></p>	<ul style="list-style-type: none"> <li>• <u>SW2.3. Continue to expand and build commercial recycling program offerings, in partnership with RecycleMore and the City’s franchisee Republic Services, to provide recycling and composting bins, and multilingual technical assistance for waste reduction programs for businesses, apartment buildings, schools and non-profit organizations.</u></li> <li>• <u>SW2.4. Develop “dry route recycling” program to divert paper, cardboard and other non-putrescible materials from the discards generated by larger Richmond businesses that are not taking full advantage of other diversion and waste reduction methods.</u></li> </ul>	<p><u>Richmond has implemented a volume-based fee structure for garbage collection services, or Pay-As-You-Throw (PAYT) collection, that charges customers based on the volume of the garbage container service subscription, and the frequency of pickup. Customers who use smaller containers for garbage are charged less money, thus creating a financial incentive to increase composting and recycling. Projects developed under the Specific Plan would be subject to incentives to reduce solid waste and increase recycling because they would use City waste collection services.</u></p> <p><u>Projects developed within the Plan Area shall work to achieve a 75 percent solid waste diversion rate by 2020 and a 90 percent diversion rate by 2030 for all non-construction waste streams.</u></p> <p><u>Business within the Plan Area shall be required to divert at least 75 percent of green waste to composting, and shall work toward diverting 100 percent of green waste to composting.</u></p> <p><u>The City will also explore the feasibility of diverting 90 percent of construction and demolition waste originating from within the Plan Area from landfills by 2030.</u></p>	<p><u>Consistent</u></p>

**TABLE 4.6-4 (Continued)**  
**SPECIFIC PLAN CONSISTENCY WITH APPLICABLE STRATEGIES, PERFORMANCE GOALS, AND ACTIONS OF THE**  
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<b>CAP Strategies and Performance Goals</b>	<b>CAP Actions That Could be Translated Into Specific Plan Development Standards</b>	<b>Existing Specific Plan Components</b>	<b>Consistency of SP with CAP Strategies and Performance Goals?</b>
<p><b>Strategy SW4: Increase Diversion of Construction and Demolition (C&amp;D) Waste</b></p> <p>Performance Goal: By 2030, 90 percent of C&amp;D waste is diverted from landfills</p>	<ul style="list-style-type: none"> <li>SW4.3. Require new development projects to provide a construction plan prior to permit approval that demonstrates how activities will reduce waste to achieve the required diversion rate. Require disposal receipts during the building permit process to confirm proper recycling and disposal, and prevent illegal dumping.</li> </ul>	<p>It is noted that as with any construction project statewide, some construction sites within the Plan Area may result in demolition waste that cannot be reused or recycled, due to the presence of lead-based paint, asbestos, or other materials that require special disposal.</p> <p>The City will explore the feasibility of diverting 90 percent of construction and demolition waste originating from within the Plan Area from landfills by 2030.</p>	<p>Consistent</p>
<p><b>Strategy WA1: Promote Water Conservation Programs</b></p> <p>The City will promote programs EBMUD outreach and conservation programs (WaterSmart Calculator, water surveys, WaterSmart Gardener, WaterSmart Business Certification, etc.), as well as Property Assessed Clean Energy (PACE) programs that provide financing for water efficiency and conservation improvements.</p> <p>Performance Goal: By 2020, 20% per capita reduction in water consumption from 2012 levels (per Senate Bill 7x); by 2030, 30% per capita reduction</p>	<ul style="list-style-type: none"> <li>WA1.1. Ensure CALGreen compliance with water-related codes for projects within existing buildings and for new construction.</li> </ul>	<p>The Specific Plan Green Building Standards, through requiring compliance with CALGreen, will require projects developed under the Specific Plan to implement the CALGreen Code, which requires new construction and major remodels to use high efficiency plumbing fixtures, including toilets, urinals, showerheads, and faucet fixtures. For outdoor water use, CALGreen requires that irrigation controllers shall be weather- or soil-moisture based, and shall automatically account for rainfall, or else be attached to a rainfall sensor. The City may also offer incentives to comply with water efficiency requirements.</p>	<p>Consistent</p>
<p><b>Strategy WA3: Green Building Strategies for Water Conservation</b></p> <p>The City will employ a variety of strategies to reduce water use via green building techniques, such as ensuring that all projects demonstrate compliance with, at minimum, the 2013 CalGREEN standards; offering incentives for certification through GreenPoint Rated, LEED, or other green building rating systems; considering adopting a retrofit-on sale ordinance in conjunction with a Building Energy Saving Ordinance (BESO); and providing information to developers, homeowners, and businesses on water efficiency and green building rating systems.</p> <p>Performance Goal: 100 percent compliance with CALGreen Code or more stringent water standards</p>	<ul style="list-style-type: none"> <li>WA3.1. Ensure all new buildings and renovations comply with CALGreen Green Building Standards Code water efficiency and conservation measures</li> <li>WA3.2. Update the City's Landscape Design and Development Guidelines to require water efficient landscaping in all development projects.</li> <li>WA3.5. Develop an incentive program to encourage new buildings and renovations to exceed CALGreen Green Building Standards Code for water efficiency and conservation measures. Such a program could offer development entitlement streamlining features, reduced permitting costs, or other incentives.</li> </ul>	<p>The Specific Plan Green Building Standards, through requiring compliance with CALGreen, will require projects developed under the Specific Plan to implement the CALGreen Code, which requires new construction and major remodels to use high efficiency plumbing fixtures, including toilets, urinals, showerheads, and faucet fixtures. For outdoor water use, CALGreen requires that irrigation controllers shall be weather- or soil-moisture based, and shall automatically account for rainfall, or else be attached to a rainfall sensor. The City may also offer incentives to comply with water efficiency requirements.</p> <p>Landscape projects associated with new development in the Plan Area are subject to the standards found in the City's Zoning Ordinance (Water-Efficient Landscaping).</p>	<p>Consistent</p>

**TABLE 4.6-4 (Continued)**  
**SPECIFIC PLAN CONSISTENCY WITH APPLICABLE STRATEGIES, PERFORMANCE GOALS, AND ACTIONS OF THE**  
**CITY OF RICHMOND CLIMATE ACTION PLAN**

<b>CAP Strategies and Performance Goals</b>	<b>CAP Actions That Could be Translated Into Specific Plan Development Standards</b>	<b>Existing Specific Plan Components</b>	<b>Consistency of SP with CAP Strategies and Performance Goals?</b>
<p><b>Strategy WA4: Support Water Infrastructure Improvements and Expand Water Reclamation and Reuse</b></p> <p>The City will support EBMUD's efforts to expand recycled water use to serve its City of Richmond customers, and support the use of graywater and rainwater catchment systems by local residents and businesses.</p> <p>Performance Goal: Increase capacity of purple pipe installed and volume of reclaimed water provided to City by Richmond Municipal Sewer District</p>	<ul style="list-style-type: none"> <li>• <u>WA4.1. Require the installation of recycled water pipes and connections with all new development.</u></li> <li>• <u>WA4.2. Streamline the permitting process for graywater and rainwater catchment systems for businesses and residents.</u></li> <li>• <u>WA4.3. Support expansion of recycled water infrastructure to serve existing municipal parks and facilities (e.g., golf courses), as well as multi-family, commercial, and industrial development and redevelopment projects.</u></li> <li>• <u>WA4.5. Work with EBMUD to identify customers that would benefit from recycled water use, and develop an implementation plan to connect these customers with recycled water from EBMUD, neighboring wastewater agencies, or provide information on local water recycling systems, as applicable.</u></li> </ul>	<p>Projects developed under the Specific Plan shall implement the CALGreen Code, which requires new construction and major remodels to use high efficiency plumbing fixtures, including toilets, urinals, showerheads, and faucet fixtures. For outdoor water use, CALGreen requires that irrigation controllers shall be weather- or soil-moisture based, and shall automatically account for rainfall, or else be attached to a rainfall sensor.</p> <p>The Specific Plan presents several opportunities to use recycled water for landscape irrigation, commercial and industrial processes, toilet and urinal flushing in non-residential buildings, and cooling towers. EBMUD may consider expansion of the existing recycled water infrastructure, and the construction of a localized satellite facility that would utilize on-site water and rain water treatment to provide recycled water to the Plan Area and Sub-Area 4 Project Site.</p>	<p>Consistent</p>
<p><b>Strategy GA1: Support Urban Tree-Planting Programs</b></p> <p>The City will continue to collaborate with community-based organizations to organize plantings of shade trees along public right-of-ways, promote the Adopt-A-Tree program, and distribute existing resources providing tree care tips.</p> <p>Performance Goal: 1,652 households (4%) plant a tree by 2020 and 4,646 households (10%) plant a tree by 2030</p>	<ul style="list-style-type: none"> <li>• <u>GA1.1. Update the City's design guidelines to require shade trees.</u></li> <li>• <u>GA1.2. Update the City tree ordinance to protect and promote native, heritage and other significant trees.</u></li> <li>• <u>GA1.4. Remove pavement along public right-of-ways in to facilitate tree plantings.</u></li> </ul>	<p>Projects developed under the Specific Plan, including street improvements and public spaces, will include new landscaping, and will substantially increase the number of street trees within the Plan Area, including shade trees.</p>	<p>Consistent</p>
<p><b>Strategy GA2: Support Local Agriculture and Food Production</b></p> <p>The City will promote urban agriculture to increase access to healthy food; continue to promote its weekly farmers markets; partner with schools and other community organizations to bring urban agriculture to neighborhoods, schools, and parks; and use its purchasing power to advance locally-produced and health eating options.</p> <p>Performance Goal: Double the acreage of urban gardens in Richmond from baseline conditions by 2030</p>	<ul style="list-style-type: none"> <li>• <u>GA2.1. Update the zoning ordinance to permit urban agriculture on rooftops, underutilized parcels, in community open spaces, and on residential properties.</u></li> <li>• <u>GA2.4. Use the results of the 2011 Urban Agricultural Assessment, which identified rooftops, underutilized parcels, and community open spaces that could support urban agriculture, to prioritize locations to implement urban agriculture projects.</u></li> <li>• <u>GA2.5. Update the City's inventory of potential urban agriculture sites.</u></li> </ul>	<p>Community gardens and indoor, outdoor and urban agriculture are allowed uses within the Plan Area, but require an Administrative Use Permit. As such, the Specific Plan promotes urban agriculture consistent with this policy, but includes an appropriate mechanism for City review and imposition of conditions of approval, where required (e.g., for environmentally impacted sites, to impose a condition of approval restricting the use to raised beds or containers with bottoms, or directly in the ground where clean fill has been imported and placed over existing soils in a manner that prevents exposure, or as otherwise provided or required by a regulatory agency with jurisdiction).</p>	<p>Consistent</p>

**TABLE 4.6-4 (Continued)**  
**SPECIFIC PLAN CONSISTENCY WITH APPLICABLE STRATEGIES, PERFORMANCE GOALS, AND ACTIONS OF THE**  
**CITY OF RICHMOND CLIMATE ACTION PLAN**

<b>CAP Strategies and Performance Goals</b>	<b>CAP Actions That Could be Translated Into Specific Plan Development Standards</b>	<b>Existing Specific Plan Components</b>	<b>Consistency of SP with CAP Strategies and Performance Goals?</b>
<p><b>Strategy GA3: Support Green Infrastructure and Streetscape Design</b></p> <p>The City will encourage property owners and developers to incorporate green infrastructure (e.g., bioswales, permeable pavement, rainwater catchment, planter strips, etc.) into existing and new developments, continue to utilize the same green infrastructure design principles in City-owned property as outlined in the City's Parks Master Plan, incorporate green infrastructure into new City developments, and retrofit existing City facilities with green infrastructure as funding becomes available.</p> <p>Performance Goal: Increase green infrastructure projects Citywide by 2030</p>	<ul style="list-style-type: none"> <li>GA3.1. Review the City's development code to ensure green infrastructure systems can be easily incorporated into new developments and existing properties.</li> <li>GA3.3. Explore the potential for incorporating green street elements into streetscape design such as bioswales, rain gardens, planter strips, and permeable pavement.</li> <li>GA3.5. Develop a "Downspout Disconnection" program that enables property owners to retain rainwater onsite for irrigation.</li> </ul>	<p>Projects developed under the Specific Plan will be subject to the Specific Plan's Stormwater Quality Standards, which include practices and approaches such as the installation of flow-through planters, bio-retention basins, vegetated swales, water quality tree wells, and modular supported soil structures for trees near pavement and roads.</p> <p>To the extent possible, water-quality treatment will also follow the guidelines and standards as required by Contra Costa County, described in the Stormwater C.3 Guidebook. Infiltration solutions should be equipped with underdrains connected to the storm sewer system.</p>	<p>Consistent</p>
<p><b>Strategy GB5: Reduce Emissions from Goods Movement</b></p> <p>The City will reduce diesel fuel emissions through measures to address goods movement, or the transportation of imported and exported goods through or within the City of Richmond.</p> <p>Performance goal: Reduce Port of Richmond GHG emissions by 20% below 2005 baseline by 2030</p>	<ul style="list-style-type: none"> <li>GB5.1. Require trucks to reduce idling by mandating that a driver cannot idle the primary engine for more than five minutes unless the idling is a result of a traffic condition.</li> </ul>	<p>Development under the Specific Plan will include the posting of signage along truck routes stating the State idling laws (i.e. prevention of idling for more than 5 minutes) enforced by the Bay Area Air Quality Management District (BAAQMD).</p> <p>The Specific Plan requires the preparation of a Goods Movement Plan, to address the transportation imported and exported goods through and within the Plan Area and the City.</p>	<p>Consistent</p>
<p><b>Strategy GB6: Reduce Use of Short-Lived Climate Pollutants (SLCPs)</b></p> <p>The City will work with the California ARB, BAAQMD, the Department of Toxic Substance Control, and other agencies to assist local business and industry in choosing or shifting to alternative refrigerants that don't use hydrofluorocarbons (HFCs). Where feasible, the City shall encourage new development and redevelopments to eliminate the use of HFCs in building construction by using alternative methods of heating and refrigeration.</p> <p>Performance Goal: Increase diversion of organics from landfill, and work with local industry to reduce use of refrigerants and SLCP emissions.</p>	<ul style="list-style-type: none"> <li>GB6.5. Coordinate with state efforts to install low-GWP refrigeration equipment in new commercial facilities or convert existing high-GWP systems to lower-GWP options</li> </ul>	<p>The Specific Plan will require implementation of the City of Richmond's Commercial and Residential Green Building Standards which would require LEED building measures and "GreenPoint" rated checklists on new projects to improve energy efficiency and conservation. Additionally, projects developed under the Specific Plan will be subject to City review and may be subject to conditions of approval imposing requirements consistent with this strategy.</p>	<p>Consistent</p>

**TABLE 4.6-4 (Continued)**  
**SPECIFIC PLAN CONSISTENCY WITH APPLICABLE STRATEGIES, PERFORMANCE GOALS, AND ACTIONS OF THE**  
**CITY OF RICHMOND CLIMATE ACTION PLAN**

<b>CAP Strategies and Performance Goals</b>	<b>CAP Actions That Could be Translated Into Specific Plan Development Standards</b>	<b>Existing Specific Plan Components</b>	<b>Consistency of SP with CAP Strategies and Performance Goals?</b>
<p><b><u>Strategy RC2: Increase Resilience of Local Housing to Climate Change</u></b></p> <p>The City will increase the resilience of local housing such that physical structures can withstand anticipated climate hazards including sea-level rise and flooding.</p> <p>Performance Goal: Update Local Hazard Mitigation Plan, General Plan Safety Element, and building codes as appropriate to incorporate sea level rise and other climate change hazards.</p>	<ul style="list-style-type: none"> <li>• <u>RC2.2. Enhance minimum design requirements for new small-scale residential building foundations in liquefaction zones.</u></li> </ul>	<p>The Draft EIR includes mitigation measures (HYD-7a.SP and HYD-7b.SP) that will ensure that new project construction takes into account and protects against hazards from sea level rise of 3 and 5.5 feet.</p>	<p>Consistent</p>
<p><b><u>Strategy RC3: Increase Resilience of Critical Infrastructure to Climate Change</u></b></p> <p>The City will increase the resilience of critical infrastructure (both existing and planned) such that physical structures can withstand anticipated climate hazards including sea-level rise and flooding</p> <p>Performance Goal: same as RC2</p>	<ul style="list-style-type: none"> <li>• <u>RC3.2. Require new developments and redevelopments to reduce and manage stormwater through on-site capture and retention, low impact development (LID), green infrastructure, and other means.</u></li> <li>• <u>RC3.3. Enforce creek protection, stormwater management, and discharge control ordinances, and follow the RWQCB Best Management Practices (BMPs) to keep watercourses free of obstructions and protect drainage facilities</u></li> <li>• <u>RC3.6. Construct buildings and vital transportation infrastructure at elevations that would not be exceeded by flood waters.</u></li> <li>• <u>RC3.7. Enhance infiltration of stormwater on City-owned properties through use of pervious pavement and bioswales, revegetating areas, adding trees, and increasing green spaces.</u></li> <li>• <u>RC3.8. Explore the use of potential alternative water supplies, including recycled water and use of local groundwater sources.</u></li> </ul>	<p>The Draft EIR includes mitigation measures (HYD-7a.SP and HYD-7b.SP) that will ensure that new project construction takes into account and protects against hazards from sea level rise of 3 and 5.5 feet.</p> <p>Projects developed under the Specific Plan will be subject to the Specific Plan's Stormwater Quality Standards, which include practices and approaches such as the installation of flow-through planters, bio-retention basins, vegetated swales, water quality tree wells, and modular supported soil structures for trees near pavement and roads.</p> <p>To the extent possible, water-quality treatment will also follow the guidelines and standards as required by Contra Costa County, described in the Stormwater C.3 Guidebook. Infiltration solutions should be equipped with underdrains connected to the storm sewer system.</p>	<p>Consistent</p>
<p><b><u>Strategy RC6: Support Programs and Adaptation Responses to that Protect Public Health and Promote Health Equity</u></b></p> <p>The City will take initial, short-term actions to reduce risk to climate change exposures and increase local preparedness efforts, including but not limited to integrating climate change into existing planning and preparedness processes to better understand the</p>	<ul style="list-style-type: none"> <li>• <u>RC6.7. Identify Brownfields (contaminated lands) vulnerable to sea level rise and associated flooding and rising groundwater levels, and assess risk of contaminant exposure to people and the environment. Identify where governance vulnerabilities will present challenges to risk mitigation.</u></li> <li>• <u>RC6.8. Create an urban heat island reduction program that evaluates risk/vulnerability, identifies specific</u></li> </ul>	<p>The Draft EIR includes mitigation measures (HYD-7a.SP and HYD-7b.SP) that will ensure that new project construction takes into account and protects against hazards from sea level rise of 3 and 5.5 feet. The Draft EIR also identifies cleanup sites near the shoreline and under the jurisdiction of state and local/regional agencies such as the State Department of Toxic Substances Control. The Draft EIR also includes mitigation measures addressing cleanup of contaminated sites.</p>	<p>Consistent</p>

**TABLE 4.6-4 (Continued)**  
**SPECIFIC PLAN CONSISTENCY WITH APPLICABLE STRATEGIES, PERFORMANCE GOALS, AND ACTIONS OF THE**  
**CITY OF RICHMOND CLIMATE ACTION PLAN**

<u><b>CAP Strategies and Performance Goals</b></u>	<u><b>CAP Actions That Could be Translated Into Specific Plan Development Standards</b></u>	<u><b>Existing Specific Plan Components</b></u>	<u><b>Consistency of SP with CAP Strategies and Performance Goals?</b></u>
<p><u>vulnerabilities of specific populations to climate change, and to target programs, capacity building, and resources in those areas in culturally- and linguistically-appropriate ways.</u></p> <p>Performance Goal: same as RC2</p>	<p><u>interventions (e.g. tree planting, revegetation, cool roofs, etc.), and establishing funding for urban heat reduction programs.</u></p>	<p><u>Projects developed under the Specific Plan, including street improvements and public spaces, will include new landscaping, and will substantially increase the number of street trees within the Plan Area, including shade trees.</u></p>	

The title of Table 4.6-4 of Section 4.6, Climate Change and Greenhouse Gas Emissions, has been revised to change the table number, as follows:

**TABLE 4.6-45  
ESTIMATED GHG EMISSIONS GENERATED BY THE SUB-AREA 4 PROJECT**

The title of Table 4.6-5 of Section 4.6, Climate Change and Greenhouse Gas Emissions, has been revised to change the table number, as follows:

**TABLE 4.6-56  
GHG EMISSIONS INVENTORY FROM DEVELOPMENT OF THE SUB-AREA 4 PROJECT UNDER 1990  
BUSINESS AS USUAL SCENARIO**

## Section 4.7, Hazards and Hazardous Materials

Section 4.7, *Hazards and Hazardous Materials*, the final sentence of the second paragraph under subheading Bio-Rad Laboratories (Sub-Area 2; active assessment) on page 4.7-10 has been revised to include the following:

The Bio-Rad Laboratories site is being remediated under a Corrective Action Consent Agreement with DTSC. DTSC approved the Statement of Basis document for the site in September 2016.

Section 4.7, *Hazards and Hazardous Materials*, the final sentence of the third paragraph under subheading Blair Southern Pacific Landfill (active assessment) on page 4.7-12 is revised as follows:

Under a Voluntary Cleanup Agreement, ~~UPRR~~ Zeneca Inc. is currently investigating and characterizing the release or threatened release of any technologically enhanced naturally occurring radioactive material (TENORM)<sup>1</sup> at or from the site, with the assistance of the California Department of Public Health – Radiologic Health Branch (DTSC, 2016a).

<sup>1</sup> The U.S. Environmental Protection Agency describes TENORM in two parts: NORM, “Naturally occurring radioactive materials that have been concentrated or exposed to the accessible environment as a result of human activities such as manufacturing, mineral extraction, or water processing,” and TE or “Technologically enhanced,” which means that “the radiological, physical, and chemical properties of the radioactive material have been concentrated or further altered by having been processed, or beneficiated, or disturbed in a way that increases the potential for human and/or environmental exposures (USEPA, 2016).

Section 4.7, *Hazards and Hazardous Materials*, the last sentence of the last paragraph under subheading Zeneca Richmond AG Products on page 4.7-15 is revised as follows:

The implementation of remedial actions within HEA 1 was completed in 2006; monitoring of the completed remedy and habitat restoration at HEA 1 has taken place since 2006 (Arcadis, 2015). ~~The nature of DTSC’s oversight of HEA 1, including whether further monitoring and maintenance of the site will be required, is dependent on the chosen remedy for HEA 2 (DTSC, 2016c).~~

Section 4.7, *Hazards and Hazardous Materials*, footnote 5 on page 4.7-15 has been revised as follows:

- <sup>5</sup> The initial study (DTSC, 2016e) also provided analysis covering the proposed draft 2014~~5~~ FS/RAP for Lots 1 and 2 and the upland portions of Lot 3 (see prior footnote).

In Section 4.7, *Hazards and Hazardous Materials*, the first sentence of the last paragraph on page 4.7-18 is revised as follows:

In addition to the two CalARP facilities, the Sub-Area 4 Project site is located approximately ~~325460~~ feet west of Allied Propane's storage tanks, located at 5000 Seaport Avenue.

In Section 4.7, *Hazards and Hazardous Materials*, text immediately after the third bullet on page 4.7-19 is revised as follows:

- **Allied Propane:** ~~The two 55,000-gallon above ground liquefied propane storage tanks at this facility are~~ located approximately ~~325460~~ feet from the Sub-Area 4 Project site ~~and includes the storage of liquefied propane in two 55,000-gallon above ground storage tanks.~~

Mitigation Measure HAZ-1a.SP on page 4.7-30 of Section 4.7, *Hazards and Hazardous Materials*, is revised as follows:

**Mitigation Measure HAZ-1a.SP: Protection of Human Health From Environmental Contamination.** Prior to issuance of a building permit for any new project proposed within the Plan Area at a location where previous hazardous materials releases have occurred or resulted in environmental impacts, the City shall ensure the project will be developed under the supervision of ~~an~~ the environmental agency(ies) of applicable jurisdiction (e.g., Department of Toxic Substances Control, Regional Water Quality Control Board, Contra Costa County Department of Human Health Services) such that health-based goals appropriate for the proposed new use are achieved, and soil management plans and/or environmental land use covenants are observed. The City shall not issue a building, use, or other permit for a new use that is inconsistent with any applicable land use covenant(s). Measures to protect environmental health shall include one or more of the following strategies and approaches: removal of environmental contaminants from the subject area (e.g., excavation and off-site disposal, use of soil vapor extraction equipment); separation of site users from contamination (e.g., engineering or institutional controls), or treatment of environmental contamination (e.g., in situ chemical oxidation). Prior to issuance of a certificate of occupancy or similar operating permit for such new project, the project proponent shall provide evidence to the City of successful implementation of protective measures through a certificate of completion, finding of suitability for the project's intended use or similar documentation issued by the environmental agency having jurisdiction over the project.

Section 4.7, *Hazards and Hazardous Materials*, page 4.7-45 has been revised to include the following reference citation information:

Department of Toxic Substances Control (DTSC), 2002. *Site Mitigation and Brownfields Reuse Program Management Memo #EO-02-002-MM, Response Actions for Sites*

Where Future Use May Include Sensitive Uses. Available at: [https://www.dtsc.ca.gov/LawsRegsPolicies/Policies/SiteCleanup/upload/SMBR\\_POL\\_SENSITIVEUSES-MM\\_E-02-002.pdf](https://www.dtsc.ca.gov/LawsRegsPolicies/Policies/SiteCleanup/upload/SMBR_POL_SENSITIVEUSES-MM_E-02-002.pdf), accessed October 31, 2016.

Section 4.7, *Hazards and Hazardous Materials*, page **4.7-45** has been revised to include the following reference citation information:

Department of Toxic Substances Control (DTSC), 2000. *Fact Sheet October 2000, Land Use Covenant Agreements*. Available at: <https://www.dtsc.ca.gov/LawsRegsPolicies/Regs/upload/luc-fact-sheet-10-00.pdf>, accessed October 31, 2016.

## Section 4.8, Hydrology, Sea Level Rise, and Water Quality

Draft EIR Section 4.8, *Hydrology and Water Quality*, preceding the subheading, Construction General Permit, on page **4.8-13** has been revised with the addition of the following text:

### **San Francisco Bay Conservation and Development Commission (BCDC)**

The BCDC regulates development that falls within areas of BCDC jurisdiction, including the open water, marshes and mudflats of greater San Francisco Bay, and its nine-county shoreline. Development under the Specific Plan within BCDC's jurisdiction would be subject to BCDC Bay Plan Public Access Policy #6, which States:

“Whenever public access to the Bay is provided as a condition of development, on fill or on the shoreline, the access should be permanently guaranteed. This should be done wherever appropriate by requiring dedication of fee title or easements at no cost to the public, in the same manner that streets, park sites, and school sites are dedicated to the public as part of the subdivision process in cities and counties. Any public access provided as a condition of development should either be required to remain viable in the event of future sea level rise or flooding, or equivalent access consistent with the project should be provided nearby.”

Section 4.8, *Hydrology, Sea Level Rise, and Water Quality*, page **4.8-36** under Mitigation Measure HYD-7b.SP (Sea Level Rise Adaptation), has been revised as follows:

**Mitigation Measure HYD-7b.SP: Sea Level Rise Adaptation.** Prior to issuance of building permits, all projects proposed for development within areas of the Plan Area shown on Figure 4.8-32 of the EIR to be affected by ~~up to~~ **greater than** 3 feet of sea level rise, including the 100-year flood event and wave overtopping, shall submit an Adaptive Flood Risk Management Plan to the City for approval. The City shall require implementation of such plan as a condition of approval for entitlement approvals and/or building permits as applicable. The Adaptive Flood Risk Management Plan shall be consistent with City efforts to plan for sea level rise under General Plan Action Item EC6.g and Specific Plan Action Item A1.8, and shall include an Adaptive Flood Risk Management Strategy to address 100-year flood impacts associated with a rise in sea level of greater than 3 feet including the 100-year flood event and wave overtopping. Adaptive flood risk management strategies may include development setbacks, regrading, construction of raised berms or a wall, or other measure to protect future development from a rise in sea level above 3 feet. Consistent with General Plan Action Item EC6.g, the Adaptive Flood Risk Management Plan shall include discussion of financing mechanisms for sea level rise adaptations.

## Section 4.9, Land Use and Planning

Draft EIR Section 4.9, *Land Use and Planning*, page **4.9-40**, under subheading State and Regional Agencies is revised as follows:

### *San Francisco Bay Conservation and Development Commission (BCDC)*

Development within the Plan Area will require permits from BCDC, which are necessary prior to the commencement of work within BCDC's jurisdiction. The Commission has jurisdiction over Bay waters, including, within the Plan Area, Meeker Slough (Meeker Ditch) from the Bay edge to the culvert at Regatta Boulevard and Baker Creek (Stege Drain) from the Bay to the Bayview Crossing (at I-580), and the 100-foot shoreline band. The Commission also has designated Eastshore State Park-Richmond Shoreline to Point Isabel as an area that should be reserved for waterfront park and beach priority land uses. Within this priority use area, BCDC has set and described the specific boundaries of the shoreline band within which BCDC is authorized to grant or deny permits for shoreline development based on the appropriate policies.

## Section 4.10, Noise

The following revision is made to the first sentence of the second paragraph on page **4.10-16** of Section 4.10, *Noise*, as follows:

As indicated in Table 3-1 in Chapter 3, *Project Description*, development under the Specific Plan would allow for demolition and construction resulting in a net increase of up to 5,700 residential units, 5.69 million square feet of R&D/Business/Service uses, 720,000 square feet of retail space and ~~34,232.5~~ acres of open space, over an approximately 23-year period.

## Section 4.11, Population, Housing, and Employment

The following revision is made to the first sentence of the first full paragraph on page **4.11-15** of Section 4.11, *Population, Housing, and Employment* (under the subheading Secondary and Temporary Effects of Growth), as follows:

The Specific Plan would result in a substantial addition to the City's workforce: approximately ~~18,250~~12,800 jobs are anticipated to be directly created with implementation of the Specific Plan.

The following revision is made to the third sentence of the second full paragraph on page **4.11-15** of Section 4.11, *Population, Housing, and Employment* (under the subheading Secondary and Temporary Effects of Growth), as follows:

Conservatively assuming that at least 80 percent of all ~~18,250~~12,800 new employees that could be generated by development under the Specific Plan are new to the Bay Area, the total population growth from full Specific Plan development could add up to 34,500 new residents (employees plus families, assuming an average household size of 2.1, per the assumptions discussed above).

## Section 4.13 Transportation and Traffic

The following revisions are made to Table 4.13-6 on page 4.13-23 of Section 4.13, *Transportation and Traffic*, as follows:

**TABLE 4.13-6  
RICHMOND BAY SPECIFIC PLAN – LAND USE BY SUB-AREA**

Sub-Area	R&D/Business/ Service (Thousand Square Feet)	Retail (Thousand Square Feet)	Residential (Dwelling Units)	Open Space (acres)
<b><i>Specific Plan Conceptual Program<sup>a</sup></i></b>				
Sub-Area 1	1,870	270	1,160	12.8
Sub-Area 2	140	130	1,330	<del>42.4</del> <u>10.7</u>
Sub-Area 3	1,560	0	0	1.4
Sub-Area 4	2,120	320	1,590	7.6
<b>Total</b>	<b>5,690</b>	<b>720</b>	<b>4,080</b>	<b><del>34.2</del><u>32.5</u></b>
<b><i>Foreseeable Maximum Theoretical Buildout<sup>b</sup></i></b>				
Sub-Area 1	1,870	270	1,840	12.8
Sub-Area 2	140	130	1,330	<del>42.4</del> <u>10.7</u>
Sub-Area 3	1,560	0	0	1.4
Sub-Area 4	2,120	320	2,530	7.6
<b>Total</b>	<b>5,690</b>	<b>720</b>	<b>5,700</b>	<b><del>34.2</del><u>32.5</u></b>

<sup>a</sup> Source: Richmond Bay Specific Plan Public Review Draft (October 2015)

<sup>b</sup> Developed in consultation with City of Richmond staff and Specific Plan team to represent a higher trip generating alternative. See Chapter 3, *Project Description*.

Mitigation Measure TRF-1.SP: Wright Avenue/Harbour Way South Intersection Signalization and Channelization Improvements, starting on page 4.13-42 of Section 4.13, *Transportation and Traffic*, is revised as follows:

**Mitigation Measure TRF-1.SP: Wright Avenue/Harbour Way South Intersection Signalization and Channelization Improvements.** All applicants proposing the development of projects within the Plan Area and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvements:

- a) Signalize intersection and provide warning lights and gates for the at-grade railroad crossing.
- b) Restripe the southbound Harbour Way South approach to provide an exclusive left-turn lane and a shared right/through lane within the current right-of-way.

Signalization of the intersection is consistent with the mitigation measure proposed at this intersection by the *Richmond Ferry Terminal Project Initial Study/Mitigated Negative Declaration* (May 2014). If this improvement is implemented prior to the trigger identified in this mitigation measure, then it would not be required as a mitigation measure for the Specific Plan.

The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the

Traffic Mitigation Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.

It is estimated that the mitigation measure at this intersection ~~may~~would be required when ~~about~~approximately 55 percent of the ~~Specific Plan area~~Foreseeable Maximum Theoretical Buildout is developed (which corresponds to 50 percent of Specific Plan development excluding the Sub-Area 4 Project). ~~Foreseeable Maximum Theoretical Buildout~~. At that time, the ~~development project that triggers the impact~~City shall either fully fund or implement cause the mitigation measure to be implemented. Alternatively, the City of ~~Richmond~~may implement this mitigation measure prior to ~~or~~at the time the 55 percent buildout trigger occurs, ~~the mitigation measure would not be required to be implemented by an individual project and~~. In such case, the City may continue to collect fair-share contributions from the projects in the Plan Area to support implementation, in accordance with the requirements of this Mitigation Measure.

After implementation of this measure, the intersection would improve to LOS A during the AM peak hour and LOS B during the PM peak hour and reduce the impact to a less-than -significant level. No secondary significant impacts would result from implementation of this measure.

Mitigation Measure TRF-2.SP: Wright Avenue/Marina Way South Intersection Improvements, starting on page **4.13-43** of Section 4.13, *Transportation and Traffic*, is revised as follows:

**Mitigation Measure TRF-2.SP: Wright Avenue/Marina Way South Intersection Improvements.** All applicants proposing the development of projects within the Plan Area and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvement:

- a) Restripe the westbound Wright Avenue approach to provide an exclusive right-turn lane and a shared left/through lane within the current right-of-way.

The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.

It is estimated that the mitigation measure at this intersection ~~may~~would be required when ~~about~~approximately 40 percent of the ~~Specific Plan area~~Foreseeable Maximum Theoretical Buildout is developed (which corresponds to 40 percent of Specific Plan development excluding the Sub-Area 4 Project). ~~Foreseeable Maximum Theoretical Buildout~~. At that time, the ~~development project that triggers the impact~~City shall either fully fund or implement cause the mitigation measure to be implemented. Alternatively, the City of Richmond ~~may implement this mitigation measure prior to or at the time the 40 percent buildout trigger occurs, the mitigation measure would not be required to be implemented by an individual project and.~~ In such case, the City may continue to collect fair-share contributions from the projects in the Plan Area to support implementation, in accordance with the requirements of this Mitigation Measure.

After implementation of this measure, the intersection would improve to LOS C during the AM peak hour and LOS D during the PM peak hour and reduce the impact to a less-than -significant level. No secondary significant impacts would result from implementation of this measure.

Mitigation Measure TRF-3.SP: Westbound I-580 Ramps/Juliga Woods Street Intersection Signalization on page **4.13-44** of Section 4.13, *Transportation and Traffic*, is revised as follows:

**Mitigation Measure TRF-3.SP: Westbound I-580 Ramps/Juliga Woods Street Intersection Signalization.** All applicants proposing the development of projects within the Plan Area and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvement:

- a) Install an actuated signal at the intersection with protected phasing on all approaches.

The proposed signalization of this intersection is consistent with the mitigation measure proposed at this intersection by the *Richmond Bay Campus Long Range Development Plan Draft EIR* (November 2013). If this improvement is implemented prior to the trigger identified in this mitigation measure, then it would not be required as a mitigation measure for the Specific Plan.

The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.

It is estimated that the mitigation measure at this intersection ~~may~~would be required when ~~about~~approximately 45 percent of the ~~Specific Plan area~~Foreseeable Maximum Theoretical Buildout is developed (which corresponds to 35 percent of Specific Plan development excluding the Sub-Area 4 Project). ~~Foreseeable Maximum Theoretical~~

Buildout). At that time, the development project that triggers the impact City shall either fully fund or implement cause the mitigation measure to be implemented. Alternatively, the City of Richmond may implement this mitigation measure prior to or at the time the 45 percent buildout trigger occurs, the mitigation measure would not be required to be implemented by an individual project and. In such case, the City may continue to collect fair-share contributions from the projects in the Plan Area to support implementation, in accordance with the requirements of this Mitigation Measure.

After implementation of this measure, the intersection would improve to LOS C during both AM and PM peak hours and reduce the impact to a less-than-significant level. It is not certain that this mitigation measure could be implemented because the intersection is under the jurisdiction of Caltrans. The City of Richmond, as lead agency, does not have jurisdiction to implement Measure TRF-3.SP and the mitigation would need to be approved and implemented by Caltrans. Therefore, the impact is conservatively considered significant and unavoidable because the City cannot ensure its implementation. No secondary significant impacts would result from implementation of this measure.

Mitigation Measure TRF-4.SP: Meade Street/Regatta Boulevard/Eastbound I-580 Ramps Intersection Improvements on page **4.13-45** of Section 4.13, *Transportation and Traffic*, is revised as follows:

**Mitigation Measure TRF-4.SP: Meade Street/Regatta Boulevard/Eastbound I-580 Ramps Intersection Improvements.** All applicants proposing the development of projects within the Plan Area and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvements:

- a) Restripe westbound Meade Street to provide one exclusive right-turn lane and a shared left/through lane.
- b) Upgrade signal to actuated operations, convert the phasing for the east and west intersection approaches from protected phasing to split-phasing, and coordinate signal timings with the adjacent Regatta Boulevard/Meade Street intersection and the at-grade railroad crossing.

The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.

It is estimated that the mitigation measure at this intersection ~~may~~would be required when ~~about~~approximately 25 percent of the ~~Specific Plan area~~Foreseeable Maximum Theoretical Buildout is developed (which corresponds to 20 percent of Specific Plan

development excluding the Sub-Area 4 Project). Foreseeable Maximum Theoretical Buildout). At that time, the ~~development project that triggers the impact~~ City shall ~~either fully fund or implement~~ cause the mitigation measure to be implemented. Alternatively, the City of Richmond ~~may implement this mitigation measure prior to or at the time the 25 percent buildout trigger occurs, the mitigation measure would not be required to be implemented by an individual project and.~~ In such case, the City may continue to collect fair-share contributions from the projects in the Plan Area to support implementation., in accordance with the requirements of this Mitigation Measure.

The implementation of this measure would improve conditions at the intersection; however, the intersection would continue to operate at LOS F during both AM and PM peak hours. Traffic operations at the intersection can be further improved by providing additional automobile travel lanes, such as a second left-turn lane on the southbound Regatta Boulevard approach and a second through lane on the northbound Regatta Boulevard approach. However, these modifications cannot be accommodated within the available automobile right-of-way and would require additional right-of-way, and/or loss of planned bicycle and/or pedestrian facilities, and are considered to be infeasible because they would be in conflict with the Specific Plan and General Plan goals to promote pedestrian, bicycle, and transit trips. Therefore, the impact would remain significant and unavoidable. Furthermore, it is not certain that this mitigation measure could be implemented because the intersection is under the jurisdiction of Caltrans. The City of Richmond, as lead agency, does not have jurisdiction to implement Measure TRF-4.SP and the mitigation would need to be approved and implemented by Caltrans. No other secondary significant impacts would result from implementation of this measure.

Mitigation Measure TRF-5.SP: Regatta Boulevard/Meade Street Intersection Signalization on page **4.13-46** of Section 4.13, *Transportation and Traffic*, is revised as follows:

**Mitigation Measure TRF-5.SP: Regatta Boulevard/Meade Street Intersection Signalization.** All applicants proposing the development of projects within the Plan Area and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvement:

- a) Install an actuated signal at the intersection with protected phasing on all approaches. Coordinate signal timings with the adjacent Meade Street/Regatta Boulevard/ Eastbound I-580 Ramps intersection and the at-grade railroad crossing.

The proposed improvements at this intersection are consistent with the mitigation measure proposed at this intersection by the *Richmond Bay Campus Long Range Development Plan Draft EIR* (November 2013). If this improvement is implemented prior to the trigger identified in this mitigation measure, then it would not be required by the Specific Plan developments.

The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a

“reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.

It is estimated that the mitigation measure at this intersection ~~may~~would be required when ~~about~~approximately 25 percent of the ~~Specific Plan area~~Foreseeable Maximum Theoretical Buildout is developed (which corresponds to 15 percent of Specific Plan development excluding the Sub-Area 4 Project). ~~Foreseeable Maximum Theoretical Buildout~~. At that time, the ~~development project that triggers the impact~~City shall either fully fund or implement cause the mitigation measure to be implemented. Alternatively, the City of ~~Richmond~~may implement this mitigation measure prior to ~~or at the time the~~ 25 percent buildout trigger occurs, ~~the mitigation measure would not be required to be implemented by an individual project and~~. In such case, the City may continue to collect fair-share contributions from the projects in the Plan Area to support implementation, in accordance with the requirements of this Mitigation Measure.

Mitigation Measure TRF-6.SP: Bayview Avenue/51st Street/Seaport Avenue/Eastbound I-580 Ramps Intersection Signalization and Channelization Improvements on page 4.13-47 of Section 4.13, *Transportation and Traffic*, is revised as follows:

**Mitigation Measure TRF-6.SP: Bayview Avenue/51st Street/Seaport Avenue/Eastbound I-580 Ramps Intersection Signalization and Channelization Improvements.** All applicants proposing the development of projects within the Plan Area and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvements:

- a) Install an actuated signal at the intersection with protected left-turn phasing on all approaches.
- b) Restripe southbound 51st Street to provide two left-turn lanes and a shared right/through lane.

The proposed improvements at this intersection are consistent with the mitigation measure proposed at this intersection by the *Richmond Bay Campus Long Range Development Plan Draft EIR* (November 2013). If this improvement is implemented prior to the trigger identified in this mitigation measure, then it would not be required as a mitigation measure for the Specific Plan.

The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share”

contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.

It is estimated that the mitigation measure at this intersection ~~may~~would be required when ~~about~~approximately 35 percent of the ~~Specific Plan area~~Foreseeable Maximum Theoretical Buildout is developed. At that time, the ~~development project that triggers the impact~~City shall either fully fund or implement cause the mitigation measure to be implemented. Alternatively, the City of ~~Richmond~~may implement this mitigation measure prior to ~~or at~~ the time the 35 percent buildout trigger occurs, ~~the mitigation measure would not be required to be implemented by an individual project and~~. In such case, the City may continue to collect fair-share contributions from the projects in the Plan Area to support implementation, in accordance with the requirements of this Mitigation Measure.

After implementation of this measure, the intersection would improve to LOS D during the AM peak hour and operate at LOS E during the PM peak hour. Traffic operations at the intersection can be further improved by providing additional automobile travel lanes, such as an additional through lane on the northbound Bayview Avenue and southbound 51st Street approaches. However, these modifications cannot be accommodated within the available automobile right-of-way and would require additional right-of-way, and/or loss of planned bicycle and/or pedestrian facilities, and are considered to be infeasible because they would be in conflict with the Specific Plan and General Plan goals to promote pedestrian, bicycle, and transit trips. Furthermore, it is not certain that this mitigation measure could be implemented because the intersection is under the jurisdiction of Caltrans. The City of Richmond, as lead agency, does not have jurisdiction to implement Measure TRF-6.SP and the mitigation would need to be approved and implemented by Caltrans. No other secondary significant impacts would result from implementation of this measure.

Mitigation Measure TRF-7.SP: Central Avenue/Eastbound I-580 Ramps Intersection Signalization starting on page **4.13-48** of Section 4.13, *Transportation and Traffic*, is revised as follows:

**Mitigation Measure TRF-7.SP: Central Avenue/Eastbound I-580 Ramps Intersection Signalization.** All applicants proposing the development of projects within the Plan Area and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvement:

- a) Install a signal at the intersection.

The proposed improvement at this intersection is consistent with the planned and funded project to signalize the I-580/Central Avenue ramp intersections. If this improvement is implemented prior to the trigger identified in this mitigation measure, then it would not be required as a mitigation measure for the Specific Plan.

The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support

implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.

It is estimated that the mitigation measure at this intersection ~~may~~would be required when ~~about~~approximately 40 percent of the ~~Specific Plan area~~Foreseeable Maximum Theoretical Buildout is developed (which corresponds to 20 percent of Specific Plan development excluding the Sub-Area 4 Project). ~~Foreseeable Maximum Theoretical Buildout~~. At that time, the ~~development project that triggers the impact~~City shall either fully fund or implement cause the mitigation measure to be implemented. Alternatively, the City of ~~Richmond~~may implement this mitigation measure prior to ~~or~~at the time the 40 percent buildout trigger occurs, ~~the mitigation measure would not be required to be implemented by an individual project and~~. In such case, the City may continue to collect fair-share contributions from the projects in the Plan Area to support implementation, in accordance with the requirements of this Mitigation Measure.

After implementation of this measure, the intersection would improve to LOS B during the AM peak hour and LOS A during the PM peak hour and reduce the impact to a less-than-significant level. It is not certain that this mitigation measure could be implemented because the intersection is under the jurisdiction of Caltrans. The City of Richmond, as lead agency, does not have jurisdiction to implement Measure TRF-7.SP and the mitigation would need to be approved and implemented by Caltrans. Therefore, the impact is conservatively considered significant and unavoidable because the City cannot ensure its implementation. No secondary significant impacts would result from implementation of this measure.

Mitigation Measure TRF-8.SP: Central Avenue/Westbound I-580 Ramps Intersection Signalization starting on page **4.13-49** of Section 4.13, *Transportation and Traffic*, is revised as follows:

**Mitigation Measure TRF-8.SP: Central Avenue/Westbound I-580 Ramps Intersection Signalization.** All applicants proposing the development of projects within the Plan Area and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvement:

- a) Install a signal at the intersection.

The proposed improvement at this intersection is consistent with the planned and funded project to signalize the I-580/Central Avenue ramp intersections. If this improvement is implemented prior to the trigger identified in this mitigation measure, then it would not be required as a mitigation measure for the Specific Plan.

The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support

implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.

It is estimated that the mitigation measure at this intersection ~~may~~would be required when ~~about~~approximately 40 percent of the ~~Specific Plan area~~Foreseeable Maximum Theoretical Buildout is developed (which corresponds to 20 percent of Specific Plan development excluding the Sub-Area 4 Project). ~~Foreseeable Maximum Theoretical Buildout~~. At that time, the ~~development project that triggers the impact~~ City shall ~~either fully fund or implement~~cause the mitigation measure to be implemented. Alternatively, the City of Richmond ~~may~~ implement this mitigation measure prior to ~~or at~~ the time the 40 percent buildout trigger occurs, ~~the mitigation measure would not be required to be implemented by an individual project and~~. In such case, the City may continue to collect fair-share contributions from the projects in the Plan Area to support implementation, in accordance with the requirements of this Mitigation Measure.

After implementation of this measure, the intersection would improve to LOS B during both AM and PM peak hours and reduce the impact to a less-than-significant level. It is not certain that this mitigation measure could be implemented because the intersection is under the jurisdiction of Caltrans. The City of Richmond, as lead agency, does not have jurisdiction to implement Measure TRF-8.SP and the mitigation would need to be approved and implemented by Caltrans. Therefore, the impact is conservatively considered significant and unavoidable because the City cannot ensure its implementation. No secondary significant impacts would result from implementation of this measure.

Mitigation Measure TRF-9.SP: Cutting Boulevard/Harbour Way South Intersection Improvements starting on page **4.13-57** of Section 4.13, *Transportation and Traffic*, is revised as follows:

**Mitigation Measure TRF-9.SP: Cutting Boulevard/Harbour Way South Intersection Improvements.** All applicants proposing the development of projects within the Plan Area and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvements:

- a) The multi-modal improvement projects as outlined in the SRTCP and detailed on page 4.13-75, which would reduce the overall automobile trip generation and reduce the project contribution at this intersection. Specifically, the *Cutting Boulevard* improvement would eliminate one through lane along both directions of both Cutting Boulevard and Harbour Way South to provide enhanced bicycle facilities.
- b) Convert the signal phasing for the north and south intersection approaches from split-phasing to protected phasing and coordinate signal timings with adjacent signals along Cutting Boulevard.

The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate

impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.

It is estimated that the mitigation measure at this intersection ~~may~~ would be required when ~~about~~ approximately 40 percent of the ~~Specific Plan area~~ Foreseeable Maximum Theoretical Buildout is developed. At that time, the ~~development project that triggers the impact~~ City shall either fully fund or implement cause the mitigation measure to be implemented. Alternatively, the City of ~~Richmond~~ may implement this mitigation measure prior to ~~or at~~ the time the 40 percent buildout trigger occurs, ~~the mitigation measure would not be required to be implemented by an individual project and. In such case, the City may continue to collect fair-share contributions from the projects in the Plan Area to support implementation-, in accordance with the requirements of this Mitigation Measure.~~

After implementation of this measure, the intersection would continue to operate at LOS E during the AM peak hour and LOS F during the PM peak hour. Traffic operations at the intersection can be further improved by providing additional automobile travel lanes, such as a second through lane on eastbound and westbound Cutting Boulevard. However, these modifications cannot be accommodated within the available automobile right-of-way and would require additional right-of-way, and/or loss of planned bicycle and/or pedestrian facilities, and are considered to be infeasible because they would be in conflict with the Specific Plan and General Plan goals to promote pedestrian, bicycle, and transit trips. Therefore, the impact would remain significant and unavoidable. No other secondary significant impacts would result from implementation of this measure.

Mitigation Measure TRF-12.SP: Cutting Boulevard/23rd Street Intersection Improvements on page 4.13-60 of Section 4.13, *Transportation and Traffic*, is revised as follows:

**Mitigation Measure TRF-12.SP: Cutting Boulevard/23rd Street Intersection Improvements.** All applicants proposing the development of projects within the Plan Area and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvements:

- a) The multi-modal improvement projects as outlined in the SRTCP and detailed on page 4.13-75, which would reduce the overall automobile trip generation and reduce the project contribution at this intersection. Specifically the *Cutting Boulevard* improvement would eliminate one through traffic lane along both directions of Cutting Boulevard to provide enhanced bicycle facilities.
- b) Update signal to actuated-coordinated operations and coordinate signal timings with adjacent intersection along Cutting Boulevard.

The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.

It is estimated that the mitigation measure at this intersection ~~may~~would be required when ~~about~~approximately 45 percent of the ~~Specific Plan area~~Foreseeable Maximum Theoretical Buildout is developed. At that time, the ~~development project that triggers the impact~~City shall either fully fund or implement cause the mitigation measure to be implemented. Alternatively, the City of ~~Richmond~~may implement this mitigation measure prior to ~~or at~~the time the 45 percent buildout trigger occurs, ~~the mitigation measure would not be required to be implemented by an individual project and. In such case, the City may continue to collect fair-share contributions from the projects in the Plan Area to support implementation-, in accordance with the requirements of this Mitigation Measure.~~

After implementation of this measure, the intersection would improve to LOS E during the AM peak hour and continue to operate at LOS F during the PM peak hour. Traffic operations at the intersection can be further improved by providing additional automobile travel lanes, such as a second through lane on eastbound and westbound Cutting Boulevard. However, these modifications cannot be accommodated within the available automobile right-of-way and would require additional right-of-way, and/or loss of planned bicycle and/or pedestrian facilities, and are considered to be infeasible because they would be in conflict with the Specific Plan and General Plan goals to promote pedestrian, bicycle, and transit trips. Therefore, the impact would remain significant and unavoidable. No other secondary significant impacts would result from implementation of this measure.

Mitigation Measure TRF-13.SP: Meeker Avenue/Marina Bay Parkway Intersection Signal and Channelization Improvements on page **4.13-61** of Section 4.13, *Transportation and Traffic*, is revised as follows:

**Mitigation Measure TRF-13.SP: Meeker Avenue/Marina Bay Parkway Intersection Signal and Channelization Improvements.** All applicants proposing the development of projects within the Plan Area and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvements:

- a) The multi-modal improvement projects as outlined in the SRTCP and detailed on page 4.13-75, which would reduce the overall automobile trip generation and reduce the project contribution at this intersection. The SRTCP would not make any specific modifications at this intersection.

- b) Restripe the eastbound Meeker Avenue approach to provide an exclusive left-turn lane and a shared right/through lane within the current right-of-way.
- c) Update signal to actuated-coordinated operations and convert the phasing for the east and west intersection approaches from split-phasing to protected phasing. Coordinate signal timings with adjacent signal timings along Marina Bay Parkway.

The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.

It is estimated that the mitigation measure at this intersection ~~may~~would be required when ~~about~~approximately 20 percent of the ~~Specific Plan area~~Foreseeable Maximum Theoretical Buildout is developed. At that time, the ~~development project that triggers the impact~~City shall either fully fund or implement cause the mitigation measure to be implemented. Alternatively, the City of Richmond ~~may implement this mitigation measure prior to or at the time the 20 percent buildout trigger occurs, the mitigation measure would not be required to be implemented by an individual project and. In such case, the City may continue to collect fair-share contributions from the projects in the Plan Area to support implementation, in accordance with the requirements of this Mitigation Measure.~~

After implementation of this measure, the intersection would improve to LOS D during both AM and PM peak hours and reduce the impact to a less-than-significant level. No secondary significant impacts would result from implementation of this measure.

Mitigation Measure TRF-18.SP: Bayview Avenue/Carlson Boulevard intersection Signal and Channelization Improvements on page 4.13-65 of Section 4.13, *Transportation and Traffic*, is revised as follows:

**Mitigation Measure TRF-18.SP: Bayview Avenue/Carlson Boulevard intersection Signal and Channelization Improvements.** All applicants proposing the development of projects within the Plan Area and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvements:

- a) The multi-modal improvement projects as outlined in the SRTCP and detailed on page 4.13-75, which would reduce the overall automobile trip generation and reduce the project contribution at this intersection. Specifically the *Carlson Boulevard between Broadway and Tehama Avenue* and *Bayview Avenue Overcrossing I-580* improvements would eliminate one through traffic lane along both directions of both Bayview Avenue and Carlson Boulevard to provide enhanced bicycle facilities, provide marked pedestrian crossings across all

intersection approaches, and replace the northbound slip right-turn with a dedicated right-turn lane.

- b) Convert the signal phasing for the east and west intersection approaches from split-phasing to protected phasing and provide an overlap phase for the northbound right-turn movement.

The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.

It is estimated that the mitigation measure at this intersection ~~may~~would be required when ~~about~~approximately 30 percent of the ~~Specific Plan area~~Foreseeable Maximum Theoretical Buildout is developed. At that time, the ~~development project that triggers the impact~~City shall either fully fund or implement cause the mitigation measure to be implemented. Alternatively, the City of Richmond ~~may implement this mitigation measure prior to or at the time the 30 percent buildout trigger occurs, the mitigation measure would not be required to be implemented by an individual project and.~~ In such case, the City may continue to collect fair-share contributions from the projects in the Plan Area to support implementation, in accordance with the requirements of this Mitigation Measure.

After implementation of this measure, the intersection would continue to operate at LOS E during the AM peak hour and improve to LOS D during the PM peak hour. Traffic operations at the intersection can be further improved by providing additional automobile travel lanes, such as a second through lane on eastbound and westbound Carlson Boulevard. However, these modifications cannot be accommodated within the available automobile right-of-way and would require additional right-of-way, and/or loss of planned bicycle and/or pedestrian facilities, and are considered to be infeasible because they would be in conflict with the Specific Plan and General Plan goals to promote pedestrian, bicycle, and transit trips. Therefore, the impact would remain significant and unavoidable. No other secondary significant impacts would result from implementation of this measure.

Mitigation Measure TRF-19.SP: Carlson Boulevard/Westbound I-80 Ramps Intersection Widening and Channelization Improvements starting on page 4.13-66 of Section 4.13, *Transportation and Traffic*, is revised as follows:

**Mitigation Measure TRF-19.SP: Carlson Boulevard/Westbound I-80 Ramps Intersection Widening and Channelization Improvements.** All applicants proposing the development of projects within the Plan Area and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvements:

- a) The multi-modal improvement projects as outlined in the SRTCP and detailed on page 4.13-75, which would reduce the overall automobile trip generation and reduce the project contribution at this intersection. Specifically, the *Carlson Boulevard between Broadway and Tehama Avenue* improvement would eliminate one through lane along both directions of Carlson Boulevard to provide enhanced bicycle facilities.
- b) Widen the southbound Westbound I-80 Off-Ramp to provide one right-turn lane and one shared through/left turn lane.

The proposed improvement (item b) at this intersection is consistent with the mitigation measure proposed at this intersection by the *Richmond Bay Campus Long Range Development Plan Draft EIR* (November 2013).

The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.

It is estimated that the mitigation measure at this intersection ~~may~~ would be required when ~~about~~ approximately 60 percent of the Specific Plan area Foreseeable Maximum Theoretical Buildout is developed. At that time, the ~~development project that triggers the impact~~ City shall either fully fund or implement cause the mitigation measure to be implemented. Alternatively, the City of ~~Richmond~~ may implement this mitigation measure prior to or at the time the 60 percent buildout trigger occurs, the mitigation measure would not be required to be implemented by an individual project and. In such case, the City may continue to collect fair-share contributions from the projects in the Plan Area to support implementation, in accordance with the requirements of this Mitigation Measure.

After implementation of this measure, the intersection would continue to operate at LOS F during both AM and PM peak hours. Traffic operations at the intersection can be further improved by providing additional automobile travel lanes, such as second through lanes on eastbound and westbound Carlson Boulevard. However, these modifications cannot be accommodated within the available automobile right-of-way and would require additional right-of-way, and/or loss of planned bicycle and/or pedestrian facilities, and are considered to be infeasible because they would be in conflict with the Specific Plan and General Plan goals to promote pedestrian, bicycle, and transit trips. Furthermore, it is not certain that this mitigation measure could be implemented because the intersection is under the jurisdiction of Caltrans. City of Richmond, as lead agency, does not have jurisdiction to implement Measure TRF-19.SP and the mitigation would need to be approved and implemented by Caltrans. Therefore, the impact would remain significant and unavoidable. No other secondary significant impacts would result from implementation of this measure.

Mitigation Measure TRF-20.SP: Carlson Boulevard/Eastbound I-80 Ramps Intersection on page 4.13-67 of Section 4.13, *Transportation and Traffic*, is revised as follows:

**Mitigation Measure TRF-20.SP: Carlson Boulevard/Eastbound I-80 Ramps Intersection** Improvements. All applicants proposing the development of projects within the Plan Area and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvement:

- a) The multi-modal improvement projects as outlined in the SRTCP and detailed on page 4.13-75, which would reduce the overall automobile trip generation and reduce the project contribution at this intersection. Specifically, the *Carlson Boulevard between Broadway and Tehama Avenue* improvement would eliminate one through lane along both directions of Carlson Boulevard to provide enhanced bicycle facilities.

The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.

It is estimated that the mitigation measure at this intersection ~~may~~would be required when ~~about~~approximately 40 percent of the ~~Specific Plan area~~Foreseeable Maximum Theoretical Buildout is developed. At that time, the ~~development project that triggers the impact~~City shall either fully fund or implement cause the mitigation measure to be implemented. Alternatively, the City of ~~Richmond~~ may implement this mitigation measure prior to ~~or at~~ the time the 40 percent buildout trigger occurs, ~~the mitigation measure would not be required to be implemented by an individual project and. In such case, the City may continue to collect fair-share contributions from the projects in the Plan Area to support implementation-, in accordance with the requirements of this Mitigation Measure.~~

After implementation of this measure, the intersection would continue to operate at LOS F during the PM peak hour. Traffic operations at the intersection can be further improved by providing additional automobile travel lanes, such as second through lanes on eastbound and westbound Carlson Boulevard. However, these modifications cannot be accommodated within the available automobile right-of-way and would require additional right-of-way, and/or loss of planned bicycle and/or pedestrian facilities, and are considered to be infeasible because they would be in conflict with the Specific Plan and General Plan goals to promote pedestrian, bicycle, and transit trips. Therefore, the impact would remain significant and unavoidable. Furthermore, it is not certain that this mitigation measure could be implemented because the intersection is under the jurisdiction of Caltrans. City of Richmond, as lead agency, does not have jurisdiction to

implement Measure TRF-6.SP and the mitigation would need to be approved and implemented by Caltrans. No other secondary significant impacts would result from implementation of this measure.

Mitigation Measure TRF-21.SP: MacDonald Way/Harbour Way Intersection Signal and Channelization Improvements on page 4.13-68 of Section 4.13, *Transportation and Traffic*, is revised as follows:

**Mitigation Measure TRF-21.SP: MacDonald Way/Harbour Way Intersection Signal and Channelization Improvements.** All applicants proposing the development of projects within the Plan Area and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvements:

- a) The multi-modal improvement projects as outlined in the SRTCP and detailed on page 4.13-75, which would reduce the overall automobile trip generation and reduce the project contribution at this intersection. The SRTCP would not make any specific modifications at this intersection.
- b) Restripe the southbound Harbour Way approach to provide an exclusive left-turn lane and a shared right/through lane within the current right-of-way.
- c) Upgrade intersection signal equipment to convert the signal phasing for the north and south intersection approaches from split-phasing to protected phasing.

The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.

It is estimated that the mitigation measure at this intersection ~~may~~ would be required when ~~about~~ approximately 50 percent of the ~~Specific Plan area~~ Foreseeable Maximum Theoretical Buildout is developed. At that time, the ~~development project that triggers the impact~~ City shall ~~either fully fund or implement~~ cause the mitigation measure to be implemented. Alternatively, the City ~~of Richmond~~ may implement this mitigation measure prior to ~~or at~~ the time the 50 percent buildout trigger occurs, ~~the mitigation measure would not be required to be implemented by an individual project and.~~ In such case, the City may continue to collect fair-share contributions from the projects in the Plan Area to support implementation, in accordance with the requirements of this Mitigation Measure.

After implementation of this measure, the intersection would improve to LOS D during both AM and PM peak hours and reduce the impact to a less-than-significant level. No secondary significant impacts would result from implementation of this measure.

Mitigation Measure TRF-1.SA4: Bayview Avenue/51st Street/Seaport Avenue/Eastbound I-580 Ramps Intersection Signalization and Channelization Improvements starting on page 4.13-79 of Section 4.13, *Transportation and Traffic*, is revised as follows:

**Mitigation Measure TRF-1.SA4: Bayview Avenue/51st Street/Seaport Avenue/Eastbound I-580 Ramps Intersection Signalization and Channelization**

**Improvements.** All applicants proposing the development of projects within Sub-Area 4 and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvement:

- a) **Mitigation Measure TRF-6.SP**, which would consist of installing an actuated signal at the intersection with protected phasing on all approaches, and restriping southbound 51st Street to provide two left-turn lanes and a shared right/through lane.

The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.

It is estimated that the mitigation measure at this intersection ~~may~~would be required when ~~about~~approximately 60 percent of the ~~Specific Plan area~~Foreseeable Maximum Theoretical Buildout is developed. At that time, the ~~development project that triggers the impact~~City shall either fully fund or implement cause the mitigation measure to be implemented. Alternatively, the City of ~~Richmond~~Richmond may implement this mitigation measure prior to ~~or at~~ the time the 60 percent buildout trigger occurs, ~~the mitigation measure would not be required to be implemented by an individual project and.~~ In such case, the City may continue to collect fair-share contributions from the projects in Sub-Area 4 to support implementation, in accordance with the requirements of this Mitigation Measure.

After implementation of this measure, the intersection would improve to LOS D during the AM peak hour and LOS E during the PM peak hour. Traffic operations at the intersection can be further improved by providing additional automobile travel lanes, such as an additional through lane on the northbound Bayview Avenue and southbound 51st Street approaches. However, these modifications cannot be accommodated within the available automobile right-of-way and would require additional right-of-way, and/or loss of planned bicycle and/or pedestrian facilities, and are considered to be infeasible because they would be in conflict with the Specific Plan and General Plan goals to promote pedestrian, bicycle, and transit trips. Furthermore, it is not certain that this mitigation measure could be implemented because the intersection is under the jurisdiction of Caltrans. The City of Richmond, as lead agency, does not have jurisdiction

to implement Mitigation Measure TRF-1.SA4 and the mitigation would need to be approved and implemented by Caltrans. No other secondary significant impacts would result from implementation of this measure.

Mitigation Measure TRF-2.SA4: Cutting Boulevard/23rd Street Intersection Signal Improvements starting on page 4.13-86 of Section 4.13, *Transportation and Traffic*, is revised as follows:

**Mitigation Measure TRF-2.SA4: Cutting Boulevard/23rd Street Intersection Signal Improvements.** All applicants proposing the development of projects within Sub-Area 4 and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvement:

- a) **Mitigation Measure TRF-12.SP**, item b, which would update the signal to actuated-coordinated operations and coordinate signal timings with adjacent intersection along Cutting Boulevard.

The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.

It is estimated that the mitigation measure at this intersection ~~may~~would be required when ~~about~~approximately 90 percent of the ~~Specific Plan area~~Foreseeable Maximum Theoretical Buildout is developed. At that time, the ~~development project that triggers the impact~~City shall ~~either fully fund or implement~~cause the mitigation measure to be implemented. Alternatively, the City of Richmond may implement this mitigation measure prior to ~~or at~~the time the 90 percent buildout trigger occurs, ~~the mitigation measure would not be required to be implemented by an individual project and.~~ In such case, the City may continue to collect fair-share contributions from the projects in in Sub-Area 4 to support implementation, in accordance with the requirements of this Mitigation Measure.

After implementation of this measure, the intersection would improve to LOS E during the AM peak hour and continue to operate at LOS F during the PM peak hour with less delay than under 2040 No Sub-Area 4 Project conditions. The mitigation measure would reduce the impact to a less-than-significant level. No secondary significant impacts would result from implementation of this measure.

Mitigation Measure TRF-3.SA4: Meeker Avenue/Marina Bay Parkway Intersection Signal and Channelization Improvements starting on page 4.13-87 of Section 4.13, *Transportation and Traffic*, is revised as follows:

**Mitigation Measure TRF-3.SA4: Meeker Avenue/Marina Bay Parkway Intersection Signal and Channelization Improvements.** All applicants proposing the development of projects within Sub-Area 4 and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvements:

- a) **Mitigation Measure TRF-12.SP**, items b and c, which would restripe the eastbound Meeker Avenue approach to provide an exclusive left-turn lane and a shared right/through lane within the current right-of-way, update the signal to actuated-coordinated operations, convert the phasing for the east and west intersection approaches from split-phasing to protected phasing, and coordinate signal timings with adjacent signal timings along Marina Bay Parkway.

The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.

It is estimated that the mitigation measure at this intersection ~~may~~would be required when ~~about~~approximately 90 percent of the ~~Specific Plan area~~Foreseeable Maximum Theoretical Buildout is developed. At that time, the ~~development project that triggers the impact~~City shall either fully fund or implement ~~cause~~the mitigation measure to be implemented. Alternatively, the City of ~~Richmond~~may implement this mitigation measure prior to or at the time the 90 percent buildout trigger occurs, ~~the mitigation measure would not be required to be implemented by an individual project and.~~ In such case, the City may continue to collect fair-share contributions from the projects in Sub-Area 4 to support implementation, in accordance with the requirements of this Mitigation Measure.

After implementation of this measure, the intersection would improve to LOS E during the AM peak hour and continue to operate at LOS F during the PM peak hour with less delay than under 2040 No Sub-Area 4 Project conditions. The mitigation measure would reduce the impact to a less-than-significant level. No secondary significant impacts would result from implementation of this measure.

Mitigation Measure TRF-4.SA4: Westbound I-580 Ramps/Juliga Woods Street Intersection Signalization starting on page **4.13-88** of Section 4.13, *Transportation and Traffic*, is revised as follows:

**Mitigation Measure TRF-4.SA4: Westbound I-580 Ramps/Juliga Woods Street Intersection Signalization.** All applicants proposing the development of projects within Sub-Area 4 and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvement:

- a) **Mitigation Measure TRF-3.SP**, which would install an actuated signal at the intersection with protected phasing on all approaches.

The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.

It is estimated that the mitigation measure at this intersection ~~may~~would be required when ~~about~~approximately 10 percent of the ~~Specific Plan area~~Foreseeable Maximum Theoretical Buildout is developed. At that time, ~~the development project that triggers the impact~~City shall either fully fund or implement cause the mitigation measure to be implemented. Alternatively, the City of ~~Richmond~~Richmond may implement this mitigation measure prior to ~~or at~~the time the 10 percent buildout trigger occurs, ~~the mitigation measure would not be required to be implemented by an individual project and.~~ In such case, the City may continue to collect fair-share contributions from the projects in Sub-Area 4 to support implementation, in accordance with the requirements of this Mitigation Measure.

After implementation of this measure, the intersection would continue to operate at LOS F during the AM peak hour with less delay than under 2040 No Sub-Area 4 Project conditions, and would improve to LOS E during the AM peak hour. The mitigation measure would reduce the impact to a less-than-significant level. However, the City cannot ensure implementation of this mitigation measure because the intersection is under the jurisdiction of Caltrans. The City of Richmond, as lead agency, does not have jurisdiction to implement Measure TRF-4.SA4 and the mitigation would need to be approved and implemented by Caltrans. Therefore, the impact is conservatively considered significant and unavoidable because the City cannot ensure its implementation. No secondary significant impacts would result from implementation of this measure.

Mitigation Measure TRF-5.SA4: Meade Street/Regatta Boulevard/Eastbound I-580 Ramps Intersection Signal and Channelization Improvements starting on page 4.13-89 of Section 4.13, *Transportation and Traffic*, is revised as follows:

**Mitigation Measure TRF-5.SA4: Meade Street/Regatta Boulevard/Eastbound I-580 Ramps Intersection Signal and Channelization Improvements.** All applicants proposing the development of projects within Sub-Area 4 and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvement:

- a) **Mitigation Measure TRF-4.SP**, which would restripe westbound Meade Street to provide one exclusive right-turn lane and a shared left/through lane, upgrade the signal to actuated operations, convert the signal phasing for east and west intersection approaches from protected phasing to split-phasing, and coordinate signal timings with the adjacent Regatta Boulevard/Meade Street intersection and the at-grade railroad crossing.

The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.

It is estimated that the mitigation measure at this intersection ~~may~~ would be required when ~~about~~ approximately 75 percent of the ~~Specific Plan area~~ Foreseeable Maximum Theoretical Buildout is developed. At that time, the ~~development project that triggers the impact~~ City shall either fully fund or implement ~~cause~~ the mitigation measure to be implemented. Alternatively, the City of ~~Richmond~~ may implement this mitigation measure prior to ~~or~~ at the time the 75 percent buildout trigger occurs, ~~the mitigation measure would not be required to be implemented by an individual project and.~~ In such case, the City may continue to collect fair-share contributions from the projects in Sub-Area 4 to support implementation, in accordance with the requirements of this Mitigation Measure.

After implementation of this measure, the intersection would continue to operate at LOS F during both AM and PM peak hour with less delay than under 2040 No Sub-Area 4 Project conditions. The mitigation measure would reduce the impact to a less-than-significant level. However, the City cannot ensure implementation of this mitigation measure because the intersection is under the jurisdiction of Caltrans. The City of Richmond, as lead agency, does not have jurisdiction to implement Measure TRF-5.SA4 and the mitigation would need to be approved and implemented by Caltrans. Therefore, the impact is conservatively considered significant and unavoidable because the City cannot ensure its implementation. No secondary significant impacts would result from implementation of this measure.

Mitigation Measure TRF-6.SA4: Regatta Boulevard/Meade Street Intersection Signalization starting on page **4.13-89** of Section 4.13, *Transportation and Traffic*, is revised as follows:

**Mitigation Measure TRF-6.SA4: Regatta Boulevard/Meade Street Intersection Signalization.** All applicants proposing the development of projects within Sub-Area 4 and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvement:

- a) **Mitigation Measure TRF-5.SP**, which would install an actuated signal at the intersection with protected phasing on all approaches, and coordinate signal timings with the adjacent Meade Street/Regatta Boulevard/Eastbound I-580 Ramps intersection and the at-grade railroad crossing.

The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.

It is estimated that the mitigation measure at this intersection ~~may~~ would be required when ~~about~~ approximately 85 percent of the ~~Specific Plan area~~ ~~Foreseeable Maximum Theoretical Buildout~~ is developed. At that time, the ~~development project that triggers the impact~~ ~~City shall either fully fund or implement~~ ~~cause~~ the mitigation measure to be implemented. Alternatively, the City ~~of Richmond~~ may implement this mitigation measure prior to ~~or at~~ the time the 85 percent buildout trigger occurs, ~~the mitigation measure would not be required to be implemented by an individual project and.~~ In such case, the City may continue to collect fair-share contributions from the projects in Sub-Area 4 to support implementation, in accordance with the requirements of this Mitigation Measure.

After implementation of this measure, the intersection would continue to operate at LOS F during both AM and PM peak hour with less delay than under 2040 No Sub-Area 4 Project conditions. The mitigation measure would reduce the impact to a less-than-significant level. No secondary significant impacts would result from implementation of this measure.

Mitigation Measure TRF-8.SA4: Bayview Avenue/Carlson Boulevard Intersection Signal Improvements starting on page **4.13-91** of Section 4.13, *Transportation and Traffic*, is revised as follows:

**Mitigation Measure TRF-8.SA4: Bayview Avenue/Carlson Boulevard Intersection Signal Improvements.** All applicants proposing the development of projects within Sub-Area 4 and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvements:

- a) **Mitigation Measure TRF-18.SP**, item b, which would convert the signal phasing for the east and west intersection approaches from split-phasing to protected phasing and provide an overlap phase for the northbound right-turn movement.

The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.

It is estimated that the mitigation measure at this intersection ~~may~~would be required when ~~about~~approximately 30 percent of the ~~Specific Plan area~~Foreseeable Maximum Theoretical Buildout is developed. At that time, the ~~development project that triggers the impact~~City shall either fully fund or implement cause the mitigation measure to be implemented. Alternatively, the City ~~of Richmond~~may implement this mitigation measure prior to ~~or at~~ the time the 30 percent buildout trigger occurs, ~~the mitigation measure would not be required to be implemented by an individual project and.~~ In such case, the City may continue to collect fair-share contributions from the projects in in Sub-Area 4 to support implementation-, in accordance with the requirements of this Mitigation Measure.

After implementation of this measure, the intersection would continue to operate at LOS F during the AM peak hour and improve to LOS D during the PM peak hour. Traffic operations at the intersection can be further improved by providing additional automobile travel lanes, such as a third through lane on eastbound or westbound Carlson Boulevard. However, these modifications cannot be accommodated within the available automobile right-of-way and would require additional right-of-way, and/or loss of planned bicycle and/or pedestrian facilities, and are considered to be infeasible because they would be in conflict with the Specific Plan and General Plan goals to promote pedestrian, bicycle, and transit trips. Therefore, the impact would remain significant and unavoidable. No other secondary significant impacts would result from implementation of this measure.

Mitigation Measure TRF-9.SA4: Carlson Boulevard/ Westbound I-80 Ramps Intersection starting on page **4.13-92** of Section 4.13, *Transportation and Traffic*, is revised as follows:

**Mitigation Measure TRF-9.SA4: Carlson Boulevard/ Westbound I-80 Ramps Intersection** Widening. All applicants proposing the development of projects within Sub-Area 4 and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvement:

- a) **Mitigation Measure TRF-19.SP**, item b, which would widen the southbound Westbound I-80 Off-Ramp to provide one right-turn lane and one shared through/left turn lane.

The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.

It is estimated that the mitigation measure at this intersection ~~may~~would be required when ~~about~~approximately 80 percent of the ~~Specific Plan area~~Foreseeable Maximum Theoretical Buildout is developed. At that time, the ~~development project that triggers the impact~~City shall either fully fund or implement cause the mitigation measure to be implemented. Alternatively, the City of Richmond ~~may~~ implement this mitigation measure prior to ~~or at~~ the time the 80 percent buildout trigger occurs, ~~the mitigation measure would not be required to be implemented by an individual project and. In such case, the City may continue to collect fair-share contributions from the projects in Sub-Area 4 to support implementation, in accordance with the requirements of this Mitigation Measure.~~

After implementation of this measure, the intersection would continue to operate at LOS F during both AM and PM peak hours. Traffic operations at the intersection can be further improved by providing additional automobile travel lanes, such as second through lanes on eastbound and westbound Carlson Boulevard. However, these modifications cannot be accommodated within the available automobile right-of-way and would require additional right-of-way, and/or loss of planned bicycle and/or pedestrian facilities, and are considered to be infeasible because they would be in conflict with the Specific Plan and General Plan goals to promote pedestrian, bicycle, and transit trips. Furthermore, it is not certain that this mitigation measure could be implemented because the intersection is under the jurisdiction of Caltrans. The City of Richmond, as lead agency, does not have jurisdiction to implement Measure TRF-9.SA4 and the mitigation would need to be approved and implemented by Caltrans. Therefore, the impact would remain significant and unavoidable. No other secondary significant impacts would result from implementation of this measure.

## Section 4.14, Utilities and Service Systems

Draft EIR, Section 4.14, *Utilities and Service Systems*, Mitigation Measure UTL-3b.SP, on page 4.14-28, has been revised as follows:

**Mitigation Measure UTL-3b.SP: Determine Upgrades to Water Pollution Control Plant.** For each project developed within the Plan Area, the City Planning and Building Division shall review the sanitary sewer system capacity study prepared per Mitigation Measure UTL-3a.SP, and additionally confirm whether improvements planned for the Water Pollution Control Plant (WPCP) in the most current Wastewater Treatment Plant Facility Plan are required to be operational prior to project operation, and shall ensure that

any required improvements are completed prior to issuance of a building permit for the project. ~~The City shall also identify a fair share funding mechanism to support the implementation of the identified required improvements, and shall establish a program to collect funds and guarantee they are used for these improvements.~~

The City shall also commit to preparing and implementing a Water Pollution Control Plant Improvement Fee Program to guarantee funding for upgrades to the WPCP, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Water Pollution Control Plant Improvement Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the WPCP improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.

## Section 4.15, Energy

The following revision is made to the last (partial) sentence appearing on page **4.15-19** of Section 4.15, *Energy*, as follows:

Development under the Specific Plan would result in demolition and construction activities resulting in a net increase of up to approximately 5,700 residential units, 5.69 million square feet of R&D business service space, 720,000 square feet of retail space, and approximately ~~34.232.5~~ acres of passive and active open space areas over the period of development.

## Chapter 5: Alternatives

The third bullet under Significant and Unavoidable Impacts, Air Quality, in Table 5-1 is deleted as follows:

<p><del>Impact AIR-4.SP: Adoption and development under the Specific Plan would result in new sources of toxic Air Contaminants (TACs) and could expose new receptors to existing sources of TACs. (Mitigation Measures AIR-2b.SP, AIR-2c.SP, AIR-4a.SP, AIR-4b.SP, and AIR-4c.SP)</del></p>	<p><del>x</del></p>
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The second bullet under Subsection 5.4.2, Sub-Area 4 Project Alternatives, on page **5-21**, is revised as follows:

- Sub-Area 4 Project Alternative 32:** No Project / Existing Zoning Alternative (Alternative SA4-3)

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# CHAPTER 3

## Agencies, Organizations, and Individuals Commenting on the Draft EIR

This chapter documents the comments on the Draft EIR that were submitted by agencies, organizations, and individuals during the public review period (September 2 through October 24, 2016; extended from October 18). During this period, comments could be submitted by letter, fax, email, voicemail, or orally at a public meeting. All of the comments received and the responses to those comments are presented in Chapter 4 and Chapter 5 of this Response to Comments document.

A list of all comment letters received is presented in Section 3.1. In total, 31 letters were received, containing approximately 250 comments. Oral comments were made at one Planning Commission public hearing.

### 3.1 List of Comment Letters Received

The comment letters received on the Draft EIR are grouped and numbered below. The following agencies, organizations and individuals submitted written comments on the Draft EIR during the public review period.

Letter #	Author	Type	Media
Agencies and Organizations			
O.1	Council of Industries (1)	Organization	Email/Letter Attachment
O.2	Richmond Annex Neighborhood Council (1)	Organization	Email/Letter Attachment
O.3	Richmond Annex Neighborhood Council (2)	Organization	Email/Letter Attachment
O.4	San Francisco Bay Conservation and Development Commission	Agency	Email/Letter Attachment
O.5	East Bay Regional Parks District	Agency	Email/Letter Attachment
O.6	California Department of Fish and Wildlife	Agency	Email/Letter Attachment
O.7	Kaiser Permanente (1)	Organization	Email/Letter Attachment
O.8	Kaiser Permanente (2)	Organization	Email/Letter Attachment
O.9	Levin Richmond Terminal Corp / Richmond Pacific Railroad Corp (Law Offices of Paul M. Minault)	Organization	Email/Letter Attachment
O.10	East Bay Municipal Utility District	Agency	Letter (USPS)
O.11	Allied Propane (1; Law Offices of Paul M. Minault)	Organization	Email/Letter Attachment
O.12	Richmond Annex Neighborhood Council (3; Garland Ellis)	Organization	Email/Letter Attachment
O.13	EnviroFinance Group	Organization	Email/Letter Attachment

Letter #	Author	Type	Media
<b>Agencies and Organizations (cont.)</b>			
O.14	California Department of Toxic Substances Control	Agency	Email/Letter Attachment
O.15	Safeway Inc. (Perkins Coie)	Organization	Email/Letter Attachment
O.16	Sims Metal Management (Soluri Meserve)	Organization	Email/Letter Attachment
O.17	Citizens for East Shore Parks	Organization	Email/Letter Attachment
O.18	Zeneca Inc. (Edgcomb Law Group)	Organization	Email/Letter Attachment
O.19	Golden Gate Audubon Society	Organization	Email/Letter Attachment
O.20	California Department of Transportation (Caltrans)	Agency	Letter (USPS)
O.21	Richmond Annex Neighborhood Council (4)	Organization	Email/Letter Attachment
O.22	Office of Planning and Research	Organization	Email/Letter Attachment
O.23	Bay Area Air Quality Management District	Agency	Email/Letter Attachment
O.24	Allied Propane (2; Law Offices of Paul M. Minault)	Organization	Email/Letter Attachment
<b>Individuals</b>			
I.1	William Marsh	Individual	Email/Letter Attachment
I.2	Cordell Hindler	Individual	Email
I.3	Mary Selva	Individual	Email
I.4	Patricia Eckman	Individual	Email
I.5	Scott Robinson	Individual	Email
I.6	Steve Smith	Individual	Email
I.7	Norma Borgeson (1)	Individual	Email/Letter Attachment
I.8	Norma Borgeson (2)	Individual	Email

## 3.2 Public Hearing

### Planning Commission Public Hearing

The following persons offered public comment during the City of Richmond Planning Commission Public Hearing on the Draft EIR held at the Richmond City Hall on October 6, 2016:

- Cordell Hindler
- Paul Minault
- Garland Ellis
- Commissioner Baer
- Commissioner Butt
- Commissioner Langlois
- Commissioner Loy

# CHAPTER 4

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## Written Comments on the Draft EIR and Responses to Comments

### 4.1 Introduction

This chapter contains copies of the comment letters received during the public review period on the Draft EIR, and the individual responses to those comments. Each written comment letter is designated with a number in the upper right-hand corner of the letter based on the order in which they were received.

Within each written comment letter, individual comments are labeled with a number in the margin. Immediately following each comment letter is an individual response to each numbered comment. Where responses have resulted in changes to the Draft EIR, these changes also appear in Chapter 2 of this Response to Comments document.

### 4.2 Responses to Comments

This section presents responses to issues raised in comments received on the Draft EIR during the review period related to environmental effects of the Specific Plan and Sub-Area 4 Project. The CEQA *Guidelines* indicate that a Final EIR should address comments on the Draft EIR. Comments that state opinions about the overall merit of the Specific Plan or Sub-Area 4 Project are included in the City of Richmond's public record and will be taken into account by decision-makers (Richmond City Council) when they consider the Specific Plan and/or projects developed under the Specific Plan, but are generally not responded to unless a specific environmental issue is also raised.

Each letter received is reproduced here in its entirety. Responses are identified based on the system described above and are provided for each comment; the comment numbers are shown within each letter. Changes to the Draft EIR are referenced in the response. Added text is underlined; deleted text is stricken.

#### 4.2.1 Comments About the Specific Plan

Many letters submitted during the public review period for the Draft EIR contained comments addressing the content or purpose of the Specific Plan, rather than the Draft EIR. In general, CEQA does not require a response to comments that address the merits of the plan or project in question – such merits are outside of the scope of an EIR, and such comments typically do not raise any substantive environmental issues that require response. However, comments on the Specific

Plan are included in this chapter, and responses are presented where required by CEQA. The City may respond separately to comments on the Specific Plan (e.g., in staff reports for the Richmond Bay Specific Plan and EIR agenda items, or in changes made to the Specific Plan itself).

## 4.2.2 Master Responses to Comments

Master responses in this section address general subjects not necessarily related to a specific section of the Draft EIR, and in some cases address a number of interrelated topics discussed in various sections of the Draft EIR. Master responses include:

### **Master Response to Comments About Non-Conforming Uses and Zoning**

Several comments on the Draft EIR stated that the implementation of the Specific Plan would by necessity cause certain existing uses currently operating within the Plan Area to become “non-conforming” uses – that is, uses that were allowed under the zoning regulations that existed at the time the uses were established, but, because of changes in the zoning regulations associated with the Specific Plan, would no longer be permitted.

The topic of non-conforming uses is a land use and planning issue, and is not required to be addressed under CEQA. Further information about this topic will be presented in the staff reports for the Richmond Bay Specific Plan and EIR agenda items.

With respect to comments regarding employment-related impacts, it is noted that the Draft EIR addresses population, housing, and employment impacts in Section 4.11. See also Response to Comment O.11-2.

### **Master Response to Comments About the Richmond Field Station (Berkeley Global Campus)**

Many comments on the Draft EIR stated that either the Specific Plan or Draft EIR, or both, should be revised because of the change in status of the University of California (UC) Berkeley Global Campus at Richmond Bay (Berkeley Global Campus) project. As discussed in the Draft EIR, the 136-acre, UC Berkeley-owned Richmond Field Station site that had been planned for the Berkeley Global Campus is adjacent to but not located within the Plan Area. The Specific Plan does not include the Richmond Field Station site. The Richmond Field Station site includes existing research facilities and undeveloped land supporting natural resource conservation. In August 2016, the Chancellor of the University of California announced that UC Berkeley indefinitely suspended plans to develop the Berkeley Global Campus; however, UC Berkeley has affirmed its desire to continue to explore other options for the site that “reflect new priorities for the campus around enrollment growth and housing in the near future” as well as other options for development, such as inviting an anchor tenant to the site.<sup>1</sup>

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<sup>1</sup> See Statement on the Richmond Bay Campus, Public Affairs, UC Berkeley, August 26, 2016, available online at <http://news.berkeley.edu/2016/08/26/statement-on-the-richmond-bay-campus/> (last accessed November 5, 2016).

The Specific Plan implements key City and regional land use plans and policies. Specifically, as discussed in Chapter 3, Project Description, of the Draft EIR, the City prepared the Specific Plan as part of its implementation of the General Plan, and in accordance with General Plan Action LU3.E (which calls for the development of a specific plan in the Southern Gateway Change Area to merge existing and proposed development into a mixed-use community including education, research and development, light industrial, residential and other sensitive uses); General Plan Land Use Policy LU4.1 (which calls for a mix of residential and recreational uses in the Southern Gateway change area); and the General Plan Housing Element. The Specific Plan was also designed to be consistent with and implement the South Richmond Priority Development Area (PDA) established under the San Francisco Bay Area's SB 375 Sustainable Communities Strategy, "Plan Bay Area." As such, the Specific Plan on its own is a key component of regional and local land use planning. The Specific Plan was formulated and designed to address development within the Plan Area over the long term, and includes flexibility to respond to changing market conditions and regional needs. Because the Specific Plan has independent utility regardless of the level of development on the Richmond Field Station site, no part of the development described in the Specific Plan is dependent on the buildout of the Berkeley Global Campus site or similar development within the Richmond Field Station site. In addition, development within the Plan Area could serve as a catalyst for development of the Richmond Field Station.

Notwithstanding its independent utility, the Specific Plan could also be complementary to the UC's Long Range Development Plan (LRDP) and corresponding EIR<sup>2</sup> and support development consistent with the LRDP that could be developed on the Richmond Field Station site. Likewise, the cumulative impacts analysis in the Draft EIR assumed a level of development on the Richmond Field Station site commensurate with the Berkeley Global Campus project, as described in the EIR for the LRDP that was certified in 2014. Accordingly, the Draft EIR analysis addresses reasonably foreseeable environmental effects that could occur with the concurrent development of the Richmond Field Station site and the Plan Area, per the requirements of CEQA.

## **Master Response to Comments About a Goods Movement Plan**

Several comments on the Draft EIR stated that a Goods Movement Plan should be adopted concurrent with or prior to the adoption of the Specific Plan, and asked questions regarding the timing of such a plan.

As part of implementation, the Specific Plan requires a Goods Movement Plan be completed to assess and address the needs of rail and freight operations in and around the Plan Area and investigate the feasibility of consolidating and relocating the rail yards out of the Plan Area. Section 3.3.8, Rail Operations, of the Specific Plan states:

*....A Goods Movement Plan (GMP) should be completed working closely with rail operators to assess and address the needs of rail and freight operations in and around the Plan Area and investigate the feasibility of consolidation.*

<sup>2</sup> The LRDP and associated EIR are available online at <http://bgc.berkeley.edu/archive.html#CaliforniaEnvironmentalQualityAct> (last accessed November 5, 2016).

*The GMP can help to secure the voluntary mutual agreement of the three railroad operators (BNSF, UP, RPRC); consider funding sources for the relocation and consolidation of the rail facilities; and consider strategies for securing approval of the Federal Surface Transportation Board (STB) for the necessary relocations.*

Section 7.3, Implementation Summary Table, of the Specific Plan includes Action Item A1.7, as follows:

*Prepare a Goods Movement Plan (GMP) to assess and address the needs of the rail and freight operations in and around the Plan Area. The GMP could focus on the Plan Area as well as the City and region. It can include a forecast of manufacturing, distribution, and warehouse development in the city and the region, project future cargo handling at the Port, and consider future truck and rail traffic generated by economic growth; and consider the feasibility of relocating the 23<sup>rd</sup> Street and Safeway Switching Yards and consolidating the rail line through the Plan Area.*

Based on the Specific Plan, the City has established a policy priority to prepare a Goods Movement Plan for the Specific Plan area. The City is committed to preparing and adopting a Goods Movement Plan in accordance with Specific Plan Action Items, and the Goods Movement Plan will be subject to public review and analysis in accordance with CEQA at the time it is prepared. The Goods Movement Plan could not be completed or implemented within the time frame of adoption of the Specific Plan, however, and was not part of the Specific Plan as presented in the Draft EIR. Therefore, the environmental impacts of the Goods Movement Plan were not analyzed in the Draft EIR.

As discussed in Sections 3.7.5, Rail Alignment (in Chapter 3, *Project Description*), and 4.9.2, Environmental Setting (in Section 4.9, *Land Use and Planning*) of the Draft EIR, relocation of rail facilities would be voluntary, and this relocation is a long-term goal that would require additional, site specific studies (including the Goods Movement Plan) prior to implementation to ensure that the needs of rail and freight operations in the Plan Area are met. It would be speculative at this stage of the planning process to include consideration of the Goods Movement Plan in the Draft EIR, and CEQA does not require analysis of speculative impacts (CEQA *Guidelines* Section 15145). With regards to concerns related to development of Specific Plan projects and road improvements prior to the adoption of the Goods Movement Plan: the Specific Plan identifies existing truck routes and proposed goods movement corridors (Specific Plan Figures 3.22 and 3.23). Roadway improvements that will be developed within the Plan Area will be consistent with the General Plan as well as the Specific Plan.

As discussed above, the Specific Plan has independent utility and includes flexibility to adapt to changes in the market and other conditions. The adoption of a goods movement plan is not required prior to adoption of the Specific Plan: any development proposal that could affect the needs of the rail and freight operations within the Plan Area will be subject to review by the City's Planning Division and Planning Commission, as well as the public review process, and will be reviewed in accordance with CEQA.

### **4.2.3 Responses to Agency and Organization Comments**

This section includes copies of comment letters from agencies and organizations received during the public review period for the Draft EIR, followed by responses to the comments contained in each letter.

## Comment Letter O.1

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**From:** Katrinka Ruk

**Sent:** Thursday, October 06, 2016 11:32:57 AM (UTC-08:00) Pacific Time (US & Canada)

**To:** Richmond Bay Specific Plan; Lina Velasco; Michael V. Dyett; Nancy Baer; Andrew Butt; Ben Choi; Jeffrey Kilbreth; Sheryl Lane; Jen Loy; Marilyn Langlois; Barbara O'Neill; Bob Connolly; Fred Glueck; Joe Lorenz; Jim Cannon; Stan Teaderman; Paul Seffrood; Jerrold Hatchett; Greg Chan; Alicia Bert; [jerry.hatchett@simsmm.com](mailto:jerry.hatchett@simsmm.com); Ed Reyes; Julie Abate; [anngraff22@gmail.com](mailto:anngraff22@gmail.com); Bryant Mangless; [aaron.winer@veolia.com](mailto:aaron.winer@veolia.com); Moore Bielle; Joe Lorenz; Scott Sexton; Monica Shaw; Treva Reid; Joanne Nottage/Pacific/Brenntag

**Subject:** Richmond Bay Specific Plan DEIR - COI Comments

**To:** Lina Velasco, City of Richmond  
Planning Commissioners, City of Richmond  
Michael Dyett, Consultant

Please find attached the Council of Industries' comments regarding the Richmond Bay Specific Plan DEIR. Should you have any questions regarding these, please feel free to contact me on my cell phone. Unfortunately, I will not be able to attend tonight's meeting.

Regards,

Katrinka Ruk  
Executive Director  
Council of Industries  
510)260-4820 cell  
[www.councilofindustries.org](http://www.councilofindustries.org)

To: Lina Velasco, City of Richmond Date: 10/6/16  
 To: City of Richmond Planning Commissioners  
 From: Council of Industries  
 RE: Richmond Bay Specific Plan (RBSP) – Draft EIR

COI Review / Comments: *Note- The DEIR separates Sub Area 4 mitigation measures from the remainder of the Plan area mitigation measures although many of the measures are duplicated in both the areas. COI comments regarding mitigation measures for the Plan area that would also apply to Sub Area 4 may not specifically note the Sub Area 4 mitigation number, however, they would apply to Sub Area 4.*

O.1-1

1. 1.1 Specific Plan Overview and Scope (pg. 9, 10)- **Re-evaluate with the downsized UCB project.** A key factor influencing the development of the RBSP, and particularly Sub Area 4, is centered on the University of California, Berkeley development. This development has been substantially downsized since the RBSP was designed. We believe that the EIR should focus on the considerable changed development plans. This would result in less dense uses and a more long range planning consideration. The Sub Area 4 is immediately impacted by this which houses viable businesses, jobs, and artisans protected under the General Plan. With the rezoning to residential in this area, it will displace jobs and many of our artisans.

O.1-2

2. 2.1 Project Overview (pg. 18) – **Given the reduced UCB project and design changes from a campus to one encircling a single large tenant, reassessment of Table 2-1 Maximum Theoretical Buildout should be reconsidered.**

O.1-3

3. Impact AIR-2.S/Mitigation Measure AIR-2c.SP Renewable Diesel (pg.2-8, 24) – **Change to recommendation rather than requirement** - “Require construction fleet to use renewable diesel.” Requires use of renewable diesel for trucking only available in Oakland and Berkeley. This may not be feasible

O.1-4

4. Mitigation Measure AIR-3c.SP Electrification of (pg. 2-8, 24) – **Change to “Where feasible** , all new projects... shall ensure that loading docks for retail, light industrial or warehouse uses that will receive deliveries from refrigerated transport trucks incorporate electrification hook-ups for transportation refrigeration units to avoid emissions generated by idling refrigerated transport trucks.” Expansions of current businesses may not have the space to include additional loading dock space to address idling trucks.

O.1-5

5. Mitigation Measure Impact BIO-1.SP, B10-1d.SP Bird Strikes & Migration (pg. 2.17, 18, 33) –**Change to recommendation.** New building permit requires hiring biologist experienced in bird strikes, lighting designs, and, providing educational material to neighbors on lighting during migratory periods. This is noted as being “less than significant”. If this is not a state or federal requirement, it should be noted as a recommendation only.

O.1-6

- 6. Mitigation Measures for Western Pond Turtle (BIO-1a.SP, 2-13, 29), Nesting Bird Surveys (BIO-1c.SP, 2-14, 30), Burrowing Owls (2-15, 31), Salt Marsh Harvest Mouse and Wandering Shrew (BIO-1e.SP, 2-19, 35) Bat Protection (BIO-1g.SP, 2-20, 36) – **Mitigation measures should be recommendations, unless required by legislation.** These are noted as “Less than Significant” however, the mitigation measures are extenuating and could become cost prohibitive for any type of project.

0.1-7
- 7. Impact CUL-1.SP, Mitigation Measure CUL-1: Historic Resources Evaluation. 1.b. (pg. 2-25, 41) – **Change as follows:** “1.b. An intensive historical resources survey, documenting and evaluating resources within the project footprint (area of ground disturbance) and located on adjacent parcels within 200 feet of the project footprint, that are ~~45~~ **50** years or older for listing in the California Register and local Richmond Historic Inventory.” The California Register of Historical Resources looks at buildings 50 years or older and “properties eligible for listing in the National Register are at least 50 years old. Properties less than 50 years of age must be exceptionally important to be considered eligible for listing.” (NR website; [http://ohp.parks.ca.gov/?page\\_id=21238](http://ohp.parks.ca.gov/?page_id=21238))

0.1-8
- 8. Impact CUL-2.SP, Mitigation Measure CUL-2a.SP: Archaeological Resources Evaluation (pg. 2-27, 43) **If archeological items are found during excavation, then this evaluation should be done.** The mitigation measure calls for an evaluation prior to submittal of a building permit application. If this is “less than significant”, the cost to address this could be prohibitive. If this is not a state or federal requirement, the evaluation should not be implemented unless during construction, archeological remains are found.

0.1-9
- 9. Impact CUL-4.SP Mitigation Measure CUL-4.SP: Paleontological Resources Mitigation Program (pg 2-29, 45); Mitigation Measures Sub Area 4 (CUL-2.SP, 3.SP, 4.SP, 2-30, 46)- **This should be considered only during the actual construction period should fossils be found.**

0.1-10
- 10. Impact TRF-9.SP, Mitigation Measure TRF-9.SP: Cutting Boulevard/Harbour Way South Intersection Improvements (2-55, 71) – **Reassess this AFTER ferry service has commenced and there is a better understanding for the traffic load on these key roads – requiring review when more than 50% of the plan area is developed instead of the recommended 40%.** Noting that this is significant or unavoidable mitigation, the recommendation is to “a) ...Cutting boulevard improvement would eliminate one through lane along both directions of both Cutting Boulevard and Harbour Way South to provide enhanced bicycle facilities.” Not only is Cutting and Harbour Way South key goods movement streets, but, with the ferry service, the EIR is indicating increased car traffic along these routes. Trucks and car traffic cannot be rerouted – bicycle can. We have continually supported keeping the bike traffic to Marina Way South. On Cutting, eliminating a traffic lane will back up

0.1-11

traffic along a key corridor. Secondly, a Goods Movement Plan has yet to be completed.

↑ O.1-11  
| cont.

11. Waste Water and Storm Water Mitigations (pgs. 2-71+, 87+) – **Need mitigation measures to ensure UCB participation in funding of required waste water and storm water expansion needs.** Mitigation measures describe required improvements and need for funding, however, it is unclear how UCB will contribute financially to these improvements. The Richmond property owners should not bear the burden of cost improvements for UCB.

↑ O.1-12

12. 3.3.2 Specific Plan Guiding Design Principles (pg. 3-12, 102) – **Guiding design principle #3 is no longer valid. The principle should be based on establishing a relationship with UCB development plans.** “Principle 3: Develop and Maintain a “Town-Gown” Relationship with the Berkeley Global Campus/Richmond Field Station.” UCB is no longer going to build a campus – in principle it has stated it is looking at potential development of an anchor tenant, housing and some graduate classrooms, but this plan has not been developed. The City is putting the cart before the horse in establishing a plan on a key principle that no longer exists.

↑ O.1-13

13. 3.11.1 Specific Plan (pg. 3-41, 131) - **The amount of permits - that will be required for new construction – if not required by state and/or federal law – could prohibit development. What would be the cost to a development to obtain all the following permits?**

“ At the time this EIR was prepared, the discretionary actions and other considerations and approvals anticipated to be required for activities facilitated by the Specific Plan include, but are not limited to, those listed below:

- CEQA Approvals. Activities could require CEQA findings or further CEQA review.
- Development Agreements. Projects may seek City Council approval of a Development Agreement by ordinance.
- Use Permits. Activities could require a Conditional Use Permit or Minor Use Permit, as required by the Specific Plan;
- Design Review. Activities could require major or minor design review, as required by the Specific Plan.
- Variance. Activities could require a minor variance or variance, as required by the Specific Plan.
- Encroachment and Obstruction Permits. Activities could require approval of encroachment and obstruction permits to work within and close to various public rights-of way;
- Demolition Permits. Activities could require approval of demolition permits to demolish existing buildings and structures in the Plan Area;
- Excavation Permits. Activities could require approval of excavation permits to conduct excavation activities in the Plan Area; and
- Other permits: Activities could require
  - Building permits,
  - Creek Protection permits,
  - Tentative Parcel Maps,

↑ O.1-14  
↓

- Tentative Tract Maps, and Parcel Map Waivers,
- In addition to various other required permits and approvals pursuant to the Richmond Municipal Code,
- the Richmond Planning Code and
- applicable Building Codes

↑  
O.1-14  
cont.

14. Goods Movement Plan - **City needs to work with businesses to prioritize a Goods Movement Plan PRIOR TO implementation of the RBSP.** The DEIR refers the reader to section 3.48 for the Goods Movement Plan, but– **this is a blank page**. How is it feasible to look at impacts of truck and goods movement and how new development and road reconfiguration will impact this if there is NO GOODS MOVEMENT PLAN?

↑  
O.1-15

Katrinka Ruk  
Executive Director  
Council of Industries

Cc: COI Board & General Members  
RBSP business group

## Letter O.1: Council of Industries

- O.1-1 The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA. Specific concerns raised in this comment letter are addressed in the further responses below.
- O.1-2 Refer to Section 4.2.1, Master Response to Comments, Master Response to Comments About the Richmond Field Station (Berkeley Global Campus). The comment also states that development within Sub-Area 4 would displace jobs and artisan businesses. Job generation and the transition of businesses out of the Plan Area is discussed farther in this chapter, in Response to Comment O.11-1.
- O.1-3 The foreseeable maximum theoretical buildout scenario doesn't include or depend on development within the Richmond Field Station (Berkeley Global Campus) site, and therefore does not need to be changed. Refer to Section 4.2.1, Master Response to Comments, Master Response to Comments About the Richmond Field Station (Berkeley Global Campus). The suggested revision to the Draft EIR was not incorporated.
- O.1-4 It should be noted that Mitigation Measure AIR-2c.SP applies to the operation of on-site construction equipment. Feasibility of this measure has been demonstrated by the ongoing use of renewable diesel in all diesel vehicles operated by San Francisco Municipal Transportation Agency, and measures similar to this one are existing requirements for construction of all public projects within areas of San Francisco that experience high levels of localized health risk exposure. In response to this comment, as indicated in Chapter 2 of this Response to Comments document, this mitigation measure is revised to indicate that renewable diesel will be required for construction vehicles as described in the mitigation measure to the extent commercially feasible and available. As of the date of this document, this type of diesel is commercially available in Oakland and Berkeley.
- O.1-5 In response to this comment, as indicated in Chapter 2 of this Response to Comments document, Mitigation Measure AIR-3c.SP is revised to indicate that the mitigation measure applies to all new loading docks at existing businesses as well as new projects developed within the Plan Area. This mitigation measure is typically included/ recommended by the BAAQMD for all projects with new refrigerated warehouses and large-scale retail outlets with multiple loading docks.
- O.1-6 The potential for avian collisions with buildings is addressed on pages 4.3-47 to 4.3-51 of the Draft EIR (Section 4.3, *Biological Resources*). As discussed in this section of the Draft EIR, the development of new buildings at heights that may result in a deceptive appearance or attractant for nocturnal migrating birds can

result in collisions and avian harm and mortality, as can unshielded light from lighting fixtures. Implementation of Mitigation Measure BIO-1d.SP would avoid and minimize these impacts on special-status and nesting and migratory birds by requiring design features such as patterned or fritted glass and decreasing reflectivity of surfaces to make buildings appear less transparent. The measure also calls for limiting night lighting, which would reduce the potential for disorientation. The mitigation measures referenced in the comment are required to reduce potentially significant impacts to a less-than-significant level.

The Draft EIR discusses protection of bird species under both State and federal regulations (pages 4.3-17 through 4.3-22; pages 4.3-30 and 4.3-31; and page 4.3-33 of Section 4.3, *Biological Resources*). Section 15002(a)(3) of the CEQA *Guidelines* indicates that one of the basic purposes of CEQA is to prevent significant, unavoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible; this mitigation measure meets this purpose and is required to address this impact.

O.1-7 The first of the significance criteria used to evaluate impacts to biological resource in the Draft EIR (based on the first item used to evaluate biological resources impacts in CEQA *Guidelines* Appendix G) is whether the Specific Plan or Sub-Area 4 Project would 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, the National Marine Fisheries Service, or U.S. Fish and Wildlife Service.” As identified and discussed in Section 4.3, *Biological Resources*, the species listed and referred to in the comment and referenced mitigation measures are all classified as “listed species” (i.e., the species listed in the significance criterion). These mitigation measures are required for the protection of these special-status species, and the suggested revision to the Draft EIR was therefore not incorporated.

O.1-8 The requirement in this mitigation measure is consistent with Chapter 6.06.030 of the Richmond Municipal Code (and new Zoning Update Section 15.04303.130), which defines potential historical resources as “any resource 45 years or older that may, in the opinion of the Zoning Administrator, meet the findings of fact and criteria established in Section 6.06.030” of the Richmond Municipal Code (historic resource designation criteria). Although, generally, only properties 50 years or older are eligible for consideration as historic resources, it is standard practice to address properties 45 years or older, due to the sometimes extended time periods necessary for project review and implementation – a resource 45 years old at the beginning of this process may, in some instances, be 50 years old by the time the process is completed. The suggested revision to the Draft EIR was therefore not incorporated.

O.1-9 As discussed in the Draft EIR, the Plan Area includes areas within which archeological resources may be discovered. Mitigation Measure CUL-2a.SP provides an approach for evaluating for the presence of archeological resources in the Plan Area prior to construction, thus providing more assurance that any such resources will not be destroyed during construction activities, and helping to ensure that construction activities are not needlessly halted in order to evaluate discovered resources. The suggested revision to the Draft EIR was therefore not incorporated. See also Response to Comment O.20-6 (Caltrans), which reiterates the potential for encountering previously unidentified archaeological resources within the Sub-Area 4 Project site.

O.1-10 As discussed in Section 4.4, *Cultural Resources*, of the Draft EIR, a high percentage of the Plan Area and its vicinity is underlain by Pleistocene alluvium, which has high potential for paleontological resources, and destruction of a unique paleontological resource would result in a significant impact. Mitigation Measure CUL-4.SP provides an approach for determining the presence of paleontological resources at a project site prior to construction, thus providing more assurance that any such resources will not be destroyed during construction activities, and helping to ensure that construction activities are not needlessly halted in order to evaluate discovered resources. The suggested revision to the Draft EIR was therefore not incorporated.

O.1-11 The Richmond Ferry Terminal, a fully-funded and approved development, was included in the Draft EIR traffic analysis as part of the discussion of planned transportation network changes that will be in place by 2040 (see page 4.13-18). The Draft EIR's reference to "40 percent of the Plan Area" refers to the trigger point for when the significant impact would occur. Also refer to Response to Comment O.6-10.

The significant and avoidable traffic impact at the intersection of Cutting Boulevard / Harbour Way South results because the recommended mitigation measure (to removal of traffic lanes to provide enhanced bicycle facilities) would reduce auto capacity. The mitigation measure also requires signalization of the intersection (includes both new infrastructure and signalization to improve traffic flow). Expansion of the roadway is not feasible because no right-of-way is available and it would not be consistent with the goals of the Specific Plan and General Plan. The mode split between auto and non-auto trips within the Plan Area is a key part of how the plan reduces traffic in the Plan Area through completion of the bicycle and pedestrian network in the Plan Area and surrounding areas. The enhanced bicycle facilities on both Cutting Boulevard and Harbour Way South, which are based on the SRTCP (see pages 4.13-57 and 4.13-70 of the SRTCP), would complete the bicycle network that connects the various part of the City, including the Plan Area, and are consistent with the Specific Plan and General Plan's goal to promote bicycle and pedestrian connectivity. To not implement this mitigation measure would conflict with

Specific Plan and General Plan goals and policies to promote non-auto modes. The Thoroughfare Regulating Plan (Specific Plan Sections 3.3.7 and 4.6) identifies truck routes through the Plan Area. Refer also to Section 4.2.1, Master Response to Comments, Master Response to Comments About a Goods Movement Plan.

- O.1-12 The construction of wastewater and stormwater infrastructure within the Plan Area is not dependent on funding or development of the UC's Richmond Field Station. As discussed in the Specific Plan and as articulated in Principle 3 ("Develop and Maintain the 'Town-Gown' Relationship with the Richmond Bay Campus"), the UC has been an active participant in the Specific Plan process, and the vision of the Specific Plan is to establish new uses that are compatible with the adjacent UC property. As individual projects are proposed within the Plan Area, the City will review each proposal to determine the need for consultation and coordination with UC Berkeley. The Specific Plan also includes a provision under Implementation and Financing (Section 6.6.4) whereby "The City will collaborate with UC Berkeley and LBNL to jointly pursue funding sources for infrastructure and other improvements to serve the Richmond Bay Campus and the Specific Plan Area." The Specific Plan therefore includes provisions to ensure collaboration and cooperation with UC Berkeley, including with respect to funding infrastructure, and the suggested revision to the Draft EIR was therefore not incorporated.
- O.1-13 This comment addresses the Specific Plan, rather than the EIR. While Section 1.3.3 of the Specific Plan acknowledges plans for the Berkeley Global Campus have been indefinitely suspended, the adopted Long Range Development Plan and EIR for the UC property predate the Berkeley Global Campus concept which expects office and research space for 10,000 users. The University has affirmed its desire to continue to explore other options for the site that "reflect new priorities for the campus around enrollment growth and housing in the near future" as well as other options for development, such as inviting an anchor tenant to the site. The Specific Plan, including Design Principle #3, supports orderly development patterns in the Plan Area, including how private development interfaces with future development on the UC property. Therefore, Design Principle #3 is still a valid Specific Plan. Refer also to Section 4.2.1, Master Response to Comments, Master Response to Comments About the Richmond Field Station (Berkeley Global Campus).
- O.1-14 This comment addresses the Specific Plan, rather than the EIR. The comment references the list of permits and approvals that appears in Section 3.11.1 of the Specific Plan. This list represents discretionary actions and other considerations and approvals that could be required for individual projects developed within the Plan Area; all of them are authorized by state or federal law, or local (City of Richmond) regulation. No one project would be required to obtain all of the permits and approvals listed, but permits and approvals would be required based

on site-specific and project-specific factors. The City publishes a Master Fee Schedule that includes permitting fees, which is available here:  
<http://www.ci.richmond.ca.us/DocumentCenter/View/39862>.

O.1-15 Refer to Section 4.2.1, Master Response to Comments, Master Response to Comments About a Goods Movement Plan.

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**From:** Mary Selva  
**Sent:** Thursday, October 06, 2016 7:08:53 PM (UTC-08:00) Pacific Time (US & Canada)  
**To:** Richmond Bay Specific Plan; Lina Velasco  
**Subject:** RANC Comments to RBSP & DEIR

Dear Ms. Velasco,

The Richmond Annex Neighborhood Council (RANC) is currently reviewing the Final Draft Richmond Bay Specific Plan and Draft Environmental Impact Report for the South Shoreline area.

Attached are the Richmond Annex Neighborhood Council's comments to the RBSP and DEIR and our recommended mitigations, which we believe will reduce environmental impacts to our wetlands. All of the attachments in this email go with our letter. Please be sure to download all of them.

Considering the DEIR is over 900 pages and the RBSP is 300 pages, additional RANC comments may be forthcoming prior to the October 18, 2016 deadline.

Thank you for your patience.

Mary Selva, President  
Richmond Annex Neighborhood Council  
510-375-7769

## Richmond Annex Neighborhood Council

Founded 1974 PO Box 5436, Richmond, California 94805 \*Neighbors Helping Neighbors\*

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October 6, 2016

Lina Velasco, Project Manager  
City of Richmond Planning Division  
450 Civic Center Plaza  
Richmond, CA 94804  
[rbsp@ci.richmond.ca.us](mailto:rbsp@ci.richmond.ca.us)

RE Final Draft Richmond Bay Specific Plan (RBSP) and Draft Environmental Impact Report (DEIR)

Dear Ms. Velasco:

The Richmond Annex Neighborhood Council (RANC) is currently reviewing the Final Draft Richmond Bay Specific Plan and the Draft Environmental Impact Report for the South Shoreline area.

The RANC strongly believes that the proposed RBSP would be overdeveloped and create significant impacts to our existing biological resources (wetlands, marshlands, creeks, and wildlife), especially Sub-Area 4. This is a significant impact and can only be mitigated with appropriate wetland buffers. O.2-1

Below are the Richmond Annex Neighborhood Council's comments to the RBSP and DEIR and our recommended mitigations, which we believe will help reduce environmental impacts to our wetlands. It is highly recommended that Richmond follow the "**Planner's Guide to Wetland Buffers for Local Governments**," which is an excellent guide.

Considering the DEIR is over 900 pages and the RBSP is 300 pages, additional RANC comments may be forthcoming prior to the October 18, 2016 deadline.

Sincerely,

Mary Selva,  
President

- Attachments: **A. Planner's Guide to Wetland Buffers for Local Governments - Excellent!**  
B. Eastshore State Park General Plan; Sections pertaining to Hoffman Marsh and Richmond South Shoreline areas  
C. RANC Slide Presentation on Wetlands, Richmond South Shoreline

**Richmond Bay Specific Plan, Final Draft: September 2016**

**Proposed:** Illustrative Plan Detail: Sub-Area 4

Page 3-27

**Proposed:** *As stated in the special Planning Area, "The area south of the Bay View Interchange between I-580 and the Bay has been designated as a Special Planning Area. The conceptual proposal illustrates a bed & breakfast, hotel, restaurant, and winery facility."*



O.2-2

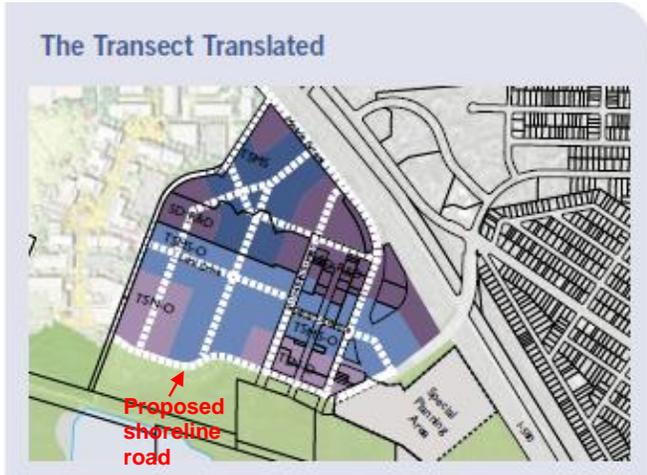
**Comment:** The community has never advocated for this concept and does not know how this conceptual proposal of a bed & breakfast, hotel, restaurant, and winery facility got into this Special Planning Area of Sub-Area 4. It is appalling. **The RANC recommends that you retain the Land Use Designation under the Richmond General Plan, which is green, Open Space Land Use Designation. Remove these buildings and delete the language from the Draft Plan, highlighted in yellow above. The RBSP should not identify exactly what commercial uses are to be developed on this site.**

The proposed Illustrative Plan of the Draft Richmond Bay Specific Plan (RBSP) plots development (i.e. hotel, restaurant, winery facility, bed and breakfast inns, as specified in the Draft RBSP under Chapter 3, page 3-27, K.) next to the panhandle (a narrow strip of marsh projecting from the larger broader area) of the Hoffman Marsh and near the Baxter Creek Corridor. This particular area is on the south side of the I-580 Bayview Overpass and is **isolated** from all the rest of the proposed activity, which would occur on the north side of the I-580 Bayview

O.2-3

Overpass. Historically, the South Shoreline was and still is subjected to severe flooding during heavy rain storms. Flooding has been and still is exacerbated when high tides coincide with heavy rain. When this occurs, backups are expected, especially in the low-lying areas of the City, particularly the South Shoreline area. This happened in 2010 when the El Nino Storms hit us hard, after coming out of a bad three-year drought in 2007, 2008, and 2009. Because water collected by the storm drain system is carried into San Francisco Bay, high tides can further overload the system in a major way. The end result is major flooding in this area. Severe drought conditions within the last five years in 2011, 2012, 2013, and 2014 has resulted in the marshlands, creeks, and other unnamed wetland areas significantly receding. When major rain returns, the wetlands always expand.

↑  
O.2-3  
cont.



<b>Sub-Area 4</b>	
<b>Development Program</b>	
R&D/Business/Service	→ up to 2,120,000 sf
Retail (ground floor)	→ up to 320,000 sf
Residential	→ up to 1590 units
Open Space	up to 7.6 acres
<b>General Characteristics</b>	
Buildings At or Near Sidewalk	←
Up to 8 stories maximum	←
General uses include ground-floor retail with residential and office above	
Linear green connects the Bay Trail with neighborhood square in the north	

Wow! The proposed Development Program for Sub-Area 4 is extremely dense and intensive for such a sensitive shoreline consisting of wetlands, and will impact the recovery of East and West Stege Marshes, including the other well-known wetlands throughout this area. **There are no wetland buffer zones proposed in this Plan. This is astonishing for an area that has a large bird population, including rare, threatened federal and state endangered species.** The proposed shoreline road east of 49<sup>th</sup> would not serve as an adequate buffer width.

We believe that urbanizing Sub-Area 4 (i.e. buildings at or near sidewalk, up to 8 stories high) would disrupt the natural processes of the shoreline and exacerbate erosion and habitat destruction. The salt marshes intertwined throughout this area and its surrounding wildlife habitat should not be disturbed by insensitive development practices. This behavior is responsible for what is probably the greatest threat to our shoreline. We desperately need wetland buffers.

↑  
O.2-4

**Proposed: Open Space - Guiding Principles under the Draft Plan:**

*“Given its centrality to the Plan Area, UC Berkeley’s Richmond Bay Campus is considered to be an integral component of the Plan Area’s open space network, even though it is not within the City’s jurisdiction. The vision for parks and open space has been designed in concert with the open space program identified in the Long Range Development Plan (LRDP) to create a series of continuous open space corridors that connect the Plan Area’s upland neighborhoods to the shoreline, facilitate pedestrian and bicycle circulation, and maintain important view corridors (see Figure 3.15).”*

**RANC Recommendation:** The text highlighted in yellow should be deleted. Richmond should *not* follow the open space program identified in the Long Range Development Plan under UC Berkeley’s Richmond Bay Campus for the Richmond Bay Specific Plan, because it does not provide wetland buffers.

It is highly recommended that Richmond follow the **“Planner’s Guide to Wetland Buffers for Local Governments,”** which is an excellent guide.



## Buffers

### **for Wetlands, Creek Corridors, Marshlands located within Shoreline areas and Protection of its Surrounding Habitat**

#### **What is a Wetland Buffer Zone?**

A wetland buffer zone is an area beginning at the edge of wetland vegetation and extending to the adjacent land use. The buffer zone also contains vegetation and works to provide a protective barrier between wetland flora and fauna and neighboring land uses. A wetland or salt marsh is a kind of halfway point between water and land.

#### **Why is it Important?**

#### **Buffers for Critical Areas such as Wetlands Must Be Protected**

Buffers and vegetation restoration and conservation are to assure no net loss of shoreline or wetland ecological functions.

*“The primary restriction on the number of water and shorebirds appears to be the limited amount of mud flats, marshes, and wetlands along the Pacific coast. Each bird or animal must have its physical place in the world or die. As habitats are impacted by nearby developments or destroyed for other uses, their inhabitants cannot go elsewhere because “elsewhere” is already supporting its maximum population. Birds, like most animals, are largely creatures of instinct and would not go elsewhere anyway. The Pacific Flyway provides the waterbirds’ pattern of life; the salt marshes, wetlands and mud flats of the S.F. Baylands provide their living space.”*  
(Conradson, 1996)

O.2-6  
cont.

**Kidneys of the Earth** - Wetlands/Marshlands are often called the “kidneys of the earth” because they help purify water by filtering out pollutants and runoff from adjacent lands. Wetlands/Marshlands themselves filter many toxins in our water and appropriate buffer zones help to improve that function. Increased development in the vicinity of wetlands can hasten or reverse this process, for a wetland or salt marsh is a fragile system, precisely balanced.

**Vital Air Purifier** - Wetlands/Marshlands are also an air purifier, since many marsh plants use tremendous quantities of carbon dioxide and release oxygen in vast volumes. The marsh waters, despite their unattractive appearance, are well oxygenated, or tidal life could not survive. These areas are important because they offset air and water pollution by adding to the oxygen supply in the surrounding air and water and absorbing carbon dioxide from the air. The most productive area in the world in respect to a carbon dioxide-oxygen exchange is a marshland. In this day of smog and smaze, our salt marshes help give us our breath.

**Human Disturbance** - The wildlife value of wetlands, creeks and marshes can be degraded through adjacent human activity and access to these areas. As wetlands are sensitive ecosystems, buffer zones provide a shield or deterrent from human disturbances such as light, noise, the littering and dumping of waste and debris, and human foot traffic.

**Habitat Protection** - Wetland buffer zones also provide habitat and valuable protective screening for various wildlife and migratory bird species that use wetlands for their breeding areas. Uncontrolled access would disrupt the productivity and wildlife value of the wetlands and marshes.

Our tidal marshes, particularly the South Richmond Wetland’s and Hoffman Marsh provide habitat for many different organisms. Its priority habitat are the California Clapper Rail and the Salt Marsh Harvest Mouse (both federally and state endangered species), including other special status species such as Alameda Song Sparrows and Saltmarsh Common Yellowthroats. This is also a critical Pacific Flyway area, where large numbers of birds land, rest, forage, feed, and breed during the year. There are also many resident birds here.

**Benefits of Shoreline or Wetland Buffers** - Shoreline or wetland buffers offer a variety of benefits to the natural and human-built environments. In general, buffers benefit the natural environment by protecting or improving water quality, providing habitat for wildlife, and attenuating water flow, reducing the chances of flooding and erosion. Buffers improve visual and aesthetic qualities of the shoreline.

**Wetland Loss** - In the United States, California has lost the highest percentage of its historical wetland area (91%), with over 95% of tidal wetlands lost from San Francisco Bay (JOSSELYN, 1993).

## Buffers

- Provides a high level of protection that is to be maintained in an undisturbed state for the ecological functions of our shoreline and wetlands.
- Provides habitat components to more species
- Helps to reduce secondary impacts
- Increased water quality protection
- Restoring and conserving vegetation helps to stabilize soils, which filter pollutants and fine sediments, contributing to improved water quality. Vegetation provides habitat for animal species and provide food for aquatic species.
- Restoring and conserving shoreline or wetland vegetation is important to retaining these benefits. The most effective ways to conserve vegetation are shoreline or wetland buffers. They protect shoreline ecological functions and help local governments achieve “**no net loss of ecological function**” of our shoreline, wetlands, creeks, and its habitat areas.
- Buffers support fragile shoreline and wetland areas and protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the wetlands and their aquatic and avian life.

O.2-6  
cont.

## Distinguishing between Setbacks and Buffers

**Although similar, buffers and setbacks are not quite the same thing.**

**Setbacks:** Typical setbacks will not protect the existing shoreline or critical wetland functions.

**Buffers:** Buffers are intended to protect ecological functions. A buffer provides a high level of protection that is to be maintained in an undisturbed state. Restoring and keeping native vegetation in our natural and habitat buffer areas has many benefits.

Buffers provide a transition between the wetlands and upland areas.

Buffers are generally recognized as a “separation zone” between a body of water and a land use activity (e.g. commercial or residential development) to protect ecological processes.

**Hoffman Marsh** is an extensive 40-acre **intertidal salt marsh**, located in Richmond Annex bordering Pt. Isabel Regional Shoreline and Interstate 580. The marsh is the delta for the mouth of Fluvius Innominatus creek into the Hoffman Channel which lead to San Francisco Bay. Hoffman Marsh is part of the original Bay margin and a vital link in the native ecosystem of the Bay Area and the last existing zone of healthy salt marsh vegetation within five miles of the East Bay Shoreline.

In comparison, brackish and fresh water marsh found in the North Bay and Delta regions may be more abundant. But because of the large difference in area between the three types of marsh, the more saline East Bay salt marsh becomes more valuable on an acre-for-acre basis simply because so little of such marshland remains. Such areas as this are rare, because over 85 percent of the Bay's marshes and tidal flats have been filled in over the last hundred years. This marsh is one of only a handful of undestroyed wetlands in the Bay Area and is an important wildfowl nesting and stopping ground for the Pacific Flyway.

Salt-water marshes—subject to tidal action, marked by extensive networks of sloughs and channels, and characterized by salt-tolerant plants such as pickleweed represent a vital ecosystem. Among their ecological functions, marshes enhance the Bay's water quality by filtering toxic compounds out of the runoff from surrounding uplands.

**Hoffman Marsh** consists of much of pickleweed, which is highly suitable for the salt marsh harvest mouse.



**Salt Marsh Harvest Mouse** is a rare, threatened federal and state endangered species, found nowhere else in the world except in the salt marshes in the Bay Area. It is a tiny mouse, among the smallest rodents in the United States. Their brown bodies are about the size of a thumb, and weigh less than a nickel. Because of their small size, salt marsh harvest mice live in areas of dense pickleweed, which is their source of food and provides ample hiding places from natural predators, such as raptors, herons, and clapper rails. Their bodies are especially adapted to tolerate high concentrations of salt. Salt marsh harvest mice live very short lives—most live less than 8 months. Unlike most rodents, they do not reproduce quickly: females bear only about four young per litter, and they have only one litter in their lifetime. Because it is nocturnal, this mouse is rarely seen.

O.2-6  
cont.

**Baxter Creek** or Stege Creek (also archaically Bishop Creek), is a three-branch creek in Richmond and El Cerrito forming the Baxter Creek watershed. The creek has three sources and flows from the El Cerrito Hills to Stege Marsh and the San Francisco Bay. The Baxter Creek watershed at-large has 10 sources. Baxter Creek disappears under I-580 and reappears on the upland area of the South Richmond Shoreline, flowing into the SF Bay.

During breeding season, Ridgway's Rails have been seen swimming in Baxter Creek and running around in the surrounding habitat area, immediately south of the Bayview Overpass.



**California Clapper Rail** (now called Ridgway's Rail) is a rare, threatened Federal and State Endangered Species and makes its home around the Baxter Creek, Meeker Slough, Stege Marsh, and Hoffman Marsh areas. The special-status clapper rail is often heard but seldom seen. They are secretive birds that haunt the night and twilight with their cries, but remain hidden in the undergrowth. In flight, rails flap awkwardly at low level, with their long legs dangling over the marsh grasses. They swim even less gracefully. Rails have narrow, compressed bodies, an adaptation for slipping through thick moist grasses and sedges. When attacked, it sometimes dives underwater and stays down by gripping the base of a reed until danger has passed. It is this slenderness that originally evoked the phrase, "thin as a rail."

### Synopsis of the “Planner’s Guide to Wetland Buffers for Local Governments”:

This guide for planners is based on detailed examination of approximately 50 enacted wetland buffer ordinances and nine model ordinances, and upon several hundred scientific studies and analyses of buffer performance. This guide identifies both the state-of-the-art and the range of current practice in the protection of wetland buffers by local governments. Local governments considering enacting or amending a wetland buffer ordinance will find here what they need to know to manage land use and development in these important areas. The upland area surrounding a wetland -- the wetland buffer -- is essential to its health and survival. Healthy wetlands and buffer areas help to control flooding, protect water flows, conserve native plants and wildlife, and support nature-friendly land use and development. Local governments are often better situated than state and federal environmental authorities to control activities on the lands that surround wetland resource areas, because they are not just concerned with wetland functions, but also with surrounding land uses and the benefits wetlands provide for their communities.

Based on Environmental Law Institute’s detailed examination of more than 50 enacted wetland buffer ordinances around the nation and nine model ordinances, as well as several hundred scientific studies and analyses of buffer performance, the Planner’s Guide to Wetland Buffers for Local Governments identifies both the state-of-the-art and the range of current practice in protection of wetland buffers by local governments. **The Guide provides to local governments considering enacting or amending a wetland buffer ordinance what they need to know to manage land use and development in these important areas. (See attached Planner’s Guide to Wetland Buffers for Local Governments)**

O.2-7

**Marsh bird community integrity has been shown to decline significantly when the amount of urban/suburban development within 500 m and 1000 m of the marsh exceeds 14% and 25%, respectively (DeLuca et al. 2004). (Page 9, 3<sup>rd</sup> paragraph, under Science of Wetland Habitat Buffers, Planner’s Guide to Wetland Buffers for Local Governments)**

**The largest ordinance-prescribed buffer distances (350 feet or more) tended to be for tidal wetlands and vernal pool wetlands (page 11, last sentence under 1<sup>st</sup> paragraph of Planner’s Guide to Wetland Buffers for Local Governments)**

The idea is that the prescribed non-disturbance buffer protects the wetland, and that buildings should not be constructed on the buffer’s edge if a functional buffer is to be maintained. Baltimore County, Maryland, provides for a non-disturbance buffer of 25 feet from non-tidal wetlands in accordance with the state non-tidal wetlands law (75-100 foot buffers apply if associated with a stream, and 100-300 feet **if a tidal wetland**), but then further provides that residential buildings must be set back an *additional* 35 feet and commercial buildings an *additional* 25 feet *from the edge of the buffer*. (§§33-2-303, 33-2-401, 33-2-204(c), 33-3-111(d)) (Page 11, under (2) *Non-disturbance Buffer plus Additional Setback*, 1<sup>st</sup> paragraph of Planner’s Guide to Wetland Buffers for Local Governments)

### **Important**

Please Review  
the Attachments:

- A. **Planner’s Guide to Wetland Buffers for Local Governments - Excellent!**
- B. Eastshore State Park General Plan; Sections pertaining to Hoffman Marsh and Richmond South Shoreline areas
- C. RANC Slide Presentation on Wetlands, Richmond South Shoreline

A General Plan, prepared in partnership with East Bay Regional Park District was completed for Eastshore State Park and approved by the State Park and Recreation Commission in December, 2002 and is in effect today (October 2016). The General Plan provides for the conservation of unique natural resources while providing outstanding recreational opportunities and protecting spectacular views of San Francisco Bay.

**II-16 Eastshore State Park General Plan**

b. Natural Resources

1). Plant Life

- Coastal salt marsh is restricted to the upper intertidal zone of protected shallow bays, lagoons, and estuaries. The salt marsh plant community is composed of low-growing plants, ranging in height from a few inches to about three feet. Typically, mudflats are bordered by stands of native and exotic cordgrass that are replaced at the mean high water level by a dense cover of pickleweed. **Characteristic species of the upper marsh zone include saltgrass, alkali heath, marsh gumplant, sand-spurrey, and othersalt-tolerant native** and non-native plants. While lower zones of San Francisco Bay salt marshes support mostly native species, a non-native species of saltwater cordgrass has invaded the park project marshes and many other portions of the Bay in the last decade. Coastal salt marsh vegetation is present along most of the park project shoreline. **Extensive salt marsh vegetation occurs at** the Emeryville Crescent, **Hoffman Marsh, and the South Richmond marshes**. Smaller salt marshes have formed along the eastern shore of the Albany Bulb, **along the entire shoreline of the Albany Mudflats**, and at the mouth of Codornices Creek. Historically, salt marshes graded into brackish/ Seasonal wetlands in the Berkeley Meadow.

O.2-8

II-19 Eastshore State Park General Plan

**The most important botanical resources in the Eastshore park project include the large coastal salt marshes** and the sand beaches. **The coastal salt marshes at** Emeryville Crescent, **South Richmond Marshes, and Hoffman Marsh**, and a smaller salt marsh fringing the Albany Mudflat, represent relatively natural plant communities and could potentially support two rare or endangered plant species: the soft bird's-beak and Point Reyes bird's-beak. The U.S. Fish and Wildlife Service has identified the park project shoreline as one of only three locations in San Francisco Bay with beaches that are suitable habitat for restoring California seablite, an endangered species that has been extirpated from San Francisco Bay as a result of development and other disturbances.

2). Animal Life

This section summarizes the terrestrial freshwater and salt marsh habitats of the park project. The subsequent section, Marine Life and Ecology, describes the wildlife use of the tidal flats and open waters of San Francisco Bay. The major terrestrial habitat types within the Eastshore park project area are coastal salt and brackish marshes, sand beaches and foredunes, ruderal/nonnative grassland vegetation, ruderal scrub, trees, non-tidal wetlands, and manmade habitat features. The wetland habitats include large areas of coastal salt marsh (tidal marsh), scattered seasonal wetlands, a few small seeps, and two small brackish marshes. No creeks are present in the study area, except for their outfalls, nor are there any lakes or permanent ponds.

II-20 Eastshore State Park General Plan

- Coastal salt and brackish marshes, commonly referred to as tidal marshes, provide habitat for invertebrates, birds, small mammals, and fish. **Tidal salt and brackish marshes provide refuge, forage, and breeding habitat for many different organisms, including a number of threatened and endangered species.** Birds are the most conspicuous members and include wading birds such as great blue herons, great egrets, and snowy egrets; shorebirds such as willets, marbled godwits, American and avocets; and other water birds such as American wigeon, mallard, American coot, and pied-billed grebe. Tidal marshes, particularly the South Richmond Marshes, Hoffman Marsh, and Emeryville Crescent, provide habitat for many different organisms, including special-status species such as California clapper rails, Alameda song sparrows, and saltmarsh common yellowthroats.
- Sand beaches are extensions of the marine environment, but are not inhabited exclusively by marine species. Various terrestrial insects, especially flies, bees, butterflies, and beetles are often present in these habitats. Reptiles such as garter snakes and western fence lizards, and mammals including several species of mice, black-tailed hares, and raccoons may also be present. Numerous birds such as water pipit, sparrows, gulls, and shorebirds often forage, rest, and preen in these habitats.

Note: The California Clapper Rail is an endangered species: The special-status clapper rail lives in salt marshes and are often heard but seldom seen in the dense marsh. They are secretive birds that haunt the night and twilight with their cries, but remain hidden in the undergrowth. In flight, rails flap awkwardly at low level, with their long legs dangling over the marsh grasses. They swim even less gracefully. Rails have narrow, compressed bodies, an adaptation for slipping through thick moist grasses and sedges. When attacked, it sometimes dives underwater and stays down by gripping the base of a reed until danger has passed. It is this slenderness that originally evoked the phrase, "thin as a rail."

O.2-8 cont.

II-21 Eastshore State Park General Plan

**The sand beach and foredunes, especially at the Albany Beach, Hoffman Marsh and Point Isabel from the north and Brickyard, are scarce habitat types in the Bay and, if undisturbed, provide roosting areas for shorebirds during high tide periods.**

- Ruderal/non-native grassland vegetation provides refuge and foraging habitat for many animal species, although fewer species use the habitat for breeding or nesting. Amphibian and reptile species may include the Pacific treefrog, western fence lizard, western terrestrial garter snake, and gopher snake. Birds, foraging primarily on seeds, include white-crowned sparrows, song sparrows, California towhees, and mourning doves. Savannah sparrow and western meadowlark may also nest within this habitat. The vegetation provides good foraging habitat for predatory birds, such as American kestrels, red-tailed hawks, northern harriers, white-tailed kites, and burrowing owls. Numerous mammals inhabit this area including meadow voles, house mice, California ground squirrel, and Botta's pocket gopher.
- Trees, which are few and scattered throughout the park project, provide important perch sites for raptors such as red-tailed hawks, white-tailed kites, and Cooper's hawks, and habitat for a variety of other birds such as songbirds and northern flickers. Trees, particularly the native willows, are important habitat features that enhance the wildlife values of other habitat types. In some cases, trees are not considered a desirable habitat feature; for instance, trees adjacent to tidal salt marsh provide perch sites for raptors that may prey on other species, including possible endangered species such as clapper rails and black rails.

- **Ruderal scrub typically supports a higher diversity of animal species than does ruderal grassland because the shrubs increase protective cover and provide potential nest sites** for Brewer’s blackbird, red-winged blackbird, Anna’s hummingbird, American goldfinch, and harriers, and even white-tailed kites may nest in ruderal scrub habitat. Birds of prey are most likely to nest at the Berkeley Meadow and the Albany Bulb and Neck, **where large patches of relatively undisturbed, ruderal scrub habitat are still intact. Additional areas of ruderal scrub occur in the Hoffman Marsh**, at the Albany Plateau, North Basin Strip, and the Brickyard.

II-22 Eastshore State Park General Plan

- Non-tidal wetlands in the park project consist of numerous seasonal wetlands and one or two seeps. Seasonal wetlands provide drinking water to birds, raccoons, and other mammals, and foraging habitat for great blue herons and great egrets. Depending on the location and amount of disturbance, mallards and other water birds may rest, forage, and possibly even nest near the seasonal wetlands. The Pacific treefrog and western toad could breed in some of the seasonal wetlands. The abundance of smaller or juvenile amphibians and the moist conditions of seasonal wetlands provide suitable habitat for garter snakes. Suitable habitat for similar wildlife may also be present at the isolated seeps, depending on their salinity.
- Artificial structures such as breakwaters, abandoned piers, constructed islands, and remote levees provide important wildlife habitat values along the highly modified shoreline adjacent to the park project. Water birds use these structures as perch sites that are relatively free from disturbance by people, dogs, and other predators. Shorebirds, in particular, require undisturbed roost sites at high tide, when their foraging areas are inundated. **Two islands in the Albany Mudflats, constructed by Caltrans as mitigation for the I-80/I-580 interchange project, were designed as shorebird roost sites and also are used as nest sites for California least terns, American avocets, black-necked stilts, and killdeer.**

**NOTE:** *Although area is identified as Albany Mudflats Ecological Reserve, half of the Mudflats lie in the City of Richmond, known to locals as the Wildlife Sanctuary.*

The riprapped shorelines serve as foraging habitat for several shorebird species, including the black turnstone, ruddy turnstone, spotted sandpiper, black oystercatcher, and surfbird.

Sixteen species of rare, threatened, or endangered wildlife have been observed, or could occur, in the park project. Seven key resource species deserve special attention. **In 2000, the federally endangered California least tern nested on the manmade islands in the Albany Mudflats, a significant event, as least terns nest in only a few locations in northern California. Three threatened or endangered species, the California clapper rail, California black rail, and salt marsh harvest mouse, are found primarily in tidal marshes.** Both the clapper rail and the black rail have been observed at the Emeryville Crescent. **The clapper rail probably nests in the South Richmond marshes, and the salt marsh harvest mouse is potentially present in the park project as well. Other key resource species, the burrowing owl, white-tailed kite, and northern harrier, have been observed repeatedly in ruderal scrub and grasslands of the park project.**



O.2-8 cont.

**The Eastshore park project area supports a remarkable abundance and diversity of wildlife species in proximity to an urban setting. The most important wildlife habitats—other than marine habitats—in the park project include:**

- **Large tidal marshes at the Emeryville Crescent, South Richmond Marshes, and Hoffman Marsh, which provide habitat for a diversity of animal life, including three threatened or endangered species and many water birds.**
- Upland and seasonal wetland habitats at Berkeley Meadow, Albany Bulb and Neck, the north slope of the Albany Plateau, North Basin Strip, and the Brickyard. Due to their large size, low level disturbance, and proximity to the Bay, these areas support a high diversity of wildlife and are often used by burrowing owls and wide-ranging predators such as white-tailed kites and northern harriers. Harriers nested at the Berkeley Meadow in 2001.
- **Artificial islands at the Albany Mudflats which provide nesting habitat for the endangered California least tern and other water birds, as well as roosting habitat for shorebirds.**

***Again, the area identified as Albany Mudflats Ecological Reserve, half of the Mudflats lie in the City of Richmond, known to locals as the Wildlife Sanctuary.***

- Other artificial habitat features such as breakwaters, abandoned piers, and remote levees serve as relatively undisturbed roost-sites for shorebirds and other water birds.
- Small clumps of trees, particularly native willows that are scattered throughout the park project, provide important perch-sites for birds of prey and songbirds.

3). Marine Life and Ecology

This section describes the marine environment and associated plant and animal species of the Eastshore park project. Seven different marine habitats have been identified in the project area: rocky intertidal, tidal flats, tidal salt marsh, sand beach, shallow subtidal, piers and breakwaters, and eelgrass beds. A large proportion of the project area is composed of shallow subtidal (open water) and tidal flats (including mudflats and sand flats).



O.2-8  
cont.

11-24 Eastshore State Park General Plan

- **The rocky intertidal zone** is composed mostly of riprap and occurs along a large portion of the shoreline. In some locations, such as just south of Point Isabel and along the east side of the North Basin, the rocky intertidal zone is strewn with fill debris. The predominant plant species within this zone are seaweeds or macro-algae, such as green algae and red algae. The riprap, pebbles, cobbles, and miscellaneous debris also provide substrate and refuges for invertebrate species. Mussels and barnacles were observed throughout the rocky zone along with beach hoppers and shorecrabs. At low tide, birds prey on rocky intertidal invertebrates while nearshore fish prey on these species at high tide. American crows, western gulls, black oystercatchers, ruddy turnstones, and black turnstones were observed in the park project foraging among the cobbles and pebbles, feeding on mussels and crabs.
- **Tidal flats** lie between the vegetated tidal marshes (or rocky intertidal) and the permanently submerged subtidal habitat further offshore. Vegetation is usually limited to seasonal blooms of microscopic algae such as diatoms, golden browns, and blue-greens, and scattered patches of green macro-algae. Invertebrates are abundant and include annelid worms, bivalves, tube-dwelling crustaceans, shrimp, crabs, and gastropods. Tidal flats are a prominent habitat type at low tide and are productive habitat in the **Albany Mudflats**, Emeryville Crescent, and **South Richmond Marshes**. Less extensive yet still important tidal flats also occur in the smaller, protected embayments at the Brickyard and in the North Basin. Collectively, the tidal flats of the park project are valuable, productive areas that support an abundance and diversity of organisms. **At low tides, concentrations of shorebirds forage on tidal flats from July through early May, and especially during fall and spring migrations. Thousands of western and least sandpipers, dunlins, marbled godwits, willets, curlews, plovers, avocets, and dowitchers forage in the mud for worms, small crustaceans, and bivalves. Various species of gulls also gather on tidal flats, and wading birds such as snowy egrets and great blue herons search for small fish that live at the water's edge. During high tides, when the muddy substrate is submerged, birds such as grebes, loons, cormorants, and terns (including California least tern, a state and federal endangered species) feed on nearshore fish. Diving ducks (goldeneye, bufflehead, scaup, ruddy duck, redhead, and canvasback) and dabbling ducks (mallard, American wigeon, and gadwall) rest or feed on the vegetation and small invertebrates of the tidal flats.**

O.2-8  
cont.

II-25 Eastshore State Park General Plan

- **Tidal salt marshes, particularly the South Richmond Marshes, Hoffman Marsh, and Emeryville Crescent, are ecologically very important areas because they contribute to the nearshore and coastal ecosystems and provide habitat for many organisms, including many of the aforementioned shorebirds.** More details are provided in the Animal Life and Plant Life sections above.
- Sand beach is an intertidal habitat that merges at the upper limit with northern foredunes or rocky, riprap habitat and at the lower limit with shallow subtidal habitat. Invertebrate organisms burrow deeply into the sediment to avoid displacement by passing waves, permanent burial by moving sediment, desiccation, or predation. Crustaceans, especially sand crabs, beach hoppers, sow bugs, polychaete worms, and bivalve mollusks, are present. At low tide, foraging shorebirds, such as sanderlings, blackbellied plovers, and willets prey on intertidal invertebrates. At high tide, nearshore fish prey on intertidal species. The sand beaches within the park project (i.e., Albany Beach and Brickyard Cove Beach) are important habitats because of their limited distribution within the East Bay and potential use by roosting shorebirds.
- The shallow subtidal zone is seaward of the intertidal zone and is continually submerged. Although the subtidal plant community is limited, this habitat harbors a diversity of animal species. Crustaceans, tube-dwelling polychaetes, clams, and gastropods have been collected during benthic sampling. Fish species, such as the American shad, bat ray, brown rockfish, chinook salmon, leopard shark, striped bass, white croaker, smelt, northern anchovy, shiner perch, starry flounder, and speckled sanddab are present. Subtidal habitats provide foraging and/or resting areas for many birds, including loons, grebes, cormorants, terns, gulls, California brown pelican, scoter, red-breasted merganser, and other diving ducks. Marine mammals, primarily harbor seals and California sea lions also occur in the shallow subtidal habitat.

A few "beds" of eelgrass—a rooted, flowering plant—occur in the shallow subtidal and lower intertidal zones of the park project. Eelgrass beds are an important habitat for a variety of invertebrates and fish. Eelgrass beds have been identified in several locations: Emeryville Crescent north of the Toll Plaza; off the Berkeley Beach; off the Albany Beach; at the outfall to Schoolhouse Creek; **and off the west shore of Point Isabel.**

O.2-8  
cont.

II-30 Eastshore State Park General Plan

d. Scenic Resources

**The visual resources of the Eastshore park project are a unique and irreplaceable scenic resource of world-class value. The most significant visual resources are the dramatic views west from the park project.** The park project offers visitors panoramic views of the San Francisco Bay and the distant skyline, as well as panoramas of the Richmond/Berkeley/Oakland hills to the east. Numerous distinctive natural and man-made features are visible from the park project, including: Yerba Buena, Alcatraz, and Angel islands; Mount Tamalpais and the Marin Headlands; the Oakland Bay Bridge; the San Francisco skyline; and the Golden Gate Bridge. Since most of the upland area within the park project was created by landfill operations, there are few significant scenic features (e.g., dramatic topographic changes, unique geologic formations, or mature stands of trees). **The most visually distinctive areas are the coastal marshes that have been established in** the Emeryville Crescent, the Albany Mudflats, and **the Hoffman Marsh. These marshlands are valuable visual resources that provide an attractive contrast to the bay views and adjacent urban setting.**

O.2-9

The park project's long and varied shoreline provides significant variety in both viewpoint orientation and available views, resulting in a wealth of viewing conditions and opportunities for the visitor. In fact, there are few areas within the park project that do not provide a positive viewing experience. **Areas providing the highest quality views and panoramas include** the Berkeley Beach area, Brickyard, Albany Beach, **Point Isabel and the Bay Trail through the South Richmond and Hoffman marshes.** Areas such as the Albany Mudflats and the Emeryville Crescent also provide some of the best opportunities for viewing wildlife in the Bay Area.

**In addition to the views from the site, the park project affords dramatic views from the I-80/I-580 corridor.** Tens of thousands of motorists daily enjoy the panorama of urban skylines, coastal ranges, distinctive bridges, and Bay waters while commuting or travelling the freeway. **These intermittent views are of crucial public value because they provide a respite from the traffic congestion and dreary roadway views.**

## Letter O.2: Richmond Annex Neighborhood Council (1)

- O.2-1 Impacts to wetlands are discussed under Impact BIO-3.SP on pages 4.3-57 through 4.3-60 of the Draft EIR (Section 4.3, *Biological Resources*) and under Mitigation Measure BIO-3.SP (Wetland Protection). See also responses to comments O.18-18, O.18-19, and O.18-20 regarding wetland buffers.
- O.2-2 This comment addresses the Specific Plan, rather than the EIR. As discussed in the Specific Plan, development within the Special Planning Area will require application of all of the regulations of the Planned Area District floating zone (Richmond Municipal Code Section 15.04.600, and Zoning Update Section 15.04.810) which, as a rezoning, requires Planning Commission recommendation and City Council approval. The site also falls within BCDC's shoreline jurisdiction and would require a BCDC major permit.
- O.2-3 See Response to Comment O.2-2. See also Section 4.8, *Hydrology, Sea Level Rise, and Water Quality*, of the Draft EIR.
- O.2-4 See responses to comments O.18-18, O.18-19, and O.18-20 regarding wetland buffers.
- O.2-5 See responses to comments O.18-18, O.18-19, and O.18-20 regarding wetland buffers. See Response to Comment O.6-5 regarding wildlife corridors. Refer also to Section 4.2.1, Master Response to Comments, Master Response to Comments About the Richmond Field Station (Berkeley Global Campus).
- O.2-6 See responses to comments O.18-18, O.18-19, and O.18-20 regarding wetland buffers.
- O.2-7 The comment is noted. See responses to comments O.18-18, O.18-19, and O.18-20 regarding wetland buffers.
- O.2-8 The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.
- O.2-9 Section 4.1, *Aesthetics*, of the Draft EIR, on pages 4.1-18 through 4.1-23 (Approach to Analysis) contains a detailed description of the criteria employed in determining whether implementation of the Specific Plan or Sub-Area 4 Project would have a significant impact on scenic vistas or scenic resources. These criteria were applied in the aesthetic impact analysis that follows. The analysis of aesthetic impacts (impacts to views and other visual resources) considered views from the I-580 overpass (Viewpoint 3), views of Point Isabel and the Bay Trail (Viewpoints 5 and 6), and long-range views capturing Angel Island and San Francisco (Viewpoint 1). Based on the analysis in the Draft EIR and the significance criteria used, the Draft EIR determined that implementation of the Specific Plan or Sub-Area 4 Project would not have a significant impact on a scenic vista (including views of San Francisco and the Marin Headlands) nor scenic resources.

## Comment Letter O.3

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**From:** Mary Selva  
**Sent:** Saturday, October 15, 2016 2:45:22 PM (UTC-08:00) Pacific Time (US & Canada)  
**To:** Richmond Bay Specific Plan; Lina Velasco  
**Subject:** Error in RANC Letter Corrected

Hi Lina,

We made an error in the RANC Comment letter, dated October 12, 2016. We are submitting a revised letter, dated October 15, 2016.

On page 3, item 2, under RANC Recommendation, we corrected the following sentence:

~~We recommend that the RSBP total square footage be reduced to no more than Sub-Area 1.~~

It should say: "We recommend that Sub-Area 4 be reduced to no more than Sub-Area 1 total square footage."

So please disregard the 10-12-16 letter and include our RANC letter, dated 10-15-16.

Thank you,  
Mary Selva, President  
Richmond Annex Neighborhood Council  
510-375-7769

# Richmond Annex Neighborhood Council

Founded 1974 PO Box 5436, Richmond, California 94805 \*Neighbors Helping Neighbors\*

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October 15, 2016

Revised RANC letter replaces  
the October 12, 2016 RANC letter.

Lina Velasco, Project Manager  
City of Richmond Planning Division  
450 Civic Center Plaza  
Richmond, CA 94804  
rbsp@ci.richmond.ca.us

RE Final Draft Richmond Bay Specific Plan (RBSP) and Draft Environmental Impact Report (DEIR)

Dear Ms. Velasco:

Since the RBSP is 300 pages and the DEIR is over 900 pages (totaling 1,200 pages), a 45-day comment period is very challenging to properly review and develop comments, and requires review of 26.6 pages per day. We are requesting a 20-day time extension of the review period, which is very reasonable given the overwhelming size of these documents and the resources that may be impacted by this plan. This would allow us to review these documents at a rate of 18.5 pages per day instead of 26.6 pages per day. Below are additional comments thus far.

O.3-1

On October 6, 2016, the Richmond Annex Neighborhood Council (RANC) submitted comments about wetland buffers to the above-titled project. Having further reviewed the Draft Environmental Impact Report, we find some deficiencies related to aesthetics and visual quality, cumulative building impacts, cumulative traffic and circulation impacts, air quality, greenhouse gas emissions, and cultural resources. Therefore, RANC is providing additional comments to the RBSP and DEIR.

As stated, the DEIR recognizes that there are Significant and Unavoidable Impacts associated with . . .

O.3-2

- Air Quality
- Cultural Resources
- Greenhouse Gas Emissions
- Traffic (Level-of-Service at I-580)

The DEIR also recognizes that impacts would start to kick in after 1-million square feet of development. We concur with these assessments. However, we believe these elements and other elements need to be further analyzed.

## 1. Aesthetics and Visual Quality

### RANC Comment:

#### Height:

The RBSP Final Draft states, “*Up to 8 stories maximum,*” for Sub- Area 4. Considering the floor to ceiling heights are typically 12’, an 8-story building would average about 96 feet. However, the ground floor commercial ceiling heights are 14’ and the R&D buildings average 14’ per floor, to accommodate the ceiling’s mechanical equipment. These buildings are therefore expected to be 100 feet. The proposed buildings for the RBSP were supposed to conform to the Richmond General Plan for this area, where the maximum building height for this land use area is 55 feet (four to five stories), not 96 to 100 feet (eight stories). This would impact Bay views for the established residential neighborhoods.

O.3-3

Bulk and Mass:

We strongly believe that the overall square footage of the RBSP is extremely dense, especially on a shoreline with land use compatibility issues (i.e. the high visibility of the area and the nature of the adjacent land uses, such as the surrounding wetlands that would become vulnerable to a project of this magnitude). The proposed open access to the open space areas, residential mixed-use and commercial areas, and added roadways, paths, bike trails with its substantial population would undoubtedly cause severe degradation to highly sensitive adjacent wetland areas (human and pet disturbance, trash, air pollution, run-off from streets and large rooftops, nuisance species, light pollution, etc.). Longtime guiding principles for Richmond were that environmentally-sensitive areas such as wetlands shall be designated as conservation areas and access to these areas shall be restricted. It's only common sense that we stand by this approach for the protection of these sensitive and fragile resources.

O.3-4

**RANC Recommendation:**

As for the height, we recommend no more than 55 feet (four to five stories). This should be the maximum limit. As for the bulk and mass, we recommend setbacks with attractive landscaping in front—not “zero lot lines.” Our shoreline should not be transformed into an urban area, meaning high population, density, and infrastructure of a built up environment.

O.3-5

**2. Cumulative Building Impacts**

**RANC Comment:**

An EIR must analyze the plan if the cumulative impact may be significant and the project's incremental effect, though individually limited, is cumulatively considerable. *“Cumulatively considerable” means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.”*

**As proposed, Sub-Area 4 has the highest concentration of R&D, retail, and residential densities than in any other Sub-Area under the Draft Plan. As stated in the Notice of Availability, “this is more dense than the conceptual program envisioned and as presented in the Specific Plan.”**

The total square footage of existing buildings listed below is minor compared to the proposed **RBSP**, which is **over 5.6 million** square feet of research and development uses, **720,000** square feet of retail and services, and **over 4,000 housing units**. This means that the RBSP alone would be over six times the total square footage of the existing buildings listed below:

1. California Department of Public Health’s Richmond Campus – A total of **700,000** square-foot buildings on a 29-acre site, immediately north on Regatta Blvd. employing more than 1,200 people, is currently one of the largest employers in the area.
2. Next to the California Department of Health is a 10-acre site with additional **157,000** square-foot buildings on Regatta Blvd.
3. Bio Rad Campus – **17,000** square-foot building for research and development on Regatta Blvd.

These three uses listed above currently impact Carlson Blvd. during the AM and PM peak hours.

4. US Postal Bulk Mail Center – **320,000** square-foot building on a 12.63-acre site at 2501 Rydin Rd.
5. Costco – **147,039** square-foot building on a 7.1-acre site at 4801 Central Ave.
6. Pacific East Mall – **144,263** square-foot building at 3288 Pierce St.

These last three uses, including visitors of Point Isabel Regional Shoreline Park have generated major traffic impacts along the Central Avenue Corridor.

O.3-6

The DEIR should analyze the cumulative impacts of adding more buildings over time to potential loss of tidal marsh habitat, transition zones, and uplands in proximity to the bay on the federally listed species and special status species that have been identified on the site or immediately adjacent to the site—e.g. human foot traffic and pet disturbance; noise; light pollution, which is documented to have serious adverse impacts for a wide range of wildlife ranging from invertebrates to mammals. It disrupts migratory patterns, foraging capabilities, predation, nesting, breeding, etc.

O.3-6  
cont.

Also, the DEIR should analyze the cumulative impacts of UC Berkeley’s Richmond Campus Bay Development Plan (5.4 million gross square feet of development), in combination with the RBSP (over 5.6 million square feet of development). This would total over 10 million square feet of development at buildout, which is cumulatively considerable.

O.3-7

**RANC Recommendation:**

We recommend that Sub-Area 4 be reduced to no more than Sub-Area 1 total square footage.

Feature buildings that do not dominate or overwhelm their immediate surroundings with respect to height, massing/FAR, facing materials, night illumination, view corridors, noise, etc.

O.3-8

Buildings should be graduated from the horizontal street grid pattern to provide visual access to Bay views.

**3. Form-based Codes**

As we know it, a form-based code is a land development regulation that fosters predictable built results, by controlling the physical form and scale of the building. Since the design and density parameters in a form-based code are so detailed and specific, there is very little room for negotiations before the project is approved, and the public preferences regarding the most important part of their city (the shoreline) are passed over in favor of pre-approved form-based development. This process takes away, and does not allow for, community-based planning when an application is submitted. The public is left out of case-by-case decisions under the Plan, with very little room for modifications. This is because form-based codes are regulatory, not advisory.

If the City does not carefully lay out a well-written set of design elements and appropriate density development standards under the form-based codes upfront, the city can end up with a development that shows very little regard to building compatibility with the surrounding wetland and shoreline area. You then become stuck with it. The form-based code does not enable different development densities, but instead, employs a one-size-and-use-fits-all approach.

In cities which do use them, form-based codes are restricted in location to smaller areas of a one or two-block span, or just within their downtown areas. In other words, FBCs are not employed as a citywide blanket approach in their cities.

O.3-9

Of primary concern is that form-based codes relieve city councils of discretionary control over projects, which removes modifications in the development, reduces the public input process, and then fast tracks these developments by streamlining the public review process.

**RANC Recommendation:**

When it comes to development and types of commercial uses on shorelines, we recommend that Richmond follow the best practices of its neighboring cities, e.g. Albany and Berkeley, and believe it or not, Emeryville. A public review and hearing process, and conditional use permit is required for all development and commercial uses located between I-80 and the Bay in these cities. The latter is of the utmost importance for shorelines to determine if a particular use is appropriate for this location or not. This is how Albany, Berkeley, and Emeryville handle applications for development and land uses for their shorelines. If form-based codes are going to be applied, then it’s very important that form-based codes preserve what residents love about the physical character of the shoreline, ensuring that future development is in harmony with the existing environment.

4. Traffic

The DEIR shows that the RBSP would cause significant and unavoidable impacts associated with cumulative traffic and circulation impacts.

Page 3-25

Proposed: 3.3.5 SUB-AREA 4

As stated in the RBSP on page 3-25, "These improvements, together with the potential reconstruction of the Bayview interchange configuration to a more urban condition, and the transition and subsequent environmental remediation of existing industrial uses, could create an appropriate location for high-density residential and mixed-use oriented to the Bay."

O.3-10

**RANC Comment:** The proposed reconstruction of the Bayview Interchange configuration to a more urban condition would make Bayview Avenue at Carlson Boulevard the main entrance and exit to the proposed high-density urban development area. This would create traffic impacts and potential bottlenecks on Carlson Boulevard, in addition to the Bayview ramps from I-580 and the Carlson ramps from I-80.

**RANC Recommendations:**

We recommend that the I-580/Regatta Blvd. Interchange be improved (i.e. freeway on & off-ramps widened) for better ingress and egress to the RBSP areas and to equitably share the traffic load and not put all the burden on the Bayview Ave. Interchange.

O.3-11

**We also recommend that arterial street and I-80 freeway access be recognized and assessed.**

Carlson Boulevard (a major neighborhood arterial street and single-family residentially-zoned district) would be impacted. Both the I-80/Carlson Blvd. freeway on & off-ramps and the I-580/ Bayview Ave. freeway on & off ramps would be impacted, not just I-580. Heavy usage of Carlson Boulevard and its local freeway interchanges would conflict with everyday residential usage of these access areas, especially during the AM & PM peak hours. This alone would affect the quality of life and the livability of long-established residential neighborhoods in this area.

O.3-12

Additionally, many drivers would be compelled to use Carlson Boulevard, if there is traffic congestion on I-80 or I-580 during the AM and PM peak hours or if there is an accident on one or two of these freeways. This would be a significant impact to the residents that live in the Richmond Annex area.

In a larger context, the RBSP would negatively impact traffic access to and from emergency and urgent care facilities at Kaiser in Richmond during AM and PM peak commute hours. With Doctors Hospital in the City of San Pablo closed, Richmond Kaiser is the only hospital available in West Contra Costa County. Other areas of the city served via Carlson would also be negatively impacted.

O.3-13

5. Air Quality

**The air quality resulting from idling needs to be addressed in the DEIR.**

**Why is Idling A Health Problem?**

Pollution like smog and soot from vehicle tailpipes can irritate and damage human lungs, leading to higher risks of asthma, cancer, and heart disease. A major source of this pollution is idling. To make matters worse, people often park and idle right where we breathe - along our sidewalks, schoolyards, playgrounds, hospitals, shops, businesses, and homes. In fact, studies show that people who live near heavily-trafficked roadways face significantly elevated risks of asthma attacks and heart disease, stunted childhood lung development, adverse birth outcomes, lower IQ scores, cancer and other diseases contributing to premature death. Children appear to be especially at risk: exposures during pregnancy and early childhood to roadside air pollution have been linked to higher rates of subsequent respiratory and developmental problems. Ref. American Lung Association

O.3-14

**Why is it Bad to Idle Vehicles?**

Idling vehicles contribute to air pollution and emit **air toxins**, which are pollutants known or suspected to cause cancer or other serious health effects. Monitoring at schools has shown elevated levels of benzene, formaldehyde, acetaldehyde and other air toxics during the afternoon hour coinciding with parents **picking up their children**. Children’s lungs are still developing, and when they are exposed to elevated levels of these pollutants, children have an increased risk of developing asthma, respiratory problems and other adverse health effects. Limiting a vehicle’s idling time can dramatically reduce these pollutants and children’s exposure to them. Ref. EPA



O.3-14  
cont.

**Near Roadway Air Pollution and Health**

Research findings indicate that roadways generally influence air quality within 500-600 feet downwind from the vicinity of heavily traveled roadways. Air pollutants from cars, trucks and other motor vehicles are found in higher concentrations near major roads. People who live, work or attend school near major roads appear to have an increased incidence and severity of health problems associated with air pollution exposures related to roadway traffic including higher rates of asthma onset and aggravation, cardiovascular disease, impaired lung development in children, pre-term and low-birthweight infants, childhood leukemia, and premature death. Ref. EPA

The type of vehicles and fuel used, traffic activity, and the wind speed and direction can all have big effects on pollutant levels near major roadways. Generally, the more traffic, the higher the emissions; however, certain activities like congestion, stop-and-go movement or high-speed operations can increase emissions of certain pollutants. The combination of rush hour and calm winds in the morning often leads to the highest concentrations during this time of the day. Ref. EPA

**RANC Recommendation:** Air Quality resulting from idling needs to be addressed in the DEIR, in relationship to the RBSP and surrounding area. We also recommend idle-free zones near schools and residential neighborhoods. The US EPA and Government of Canada Natural Resources provide guidelines on idle-free zones.



O.3-15

**5. Greenhouse Gas Emissions**

**Emission Impacts Resulting from Vehicle Idling**

An operating vehicle emits a range of gases from its tailpipe into the atmosphere, one of which is carbon dioxide CO<sub>2</sub> – the principal greenhouse gas that contributes to climate change.

CO<sub>2</sub> is a colorless, odorless, gas that is a normal part of Earth’s atmosphere. However, when the amount of CO<sub>2</sub> in the atmosphere increases, more heat is trapped. This “enhanced greenhouse effect” causes Earth’s surface temperature to rise, which in turn is altering the world’s climate.

CO<sub>2</sub> is also an unavoidable by-product of burning gasoline. Each litre of gasoline that is used produces about 2.3 kg of CO<sub>2</sub>. Therefore, every time you start the engine, you’re contributing to climate change.

Vehicles produce other emissions, such as volatile organic compounds (VOCs), carbon monoxide (CO) and oxides of nitrogen (NO<sub>x</sub>), are criteria air contaminants (CACs) and these emissions are known to contribute towards air pollution and smog. Ref. Natural Resources of the Government of Canada



O.3-16

**RANC Recommendation:** Greenhouse Gas Emissions resulting from idling need to be addressed in the DEIR, in relationship to the RBSP and surrounding area.



O.3-17

**6. Cultural Resources**

**RANC Comment:**

The DEIR does not mention the shellmounds located in the South Shoreline area. There are a lot them in this area. There is a map of the San Francisco Bay Region showing the distribution of shell heaps (Ref. California University American Archaeology and Ethnology, Vol. 7, Map 1, 1907–1910). This should be included and addressed in the DEIR.

O.3-18

Additionally, the RBSP should require archaeology reconnaissance surveys for all projects within an archaeological sensitivity area. When cultural resources are located, measures to deal with the historic resource should be recommended by qualified archaeologist (Archaeological Sensitivity areas are identified on the Archaeology map prepared by California Archaeological Consultant, 1981, and should be on file in the Planning Dept.).

O.3-19

Thank you for including these additional comments to the DEIR.

Sincerely,

Mary Selva,  
President  
510-375-7769

## Letter O.3: Richmond Annex Neighborhood Council

O.3-1 Section 15105 of the CEQA *Guidelines* states the public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances. An EIR which is submitted to State Clearinghouse for review is required to undergo a review period of at least 45 days,

The Draft EIR was submitted to the State Clearinghouse on September 2, 2016, with a public comment period of 45 days, ending on October 18, 2016. The City extended the comment period by an additional four days, ending the comment period on October 24, 2016.

O.3-2 The comment is noted. The Draft EIR does not state that categorically that impacts occur only after the construction of 1 million square feet of development; each impact area/topic is addressed based on its relevant factors. Specific concerns raised in this comment letter are addressed in the further responses below, and in the responses to Letter O.2.

O.3-3 As discussed in Section 4.1, *Aesthetics*, and Section 4.9, *Land Use and Planning*, of the Draft EIR, development of the Specific Plan would not obstruct scenic vistas or views looking west (page 4.1-36). The Draft EIR analysis concludes that development under the Specific Plan would not substantially impact existing view corridors to any scenic views or vistas (page 4.9-43). Impacts to scenic vistas and scenic resources are adequately addressed in the Draft EIR for both the Specific Plan on a plan level and the Sub-Area 4 Project on a project level (pages 4.1-24 to 33 and 4.1-35 to 37 of the Draft EIR).

The general characteristics cited in this comment for Sub-Area 4 state that buildings may have up to 8 stories; however, the Specific Plan Transect Zone Standards clarify that for each Transect Zone contained in Sub-Area 4 (i.e. T5N[RB], T5MS[RB] and SD:R&D) the maximum height for development is 55 feet (pages 4-13, 4-15, and 4-17 of the Specific Plan). The Specific Plan permits an additional 30 feet of height for development projects that contain affordable housing or that are LEED- (or equivalent) certified, or, for an R&D building in an SD:R&D zone, that enters into a Community Benefits Agreement (pages 4-13, 4-15, and 4-17 of the Specific Plan).

Further, as identified in the Draft EIR, the Specific Plan involves a General Plan amendment to designate a new General Plan land use category for the entire Plan Area (page 4.9-39, in Section 4.9, *Land Use and Planning*, of the Draft EIR). This General Plan amendment would be adopted along with the Specific Plan; after this amendment, the Specific Plan will be consistent with the General Plan.

O.3-4 Section 4.3, *Biological Resources*, of the Draft EIR appropriately considers impacts to biological resources associated with development under the Specific

Plan. The Draft EIR recognizes that the development of the Specific Plan will result in increased human activity in the Plan Area, including along the Bay Trail, which could impact biological resources (page 4.3-46, in Section 4.3, *Biological Resources*, of the Draft EIR). However, significant amounts of open space that will remain undeveloped in the Plan Area will provide a “buffer zone” between biological resources and human activity (page 4.3-46 of the Draft EIR). Additionally, the construction of community parks and the Baxter Creek Preserve, including the restoration of creek banks and surrounding habitat, which are described as long-term efforts that would be implemented within the Plan Area, would help offset increased human disturbance to less-than-significant levels (page 4.3-46 of the Draft EIR).

Regarding access to open space, the Specific Plan promotes access to open space to the extent permitted by the Bay Conservation and Development Commission’s (BCDC’s) plans, policies and permitting (page 4.9-40 of the Draft EIR), as well as other permitting and resource agency restrictions. The Specific Plan is also consistent with General Plan goals and policies that promote access to open space and encourage a mix of uses on the waterfront (as discussed in Table 4.9-2 of the Draft EIR, in Section 4.9, *Land Use and Planning*). Further, development under the Specific Plan would maintain, enhance, and capitalize on the segments of the Bay Trail located south of the Plan Area, and would improve public access to the shoreline and the Bay Trail, and therefore is generally consistent with goals for the Bay Trail project set by the Association of Bay Area Governments (page 4.9-42 of the Draft EIR, in Section 4.9, *Land Use and Planning*).

- O.3-5           The comment is noted. As stated in the Specific Plan and Draft EIR, the maximum height of buildings that could be constructed within the Plan Area would be 55 feet, with buildings up to 85 feet possible with the application of density bonuses. The comment does not raise any substantive environmental issues that require further response under CEQA. Specific concerns raised in this comment letter are addressed in the further responses below.
- O.3-6           The Draft EIR describes the methodology used in its cumulative analyses in Section 4.0.3, Cumulative Analysis, and identifies a list of past, present, approved, pending and reasonably foreseeable future projects within Plan Area and in the vicinity (pages 4.0-6 to 4.0-10 of the Draft EIR). Section 4.3, *Biological Resources*, of the Draft EIR evaluates impacts associated with the Specific Plan, including whether the project would have a substantial adverse effect on any species identified as a candidate, sensitive, or special-status species, or a substantial adverse effect on any riparian habitat or other sensitive natural community (page 4.3-36 of the Draft EIR; refer to Section 4.3.4 of the Draft EIR for a complete list of significance criteria). Cumulative impacts to biological resources, including cumulative impacts to federally-listed species and special-status species, as well as riparian habitat, are addressed in Draft EIR Section 4.3.7, Cumulative Impacts. Notably, the majority of projects included in

the cumulative impacts analysis, including the Terminal One Project, Berkeley Global Campus/Richmond Field Station, Marina Way Live/Work Project, and Westshore Marina Project, involve the land-based redevelopment or improvement of waterfront areas in Richmond, as discussed on page 4.3-76 of the Draft EIR. The areas in which these projects would be developed have limited habitat value for wildlife as they are already primarily or fully developed and in industrial or disturbed areas, as discussed on page 4.3-76 of the Draft EIR).

The Draft EIR acknowledges that the proximity of some projects to the waters of San Francisco Bay could lead to potential cumulatively significant impacts on water birds and marine life, and demolition of existing buildings or removal of existing vegetation could lead to significant cumulative impacts on nesting or roosting bats and birds (page 4.3-76 of the Draft EIR). As discussed in the biological resources impact analysis, the implementation of Mitigation Measures BIO-1a.SP through BIO-3.SP, as well as Mitigation Measure HYD-1.SP and Mitigation Measure NOI-1b.SP, would result in less-than-significant impacts on biological resources within the Study Area (page 4.3-76 of the Draft EIR). The Draft EIR concludes that when considered within the existing conditions of biological resources in the Study Area and Central Bay in the context of past, present and reasonably foreseeable similar projects, as well as existing regulatory and legal requirements, including permitting requirements, development under the Specific Plan would add only a minor, incremental and negligible contribution to habitat loss, degradation, and direct and indirect impacts to special-status species (page 4.3-76 of the Draft EIR).

O.3-7           The 136-acre Richmond Field Station site that had been planned for the University of California (UC) Berkeley Global Campus at Richmond Bay is adjacent to the Campus Bay Business Park but not located within the Plan Area. Each topic area of the Draft EIR addresses cumulative impacts of buildout under the Specific Plan, and takes into consideration development of the Richmond Field Station as appropriate. For example, refer to subsection 4.9.7 (Cumulative Impacts) of Section 4.9, *Land Use and Planning*, of the Draft EIR, which includes an analysis of cumulative impacts related to land use and planning. (For a full list of projects considered in the cumulative impact analyses, see Table 4.0-1, Cumulative Projects, on pages 4.0-6 to 4.0-10 of the Draft EIR.)

Refer also to Section 4.2.1, Master Response to Comments, Master Response to Comments About the Richmond Field Station (Berkeley Global Campus).

O.3-8           The comment is noted. The City Council provided direction on the preferred land use plan for the Specific Plan, which included considerations related to density of development. In regards to the suggestion that building heights be graduated “from the horizontal street grid pattern” to provide visual access to Bay views, refer to Response to Comment O.3-3. Specific concerns raised in this comment letter are addressed in the further responses below.

- O.3-9 This comment addresses the Specific Plan, rather than the EIR. The Specific Plan's form-based code applies to development that will be proposed within the Plan Area, but does not prevent the City public from reviewing such proposals as they are submitted. One purpose of the Specific Plan is to streamline future development applications (Goal 4, Increased Community Economic Development Opportunities) that can demonstrate compliance with the Specific Plan and the EIR Mitigation Monitoring and Reporting Program (MMRP). The Specific Plan does permit some uses "by right" (with approval by the City's Zoning Administrator) in each Transect Zone provided that the uses are in compliance with the development standards found in Chapter 4 of the Specific Plan (typically, up to 10,000 square feet in size). Larger projects require approval of the City's Design Review Board. Other uses require an Administrative or Conditional Use Permit.
- O.3-10 The comment raises questions about the Specific Plan, but does not comment on the adequacy of the EIR analysis. The comment does not raise any substantive environmental issues that require further response under CEQA. However, it should be noted that the transportation analysis in the Draft EIR does not include Bayview Interchange reconfiguration as part of the Specific Plan or as a mitigation measure. It would be speculative at this stage of the planning process to include consideration of the reconfiguration of the Bayview Interchange, which would be a Caltrans project, in the Draft EIR. When this project is proposed, Caltrans will perform an analysis of its environmental impacts.
- O.3-11 The comment raises questions about the Specific Plan, but does not comment on the adequacy of the EIR analysis. The comment does not raise any substantive environmental issues that require further response under CEQA. However, it should be noted that the Draft EIR identifies Mitigation Measure TRF-3.SP and Mitigation Measure TRF-4.SP to address impacts that would occur at the Regatta Interchange due to development that would occur under the Specific Plan. As discussed in Section 4.13, *Transportation and Traffic*, of the Draft EIR, these impacts would be significant and unavoidable even after the implementation of mitigation measures, because of jurisdictional issues (the City of Richmond cannot implement measures at locations under the jurisdiction of Caltrans) and right-of-way issues (available right-of-way is limited due to freeway configuration and railroad tracks).
- O.3-12 The Draft EIR assesses impacts at intersections along arterials and at freeway ramps. Regarding assessment of Carlson Boulevard, see study intersections #16 (at Cutting Boulevard), #26 (at Bayview Avenue), #28 (at I-80 Eastbound Ramps), #29 (at I-80 Westbound Ramps), and #30 (at Central Avenue), impacts to which are evaluated in Section 4.13, *Transportation and Traffic*, of the Draft EIR. Modeling of AM and PM peak traffic conditions included consideration of existing congested freeway conditions.

- O.3-13 The Draft EIR assesses Emergency Access on pages 4.13-98 and 4.13-99 of Section 4.13, *Transportation and Traffic*. As discussed in this section, the Draft EIR concluded that neither the Specific Plan nor the Sub-Area 4 Project would cause a significant impact on emergency access (Impact TRF-28.SP and Impact TRF-13.SA4). Potential significant impacts to intersections in the vicinity of the Kaiser hospital were identified, and mitigation measures that would reduce the impacts to the extent feasible were included in the Draft EIR.
- O.3-14 Refer to Section 4.13.6, Discussion of Impacts and Mitigation Measures, in Section 4.13, *Transportation and Traffic*, of the Draft EIR. The Draft EIR analysis identifies traffic impacts to Bayview Avenue/51<sup>st</sup> Street/ Seaport Avenue/Eastbound I-580 ramps as significant and unavoidable. Mitigation Measure TRF-6.SP, on page 4.13-47 of the Draft EIR addresses this intersection; however, the impact would remain significant and unavoidable. Also, the Draft EIR analyzes impacts to Bayview Avenue/Carlson Boulevard, Bayview Avenue/Westbound I-80 Ramps, Carlson Boulevard /Westbound I-80 Ramps, and Carlson Boulevard/Eastbound I-80 Ramps, and concludes that these intersections will not result in a significant impact from implementation of the Specific Plan.
- O.3-15 The air quality analysis in the Draft EIR (Section 4.2) is based on trip generation estimates prepared as part of the traffic analysis (Section 4.13). Strategy GB5 of the City's Climate Action Plan (Reduce Emissions from Goods Movement) includes Implementing Action GB5.1, which requires trucks to reduce idling by mandating that a driver cannot idle the primary engine for more than 5 minutes unless the idling is a result of a traffic condition.
- In addition, at the request of the BAAQMD, the City has amended the Specific Plan to include the following requirement, which would decrease impacts related to vehicle idling:
- All loading docks for retail, light industrial or warehouse uses shall be electrified, and all delivery trucks with Transportation Refrigeration Units shall be required to use electrification hook-ups.
- O.3-16 The comment is noted. Specific concerns raised in this comment letter are addressed in the further responses below.
- O.3-17 See Response to Comment O.3-15, which summarizes measures in the Specific Plan, the Draft EIR, and the City's CAP that would address idling impacts.
- O.3-18 Refer to page 4.4-9, in Section 4.4, *Cultural Resources*, of the Draft EIR in which shellmounds are discussed. As stated in the Draft EIR, the Stege Mound Archaeological District contains five distinct prehistoric shellmounds locales. The City contacted the Native American Heritage Commission (NAHC) on December 9, 2014 and per Senate Bill 18 sent letters requesting additional

information to Native Americans on the list provided by the NAHC. Additionally, ESA sent follow up letters on behalf of the City on December 4, 2015. To date, no response has been received; additional consultation regarding shellmounds will be ongoing as needed and as individual projects are proposed for development within the Plan Area. In addition, the implementation of mitigation measures CUL-2a.SP (Archeological Resources Evaluation) and CUL-2b.SP (Inadvertent Discovery of Archeological Resources) would address potential impacts to shellmounds, and reduce the impact to a less-than-significant level.

- O.3-19 Refer to Mitigation Measure CUL-2a.SP: Archaeological Resources Evaluation, on page 4.4-21 of the Draft EIR, which requires a cultural resources survey to be conducted for each project proposed for the Plan Area, prior to construction. The map referred to in this comment may be used as a resource by site archaeologists, along with more recent data and survey results. This mitigation measure would address the impact referred to in this comment.



# San Francisco Bay Conservation and Development Commission

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Bay waters, including Meeker Slough (Meeker Ditch) from the Bay edge to the culvert at Regatta Boulevard and Baker Creek (Stege Drain) from the Bay to the Bayview Crossing (at I-580), and the 100-foot shoreline band (the first 100 feet wide landward of and parallel to the shoreline). In addition, the Commission has a designated Eastshore State Park-Richmond Shoreline to Point Isabel as an area that should be reserved for waterfront park and beach priority land uses. Within this priority use area, in accordance with provisions of the McAteerPetris Act, the Commission has set and described the specific boundaries of the shoreline band within which it is authorized to grant or deny permits for shoreline development based on the appropriate policies.

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O.4-2  
cont.

**South Richmond Shoreline Special Area Plan.** The DEIR includes an area that is covered by the South Richmond Shoreline Special Area Plan (SRSSAP) that was adopted by the Richmond City Council and BCDC in 1977. A portion of the Richmond Bay Specific Plan is within the Point Isabel Sub-Area of the SRSSAP. While the SRSSAP is still in effect and must be considered, it is important to recognize that this plan has not been updated in nearly 30 years and may no longer reflect the current needs and future direction of the community. The City of Richmond should initiate a discussion with BCDC to update the SRSSAP to ensure that it is relevant and reflects the interests of both the City of Richmond and BCDC. We recommend the City schedule a meeting with BCDC to discuss bringing the SRSSAP up to date.

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O.4-3

**Sea Level Rise.** The DEIR is generally effective at assessing flood risk in the project area (especially sub-area 4) given projected sea level rise. The DEIR considers the requirement of Richmond’s General Plan Policy EC6.3 (Adapting to Climate Change), which requires that design features allow structures to withstand water level increases of at least 3 feet above the existing shoreline elevation. However, the DEIR does not consider that some portions of the plan area are located within BCDC's jurisdiction (notably public access along sub-area 4) and would be subject to the Bay Plan policies on climate change. The Bay Plan’s Public Access Policy #6 states, “Any public access provided as a condition of development should either be required to remain viable in the event of future sea level rise or flooding, or equivalent access consistent with the project should be provided nearby.” To determine standards for “viable public access” BCDC staff refers to Climate Change Policy #2, which states, in part:

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O.4-4  
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“all projects—other than repairs of existing facilities, small projects that do not increase risks to public safety, interim projects and infill projects within existing urbanized areas—should be designed to be resilient to a mid-century sea level rise projection. If it is likely the project will remain in place longer than mid-century, an adaptive management plan should be developed to address the long-term impacts that will arise based on a risk assessment using the best available science-based projection for sea level rise at the end of the century.”

We recommend you explicitly address BCDC’s Public Access Policy #6 in addition to the Climate Change policies in your final EIR by including concrete actions that would ensure public access and any shoreline projects that would require a BCDC permit will be resilience to mid-

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century and adaptable to end of century.

↑ O.4-4  
cont.

We would also like to correct a mistake in the labeling of the Adapting to Rising Tides maps and analysis used in the DEIR. Figures 4.8-2 and 4.8-3 are labeled “3-foot Sea Level Rise + MHHW + 100 Year Storm Event” and “5.5-foot Sea Level Rise + MHHW + 100 Year Storm Event” respectively. Please note that the data represented on maps is actually: “3-foot Sea Level Rise + MHHW” and “5.5-foot Sea Level Rise + MHHW”. For other equivalent water levels represented by these maps please see the matrix provided on 2-7 of “Adapting to Rising Tides: Contra Costa Sea Level Rise Vulnerability Assessment”.

O.4-5

**Appearance, Design, and Scenic Views.** The Bay Plan policies on appearance, design, and scenic views state, in part, that "all bayfront development should be designed to enhance the pleasure of the user or viewer of the Bay. Maximum efforts should be made to provide, enhance, or preserve views of the Bay and shoreline, especially from public areas, from the Bay itself, and from the opposite shoreline." The Land Use and Planning, Transportation and Traffic, Public Services and Recreation impacts and mitigation assessments in the DEIR find no significant impact of the Richmond Bay Specific Plan to views along shoreline trails and recreational spaces, and any features that would enable or discourage views of the Bay from public access points. Therefore the proposed Richmond Bay Specific Plan elements would be consistent with the Bay Plan policies on these resources.

O.4-6

**Public Access.** The Commission can only approve a project within its jurisdiction if it provides maximum feasible public access, consistent with the project. The Bay Plan policies on public access state, in part, that "in addition to the public access to the Bay provided by waterfront parks, beaches, marinas, and fishing piers, maximum feasible access to and along the waterfront and on any permitted fills should be provided in and through every new development in the Bay or on the shoreline." The DEIR finds that the Richmond Bay Specific Plan would expand the network of trails that connect to the Bay Trail and increase open space and recreational facilities in sub-area 4 to accommodate some of the potential increase in demand for recreation from new residents to the area. Therefore, the proposed Specific Plan elements are generally consistent with the Bay Plan policies on public access.

O.4-7

**Recreation.** The Bay Plan policies on recreation state, in part, that "diverse and accessible water-oriented recreational facilities, such as marinas, launch ramps, beaches, and fishing piers, should be provided to meet the needs of a growing and diversifying population, and should be well distributed around the Bay and improved to accommodate a broad range of water-oriented recreational activities for people of all races, cultures, ages and income levels." In the Bay Plan, Eastern Shore State Park, which sits partially within sub-area 4 of the Richmond Bay Specific Plan, is a designated waterfront park and beach priority use area. The Bay Plan policies on Recreation that guide the use of this priority use area state: “To capitalize on the attractiveness of their bayfront location, parks should emphasize hiking, bicycling, riding trails, picnic facilities, swimming, environmental, historical and cultural education and interpretation, viewpoints, beaches, and fishing facilities” (Bay Plan Recreation Policy #4). Bay Plan Recreation

O.4-8

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policies on bayfront parks also require public launching facilities for human-powered boats (where feasible) (Bay Plan Recreation Policy #4).

The DEIR description of proposed walking and biking along the shoreline align with the Recreation Policies governing this priority use area designation; however the final EIR should discuss if other waterfront park and beach recreational uses such as boating and fishing are feasible as they would provide for diverse, accessible recreational opportunities consistent with these policies.

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O.4-8  
cont.

**Transportation.** The Bay Plan policies on transportation state, in part, that "transportation projects ... should include pedestrian and bicycle paths that will either be a part of the Bay Trail or connect the Bay Trail with other regional and community trails. Transportation projects should be designed to maintain and enhance visual and physical access to the Bay and along the Bay shoreline." There are Bay Trail segments within the proposed Richmond Bay Specific Plan area, however the DEIR finds the proposed project would have no significant effect on bicycle and pedestrian circulation, and therefore the Specific Plan would be consistent with the Bay Plan policies on these resources.

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O.4-9

**Fish, Other Aquatic Organisms and Wildlife.** The Bay Plan policies on fish, other aquatic organisms and wildlife state, in part, that to benefit these resources "the Bay's tidal marshes, tidal flats and subtidal habitat should be conserved, restored and increased" to the "greatest extent feasible." Furthermore, "[s]pecific habitats that are needed to conserve, increase or prevent the extinction of any native species, species threatened or endangered, species that the California Department of Fish and Game has determined are candidates for listing as endangered or threatened under the California Endangered Species Act, or any species that provides substantial public benefits, should be protected, whether in the Bay or behind dikes." The DEIR finds that with the planned mitigation measures in place, the proposed Richmond Bay Specific Plan would have no significant effect on fish, other aquatic organisms and wildlife, and therefore the proposed project elements would be consistent with the Bay Plan policies on these resources.

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O.4-10

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**Existing BCDC Permits.** The City of Richmond and other public and private landowners have existing BCDC permits that control the use of land and water within the Commission's jurisdiction. A partial list includes BCDC Permit Nos. M1995.026.00, M1994.040.00, and M1974.060.01. The final EIR should analyze whether any of the proposed land uses would conflict with these Commission permits.

O.4-11

Thank you for considering staff comments on the DEIR. If you have any questions regarding this letter please contact me by phone at 415.352.3342 or email [lindy.lowe@bcdc.ca.gov](mailto:lindy.lowe@bcdc.ca.gov).

Sincerely,

Lindy L. Lowe  
Acting Planning Manager

## Letter O.4: San Francisco Bay Conservation and Development Commission

- O.4-1 As indicated in Chapter 2 of this Response to Comments document, page 3-43 of the Draft EIR (in Chapter 3, Project Description) has been revised to include information provided in the comment.
- O.4-2 As indicated in Chapter 2 of this Response to Comments document, page 4.9-40 of the Draft EIR has been revised to include information provided in the comment.
- O.4-3 The South Richmond Shoreline Special Area Plan (SRSSAP) (1977, as amended through August 1987<sup>3</sup>) was developed through a cooperative effort between the City and BCDC.<sup>4</sup> As noted in the comment, the SRSSAP has not been updated in almost 30 years. The City met with BCDC on April 10, 2015, and this meeting included discussion of the applicability of the almost 30-year-old SRSSAP to the Specific Plan. At this meeting, senior BCDC planners (Joe LaClair and Bob Batha) acknowledged that the SRSSAP did not reflect either current conditions or Citywide and regional planning goals. The City agrees with BCDC that the SRSSAP is outdated for reasons noted below, including changes to the City's General Plan and regional Plan Bay Area, as well as physical and land use changes within the SRSSAP area. As requested in the comment letter, the City will coordinate with BCDC to update the SRSSAP to align with the City's current General Plan, as well as Plan Bay Area.

The Draft EIR discusses the SRSSAP within the larger context of overall consistency with BCDC plans, policies, and regulations. The Draft EIR appropriately concluded that the Specific Plan is consistent with BCDC plans, policies, and regulations (Draft EIR, page 4.9-40)<sup>5</sup>. See also *Naraghi Lakes Neighborhood Preservation Ass'n v. City of Modesto* (2016) 1 Cal.App. 5th 9, pp. 19-24 (upholding determination of General Plan consistency where City reasonably made a determination of consistency with flexible policies, consistent with City's past practice in applying those provisions).

<sup>3</sup> Available online at <http://www.bcdc.ca.gov/publications/SouthRichmondShorelineSAP.pdf> (last accessed November 3, 2016).

<sup>4</sup> The SRSSAP was intended to achieve compatibility between BCDC's San Francisco Bay Plan and the Richmond General Plan (see page 1 of the SRSSAP). The SRSSAP includes all of the shoreline between the Contra Costa/Alameda County line and Shipyard No. 3, the land between the shore and Hoffman Boulevard, the water areas bounded by the Richmond/Contra Costa County boundary on the south and a line extending southward from the western boundary of Shipyard No. 3 on the west, and the two islands within those waters (see page 2 of the SRSSAP). The SRSSAP is divided into four geographical areas, some of which include areas outside BCDC's permit jurisdiction (see page 2 of the SRSSAP).

<sup>5</sup> This determination is consistent with the Richmond General Plan Update Environmental Impact Report, which addressed BCDC's Bay Plan in Sections 3.1 (Land Use Consistency and Compatibility), 3.4 (Biological Resources), 3.6 (Climate Change), and 3.9 (Hydrology and Water Quality)(incorporated by reference herein in its entirety). City of Richmond Resolution No. 51-12, April 24, 2012 (available here: <http://www.ci.richmond.ca.us/ArchiveCenter/ViewFile/Item/4534>, last accessed November 3, 2016).

At the time the SRSSAP was adopted, the City's General Plan policies applicable to the South Richmond Shoreline area were contained primarily in the Richmond Coastline Plan, adopted on March 12, 1973, as part of the General Plan. General Plan policies related to Land Use encourage the development of the shoreline for a variety of uses, including residential, commercial recreation, water-oriented commercial, open space, industrial and port.<sup>6</sup>

There have been significant changes to the physical topography and land uses in Richmond and specifically within the SRSSAP area since 1977 (when the SRSSAP was adopted) and 1987 (when the SRSSAP was updated). In 2013, as part of Plan Bay Area, designated PDAs were targeted to accept 80 percent of the Bay Area region's growth, including housing and employment. Within the South Richmond PDA (specifically the Santa Fe and Inner Harbor Basin Sub areas of the SRSSAP), residential uses including townhomes and live/work units have been approved that do not reflect the outdated standards contained in the SRSSAP, but are consistent with Plan Bay Area and the City's current General Plan, Housing Element, and zoning regulations.<sup>7</sup> In addition, some of the former rail-lines and spurs that existed to support industrial uses have been removed and replaced with recreation and transportation links.

Additionally, the City has updated its General Plan numerous times since adoption of the SRSSAP, including most recently on April 25, 2012, when the City Council adopted General Plan 2030. As detailed in Section 4.9 of the Draft EIR (*Land Use and Planning*), the General Plan calls for the creation of a Specific Plan for the Southern Gateway/Southern Shoreline area in order to redevelop this area as part of a vibrant, mixed-use, transit-oriented development. As discussed in this section of the Draft EIR, the Specific Plan is consistent with the City's current General Plan.

Likewise, the City's Housing Element recognizes the Plan Area as a site identified for the development of housing, and more generally, substantial redevelopment of the area to include a mix of uses including education, research and development, light industrial, residential and other sensitive uses (Draft EIR, page 3-7). Specifically, the Housing Element expressly recognizes that:

“The City will also considerably increase land available for residential development within a 220 acre Priority Development Area (PDA) along its south shoreline of the San Francisco Bay. The Richmond Bay Specific Plan is nearly complete, and is intended to complement and capitalize on the proposed Berkeley Global Campus at Richmond Bay, which is anticipated to become a global, high tech research hub comprised of a mix of institutional, commercial, and residential uses. The Richmond

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<sup>6</sup> See page 8 of the SRSSAP.

<sup>7</sup> Refer to all City of Richmond Planning Department files related to project approvals within the SRSSAP area since the SRSSAP was adopted in 1977.

Bay Specific Plan’s guiding land use plan and development standards includes the conversion of a significant area of industrial land into a mix of uses, including a variety of housing types and intensities that will provide a balance of jobs and housing. Overall, the Plan provides for over 4,000 units of housing estimated at complete build out” (Richmond General Plan 2030, April, 2012).

The Specific Plan is consistent with these policies (Draft EIR, page 4.9-39).

Also as detailed in the Draft EIR, in July 2013, the MTC and ABAG jointly approved the region’s SB 375 plan, Plan Bay Area, and certified the associated EIR. The Plan Area is located within the South Richmond Priority Development Area (PDA), which is a Transit Neighborhood focusing on improvements that would promote mixed-use development and enhance multi-modal connectivity and mobility (Draft EIR, pages 4.9-13 and 4.9-14). The Specific Plan has been designed to be consistent with and implement the transit-oriented South Richmond PDA, which was adopted by MTC and ABAG to help achieve region-wide greenhouse gas reduction targets by locating new population centers near jobs and mass transit. Uses anticipated in the PDA include retail, commercial, and other uses, as well as public transit and improvements to traffic and transportation infrastructure to improve connectivity, and improvements that would promote mixed-use development; these uses and improvements are consistent with the uses proposed under the Specific Plan. Further, the Specific Plan is designed to provide the land use plan and development standards for a mix of uses, including a variety of housing types and intensities that will provide a balance of jobs and housing (Draft EIR, page 4.9-40).

- O.4-4 Refer to Section 4.8 *Hydrology, Sea Level Rise, and Water Quality*, which addresses coastal access and sea level rise, including impacts related to mid- to end-of-century sea level rise and sea level rise adaptation. Preceding the subheading “Construction General Permit,” additional text has been added to page 4.8-13 of Section 4.8 to provide further detail, as indicated in Chapter 2 of this Response to Comments document.
- O.4-5 With regard to figures 4.8-2 and 4.8-3 in the Draft EIR, the data presented in these figures show two water levels: that of the Mean Higher High Water (MHHW) level with sea level rise (as shown in dark blue), and that of the MHHW level with sea level rise under the conditions of a 100-year storm event (as shown in light blue). The base data layers originate from layers created by the Adapting to Rising Tides project for Contra Costa County (ART).<sup>8</sup>

<sup>8</sup> Specifically, the matrix provided on page 2-7 of the document “Adapting to Rising Tides: Contra Costa County Sea Level Rise Vulnerability Assessment, Final Report,” (completed for BCDC’s ART Program, dated February 2016, and accessed November 5, 2016) was utilized in order to determine and present these scenarios.

Specifically, Figure 4.8-2 (3-foot sea level rise scenario) includes a layer showing MHHW with 36 inches of sea level rise (dark blue), as well as a layer of MHHW with 77 inches of sea level rise (light blue) that shows a storm surge condition under the 100-year flood event. The same approach was used for Figure 4.8-3 (5.5-foot sea level rise scenario), which includes a layer showing MHHW with 66 inches of sea level rise (dark blue), as well as a layer of MHHW with 108 inches of sea level rise (light blue) that shows a storm surge condition under the 100 year flood event.

- O.4-6 The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.
- O.4-7 The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.
- O.4-8 The Specific Plan and Draft EIR both include consideration of active and passive recreation within the Plan Area, and the Draft EIR identifies impacts associated generally with these activities. If boating and fishing uses are proposed in the future, the City will consider and evaluate them to the extent that these activities would be under the City's jurisdiction, and consistent with other plans, policies, and regulations.
- O.4-9 The comment does not raise any substantive environmental issues that require further response under CEQA.
- O.4-10 The comment does not raise any substantive environmental issues that require further response under CEQA.
- O.4-11 See Response to Comment O.4-3, above. The Specific Plan does not designate any prescribed land uses within any part of the Plan Area. New uses proposed within the Plan Area that are also located within BCDC jurisdiction will be required to be consistent with existing permits, or amendments to those permits will be required.

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**From:** Sandra Hamlat  
**Sent:** Monday, October 17, 2016 11:06:32 AM (UTC-08:00) Pacific Time (US & Canada)  
**To:** Richmond Bay Specific Plan  
**Cc:** Brian Holt  
**Subject:** Richmond Bay Specific Plan Draft EIR

Dear Ms. Velasco,

The East Bay Regional Park District appreciates the opportunity to review and comment on the Richmond Bay Specific Plan Draft Environmental Impact Report (please see attached). The District stewards 55 miles of shorelines and 200 miles of active transportation trails in both Contra Costa and Alameda Counties. Feel free to contact me if you have any questions.



**Sandra Hamlat**  
**Senior Planner** | Advance Planning Unit  
East Bay Regional Park District  
2950 Peralta Oaks Court, Oakland, CA 94605  
T: 510-544-2318 | F: 510-544-1417  
[SHamlat@ebparks.org](mailto:SHamlat@ebparks.org) | [www.ebparks.org](http://www.ebparks.org)

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October 17, 2016

Lina Velasco, Project Manager  
City of Richmond Planning Division  
450 Civic Center Plaza  
P.O. Box 4046  
Richmond, CA 94804

**RE: RICHMOND BAY SPECIFIC PLAN DRAFT ENVIRONMENTAL IMPACT REPORT**

Dear Ms. Velasco:

The East Bay Regional Park District appreciates the opportunity to review and comment on the Richmond Bay Specific Plan Draft Environmental Impact Report (EIR). The District stewards 55 miles of shorelines and 200 miles of active transportation trails in both Contra Costa and Alameda Counties. Our mission includes protecting Richmond’s natural habitats and providing outdoor recreation opportunities.

**General Comments:** The District maintains and operates the Bay Trail and McLaughlin Eastshore State Park and has interests in additional properties, including the East Stege Marsh, within the Plan Area. The McLaughlin State Park and the Bay Trail will be the primary recreation amenities for future residents of the south shoreline area. The result will be substantial increases in use of the Bay Trail and within McLaughlin Eastshore State Park.

0.5-1

**Project Description:** The Project Description should include the District with the other regional agencies that are labeled local agencies on Page 3-42.

0.5-2

**Transportation and Traffic:** The District’s Master Plan, the Richmond General Plan, and the Richmond Bay Specific Plan all emphasize bicycling and walking as a primary means of mobility throughout the Plan Area. Moreover, the Richmond Bay Specific Plan identifies linking non-contiguous properties of the McLaughlin Eastshore State Park with the Bay Trail as an important goal towards improving connectivity and circulation. The District supports the goal of encouraging bicycling and walking as a means of limiting automobile dependency and providing connectivity. As such, the District wants to ensure that the Richmond Bay Specific Plan includes path and trail connections to the Bay Trail and the McLaughlin Eastshore State Park as well as to regional transit hubs. This recommendation

0.5-3

Board of Directors

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includes connections to BART and AC Transit stations via an Interstate-580 overcrossing and a bridge over the wetland area to relieve it as a pinch point. However, concerns remain for impacts to the Bay Trail and McLaughlin Eastshore State Park as a result of the increased population using the trail for both commute and recreational purposes as well as the potential for conflicts between user groups.

↑  
O.5-3  
cont.

There are a number of potential significant and unavoidable impacts as a result of developing the Richmond Bay Specific Plan. If the impact analysis used Vehicle Miles Traveled instead of Level of Service, as will soon be required under the California Environmental Quality Act, the proposed project could include more bicycling and walking facilities to offset these impacts. Mitigation measures should include the following:

↑  
O.5-4

1. Specific measures to improve the Bay Trail and minimize potential user conflicts within McLaughlin East Shore State Park where improvements are needed to accommodate increased use as well as emergency and maintenance vehicles. These measures should include funding for long-term maintenance of these facilities.
2. Consideration of a separate bikeway that would provide an alternative to the Bay Trail and provide connections to McLaughlin Eastshore State Park and regional transit hubs such as Richmond and El Cerrito BART stations. Specifically, alternative trails inland should be included to connect 51<sup>st</sup> Street to the El Cerrito and Richmond BART stations. This would serve to protect the Bay Trail from over-use and would avoid conflicts between commuting bicyclists and recreational Bay Trail users.
3. Recommendations from the South Richmond Transportation Connectivity Plan to improve key multi-modal connections between south Richmond and the surrounding region especially between nearby transit stations (for example, BART and AC Transit) while reducing environmental impacts related to transportation.

↑  
O.5-5

↑  
O.5-6

↑  
O.5-7

Thank you for the opportunity to comment on the Richmond Bay Specific Plan Draft EIR. The District looks forward to working together on these issues in addition to climate resiliency ones. Please contact me if you have questions regarding the District's comments at SHamlat@ebparks.org or (510)544-2318.

Sincerely,



Sandra Hamlat  
Senior Planner

cc:Kevin Takei – Shoreline Unit Manager

## Letter O.5: East Bay Regional Park District

O.5-1 Although this comment does not specifically comment on the adequacy of the EIR analysis, this comment is addressed and discussed below.

Development within the Plan Area will take place gradually, over a period of more than 20 years. As discussed in the Specific Plan (Open Space Key Action Items, in Section 3.3.6, Parks, Open Space, and Shoreline Access), as development of the Richmond Field Station and adjacent properties proceeds, the City will coordinate with the Association of Bay Area Governments (ABAG) and the East Bay Regional Parks District (EBRPD) in monitoring bicycle and pedestrian traffic on the Class I portions of the Bay Trail to ensure that there is adequate capacity to accommodate new residents and employees commuting to and from the Plan Area. The Specific Plan further states decreases in level of service along the Bay Trail should be evaluated and, as needed, strategies for improving level of service should be considered, including replacing narrow bridges at creek crossings that serve as “pinch points” on the trail. The City will also explore longer-term strategies for increasing capacity, in collaboration with ABAG and EBRPD. Future studies may explore widening and elevating the Bay Trail to both increase capacity and mitigate sea level rise impacts. The Plan Area includes linkage trails and open spaces to improve pedestrian connectivity, including improvements to the Bay Trail near Sub-Area 4. The City will continue to coordinate with EBRPD on planning new facilities.

As stated in the Draft EIR (page 4.12-14), approximately 32.7 acres of new open space are anticipated to be developed under the Specific Plan. Specific projects, as they are proposed under the Specific Plan, will be evaluated for potential impacts to EBRPD parklands, and any necessary measures to reduce impacts will be identified. Although the addition of new residents and workers within the Plan Area would increase the public use of EBRPD parklands, the increase in users is anticipated to be minor in relation to the volume of existing users of Eastshore State Park. In addition, at the same time new users within the Plan Area would incrementally increase park use, development under the Specific Plan also would create new city parkland and related public amenities (including the Shoreline Promenade and Community Park in Sub-Area 4) and would provide expanded public access to the South Richmond shoreline and views of the Bay.

O.5-2 The list of agencies presented in the Project Description includes Responsible Agencies and Trustee Agencies which may have limited discretionary authority over future site-specific development proposals under the Specific Plan. As indicated in Chapter 2 of this Response to Comments document, page 3-42 of the Draft EIR has been revised to indicate that the EBRPD is a Responsible Agency under CEQA, and that developers of proposed projects within the Plan Area and

the City are required to obtain a District encroachment permit for any construction activities that take place within District lands.

O.5-3 See Response to Comment O.5-1, above.

The comment raises questions about the Specific Plan, but does not comment on the adequacy of the EIR analysis. It should be noted that Chapter 3, Project Description, of the Draft EIR (pages 3-19 and 3-22) describes pedestrian and bicycle improvements included in the Specific Plan; these improvements are also described in Section 4.13, *Transportation and Traffic*, of the Draft EIR (pages 4.13-25 to 4.13-26). The identified improvements would improve non-motorized connections within the Plan Area and to other areas, including the Bay Trail and nearby BART stations.

Regarding using Vehicle Miles Traveled (VMT) rather than considering Level of Service in determining impacts: on January 20, 2016, the State of California Office of Planning and Research released draft guidelines for the use of VMT in determining traffic impacts, in accordance with S.B. 743.<sup>9</sup> These guidelines, however, are still in the process of review and revision, and have not yet been adopted. Additionally, the City of Richmond has not adopted significance thresholds, guidance, guidelines, or procedures for using VMT to assess traffic impacts. Accordingly, the Draft EIR does not include VMT as a CEQA significance threshold. It should also be noted, however, that the Specific Plan was designed for the purpose of redevelopment of an area identified as a Priority Development Area through the Plan Bay Area process in a manner that would encourage and even require a very high level of non-automobile (i.e. pedestrian, bicycle, and transit) trips in proportion to the total trips undertaken within the Plan Area, which would result in reduced VMT for the Specific Plan.

O.5-4 See response to Comment O.5-3 regarding pedestrian/bicycle improvements included in the Specific Plan.

O.5-5 See response to comment O.17-3. The comment does not identify any specific improvements, does not comment on the adequacy of the EIR analysis, and does not raise any substantive environmental issues that require further response under CEQA. See Response to Comment O.5-1.

O.5-6 The comment makes recommendations for the Specific Plan, but does not comment on the adequacy of the EIR analysis. The comment does not raise any substantive environmental issues that require further response under CEQA. However, it should be noted that the Specific Plan and Draft EIR include multiple non-motorized alternatives to Bay Trail including new shared-use paths along Marina Bay Parkway and the railroad right-of-way between Marina Bay

<sup>9</sup> See [https://www.opr.ca.gov/s\\_sb743.php](https://www.opr.ca.gov/s_sb743.php) (last accessed November 5, 2016).

Parkway and Marina Way South, cycletracks along Regatta Boulevard, Meade Street, and Marina Way South.

O.5-7

As described in Section 4.13, *Transportation and Traffic*, starting on page 4.13-69, the Draft EIR identifies the multi-modal improvements recommended in the SRTCP as mitigation measures to encourage non-automobile trips and reduce automobiles trips generated by development under the Specific Plan. These measures include a South 47th Street overcrossing over I-580 and railroad tracks and enhanced bicycle facilities along Carlson Boulevard, Bayview Avenue, South 23rd Street, Marina Way South, and Harbour Way South.

## Comment Letter O.6

---

**From:** Hultman, Debbie@Wildlife  
**Sent:** Monday, October 17, 2016 4:39:17 PM (UTC-08:00) Pacific Time (US & Canada)  
**To:** Richmond Bay Specific Plan  
**Cc:** Farinha, Melissa@Wildlife; Stanley, Robert@Wildlife; Obeso, Katherine@Wildlife; Starr, Jim@Wildlife;  
[state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)  
**Subject:** Richmond Bay Specific Plan-SCH#2014092082

Ms. Velasco,

Please see the attached letter. Original to follow.

Thank you,  
*Debbie Hultman*  
Assistant to the Regional Manager  
Bay Delta Region  
California Department of Fish and Wildlife  
707.944.5517  
[debbie.hultman@wildlife.ca.gov](mailto:debbie.hultman@wildlife.ca.gov)

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State of California – The Natural Resources Agency  
 DEPARTMENT OF FISH AND WILDLIFE  
 Bay Delta Region  
 7329 Silverado Trail  
 Napa, CA 94558  
 (707) 944-5500  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)



October 17, 2016

Ms. Lina Velasco  
 City of Richmond  
 Planning Division  
 450 Civic Center Plaza, Second Floor  
 Richmond, CA 04804

Dear Ms. Velasco:

Subject: Richmond Bay Specific Plan, Draft Environmental Impact Report, SCH #2014092082,  
 Contra Costa County

The California Department of Fish and Wildlife (CDFW) has reviewed the draft Environmental Impact Report (EIR) for the Richmond Bay Specific Plan (Project). CDFW is providing comments on the draft EIR as a Trustee Agency and Responsible Agency.

As Trustee for the State's fish and wildlife resources, CDFW has jurisdiction over the conservation, protection, and management of the fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of such species for the benefit and use by the people of California. CDFW also acts as a Responsible Agency pursuant to the California Environmental Quality Act (CEQA) Section 15381 if a project requires discretionary approval, such as issuance of a California Endangered Species Act (CESA) Incidental Take Permit (ITP) (Fish and Game Code section 2080 *et seq.*), or Lake or Streambed Alteration Agreement (LSAA) (Fish and Game Code section 1600 *et seq.*). Pursuant to our jurisdiction, CDFW has the following concerns, comments, and recommendations regarding the proposed Project.

O.6-1

*Project Location and Description*

The Project is located on the south side of Interstate 580 (I-580) in the City of Richmond and is defined by an area that encompasses approximately 430 acres. The Project is comprised of two areas designated as the Regatta/Marina Bay Change Area (CA-15) and the Southern Gateway Change Area (CA-16) as specified in the City of Richmond General Plan. Area CA-15 is bounded by Regatta Boulevard to the south, I-580 to the north, Marina Way South to the west and I-580 and Regatta Boulevard to the east. Area CA-16 is located to the south and west of I-580 and east of 32<sup>nd</sup> Street. This area includes the Campus Bay Business Park and the Harbor Front Tract. The Project proposes to revitalize these areas by introducing high intensity light industrial commercial uses along with large scale university and research uses. The Project also proposes to conserve some ecologically sensitive areas while creating improved public access and a mix of land uses along the shoreline.

*Monarch Butterfly Avoidance and Minimization*

The draft EIR does not identify the removal of large roosting trees as a significant impact to the monarch butterfly. Section 15380 of CEQA requires the lead agency treat sensitive species, such as the monarch butterfly, as though they are listed if the species meets the criteria for

O.6-2

Ms. Lina Velasco  
October 17, 2016  
Page 2

listing described in the section. There are multiple stands of large trees throughout the Project area that have potential to provide roosting habitat for monarch butterflies. These large trees are located along the southern terminus of South 46<sup>th</sup> Street and the northern portion of Seaver Avenue. The Richmond Field Station, an area within the Project area, is a known monarch stopover and roosting area where tree removal has been identified as a potential Project activity. The monarch butterfly is declining throughout its native range. Monarch butterflies exhibit high site fidelity to roosting trees, as noted in the draft EIR. This high site fidelity demonstrates that monarchs have a low tolerance for removal of any roosting trees (as the biological mechanisms for transferring locational information of roosting sites between generations is poorly understood) and therefore loss of a roosting tree or changes to trees within the same grove can be considered a significant biological impact. The draft EIR states that there are other monarch butterfly roosting habitat nearby, however the draft EIR fails to demonstrate whether this habitat contains suitable microclimate characteristics required by monarch butterflies (i.e. is currently used by the species) nor does it provide mitigation for loss of roosting habitat.

↑  
O.6-2  
cont.

CDFW considers the loss of monarch roosting habitat as a significant impact. CDFW recommends that the draft EIR be revised to require subsequent projects to avoid all impacts to any potential monarch roosting trees or trees within the same grove and require their preservation. If removal of potential monarch roosting trees or trees with the same grove cannot be feasibly avoided in future projects occurring under the umbrella of this draft EIR, then mitigation requirements for loss or modification of such trees should be incorporated into a revised document. For removal of such trees, CDFW recommends the Lead Agency require projects to phase tree removal and implement a restoration and monitoring plan to restore and enhance areas for the benefit of the monarch butterfly. Restoration and monitoring plans should be written by Qualified Biologists that are considered experts in monarch butterfly ecology. Phased removal should allow for roosting trees to persist until native replacement trees are capable of providing roosting habitat and should include planting of native plants that can be utilized by various stages of the monarch life cycle. These plans should also require long-term management and monitoring to ensure that replacement trees have achieved the following success criteria prior to tree removal or modification: demonstrate consistent use by monarch butterflies as roosting habitat. These plans should also incorporate maintenance policies, maintenance tasks, schedules to perform tasks, vegetation trimming restrictions and a no-spray policy for herbicides or pesticides.

O.6-3

*Section 1600 Lake and Streambed Alteration Agreements*

Projects subsequent to the draft EIR may have the potential to impact tributaries of Baxter Creek, Meeker Creek, Meeker Slough and tidal marsh habitat influenced by these tributaries and drainages. For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed, CDFW may require an LSAA, pursuant to Section 1600 et seq. of the Fish and Game Code, with the applicant. Issuance of an LSAA is subject to CEQA. CDFW, as a responsible agency under CEQA, will consider the CEQA document for the project. The CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for

O.6-4  
↓

Ms. Lina Velasco  
October 17, 2016  
Page 3

completion of the agreement. To obtain information about the LSAA notification process, please access our website at <https://www.wildlife.ca.gov/Conservation/LSA>; or to request a notification package, contact the Bay Delta Regional Office at (707) 944-5500.

↑ O.6-4  
cont.

*Open Space Designation and Preservation*

Wildlife movement corridors are green or undeveloped spaces that provide connectivity for populations of wildlife through areas of human development. The proposed Project may create a significant barrier to wildlife movement throughout the existing undeveloped spaces, marsh areas and tidal areas throughout the Project area. It is recommended that the draft EIR be revised to identify wildlife movement corridors and provide for their preservation in perpetuity. Wildlife movement corridors should be maintained and be accessible during all phases of the Project.

↑ O.6-5

In order to preserve existing wildlife populations and reduce the impact of feral cats on marsh bird populations, it is recommended that the draft EIR be revised to include a program to strategically manage feral cat populations in the vicinity of tidal marsh habitats as mitigation for the Project. The program should consider performance of public outreach and cooperation with neighboring property owners. This program should be funded, implemented and monitored for effectiveness in perpetuity by future projects that occur under the umbrella of the draft EIR.

↑ O.6-6

*General Comments*

The draft EIR lacks a mitigation, monitoring and reporting program (MMRP). When a lead agency makes findings on significant effects identified in an EIR, it must also adopt a program for reporting or monitoring mitigation measures that were adopted or made conditions of project approval (Pub. Res. Code §21081.6(a); CEQA Guidelines §15091(d), 15097). It is recommended that the draft EIR be revised to incorporate an MMRP.

↑ O.6-7

Per CEQA Guidelines § 15063 (g), for future projects that occur under the umbrella of this Specific Plan, CDFW recommends that the lead agencies informally consult with CDFW as a Trustee or Responsible Agency once it has determined an initial study is required for a project. CDFW appreciates the opportunity to cooperatively work with Project proponents before and during the CEQA process to avoid unexpected interruptions during implementation of subsequent projects.

↑ O.6-8

If you have any questions, please contact Mr. Robert Stanley, Environmental Scientist, at (707) 944-5573; or Ms. Melissa Farinha, Senior Environmental Scientist (Supervisory), at (707) 944-5579.

Sincerely,

Scott Wilson  
Regional Manager  
Bay Delta Region

cc: State Clearinghouse:

## Letter O.6: California Department of Fish and Wildlife

- O.6-1 The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.
- O.6-2 Refer to Section 4.3, *Biological Resources*, of the EIR, which addresses the monarch butterfly and its potential habitat within the Plan Area (see pages 4.3-17, 4.3-40, and 4.3-63). Suitable roosting habitat for overwintering monarch butterfly does not occur within the Plan Area. Instead, suitable roosting habitat is restricted to habitat that occurs within the Richmond Field Station (Berkeley Global Campus project site), which is not part of the Plan Area. Removal of such habitat is analyzed and mitigated under the EIR prepared for development of the Richmond Field Station site. Individual trees within the Plan Area are relatively isolated (i.e. not in groves), and are generally not of the appropriate species or type (such as eucalyptus), and thus do not provide suitable roosting habitat for overwintering monarch butterflies.
- O.6-3 Refer to Response to Comment O.6-3 above which addresses the lack of suitable overwintering monarch butterfly habitat within the Plan Area.
- O.6-4 Refer to Section 4.3, *Biological Resources*, of the Draft EIR (pages 4.3-29 and 4.3-33) which addresses CDFW authority. Refer also to Impact BIO-3.SP (pages 4.3-57 through 4.3-60 of the Draft EIR) which addresses impacts to waterways.
- O.6-5 Refer to Section 4.3, *Biological Resources*, of the Draft EIR, which discusses identified wildlife corridors within the Plan Area (see pages 4.3-6, and 4.3-29, as well as Impact BIO-4.SP on page 4.3-60 and Impact BIO-4.SA4 on page 4.3-73). The wildlife corridors within the Plan Area identified in the EIR include riparian corridors along Meeker Tidal Creek and the undeveloped shorelines in the Plan Area that lie within the larger corridor of Central San Francisco Bay. Under the Specific Plan, these corridors would remain as open space and would not be subject to development.
- O.6-6 Refer to Section 4.3, *Biological Resources*, of the Draft EIR, which identifies feral cats within the Developed/Landscaped/Ruderal terrestrial community and habitat type (see page 4.3-5). While feral cats are present within the Plan Area, buildout of residential and non-residential uses under the Specific Plan and Project would not increase the number of feral cats in the area, and CEQA's purpose is to mitigate impacts over the baseline (i.e., in addition to existing conditions) that would be caused under the Specific Plan, not remedy an existing issue. As part of the new development of open space within the Plan Area, the City will evaluate the need to develop feral cat management plans.

- O.6-7            The comment correctly states that a lead agency is required to adopt a program for reporting or monitoring mitigation measures that were adopted or made conditions of project approval when the lead agency makes findings of significant effects identified in an EIR (CEQA *Guidelines* Section 15091[d] and Section 15097). CEQA does not require the submittal of a draft MMRP as part of the Draft EIR (CEQA *Guidelines* sections 15120 to 15132). The MMRP for the Specific Plan and the Sub-Area 4 Project is included as Chapter 6 of this Response to Comments document.
- O.6-8            Refer to Section 4.3, *Biological Resources*, of the Draft EIR, which identifies City engagement with CDFW that would take place as part of Mitigation Measure BIO-1c.SP: Preconstruction Nesting Bird Surveys, and Mitigation Measure BIO-1e.SP: Salt Marsh Harvest Mouse and Salt Marsh Wandering Shrew Measures. Consistent with CEQA *Guidelines* Section 15063(g), the City will continue to engage with and informally consult CDFW related to future projects as needed and required.

# Comment Letter O.7

---

**From:** Lina Velasco  
**Sent:** Monday, October 17, 2016 3:44:06 PM (UTC-08:00) Pacific Time (US & Canada)  
**To:** Richmond Bay Specific Plan  
**Subject:** FW: Proposed Zoning update and Richmond Bay Specific Plan comments

**From:** [Ana.Apodaca@kp.org](mailto:Ana.Apodaca@kp.org) [<mailto:Ana.Apodaca@kp.org>]  
**Sent:** Monday, October 17, 2016 3:40 PM  
**To:** Lina Velasco  
**Subject:** Proposed Zoning update and Richmond Bay Specific Plan comments

Lina,

I wanted to share with you Kaiser Permanente's concern regarding the Richmond Bay Specific Plan and the proposed zoning code for downtown. I am submitting two letters that address Kaiser Permanente's concern.

Catherine Reilly is on vacation until Nov. 1. Should you have any questions regarding the letter she signed, please feel free to give me a call.

**Ana Apodaca**  
Community and Government Relations Manager

**Kaiser Permanente**  
Core Bay Area Hub  
2401 Merced Street, Suite #100  
San Leandro, CA 94577

510-618-5845 (office: 8-412)  
510-292-8685 (mobile)

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Kaiser Permanente Medical Center  
901 Nevin Avenue  
Richmond, California 94801-3195  
Phone: (510) 307-1500

David P. Leighton  
Chief Operating Officer

October 11, 2016

Lina Velasco, Project Manager  
Planning and Building Services  
450 Civic Center Plaza  
P.O. Box 4046  
Richmond, CA 94804-1630

Dear Ms. Velasco,

Kaiser Permanente has reviewed the proposed zoning code updates for both its downtown medical center and its property at 914-938 Marina Way South. We have submitted a separate comment letter for the revised draft Richmond Bay Specific Plan, which addresses our comments on the zoning proposed for 914-938 Marina Way South.

The following provides comments on the proposed zoning for our downtown medical center at 901 Nevin Avenue, which includes the hospital/medical offices and related surface and garage parking, as well as our building at 325 Harbor Way.

According to the proposed zoning code, the Kaiser Permanente medical center would have an interim zoning of Interim Study Overlay District of CM-5. The Form-Based Code, dated February 2015, would apply a mixture of the following zoning districts to our property: T5N, T5M5-O and T5M5.

The great majority of our property is proposed to be designated for T5N. Per Table 15.05.040.A, no medical uses are allowed within the T5N zone, including hospitals, medical clinics and medical offices. The T5M5 zone similarly does not allow hospitals, and does not allow medical clinics and offices on the first floor unless behind an allowed use. The T5M5-O zone does allow hospitals and medical clinics with a use permit and medical offices by right, but that zoning category comprises the smallest proportion of the property.

The proposed land use is extremely concerning for Kaiser Permanente, since it will make it impossible to expand or make changes to our facilities in the future. As a result, it will be very difficult to continue to serve the 38,000 Kaiser Permanente members that live in Richmond, as well as the many non-Kaiser patients we treat at our facility, as we provide the only emergency room service in Richmond.

We request the opportunity to meet in person to discuss how the proposed Form-Based Code can be amendment to ensure that Kaiser Permanente is allowed to continue to serve the residents of the City of Richmond. As part of that conversation we would also like to discuss how the new design guidelines, such as parking ratios and heights, will impact our property.

Yours sincerely,

David P. Leighton, MPA, MHC, PHR  
Chief Operating Officer  
Richmond Medical Center  
(510) 307-2838

O.7-1

## **Letter O.7: Kaiser Permanente (1)**

- O.7-1            The comment is noted. The comment addresses the City's proposed zoning code update and does not address the Richmond Bay Specific Plan or Draft EIR. The comment also addresses property that is not within the Plan Area. The comment does not raise any substantive environmental issues that require further response under CEQA.



October 11, 2016

Lina Velasco, Project Manager  
Planning and Building Services  
450 Civic Center Plaza  
P.O. Box 4046  
Richmond, CA 94804-1630

Dear Ms. Velasco,

Thank you for the opportunity to review the September 2016 version of the Richmond Bay Specific Plan ("Specific Plan"). We appreciate the changes that the City of Richmond made to address our comments, provided in a letter dated December 15, 2105, on the first draft of the Specific Plan.

Kaiser Permanente owns the property at 914-938 Marina Way South (Assessor Parcel Number 560-181-089-7), which is located within the proposed Specific Plan. At our Marina Way facility, we operate two laboratories, an optical laboratory and a medical laboratory test processing facility. Both of these labs serve 3.8 members in our Northern California region, of which 38,000 live within the City of Richmond (and are also served by our Richmond Medical Center). We also operate our School of Allied Health on-site, where we provide training to students for living wage jobs in the medical field. We started operating on-site in 2001 and have almost 470 employees working at our Marina Way facility.

We have the following comments on the September 2016 draft of the Specific Plan. We appreciate your consideration of our comments and look forward to future discussions.

**Zoning Districts:** The current Specific Plan applies three different zoning districts to our property: SD:R&D, T5N-O, and T5MS-O. We appreciate that you have clarified in the revised Specific Plan that limited industrial and office are allowed in these zones either by right or with a use permit. This will allow us to continue to serve the community of Richmond and our larger membership base.

However, these three zoning districts cross over our single property, making it difficult to determine what zoning district is applicable to the existing buildings. Ideally we would like the zoning for the entire site changed SD:R&D, since that zone will allow us to continue to locate existing and future light industrial uses on the site without a use permit. However, since it appears that the majority of our existing buildings are located in the SD:R&D zone, at a minimum, we request that the Specific Plan clarify that the zoning boundaries are located such that the existing buildings are all located within the proposed SD:R&D zone. This will avoid any future confusion on what portion of the existing buildings exist within which specific zone.

O.8-1

**Parking Ratios/Transportation Demand Association:** We understand that the City wants to ultimately reduce the overall parking ratio for the Specific Plan area. Since our optical laboratory and a medical laboratory test processing facility operate 24/7, requiring staff to travel to and from the site outside standard commuting hours, many of our employees will not be able to utilize transit and will require adequate on-site parking. In addition, our School of Allied Health serves students that live outside of Richmond, so using transit to travel between their homes and school is infeasible. Please confirm that as long as Kaiser continues to use the existing building without significant changes that we can retain all of our parking, without the need to share with neighbors, and will not be required to join the Transportation Demand Association.

O.8-2

We appreciate your consideration and look forward to continuing conversations with City staff on revisions to the Richmond Bay Specific Plan. We are willing to meet in person to discuss our concerns and identify revisions to the Specific Plan that will benefit both the City of Richmond and Kaiser.

Yours sincerely,

Catherine Reilly  
Senior Land Use Manager  
510-987-1958

## **Letter O.8: Kaiser Permanente**

- O.8-1            Three districts (T5MS-O, SD:R&D, T5N-O) are applied to this property in order to maintain the existing use of the property while encouraging an improved pedestrian and neighborhood orientation (toward Marina Way, Regatta Blvd, and the property's eastern boundary where the Specific Plan contemplates a new thoroughfare) to develop over time.
- O.8-2            Per Section 4.8.7 of the Richmond Bay Specific Plan, only additions of 5,000 square feet or more or redevelopment of the property would trigger the requirement to join the TMA. Existing uses without significant changes can retain parking, and will not be required to join the TMA.

## Comment Letter O.9

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**From:** Lina Velasco  
**Sent:** Monday, October 17, 2016 4:44:29 PM (UTC-08:00) Pacific Time (US & Canada)  
**To:** Richmond Bay Specific Plan  
**Subject:** FW: Comments of Levin Richmond Terminal and Richmond Pacific Railroad on the Richmond Bay Specific Plan and DEIR

---

**From:** Paul Minault [<mailto:pminault@earthlink.net>]  
**Sent:** Monday, October 17, 2016 4:28 PM  
**To:** Lina Velasco; Gary Levin  
**Cc:** Barbara O'Neill; Curtis Savoye; Jim Holland; Pat O'Driscoll; Katrinka Ruk  
**Subject:** Comments of Levin Richmond Terminal and Richmond Pacific Railroad on the Richmond Bay Specific Plan and DEIR

Dear Lina,

Attached are the comments of the Levin Richmond Terminal Corp and Richmond Pacific Railroad Corp. on the draft Richmond Bay Specific Plan and Draft Environmental Impact Report.

Sincerely,

Paul Minault

Counsel for Levin Richmond

--

*Paul Minault*  
*Law Offices of Paul Minault*  
*Land Use and Environmental Law*  
*475 Gate 5 Road, Suite 324*  
*Sausalito, CA 94965*  
*415-971-4090*  
[pminault@earthlink.net](mailto:pminault@earthlink.net)

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LAW OFFICES OF PAUL M. MINAULT  
475 GATE 5 ROAD, SUITE 324  
SAUSALITO, CA 94965

TELEPHONE: 415-971-4090

E-MAIL: pminault@earthlink.net

October 17, 2016

**BY EMAIL:**

Members of the Planning Commission  
c/o Lina Velasco, Senior Planner  
450 Civic Center Plaza  
Richmond, California 94804

Re: Comments of Levin Richmond Terminal Corp. and Richmond Pacific Railroad Corp. on the Draft Richmond Bay Specific Plan and Draft Environmental Impact Report

Dear Members of the Richmond Planning Commission:

This letter presents the comments of the Levin Richmond Terminal Corp. (LRTC) and the Richmond Pacific Railroad Corporation (RPRC) on the Draft Richmond Bay Specific Plan (the Plan) and Draft EIR (DEIR).

Description of LRTC’s and RPRC’s Facilities and Operations. LRTC owns and operates a marine, rail, and truck terminal in the Richmond Inner Harbor specializing in the handling of dry bulk cargos. The terminal is located at the intersection of South 4<sup>th</sup> Street and Wright Avenue. LRTC purchased the terminal in the early 1980’s and has operated it continuously since then. In optimal market conditions, LRTC, its tenants and RPRC together employ approximately 80 full-time employees at the terminal in varying capacities, including equipment and locomotive operators, mechanics, electricians, welders, maintenance specialists, secretaries, engineers, accountants, supervisors, and managers. LRTC and its tenants CEMEX and Eagle Rock Aggregates are significant contributors to the economic vitality of the city and the port and contribute to the city’s role as a major center for goods movement in the Bay Area. The terminal also generates additional indirect employment in many categories.

LRTC’s facilities consist of two deep water berths, 23 acres of land, paved storage space for bulk cargos, 52,000 square feet of warehouse space, an office building, two truck scales, maintenance buildings, three gantry cranes, two ship-loaders and numerous covered-conveyors, trucks, front-end loaders, forklifts and other mobile equipment. LRTC’s operations at the terminal consist of loading and unloading ocean-going and trans-Pacific bulk cargo ships, which under optimal market conditions may total about 1.5 million tons of cargo a year, with approximately 79 ships per year berthing at the terminal. Annually, LRTC’s operations generate up to 10,000 rail car loads and approximately 13,400 truckloads of cargo. The operations of Sims Metals Management, Plains Marketing, CEMEX, Eagle Rock Aggregates, Amtecol, California Oils, Pio Trucking, Plant

O.9-1

Richmond Planning Commission  
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Page 2

Reclamation, the Port of Richmond, the businesses in the Ford building, Comcast, and the other nearby businesses generate approximately 100,000 truck trips per year.

LRTC’s parent corporation owns RPRC, which handles switching operations in the Richmond Inner Harbor with connections to the Union Pacific (“UP”) and Burlington Northern Santa Fe (“BNSF”) Railroads. The RPRC operates four locomotives on 11 miles of track, some of it owned and some of it leased from the UP and the BNSF. Under optimal market conditions, it handles approximately 23,000 rail cars a year, serving LRTC and 17 other industrial uses in the Richmond area and North Richmond. The railroad operates three switching facilities, the Seaver Yard (between Harbour Way South and Marina Way South), the 23rd Street Yard (between Marina Way South and Marina Bay Parkway), and the Safeway Yard (between Marina Bay Parkway and South 34<sup>th</sup> Street), which together can hold 466 rail cars.

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O.9-1  
cont.

The Plan will develop the areas around two yards on which RPRC operates: the 23<sup>rd</sup> Street Yard, and the Safeway Yard. The Plan envisions that development will occur in roughly three phases, and that the yards will remain in place through the first two phases and will be relocated elsewhere in the city by the time of the third and final phase. The RPRC, Union Pacific Railroad and the BNSF Railroad do not intend to move any of the current rail lines or cease operations in the existing switching yards. In order for any railroad lines or switching yards to be removed or relocated, it would be necessary to have voluntary agreement among the railroads and approval from the federal Surface Transportation Board (STB). The uses around the yards will be a mix of residential, commercial and industrial.

↑  
O.9-2

The Rail Yards Should Be Protected with Buffer Zones. The Plan states that “residential uses should not be located near switching yards.” P. 3-48. We fully agree, but this simple recommendation is insufficient to ensure that this will not happen. This is particularly true since, according to the Plan, while the yards are still active, development around them can include residential as a fully permitted use (i.e. not requiring a conditional use permit (CUP). See the Land Use Plan at p. 4-7 and the Land Use Table at p. 4-8. There is no goal, policy or action in the Plan expressly prohibiting residential uses around the yards or requiring that residential uses only be developed following relocation of the yards. And future residential projects will not require further environmental review, since this is addressed in the Plan EIR.

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O.9-3  
cont.

To correct the uncertainty this creates both for RPRC and for developers, the Plan must provide a Buffer Zone in which residential uses are prohibited immediately adjacent to each yard and the first several hundred feet of the rail line running into the yard, until the yard is relocated outside the Plan Area, at which time the Buffer Zone would cease to apply.

To implement this proposal, the third full paragraph on page 3-48 should be revised to require a buffer zone around the yards as follows (deleted text is shown in ~~strikeout~~ and new text is underlined):

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- **Residential uses should not be located adjacent to switching yards.** While the rail line will remain, the relocation of the switching yards should be studied further in order to increase the long-term development potential of the area around the switching yards. Existing rail users have raised concerns about residential uses being located in close proximity to the switching yards due to increased risk from derailments and noise generated by train horns and switching of rail cars on a 24-hour, seven-day a week basis. However, residential development will be a key component of mixed-use neighborhoods in the Plan Area, particularly if travel demand is to be shifted to non-auto modes of transportation. To balance these competing interests, a Buffer Zone is provided that prohibits residential development in the buildings immediately adjacent to the rail yards and the first 300 feet of the rail line leading into each of the yards at either end (measured from the junction with the outermost switching line).

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O.9-3  
cont.  
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If this or similar language is not adopted in the Plan, Levin would be justified in citing this comment in response to any claims against RPRC for damages related to its operations and countering that liability rests with the City for not adopting this proposal in the Plan and as a mitigation measure in the EIR.

As to diesel emissions from RPRC’s rail operations on the track and in the rail yards in the Plan Area, Levin supports the comments of Sims Metals Management regarding toxic air contaminants in their comment letter on the DEIR.

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O.9-4  
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The Plan Must Address its Significant Impacts on Traffic at the Harbour Way South-Wright Avenue Intersection. One consequence of the buildout of the Plan Area will be to send a tremendous amount of traffic headed for east-bound and west-bound I-580 through the Wright Avenue-Harbour Way South intersection. All trucks entering or leaving LRTC’s facility pass through this intersection, a total of about 100,000 trucks per year.

Most trucks entering or leaving LRTC’s terminal and adjacent facilities use I-580. Trucks inbound to LRTC’s facility from I-580 westbound exit at the southbound Harbour Way off ramp and then turn right on Cutting Boulevard, right on Harbour Way South, and right on Wright Avenue to access LRTC’s terminal. Eastbound trucks on I-580 take the Harbour Way South exit, follow Hoffman Boulevard and then turn right onto Harbour Way South, then right onto Wright Avenue and proceed to the end of the street to turn into LRTC’s facility. Out-bound trucks take Wright Avenue, turn left onto Harbour Way South, and then either turn right for the eastbound on-ramp to I-580 or continue north on Harbour Way South and turn left onto Cutting Boulevard and take the westbound I-580 on-ramp from Cutting Boulevard.

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O.9-5  
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Thus, trucks accessing or leaving LRTC’s facility; Sims Metal Management, CEMEX, Plains, Eagle Rock Aggregates and other industries use the “square” comprised of South 4<sup>th</sup> Street, Wright Avenue, Harbour Way South, and Cutting Boulevard, as well as the section of Hoffman

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Boulevard that cuts diagonally across this square. All of these are designated truck routes, and LRTC is very concerned that these truck routes continue to serve truck traffic to and from its facility and the Port Priority Area without significant obstruction by other modes of transportation.

LRTC is particularly concerned about any reduction in the number or width of traffic lanes on any of the truck routes that serve its terminal facility.<sup>1</sup> During ship unloading operations, as many as 250 trucks may enter and leave LRTC’s facility in a 24-hour period. Any restriction in the number of travel lanes on any of these road segments could negatively impact truck access to LRTC.

The study for the Marina Way Live/Work Project noted that the Focused EIR Traffic Study for the City’s 1998 Redevelopment Plan recommended widening Harbour Way South between Hoffman Boulevard and Wright Avenue from two lanes to four. Draft Initial Study/Proposed Mitigated Negative Declaration, Marina Way Live/Work Project 83 (2005). It is very important that the proposed off-street separated bikeway, Plan p. 3-46, not restrict trucking movements on Harbor Way. To ensure it does not, the section of Harbor Way South between Wright Avenue and Hoffman Boulevard should have no on-street parking, in order to maintain sufficient right of way width for truck movements.

In regard to the DEIR’s analysis of traffic impacts and mitigation measures for the Wright Avenue/ Harbor Way intersection, we support the comments of Sims Metals Management on the DEIR.

We Strongly Support the Development of a Goods Movement Plan. The Plan acknowledges the importance of goods movement, calling it “a mobility priority for key corridors” in the greater South Richmond area. P. 3-43. The Plan calls for a Goods Movement Plan “to assess and address the needs of rail and freight operations in and around the Plan Area and investigate the feasibility of consolidation [of rail facilities].” P. 3-49. City planning staff have explained that they are currently applying for a grant from Caltrans to fund the development of this plan.

This is a positive response to our previous comments advocating development of a Goods Movement Plan, and we support the proposal to conduct a feasibility study regarding the possibility of relocating the rail yards and consolidating rail lines through the Plan area as part of such a plan.

The City’s Goods Movement Plan Should Be Adopted before Permanent Structures for Other Modes of Transportation Are Installed on Designated Truck Routes. We are concerned that any of the road changes recommended in the Plan could hinder freight movements to and from the Port. This concern is heightened by the City’s failure to develop a Goods Movement Plan in conjunction with other transportation-related plans.

<sup>1</sup> Harbour Way South from Wright Avenue to Hall Avenue currently has a north-bound Class II bicycle lane and a southbound Class III bicycle route. These are not an issue for LRTC and RPRC.



O.9-5  
cont.

O.9-6

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October 17, 2016  
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This failure is notable because the City recognizes the importance of the Port to the City’s economic welfare. The City’s General Plan identifies the Port of Richmond as a “significant economic asset for the City” and “a productive and important component of the community’s economy and identity” in which “[m]any of the adjacent industries embrace high standards and provide high-wage, local jobs.” The General Plan notes that the Port contains seven city-owned terminals, eleven privately-owned terminals and five dry docks, and that “approximately 80% of Port economic activity occurs at the privately-owned terminals.” The direct benefits to the City include “property and employment taxes, sales and utility user taxes and franchise lease agreements.” As a consequence, the General Plan urges the City to “[e]ncourage growth and modernization of private port business and the Port of Richmond” and “[s]upport the transformation of the Richmond Port into a 21<sup>st</sup> century business.” General Plan Land Use Element p. 3.59.

The General Plan also states that “[p]ublic right-of-way improvements along [Port Priority Area] streets should emphasize safe and easy access for large trucks and automobiles, especially at railroad crossings, while also enhancing safety and connections for other modes of travel.” Land Use Element p. 3.39 (emphasis added).

The General Plan supports continued growth in the city’s industrial sector. It states that the city has over 11 million square feet of warehouse and manufacturing space, and that the Association of Bay Area Governments (ABAG) expects this to increase by 3.8 to 5.0 million square feet by 2035, with a resultant increase of 5,300 manufacturing, wholesale and transportation jobs. General Plan, Economic Development Element p. 1.7, Land Use Element p. 3.69.

Noting that “Richmond relies on efficient and effective goods movement to support economic development opportunities in industrial areas,” the General Plan calls on the City to “promote the safe and efficient movement of goods to support Port of Richmond operations and industrial uses.” General Plan Circulation Element p. 4.39; see also p. 4.21-22. The City is urged to “[w]ork with business operators to develop and regularly update a citywide goods movement plan to integrate port operations, rail movement and truck routes, [and] provide a high level of goods movement capacity to serve all land uses in Richmond. . .” The Goods Movement Plan should “[c]onsider future expansion plans at ports in Richmond and Oakland,” and “[c]oordinate with the Metropolitan Transportation Commission (MTC) to plan for potential additional track capacity in Richmond.” In conjunction with the Goods Movement Plan, the City will also develop a Truck Routes Plan. General Plan Circulation Element, Action CR 4.A & B, p. 4.40. The logical place to do this is in the Goods Movement Plan.

The Plan and DEIR do not consider how implementation of the Plan might affect the development and implementation of the Goods Movement Plan. To correct this oversight, we ask that the implementation of any permanent improvements to truck routes in the Plan Area to facilitate transportation by modalities other than trucks be deferred until the City has adopted the Goods Movement Plan. Only at that time can the impacts on goods movement from the



O.9-6  
cont.

Richmond Planning Commission  
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Page 6

↑ O.9-6  
cont.

transportation improvements proposed in the Plan be properly assessed. Specifically, we ask that the Plan be revised to include the following additions:

- In Section 3.3.7, Multi Modal Access and Connectivity, in the discussion of Truck Access/Goods Movement at page 3-43, add the following paragraph:

O.9-7

**5. Implementation Phasing.** Defer installation of permanent structures to improve non-truck transportation modalities on designated truck routes until completion of the Goods Movement Plan. This will ensure an orderly and timely progression in the city’s transition to multi-modal transportation corridors in the Plan Area.

- In Section 1.5.2, Richmond Plans and Regulatory Documents, at the end of page 1-16, add a new paragraph with the following text:

O.9-8

**Completed Goods Movement Plan**

As an essential first step in balancing transportation modalities in the South Shoreline area, the city should complete the city-wide Goods Movement Plan called for in this Plan and the Richmond General Plan. The Goods Movement Plan would include a comprehensive 20-year forecast of manufacturing, distribution and warehouse development in the city and the surrounding region, project increases in auto, bulk and neo-bulk cargo handling at the Port, and calculate the future truck traffic necessary to handle freight volumes generated by economic growth in and around the city generally, including the Plan Area and Port Priority area.

Thank you for taking action on these comments.

Sincerely yours,



Paul Minault  
Counsel for LRTC and RPRC

Cc: Gary Levin  
Barbara O’Neill  
Curtis Savoye  
Jim Holland  
Pat O’Driscoll  
Katrinka Ruk, Council of Industries

## Letter O.9: Levin Richmond Terminal Corp. and Richmond Pacific Railroad Corp. (Law Offices of Paul M. Minault)

- O.9-1 The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.
- O.9-2 Refer to Sections 3.7.5, Rail Alignment (in Chapter 3, Project Description), and 4.9.2, Environmental Setting (in Section 4.9, *Land Use and Planning*) of the Draft EIR, which describe this area, acknowledge that relocation would be voluntary, and state that anticipation of relocation is a long-term goal that would require additional, site specific studies (Goods Movement Plan) prior to implementation to ensure that the needs of rail and freight operations in the Plan Area are met. The three phases of development of the Plan Area presented in the Specific Plan are conceptual; relocation of rail facilities would take place over the long term. This comment does not raise any substantive environmental issues that require further response, or comment on the general adequacy of the EIR.
- O.9-3 The Plan Area includes constructed or entitled residential projects adjacent to existing rail yards. The Specific Plan requires a Goods Movement Plan be completed to assess and address the needs of rail and freight operations in and around the Plan Area and investigate the feasibility of consolidating and relocating the rail yards out of the Plan Area. Per Zoning Update Section 15.04.605.080(B) (current Richmond Municipal Code Section 15.04.840.020, Noise Standards), Acoustical Studies for residential projects located near rail facilities will be required to include analysis of both 24-hour average noise and maximum instantaneous noise on interior noise levels and any effects on sleep disturbance and other essential human functions.
- O.9-4 The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.
- O.9-5 The Draft EIR identifies Mitigation Measure TRF-1.SP for the Wright Avenue / Harbour Way South intersection (identified as Intersection #7 in the Draft EIR). The analysis of traffic impacts in Section 4.13, *Transportation and Traffic*, of the Draft EIR took into account predicted turning movements at intersections. See also Response to Comment O.1-11. Harbour Way South and Wright Avenue are both identified as proposed truck routes with offstreet paths/separated bikeways parallel to these roads (refer to Figure 3.24 in the Specific Plan). The Draft EIR addresses impacts to this intersection, and includes mitigation based on current traffic conditions and cumulative traffic impacts out to 2040. The mitigation measure would signalize the intersection, provide safety features for the at-grade railroad crossing, and restripe the southbound Harbour Way approach to provide an exclusive left-turn lane. The mitigation measure would mitigate the significant impact to a less than significant level, and the intersection would operate at

LOS D or better during both AM and PM peak hours under existing and 2040 conditions. Neither the Specific Plan nor Draft EIR mitigation measure would reduce automobile lanes at the intersection. Refer also to Section 4.2.1, Master Response to Comments, Master Response to Comments About a Goods Movement Plan.

O.9-6 Refer to Section 4.2.1, Master Response to Comments, Master Response to Comments About a Goods Movement Plan.

O.9-7 Refer to Section 4.2.1, Master Response to Comments, Master Response to Comments About a Goods Movement Plan.

O.9-8 Refer to Section 4.2.1, Master Response to Comments, Master Response to Comments About a Goods Movement Plan.



October 13, 2016

Lina Velasco, Project Manager
City of Richmond
Planning and Building Services Department
450 Civic Center Plaza
Richmond, CA 94804

Re: Notice of Availability of a Draft Environmental Impact Report – Richmond Bay Specific Plan, Richmond

Dear Ms. Velasco:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report for the Richmond Bay Specific Plan (Specific Plan) located in the City of Richmond (City). EBMUD has the following comments.

WATER SERVICE

EBMUD received the City's request dated August 5, 2016 for a Water Supply Assessment (WSA) for the proposed Specific Plan, and the WSA was approved by the EBMUD Board of Directors on October 11, 2016.

O.10-1

EBMUD's Central Pressure Zone, with a service elevation between 0 and 100 feet, serves the project area. The Specific Plan includes existing water line relocations and new water line construction due to proposed street improvements and new land development. Please note that the water line relocations, new water lines, and water service and distribution system improvements for the planned developments will be designed by EBMUD. Main extensions or main upgrades that may be required to serve any specific development to provide adequate domestic water supply, fire flows, and system redundancy will be at the project sponsor's expense. Pipeline and fire hydrant relocations and replacements due to modifications of existing streets, and off-site pipeline improvements, also at the project sponsor's expense, may be required depending on EBMUD metering requirements and fire flow requirements set by the local fire department. When the development plans are finalized, project sponsors should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions of providing water service to the development. Engineering and installation of new and relocated pipelines and services require substantial lead-time, which should be provided for in the project sponsor's development schedule.

O.10-2

The Specific Plan indicates the potential for contaminated soils or groundwater to be present within the project site boundaries. The project sponsor should be aware that

O.10-3

Lina Velasco, Project Manager

October 13, 2016

Page 2

EBMUD will not install piping or services in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste or that may be hazardous to the health and safety of construction and maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install piping or services in areas where groundwater contaminant concentrations exceed specified limits for discharge to the sanitary sewer system and sewage treatment plants.

The project sponsor must submit copies to EBMUD of all known information regarding soil and groundwater quality within or adjacent to the project boundary and a legally sufficient, complete and specific written remediation plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of contaminated soil and groundwater.

EBMUD will not design piping or services until soil and groundwater quality data and remediation plans have been received and reviewed and will not start underground work until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists, or the information supplied by the project sponsor is insufficient, EBMUD may require the project sponsor to perform sampling and analysis to characterize the soil and groundwater that may be encountered during excavation, or EBMUD may perform such sampling and analysis at the project sponsor's expense. If evidence of contamination is discovered during EBMUD work on the project site, work may be suspended until such contamination is adequately characterized and remediated to EBMUD standards.

**WATER RECYCLING**

The Specific Plan is located approximately 1.5 miles from an existing recycled water transmission pipeline with some parcels being three to five miles away. The size and nature of proposed developments within the Specific Plan present several opportunities for the use of recycled water for landscape irrigation, commercial and industrial processes, toilet and urinal flushing in non-residential buildings, and cooling towers. As part of the long-term water supply planning, EBMUD may investigate expanding the existing recycled water infrastructure or construct a localized satellite facility that utilizes onsite waste and rain water treatment to provide recycled water to the project. EBMUD recommends that the City and the sponsor maintain continued coordination and consultation with EBMUD as they plan and implement the various projects regarding the feasibility of providing recycled water for appropriate non-potable uses.

**WATER CONSERVATION**

Individual developments within the Specific Plan present opportunities to incorporate water conservation measures. EBMUD requests that the City include in its conditions of approval a requirement that the project sponsor comply with Assembly Bill 325, "Model



O.10-3  
cont.



O.10-4



O.10-5

Lina Velasco, Project Manager  
October 13, 2016  
Page 3

Water Efficient Landscape Ordinance," (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense. EBMUD staff would appreciate the opportunity to meet with the project sponsor to discuss water conservation programs and best management practices applicable to the project area. A key objective of this discussion will be to explore timely opportunities to expand conservation via early consideration of EBMUD's conservation programs and best management practices applicable to the project.

↑  
O.10-5  
cont.

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,

David J. Rehnstrom  
Manager of Water Distribution Planning Division

DJR:AMM:dks  
sb16\_193

## Letter O.10: East Bay Municipal Utility District

- O.10-1 The comment is noted. The WSA approved by the East Bay Municipal Utility District (EBMUD) Board of Directors on October 11, 2016 for the Specific Plan is included in this Response to Comments document, in Appendix A. The comment does not raise any substantive environmental issues that require further response under CEQA.
- O.10-2 The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.
- O.10-3 The comment is noted. Mitigation Measure HAZ 1b.SP in Section 4.7, Hazards and Hazardous Materials, requires “Prior to issuance of a building or grading permit for a new project proposed within the Plan Area at a location where previous hazardous materials releases have occurred, the City shall document that a Health and Safety Plan (HASP) has been prepared and will be implemented for the protection of workers, the public and the environment.”
- O.10-4 As stated in the Draft EIR (Section 4.14, *Utilities and Service Systems*, page 4.14-4), the size of the Plan Area present several opportunities to use recycled water for landscape irrigation, commercial and industrial processes, and toilet and urinal flushing in non-residential buildings and cooling towers. In addition, Action CN3.B, Water Recycling, of the Richmond General Plan 2030 (Conservation, Natural Resources, and Open Space Element) includes the following actions that will be taken by the City:
- Action CN3.B: Water Recycling.* Support efforts by the regional water provider to increase water recycling by residents, businesses and developers. Require water recycling and rainwater catchment in new development as appropriate to recycle water. Evaluate the use of recycled water in new and existing buildings and landscapes.
- This comment does not raise significant environmental issues that require a further written response under CEQA.
- O.10-5 The City of Richmond enforces, and will continue to enforce, the Model Water Efficient Landscape Ordinance as it applies to new and renovated landscapes that require a permit, and on developer-installed residential landscapes. This comment does not raise significant environmental issues that require a further written response under CEQA.

## Comment Letter O.11

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**From:** Paul Minault [<mailto:pminault@earthlink.net>]  
**Sent:** Thursday, October 20, 2016 11:28 AM  
**To:** Lina Velasco  
**Cc:** Stan Teaderman; Katrinka Ruk; Amy Bull; Garrett Colli  
**Subject:** Allied Propane's comments on the RBSP DEIR

Lina,

Attached are the comments of Allied Propane on the Richmond Bay Specific Plan Draft Environmental Impact Report.

Best regards,

--

*Paul Minault  
Law Offices of Paul Minault  
Land Use and Environmental Law  
475 Gate 5 Road, Suite 324  
Sausalito, CA 94965  
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LAW OFFICES OF PAUL M. MINAULT  
475 GATE 5 ROAD, SUITE 324  
SAUSALITO, CA 94965

TELEPHONE: 415-971-4090

EMAIL: pminault@earthlink.net

October 20, 2016

BY EMAIL:

Members of the Planning Commission  
c/o Lina Velasco, Senior Planner  
450 Civic Center Plaza  
Richmond, California 94804

Re: Comments of Allied Propane on the Draft Richmond Bay Specific Plan Draft EIR

Dear Members of the Richmond Planning Commission:

This letter presents Allied Propane’s comments on the Richmond Bay Specific Plan Draft Environmental Impact Report (DEIR). All references are to the DEIR unless otherwise noted.

The DEIR Fails to Present an Adequate Baseline of Existing Employment in the Plan Area or to Estimate Likely Existing Employment Losses as a Result of the Plan. CEQA requires an adequate description of baseline conditions before the impacts of a project can be properly analyzed. The DEIR fails to include an adequate description of the baseline conditions as to existing employment in the Plan Area. It presents only a vague and general description of existing employment sources in the Plan Area and presents no information at all in regard to actual employment in the Plan Area. It does not comprehensively describe or list the existing commercial and industrial uses in the Plan Area. (Neither does the Plan, which proposes to generate this information only after the Plan and EIR have been adopted, to assess negative impacts of the Plan on existing businesses. See Plan, Priority Implementing Action A1.1, p. 6-4.) The only employment information provided is a 2011 employment figure for the entire Priority Development Area, which is twice the size of the Plan Area, and this figure predates the last five years’ growth in employment. See DEIR, pp. 3.6 – 3.7, 4.9-2, 4.11-5 – 4.11-6. This is useless for establishing a baseline number of employees in the Plan Area. The city has had adequate time to generate this information, and a glance at the figure showing Existing Building Coverage in the 2013 Existing Conditions Report (Figure 2.7, p. 2.10) suggests that this would not have been an overwhelming task.

O.11-1

The DEIR also does not present any information on the number of existing jobs that will be lost as a result of Plan implementation. For example, the Plan proposes to replace all

O.11-2

development in Sub-Area 3 with a research and development campus. The three businesses in Sub-Area 3 currently employ about 1800 people, according to Dreisbach, which is the largest. Without any information on baseline employment in the Plan Area, and without any consideration of the employers that the Plan will remove, it is impossible to determine or even estimate either the negative impacts on employment of the Plan or the net positive impacts (net gain in employment) in the Plan Area, even though the Plan purports to do so. The figures in the DEIR are simply new employment, without considering the lost employment; there’s no net figure. See DEIR pp. 4.11-7 – 8. Without this information, the DEIR cannot generate credible numbers for net job growth, the jobs/housing balance, or net figures for traffic generation and demand for housing, as noted above. The Plan proposes to generate this sort of information after the Plan is adopted to use for monitoring the impact of the Plan on existing businesses, which is the exact reverse of what CEQA requires. This information needs to be generated beforehand and included in the EIR.

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O.11-2  
cont.

And of particular interest to the citizens of Richmond, there is no attempt to distinguish between jobs that can be filled by Richmond’s existing residents and those that will go to new residents attracted to Richmond by the higher-education, higher-paying jobs the development under the Plan will provide. And the DEIR will not inform Richmond citizens of the social impacts of the Plan on existing residents, which while not a CEQA requirement, may have indirect impacts that should be disclosed, as the DEIR acknowledges. See, DEIR, p. 4.11-7. It should be obvious to anyone familiar with the Plan that it will eliminate many well-paying working-class jobs available to Richmond’s current residents, raise housing prices throughout Richmond, contribute to the out-migration of low-income and minority residents from the Bay Area, increase gentrification in Richmond’s existing neighborhoods, increase the school-age population, and cause other social changes that will have significant impacts on the physical environment. None of these impacts can be understood or assessed unless the existing well-paying jobs that do not require advanced education and that will be lost in the Plan Area are discussed in the EIR.

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O.11-3  
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O.11-4

To be a fully informative document, the final EIR needs to contain: 1) a listing by name, type of enterprise, and number of employees of each of the employers in the Plan Area with more than a handful of employees, along with an estimate of the total number of employees in businesses too small to list, and a total estimated number of all employees 2) an estimate of the maximum employment losses in the Plan area resulting from implementation of the Plan, and 3) an estimate of the maximum number of well-paying jobs that do not require advanced education that will be lost. This “maximalist” approach is consistent with the DEIR’s use of the foreseeable maximum theoretical buildout for purposes of calculating Plan impacts on employment, housing and population growth. See DEIR, p. 4.11-7.

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O.11-5

The DEIR Should Address the Extent and Impacts of Sea-Level Rise Related Construction. The DEIR notes that current sea level projections anticipate sea level rise of 5 to

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O.11-6

24 inches by 2050 and 17 to 66 inches by 2100. DEIR at 4.8-8. The DEIR also notes that the General Plan, the Specific Plan and municipal codes require that the grade of all parts of the Plan Area be increased to 1 foot above the Base Flood Elevation assuming 3 feet of sea level rise, and that projects within the 500-year flood hazard zone be safe from flooding and designed so as not to impede flood flows. DEIR p. 4.8-33. The DEIR acknowledges that even with these measures, “sites within the Plan area are anticipated to experience intermittent flooding related to sea level rise.” DEIR p. 4.8-34. To address this concern, the DEIR requires projects in the area affected by 3 feet of sea level rise, including the 100-year flood and wave overtopping/storm surge, to prepare a project-specific Adaptive Flood Risk Management Plan to address sea level rise greater than 3 feet, plus the 100-year flood and wave overtopping/storm surge. DEIR at 4.8-36.

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O.11-6  
cont.

The likely practical consequence of all this, which is not discussed in the DEIR, is the importation of a significant quantity of fill material and the construction of specific projects on raised fill platforms surrounded by concrete barrier/retaining walls to prevent flooding of the buildings and their yards. The DEIR should include detailed contour maps that show the required changes in elevations in the Plan Area necessary to meet these requirements and should include an estimate of the total amount of fill that will need to be imported for Plan buildout, the likely sources for it, and the associated truck traffic and impacts.

O.11-7

In areas subject to sea level rise and flooding where new development will take place on a parcel-by-parcel basis next to and interspersed with existing development, the new development may have to be built on raised foundations or terraces surrounded by retaining walls, while existing streets and existing development remain at their current elevations. This may cause various engineering, building design, planning, construction, flood hazard prevention, infrastructure and aesthetic issues, for both new and existing development, some of which may be significant, that are not considered in the DEIR.

O.11-8

In addition to the above, the DEIR should address the possibility of 5.5 feet of sea level rise. To address the issue of sea-level rise more comprehensively, and presumably to consider the consequences of 5.5 feet of sea level rise, the city is required under the General Plan to develop an Adaptation Strategy, including an Adaptive Management Plan to address future sea level rise, while the Specific Plan requires the city to prepare a Sea Level Rise Action Plan specifically for the South Shoreline. DEIR, p. 4.8-35. In the meantime, projects in areas in the Specific Plan subject to between 3 feet and 5.5 feet of sea level rise are required to prepare a project-specific Adaptive Flood Risk Management Plan, as noted above. For such plans to address sea level rise and not just storm flooding, the DEIR should include a map showing the area subject to 5.5 feet of sea level rise plus the 100-year flood and wave overtopping/storm surge, and show detailed contours for the fill that would be required to be placed in order to site new development in that area, as well as calculations of the cubic yardage that would have to be imported, the likely source of the fill, and the truck trips necessary to import it. In short, the DEIR should mirror the analysis for the three-foot sea level rise scenario using the 5.5-foot sea level rise scenario.

O.11-9  
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Doing this would serve not only as an interim mitigation measure pending completion of the two plans, but as a tool for developers and city permit staff to use as a reference for planning and permitting purposes pending completion of these two plans, and to inform concerned citizens and the public of the area subject to sea level rise, flooding and wave action/storm surge under current maximum projections and the extent and depth of the fill necessary to site future development.

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O.11-9  
cont.

The DEIR Should Address Light Industrial Development. This comment is linked to our comment on the Plan pointing out that while the text of the Plan repeatedly calls for light industrial development, the Plan’s Land Use Table allows only Limited Industrial development, ignoring the city’s two other light industrial categories, Industrial-Business and Light Industrial, as well as the General Industrial category included in the previous draft of the Plan. Similarly, the DEIR contains development projections for residential, retail, and R&D/business/service development only, with no mention of light industrial. See DEIR, p. 3-17. This should be corrected consistent with the corrections to the Plan addressing light industrial development.

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O.11-10

The Distance Between the Sub-Area 4 Project Site and Allied’s Tanks Needs to be Corrected. The DEIR states that “. . . the Sub-Area 4 Project site is located approximately 325 feet west of Allied Propane . . .” DEIR, p. 4.7-18. An examination of the assessor’s parcel map for Seaport Avenue (attached) shows that Allied’s parcel is separated from the Sub-Area 4 Project site by the 60’ wide right of way for South 50<sup>th</sup> Street, the 200’ wide block of properties between South 50<sup>th</sup> and South 49<sup>th</sup> Streets, and the 80’ wide right of way for South 49<sup>th</sup> Street, which together equal 340 feet. In addition, Allied’s two storage tanks are on the east side of Allied’s property, 120 feet from Allied’s western property line and 460 feet from the Sub-Area 4 Project Site boundary. Thus, this sentence should be revised to read: “. . . the Sub-Area 4 Project site is located approximately ~~325~~ 460 feet west of Allied Propane’s storage tanks, located at 5000 Seaport Avenue.”

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O.11-11

Please make the same correction on page 4.7-19, so that the text reads: “**Allied Propane:** The two 55,000-gallon above ground liquefied propane storage tanks at this facility are located approximately ~~325~~ 460 feet from the Sub-Area 4 project site ~~and includes the storage of liquefied propane in two 55,000-gallon above ground storage tanks.~~”

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O.11-12

Thank you for taking action on these comments.

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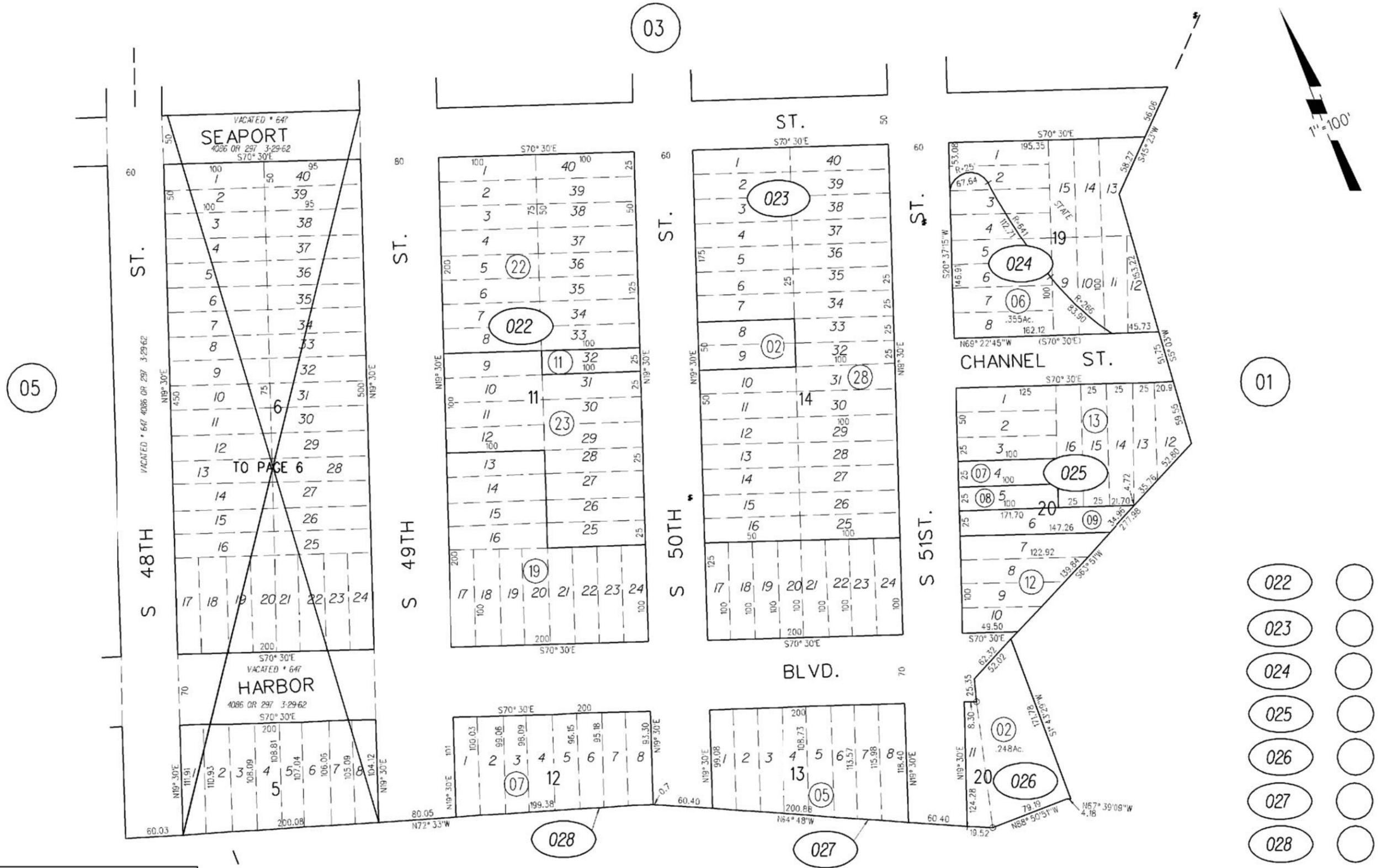
Sincerely yours,

A handwritten signature in black ink, appearing to read 'P. Minault', with a long horizontal stroke extending to the right.

Paul Minault  
Counsel for Allied Propane

Encl.

Cc: Stan Teaderman, President, Allied Propane  
Katrinka Ruk, Council of Industries  
Amy Bull, Dreisbach Enterprises  
Garret Colli, Counsel for Safeway



NOTE: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION DELINEATED HEREON. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT SPLIT OR BUILDING SITE ORDINANCES.

## Letter O.11: Allied Propane (1; Law Offices of Paul M. Minault)

O.11-1 The Draft EIR analyzes the foreseeable environmental impacts of job growth, as discussed below. However, CEQA, as an environmental statute, specifically excludes economic and/or social effects from analysis, except to the extent that economic or social effects may lead to environmental impacts. (*CEQA Guidelines* Sections 15064(e), 15131(a), 15382; *Porterville Citizens for Responsible Hillside Development v. City of Porterville, et al.* (2007) 157 Cal.App.4th 885, 903 (claimed impact of new homes on existing home values is economic impact, not an environmental impact); *No Slo Transit, Inc. v City of Long Beach* (1987) 197 Cal.App.3d 241, 256 (project's effect on local business was economic rather than environmental); *Hecton v. People ex rel Department of Transp.* (1976) 58 Cal.App.3d 653, 656 (CEQA not designed to protect against decline in commercial value of property adjacent to public project)).

Development under the Specific Plan will result in economic revitalization of the Plan Area and will not result in urban decay or blight. Therefore, socio-economic impacts are beyond the scope of the CEQA analysis.

However, for informational purposes only, the City of Richmond seeks to grow the employment base within the City of Richmond, and the Specific Plan is a key part of that effort. Approximately 12,800 jobs (construction and operation) are anticipated to be created with implementation of the Specific Plan. The amount of job growth anticipated from development under the Specific Plan would account for a very substantial part – about 81 percent – of total job growth projected for Richmond between 2010 and 2040 under the General Plan (page 4.11-15 of the Draft EIR).

While the Draft EIR's analysis does not consider the change in employment as an impact on its own, the Draft EIR does address employment changes as required by CEQA – that is, to the extent necessary to identify potential physical environmental impacts associated with changes in employment, housing, and population that are analyzed in Section 4.11, *Population, Housing and Employment*, and in other sections of the Draft EIR (e.g., Transportation and Traffic, Public Services and Recreation, and Air Quality) (page 4.11-7 of the Draft EIR). In this context:

- The Draft EIR states that implementation of the Specific Plan will result in employment of 12,800 people within the Plan Area (page 4.11-8 of the Draft EIR).
- The Draft EIR presents demographic data, and includes a description of some of the existing employers in the Plan Area.
- The Draft EIR notes that the 430-acre Plan Area is located entirely within three Traffic Analysis Zones covering 879 acres that supported 3,305 jobs

in 2010 (page 4.11-4 of the Draft EIR). Demographic data, including existing jobs, for the City of Richmond, Contra Costa County, and the Bay Area are presented in Table 4.11-1 of the Draft EIR (page 4.11-3 of the Draft EIR).

- The Draft EIR notes that the 430-acre Plan Area is located within the 1,350 acre South Richmond PDA, which supported 6,082 jobs in 2011, with manufacturing, construction, retail trade, and wholesale trade representing over half of the jobs in the PDA; one out of every four jobs was in manufacturing (page 4.11-6 of the Draft EIR).
- The Draft EIR acknowledges that “[s]ome of the largest employers in Richmond are located within the Plan Area, including the State of California Department of Public Health Services, Bio-Rad Laboratories, and DiCon Fiberoptics, Inc” (page 4.11-6 of the Draft EIR).
- The buildout of the Specific Plan will result in more jobs than are currently included in the entire South Richmond PDA, or in the three TAZ zones covering the Plan Area. The net result of implementation of the Specific Plan will therefore be the creation of more jobs for the City of Richmond.

The Draft EIR concludes that adoption of and development under the Specific Plan would have less-than-significant impacts associated with inducing substantial population growth, either directly or indirectly (Impact POP-1.SP, page 4.11-16 of the Draft EIR).

The comment accurately states that “[n]o employment data specific to the Plan Area were available at the time of this [Draft EIR] report” (page 4.11-6 of the Draft EIR). The Draft EIR relied on data presented in the existing conditions report prepared for the Specific Plan, which included data at the census level, and at the level of the Priority Development Area (PDA; as designated by MTC and ABAG); both the census tract data and PDA data were for an area larger than the Plan Area. In addition, the Draft EIR included data from the three traffic analysis zones encompassing the Plan Area, which was a smaller area and more representative of the actual employment within the Plan Area. The Draft EIR appropriately relied on data obtained from various expert agencies to support analysis of potential effects of development under the Specific Plan and development of the Sub-Area 4 Project, including published sources of demographic data and projections from ABAG Projections 2013, the U.S. Census, State Department of Finance, and California Employment Development Department (page 4.11-11 of the Draft EIR).

- O.11-2 As noted in Response O.11-1, economic and social effects that are not related to physical impacts are not evaluated in an EIR. (CEQA *Guidelines* Section 15131(a)). The City recognizes the information provided by the comment that three businesses located in Sub-Area 3 currently employ approximately 1,800 people.

As explained above and as shown in Table 4.11-7 (page 4.11-8 of the Draft EIR), the foreseeable maximum buildout of the Specific Plan would include approximately 5.69 million square feet of R&D/Business/Service uses and approximately 720,000 square feet of retail space. Businesses and community activities within the Plan Area would support employment of approximately 12,800 jobs at full occupancy, as summarized in Table 4.11-7 (page 4.11-8 of the Draft EIR).

The analysis included in the Draft EIR takes into account the population, housing, and employment changes resulting from the Specific Plan (foreseeable maximum theoretical buildout scenario) and the Sub-Area 4 Project to address the jobs/housing balance. As explained in the Draft EIR, “[j]obs/housing balance evolves over time and reflects the role and location of particular areas within a larger regional context. ABAG’s estimates of current and projected total numbers of jobs and employed residents in the City of Richmond indicate that the jobs/housing ratio for the city is, and may remain, imbalanced, at about 0.72 in 2015 and 0.73 projected in 2040. These ratios indicate that the growth of jobs in the City is not occurring, or expected to occur, at a rate that matches existing and projected housing stock in the city. This imbalance is similar to but larger than an existing and projected imbalance between jobs and housing for Contra Costa County (0.77 in 2015 and 0.79 in 2040) (ABAG, 2013a)” (pages 4.11-5 to 4.11-6 of the Draft EIR).

As discussed in the Draft EIR, full buildout of the Specific Plan will result in employment for 12,800 people. Buildout of the Specific Plan will help improve the City’s jobs/housing imbalance and create more opportunities for residents of Richmond to be employed in the City and near their homes. In addition, the City has included a number of measures, ranging from workforce development to Community Benefits Agreements, to help ensure that jobs associated with the Specific Plan will be filled by local residents. Please see Response to Comment Response to Comment O.11-1.

As noted in the Draft EIR, it would be speculative to assign precise numbers to the effect of the Specific Plan on the City’s overall jobs/housing ratio due to the long timeframe for buildout of the Specific Plan. 4.11-15. CEQA does not require analysis of speculative impacts. (CEQA *Guidelines* Section 15145). *See Citizens for a Sustainable Treasure Island v City & County of San Francisco* (2014) 227 Cal.App.4th 1036, 1058 (An EIR need not speculate about the effects of contingent future events relating to a project. When future actions that may follow from a project are uncertain, the EIR need not address the environmental consequences that might result).

Nonetheless, for informational purposes, the Draft EIR noted that Specific Plan buildout in and of itself would yield a jobs/housing ratio of approximately 1.68 (assuming a 5.4 percent unemployment rate consistent with 2015 unemployment

rates in the city), as compared to the City's current jobs/housing ratio of 0.72 (page 4.11-15 of the Draft EIR). A jobs/housing ratio of 1.68 indicates that buildout under the Specific Plan of 12,800 jobs and 5,700 residential units would provide more employment than housing.

Therefore, due to the addition of new jobs, the indirect, Specific Plan-related increase in local population is anticipated to be absorbed by the City and the region, and would not be substantial (page 4.11-15 of the Draft EIR). Overall, development under the Specific Plan would result in a relatively small contribution to the City's population, and a relatively large contribution to the City's overall employment.

O.11-3 The comment correctly notes that informing Richmond citizens of the social impacts of implementation of the Specific Plan on existing residents is not a CEQA requirement (CEQA *Guidelines* Section 15131[a]). However, for informational purposes, the Specific Plan seeks to retain the existing employment base and is consistent with the City's General Plan Policy ED 2.1 (Local Employment Base), which provides:

“Expand and diversify the local employment base to provide quality jobs for all Richmond residents, especially those that face barriers to employment such as youth, seniors, the formerly incarcerated, and residents with limited English proficiency. Richmond's economy should offer a broad range of quality employment opportunities for current and future residents with varying degrees of experience, education and training. By expanding and diversifying the local employment base, Richmond can establish itself as a major employment center in Contra Costa County and along the Interstate 80 and 580 corridors.

Encourage businesses and industries that provide a safe work environment, living wages and benefits, and opportunities for skill development and advancement. Allow a range of industries and business types including a variety of small and large firms, established and up-and-coming industries, national and local establishments and employers across a variety of economic sectors including publicly owned and private port facilities.

Support local businesses and entrepreneurs by providing a range of locations and flexible space opportunities including retail space along commercial corridors and office and light industrial space close to regional transportation infrastructure. Provide infrastructure improvements and incentives to support residents and businesses in establishing and expanding local enterprises in Richmond. Encourage local businesses to provide a range of quality jobs to residents, maximize

and keep revenue in the City, and respond to community needs for key amenities and services.” (Richmond General Plan 2030 p. 1.19)

Based on engagement with local employers and others, the draft Specific Plan was prepared to help ensure that the existing employment base is retained. The Specific Plan expressly states that:

[I]and uses prescribed in the Specific Plan allows the continuation of existing industrial employment base and the provision or research and development, office, commercial, and other employment generating uses to complement the RBC. Provisions relating to local employment and job training are included in the City’s desired community benefit provisions for public-private projects and development agreements.” (Section 7.4, General Plan 2030 Policy Synergies, Table 7.A4., Relationship to General Plan, of the Specific Plan).

Moreover, the Specific Plan encourages local hiring and reuse of underutilized land, and aims to improve connectivity between the Plan Area and the rest of the City. For example, the Specific Plan strives to obtain the following goals and outcomes:

- Goal 4: “Generate new community economic development opportunities that will strengthen surrounding neighborhoods and increase local access to jobs” (Section 1.3.5, Summary of Goals and Objectives, of the Specific Plan).
- Expected outcome of Goal 4: “Opportunities for job training and development for Richmond residents, including apprenticeships, as well as the creation of quality jobs and opportunities for local employment and businesses” (Section 1.3.5, Summary of Goals and Objectives, of the Specific Plan).
- Priority Implementing Action A1.2: “Establish a program to monitor the jobs/housing balance within the project area to ensure that development patterns maintain adequate jobs for Richmond Residents while also providing affordable housing options nearby” (Section 6.2, Priority Implementing Actions, of the Specific Plan, under Goal 1).
- Goal LU 3.2: “The Plan provides for a broad range of quality employment opportunities for current and future residents with varying degrees of experience, education, and training. Development activities involving certain voluntary contractual agreements with the City are required to comply with community benefit provisions designed to result in increased local employment, job training, and career path opportunities” (Section 7.4, General Plan 2030 Policy Synergies, Table 7.A4., Relationship to General Plan, of the Specific Plan).

- Expected Outcome of Goal 1: “Development that supports an orderly and efficient transition from primarily industrial to mixed-use neighborhoods and allows for existing businesses and employment opportunities that do not impede orderly development to continue through the transition period.” (Section 1.3.5, Summary of Goals and Objectives, of the Specific Plan).
- Local Business Support and Growth (Community Benefit): “Implement City’s procurement program and cultivate local businesses including exploring the potential creation of a business incubator onsite” (Chapter 6, Implementation and Financing, of the Specific Plan, subsection 6.6.3, Fulfilling Community Benefits Through Development Agreements or Public-Private Projects).

The Specific Plan also:

- “encourages the reuse of underutilized or blighted sites into a mixed-use district with job creation and open space and recreation benefits” (page 4.9-28 of the Draft EIR).
- “aims to diversify and increase the job density in the area with development standards that promote increased density, a mix of uses, and the creation of walkable urban areas” (page 4.9-30 of the Draft EIR).
- “provides for improved connectivity and enhanced linkages to local and regional amenities such as neighborhood parks, retail, public transit, bicycle paths, historic resources, the shoreline, open space and jobs” (page 4.9-32 of the Draft EIR).
- “would increase jobs and job training opportunities for Richmond residents and youth” (page 4.9-41 of the Draft EIR).
- “has been designed to be consistent with and implement the transit-oriented SRPDA, which was adopted by MTC and ABAG to help achieve region-wide greenhouse gas reduction targets by locating new population centers near jobs and mass transit. Uses anticipated in the SRPDA include retail, commercial, and other uses, as well as public transit and improvements to traffic and transportation infrastructure to improve connectivity, and improvements that would promote mixed-use development; these uses and improvements are consistent with the uses proposed for the Specific Plan. Further, the Specific Plan is designed to provide the land use plan and development standards for a mix of uses, including a variety of housing types and intensities that will provide a balance of jobs and housing” (page 4.9-40 of the Draft EIR).

O.11-4 The comment states that a number of social or economic impacts could occur as a result of implementation of the Specific Plan. No evidence is offered to support this assertion, and the comment does not address the provisions of the Specific Plan that would: (1) allow existing businesses to continue in operation; and (2) encourage local hiring for the 18,250 construction, retail, and other jobs that would be created. Moreover, as noted in Response AP-1, social and economic

impacts that are not related to physical impacts are not evaluated in an EIR (CEQA *Guidelines* Section 15131(a)).

The comment further states that the alleged social or economic changes will have significant impacts on the physical environment. No evidence is offered by the comment to support this conclusory assertion, and the comment does not specify what significant impacts on the physical environment may result. Although physical changes that are caused by social or economic impacts are appropriately considered under CEQA (see CEQA *Guidelines* Section 15064(e)), an agency may disregard conclusory and speculative statements, made without substantiating evidence, that a project's economic and social impacts may cause such physical changes. (*Citizen Action to Serve All Students v. Thornley* (1990) 222 Cal.App.3d 748, 758 (social effect of school closure on disadvantaged students was not significant effect on environment under CEQA); See *Joshua Tree Downtown Bus. Alliance v. County of San Bernardino* (2016) 1 Cal.App.5th 677; *Friends of Davis v. City of Davis* (2000) 83 Cal.App.4th 1004.

Here, the Draft EIR appropriately presents a description of the existing conditions (pages 3-2 to 3-10 of the Draft EIR), and as explained in Responses Response to Comment O.11-2 and Response to Comment O.11-3, presents as much information as was available at the time the Draft EIR was prepared with respect to jobs.

O.11-5 See responses to comments O.11-1, O.11-2, O.11-3, and O.11-4 above. The Draft EIR contains sufficient information to analyze the population, housing, and employment changes resulting from the Specific Plan (foreseeable maximum theoretical buildout scenario) and the Sub-Area 4 Project. The level of detail required in an EIR depends on the type of action or project being evaluated; a more general analysis will suffice when the EIR evaluates a general policy or planning proposal such as the Specific Plan. CEQA *Guidelines* Section 15146. For this reason, the information that the comment requests be included in the final EIR is not required by CEQA. Moreover, as described in more detail in Response AP-1, above, CEQA does not provide for or require an analysis of purely social or economic impacts. Finally, the City notes that as a result of stakeholder discussions, including with Allied Propane and other existing employers, the Specific Plan was amended to allow for their continued operation.

O.11-6 The comment does not raise any substantive environmental issues that require further response under CEQA.

O.11-7 As noted by the comment, the Specific Plan requires that the grade of all parts of the Plan Area be increased to 1 foot above the Base Flood Elevation (BFE) at 3 feet of sea level rise (NAVD88).

As seen in Figures 4.8-2 and 4.8-3, the majority of the Sub-Area 4 Project site is currently adequately graded above the flood levels that would be associated with

both 3 feet and 5.5 feet of sea level rise. Therefore significant quantities of fill material will not be required for construction of the projects within the Sub-Area 4 Project site and the Draft EIR therefore does not need to include detailed contour maps. Construction activities are included in the project description for the Sub-Area 4 Project (see page 3-39 of the Draft EIR) and construction truck traffic impact associated with development of the Specific Plan and the Sub-Area 4 Project were analyzed in the Draft EIR (page 4.13-102 of the Draft EIR).

Project activities within the Sub-Area 4 Project, and all other projects developed under the Specific Plan, would be required to obtain all necessary project-specific City approvals prior to construction. For example, the City's Department of Public Works reviews all development permits to confirm that proposed development is reasonably safe from flooding (page 3-40 of the Draft EIR). Application packages for development permits will therefore include detailed grading plans (contour maps) that will be reviewed by the City. The City may, at that time, require additional analysis of imported fill and associated truck trips based on the detailed grading plans that can only be prepared by a project sponsor as part of a specific project application. As noted in the Draft EIR, future activities within the Plan Area may require either CEQA findings or further CEQA review if the scope of activities proposed by a specific project were not analyzed in the Draft EIR.

The Draft EIR contains both a program-level and a project-level environmental analysis. The Specific Plan was analyzed on a program level, and the Sub-Area 4 Project was analyzed at a project level. Future project-level environmental analysis may be tiered from or incorporate by reference the program analysis in the Draft EIR. See CEQA *Guidelines* sections 15162-15164 and 15183; pages 1-3 to 1-4 of the Draft EIR. Consistent with CEQA's tiering provisions, future projects within the Plan Area, and activities within the Sub-Area 4 Project may be required to perform their own project-specific environmental review under CEQA (page 3-41 of the Draft EIR).

- O.11-8 Comment noted. See Response to Comment O.11-7, above. The Specific Plan and Draft EIR will be used by the City as a planning tool as it approves new developments within the Plan Area. The City will ensure the new development is consistent with the planning goals and land uses identified in the Specific Plan. Project specific aesthetic, engineering, building design, flood hazard prevention, construction, and infrastructure concerns will be reviewed by both the City's Department of Public Works (to ensure development consistent with applicable City and state requirements) and the City's planning staff to ensure consistency with the Specific Plan and Draft EIR. If during this review the City determines that the potential environmental impacts of the proposed project or activity were not analyzed in the Draft EIR, the City may require additional CEQA review. (See page 3-14 of the Draft EIR).

O.11-9 The Draft EIR does address the possibility of 5.5 feet of sea level rise and analyzes this potential impact (pages 4.8-8 to 4.8-9 of the Draft EIR; Figure 4.8-3; 4.8-35 to 4.8-36; 4.8-47). The General Plan includes a policy that requires development of an Adaptation Strategy (page 4.8-35 of the Draft EIR, Action EC6. G Adaptive Management Plan). The Draft EIR states:

Successful formulation and implementation for managing the risk posed by a 100-year storm event in combination with a rise in sea level of greater than 3 feet within the Specific Plan area will require (a) that the need for additional risk management strategies to address the flood-related impacts of sea level rise be regularly reassessed in order to determine the most effective adaptive measures for managing flood risks and to schedule implementation of such measures relative to need; and (b) that a financing plan be developed to assure that adequate resources will be available to fund the additional adaptive measures at the time they are scheduled for implementation (page 4.8-36 of the Draft EIR).

Implementation of Mitigation Measure HYD-7b.SP (Sea Level Rise Adaptation) will ensure that the potential impact from 5.5 feet of sea level rise will be less than significant. For clarity, Mitigation Measure HYD-7b.SP is revised as follows:

**Mitigation Measure HYD-7b.SP: Sea Level Rise Adaptation.** Prior to issuance of building permits, all projects proposed for development within areas of the Plan Area shown on Figure 4.8-3~~2~~ of the EIR to be affected by ~~up to~~ greater than 3 feet of sea level rise, including the 100-year flood event and wave overtopping, shall submit an Adaptive Flood Risk Management Plan to the City for approval. The City shall require implementation of such plan as a condition of approval for entitlement approvals and/or building permits as applicable. The Adaptive Flood Risk Management Plan shall be consistent with City efforts to plan for sea level rise under General Plan Action Item EC6.g and Specific Plan Action Item A1.8, and shall include an Adaptive Flood Risk Management Strategy to address 100-year flood impacts associated with a rise in sea level of greater than 3 feet including the 100-year flood event and wave overtopping. Adaptive flood risk management strategies may include development setbacks, regrading, construction of raised berms or a wall, or other measure to protect future development from a rise in sea level above 3 feet. Consistent with General Plan Action Item EC6.g, the Adaptive Flood Risk Management Plan shall include discussion of financing mechanisms for sea level rise adaptations.

The map the comment requests be included in the Draft EIR is found at Figure 4.8-3, which is a map that shows the areas with the Plan Area that are subject to 5.5 feet of sea level rise plus the 100-year flood event and wave overtopping. As explained in Response O.11-8 above, detailed contour maps are not required as part of the Draft EIR and will be reviewed as part of project-specific applications for development permits. In short, the Draft EIR does mirror the analysis for the three-foot sea level rise scenario using the 5.5-foot sea level

rise scenario. (Figure 4.8-3 and pages 4.8-35 and 4.8-47 of the Draft EIR). The City agrees that the analysis in the Draft EIR of the 5.5-foot sea level rise scenario is a useful tool.

- O.11-10 This comment addresses the Specific Plan, rather than the EIR, and notes several components of both the Specific Plan and Zoning Ordinance pertaining to industrial uses. The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.
- O.11-11 Per the request of the comment, and as indicated in Chapter 2 of this Response to Comments document, page 4.7-18 of the Draft EIR (in Section 4.7, *Hazards and Hazardous Substances*) has been revised to include information provided in the comment.
- O.11-12 Per the request of the comment, and as indicated in Chapter 2 of this Response to Comments document, page 4.7-19 of the Draft EIR (in Section 4.7, *Hazards and Hazardous Substances*) has been revised to include information provided in the comment.

## Comment Letter O.12

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**From:** Mary Selva  
**Sent:** Monday, October 24, 2016 12:13:14 PM (UTC-08:00) Pacific Time (US & Canada)  
**To:** Richmond Bay Specific Plan  
**Cc:** Garland Ellis; Jerry Yoshida; Dave L. Harris  
**Subject:** Comments to DEIR for RBSP from Garland Ellis

To Lina Velasco,  
Project Manager for the DEIR for the RBSP,

Attached are comments to the Draft Environmental Impact Report (DEIR) for the Richmond Bay Specific Plan (RBSP), submitted by Garland Ellis, Vice President of the Richmond Annex Neighborhood Council.

His letter has been scanned, and it's attached to this email. Please include his comment letter for DEIR for the RBSP.

Thank you,

Mary Selva,  
RANC President

Comments to Draft Environmental Impact Report – Richmond Bay Specific Plan

1. In Oct. 2014, The Dept of Trans. sent a letter to the City of Richmond regarding the NOP for the SSSP. The letter names the City as the Lead Agency for all project mitigation including improvements to the SHS, I-580, and maybe I-80. Since you list the Improved Bayview St. Interchange and the Multi-Modal Bridge at 47<sup>th</sup> ST. as traffic mitigations, you need to list the projects fair share of cost, ect. You can not put all of this information off on Cal-Trans, WCCCTAC, and CCTA. You also list improved freeway on and off ramps to I-80 as mitigations. Pedestrian and bicyclist volumes generated by the project must be shown in the TIS. Information on trip generation for the project must be given, including assumptions on how you came up with the numbers, and you must show the percentage of project trips assigned to state facilities (UC property).
2. The specific intersection traffic data found in the appendices is from 2010, with some general update information that is newer. 2010 was the end of the Dot-com bust, so traffic flows were much less then, than they are now. What was done to compensate for this, and how does that reflect in the 2040 data? Most of the major traffic intersections show 4 lanes in your summary, yet they will be changed to 2 lanes, with bike paths. How is delay and LOS refigured with this change?
3. Emergency Access: You only stated that vehicles could get into the project area. What about vehicles traveling across the project area, say to a hospital, what will be the delay because of increased traffic?
4. How can the City justify building high density R & D and housing next to a propane facility.
5. How can the city justify building high density in sub area 4 when many of the intersections will end up with significant and unavoidable traffic problems after mitigation. Why can't the City have less density in sub area 4, and spread the building up of the city into other areas less congested?
6. What justification does the City have for changing the zoning on property owned by the Union Pacific Railroad from open space in the 2030 General plan to high density now, when the property is next to a creek and marsh?
7. How can the City expect half of all trips to and from the plan area by non-auto modes of transportation when AC Transit does not service much of the area, nor has any long term plans to expand in Richmond except for rapid buses on San Pablo Ave., only 2% of Richmond residents commute by bike, less than 10% of bay area residents commute on BART and the ratio has been steady for 40 years, and the Richmond ferry has not been established yet. Besides that there is no supermarket nor any plans to locate one in the area.

O.12-1

O.12-2

O.12-3

O.12-4

O.12-5

O.12-6

O.12-7

O.12-8

Garland Ellis  
RANC Vice President

## Letter O.12: Richmond Annex Neighborhood Council (3; Garland Ellis)

O.12-1 The process by which trip generation was undertaken is described in Section 4.13, *Transportation and Traffic*, on pages 4.13-28 to 4.13-33, of the Draft EIR, with more detail provided in Draft EIR Appendix E. The Caltrans NOP comment letter referenced in the comment requests that the Draft EIR accounts for the pedestrian and bicycle volumes generated by the project. As shown in Table 4.13-7, the project trip generation accounts for non-auto trips (which include pedestrian, bicycle, and transit trips) internal and external to the Plan Area. In addition, Table 4.13-13, which presents the project trip generation and accounts for the implementation of the SRTCP improvements, shows that the project would generate additional non-auto trips. In addition, Appendix E-6 of the Draft EIR provides additional information on trip generation and mode share for the project. Also, the intersection operations analysis completed for the Draft EIR accounts for the increased pedestrian and bicycle activity at the study intersections with the proposed project.

Impacts to the state highway system were analyzed at both a plan level and, for the Sub-Area 4 project, at a project level. The percent of trips assigned to State highways was not presented in the Draft EIR, and is not presented here, because, as described starting on page 4.13-33 of the Draft EIR, due to the size, density, and mix of uses in the Plan Area, the traditional methodology of applying isolated trip generation and trip distribution would not accurately reflect the Specific Plan's impacts on the transportation system because the proposed Specific Plan would change the traffic patterns on the surrounding roadways. Rather, the Contra Costa Transportation Authority (CCTA) Model was used to more accurately reflect the changes on local and regional traffic patterns caused by development under the Specific Plan.

See also Response to Comment O.16-10, which addresses fair share costs for traffic improvements.

O.12-2 The comment is incorrect regarding the date the intersection traffic counts were conducted. As shown in Table 4.13-4 of the Draft EIR (Section 4.13, *Transportation and Traffic*), intersection data were collected between December 2012 and February 2016. Considering the range in the dates, traffic volumes were checked for reasonability and adjusted where necessary, per standard practice. The process used to estimate 2040 volumes is described on pages 4.13-33 and 4.13-34 of the Draft EIR.

O.12-3 The traffic model used to assess impacts from implementation of the Specific Plan and Sub-Area 4 Project accounted for lane changes and modifications for the 2040 (cumulative) condition, and took into account the South Richmond Transportation Connectivity Plan (SRTCP). The Draft EIR identifies mitigation

measures based on the SRTCP that include several enhanced bicycle facilities, which would reduce automobile capacity by eliminating travel lanes. The delay/LOS estimates for the 2040 Plus Specific Plan and SRTCP conditions reflect these modifications. Figure A-5 in Appendix E shows the lane configuration assumptions at each study intersection under 2040 Plus Specific Plan and SRTCP conditions.

- O.12-4 Increased traffic on area roadways, specifically during the a.m. and p.m. peak traffic hours, would increase delays for vehicles travelling to an emergency service facility, as it would for other vehicles (as shown in the level of service summary tables in the Draft EIR). However, emergency vehicles (such as ambulances, fire trucks, and police vehicles), when responding to an emergency (with sirens and flashing lights on), would have the right of way (other vehicles would have to pull over to allow the emergency vehicles to bypass congested conditions on roads), the same as under existing conditions.
- O.12-5 The Allied Propane Service facility (specifically, Allied Propane's storage tanks) is located approximately 460 feet from the boundary of the Sub-Area 4 Project site and includes the storage of liquefied propane in two 55,000-gallon, above-ground storage tanks. As discussed in the Draft EIR, an Accidental Release Assessment was developed for the Sub-Area 4 Project site to assess the risk of a potential accidental release of hazardous materials from the existing Allied Propane Service facility.<sup>10</sup> The results of this study indicated that a potential off-site consequence related to a vapor cloud (flash fire) explosion at the facility would be very unlikely, and results of modeling indicated that a potential flash fire resulting from an accidental pipe break would not affect receptors at the Sub-Area 4 Project site.
- While a flash fire event originating from the Allied Propane facility was determined to be very unlikely, the City nonetheless included Mitigation Measure HAZ-2a.SP (Safety Management Techniques and Practices) and Mitigation Measure HAZ-2b.SP (Review of New Sensitive Uses), in the Draft EIR to address this impact, as well as other potential impacts arising from new uses that could be developed within the Plan Area that may pose a risk to human health or safety due to the potential for an accidental release of hazardous substances. As stated in the Draft EIR, with implementation of these mitigation measures, this impact would be reduced to less-than-significant level.
- O.12-6 It should be noted the Sub-Area 4 Project mitigation measures include pedestrian, bicycle, and transit improvements, which align with General Plan and Specific Plan goals. In addition, the Specific Plan would include a variety of uses, including local-serving retail such as supermarkets, and many trips would be internal to the Plan Area or individual neighborhoods. City decision-makers will

<sup>10</sup> The Accidental Release Assessment is available at the City Planning and Building Division office for review.

consider the significant and unavoidable impacts identified in the EIR, including traffic impacts identified for the Sub-Area 4 Project site, when reviewing the Specific Plan and considering whether to adopt it. The comment does not raise any substantive environmental issues that require further response under CEQA.

O.12-7 The comment is noted. See Response to Comment O.2-2.

O.12-8 The Specific Plan would include the development of a variety of uses within the Plan Area, including local-serving retail such as supermarkets, so many trips would be internal to the Plan Area and/or individual neighborhoods. See pages 4.13-24 to 4.13-28 of Section 4.13, *Transportation and Traffic*, of the Draft EIR for planned non-auto improvements in the Plan Area that would reduce auto trips through establishment of a Thoroughfare Regulating Plan (Specific Plan Section 4.6) and requiring comprehensive parking and Transportation Demand Management (TDM) standards. Also, see page 4.13-69 of the Draft EIR for a list of SRTCP improvements used as mitigation measures, which include expansion of bus service and passenger rail service.

---

**From:** Cameron Bertron  
**Sent:** Monday, October 24, 2016 11:52:38 AM (UTC-08:00) Pacific Time (US & Canada)  
**To:** Richmond Bay Specific Plan  
**Cc:** Markus Niebanck  
**Subject:** EFG-CB Richmond bay EIR Comment Letter

Lina – our comment letter is attached. Thanks much, Cameron



**Cameron R. Bertron**  
Executive Vice President  
EnviroFinance Group, LLC  
& Affiliated Companies

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4601 DTC Blvd., Suite 130  
Denver, CO 80237

October 24, 2016

Ms. Lina Velasco, Project Manager  
Planning and Building Services  
450 Civic Center Plaza  
P.O. Box 4046  
Richmond, CA 94804-1630

Via email: [rbsp@ci.richmond.ca.us](mailto:rbsp@ci.richmond.ca.us)

Re: Comments on Richmond Bay Specific Plan Draft Environmental Impact Report

Dear Ms. Velasco,

I write to you on behalf of my company, EFG-Campus Bay, LLC (“EFG”), which is the senior secured lender on the Campus Bay site (“Campus Bay” or “Property”), located within Sub-Area 4 of the draft Richmond Bay Specific Plan (“RBSP”). As the secured creditor on a loan on which the property owner has defaulted, and presumptive future owner of the Property, EFG is pleased to provide comments on the RBSP Draft Environmental Impact Report (“DEIR”).

O.13-1

At the onset, we commend the City’s consistent and longstanding vision to revitalize the Richmond Bay Shoreline area. Based on years of public engagement, in 2012 the City adopted its General Plan 2030, which called out the redevelopment potential for the Southern Gateway/Southern Shoreline area. It specifically directed the City to develop a specific plan “to merge existing and proposed development into a mixed-use community including education, research and development, light industrial, residential and other sensitive uses.” In 2013, Plan Bay Area, which was adopted by the Association of Bay Area Governments (“ABAG”) and the Metropolitan Transportation Commission (“MTC”) as the Bay Area’s Sustainable Communities Strategy pursuant to Senate Bill 375, identified the Southern Shoreline area as a Priority Development Area. From 2014 to 2015 the City held stakeholder meetings and met with interested members of the public, including EFG, to develop the specific plan. Then, in October 2015, the City issued its draft Specific Plan, took public comment, and continued to meet with members of the public to refine the plan. Finally, based on this extensive record of public engagement and consistent with the City’s General Plan 2030 and the region’s Plan Bay Area, the City further refined the Specific Plan as presented in October 2016.

O.13-2

We believe a key to the RBSP’s success will be its commitment to core values, including housing, mixed use development, open space and environmental health. The RBSP’s structured, but flexible, form-based zoning also promotes revitalization that responds to opportunities and market demands. This structured flexibility makes the RBSP and DEIR resilient and helps preserve the existing jobs and the value of existing properties, including the Campus Bay site.

O.13-3

## Comment Letter O.13

For example, the Specific Plan and the Draft EIR can adapt to the changing circumstances at the neighboring UC property. While the University announced that it was suspending plans for the Global Campus to explore redevelopment options that address new priorities, the Specific Plan's flexibility does not link redevelopment of the Campus Bay site (or the larger RBSP area) to any specific UC Plan of development.

↑  
O.13-3  
cont.

Moreover, because the Draft EIR assumes a broad range of foreseeable impacts and needs (e.g., traffic, infrastructure, public services), including those associated with the plans called for under the UC Regent's Long Range Development Plan, the Specific Plan is robust and assures high environmental quality. In short, the RBSP's structured but flexible approach allows for revitalization consistent with core values, regardless of the timeline for the UC property's redevelopment.

↑  
O.13-4

We appreciate the City's thoughtful public process to develop the RBSP. Please do not hesitate to contact Markus Niebanck at 510-808-7002 if EFG can provide any additional information.

↑  
O.13-5

Sincerely,

EFG-Campus Bay, LLC



Cameron Bertron  
Executive Vice President

### **Letter O.13: EnviroFinance Group (3)**

- O.13-1            The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.
- O.13-2            The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.
- O.13-3            The comment addresses the merits of the Specific Plan, which are outside of the scope of an EIR, and does not raise significant environmental issues that require a written response under CEQA.
- O.13-4            The comment addresses the merits of the Specific Plan, which are outside of the scope of an EIR, and does not raise significant environmental issues that require a written response under CEQA.
- O.13-5            The comment addresses the merits of the Specific Plan, and does not raise significant environmental issues that require a written response under CEQA.

## Comment Letter O.14

---

**From:** Griffin, Maia@DTSC  
**Sent:** Monday, October 24, 2016 3:11:20 PM (UTC-08:00) Pacific Time (US & Canada)  
**To:** Richmond Bay Specific Plan  
**Cc:** Nakashima, Lynn@DTSC; Naito, Janet@DTSC  
**Subject:** Richmond Bay

Hello,

Attached for your records is a document pertaining to the site mentioned above. Please contact the Project Manager if you have any questions.

Thank you,

*Maia J. Griffin*

Office Technician  
Department of Toxic Substances Control –Berkeley



Department of Toxic Substances Control

Matthew Rodriguez  
Secretary for  
Environmental Protection

Barbara A. Lee, Director  
700 Heinz Avenue  
Berkeley, California 94710-2721

Edmund G. Brown Jr.  
Governor

October 24, 2016

Lina Velasco, Project Manager  
Planning and Building Services  
450 Civic Center Plaza  
P.O. Box 4046  
Richmond, CA 94804-1630  
rbsp@ci.richmond.ca.us

Dear Ms. Velasco:

Thank you for the opportunity to comment on the Draft Richmond Bay Specific Plan Environmental Impact Report [SCH No. 2014092082], dated September 2016. The Draft EIR analyzes the impacts of buildout under the Specific Plan and from the Sub-Area 4 Project. The Plan Area is approximately 430 acres and is located on the south side of I-580, between Marina Way South to the west, and the I-580 Bayview off-ramp to the east in Richmond, California. DTSC oversees the cleanup of sites where hazardous substances have been released pursuant to the California Health and Safety Code, Division 20, Chapter 6.8. DTSC is the environmental oversight agency for several sites located within the Plan Area. These includes sites that are under investigation, undergoing remediation, remediation has been completed (with and without land use covenants), and completed remediation with long term operation and maintenance requirements. Therefore, we are submitting the following comments.

O.14-1

1. The proposed specific plan identifies uses in areas where contamination is known to be present, or may be discovered in the future to be present. In those cases, remedial actions may need to be taken to accommodate those uses. A variety of possible remedial actions might be identified that could be implemented to accommodate the various uses identified in the specific plan. DTSC approves a remedy under its authority provided in California Health and Safety Code, Division 20, Chapter 6.8. Under this statute, potential remedial alternatives are evaluated against the nine criteria found in the federal National Contingency Plan. The criteria includes: overall protection of human health and the environment; compliance with applicable or relevant and appropriate standards; long-term effectiveness, reduction in toxicity, mobility or volume; short-term effectiveness; implementability; cost; state acceptance; and community acceptance. And, DTSC will utilize the Specific Plan as

O.14-2

Ms. Lina Velasco  
October 24, 2016  
Page 2

the basis for the reasonably foreseeable land use, the decision to approve a remedial alternative considers all nine criteria

↑ O.14-2  
| cont.

2. Page 4.3-55 and -70, Biological Resources: This section indicates that currently designated open space in Sub-Area 4 would be transferred to East Bay Regional Park District or California State Parks to “ensure appropriate long term management”. Open space that is under the oversight of DTSC that requires long term management because residual contamination is left in place requires that an appropriate entity (e.g., land owner, responsible party, etc.) enter into an Operation and Maintenance Agreement with DTSC and implement an approved Operation and Maintenance Plan. Financial assurance (except for specific exceptions) to ensure that sufficient funds are available to implement the long-term management is also required.

| O.14-3

3. Section 4.3, Biological Resources: Implementation of LID biotreatment measures should also take into account any existing remedies located on a site. While designed with LID principles in mind, the measures should not exacerbate contamination or interfere with any existing remedial technologies.

| O.14-4

4. Page 4.7-10, Bio-Rad Laboratories: The Bio-Rad Laboratories Site is being remediated under a Corrective Action Consent Agreement with DTSC. DTSC approved the Statement of Basis document for the site in September 2016.

| O.14-5

5. Page 4.7-12, Sub-Area 4 Sites: The last paragraph describing the Blair Southern Pacific Landfill should indicate that Zeneca Inc. (not UPRR) is investigating the site under a Voluntary Cleanup Agreement.

| O.14-6

6. Page 4.7-15:

a. Zeneca Richmond AG Products, last paragraph: Monitoring and maintenance of HEA 1 (also known as East Stege Marsh) is not dependent on the remedy selected for HEA 2. The last sentence should be deleted. In addition, the letter cited as the reference in this sentence (DTSC, 2016c) refers only to Lot 1, Lot 2 and the upland portion of Lot 3 and not to HEA 2.

| O.14-7

b. Footnote 5 should refer to the draft 2015 FS/RAP.

7. Page 4.7-23, Department of Toxic Substances Control:

a. First full paragraph: This paragraph states that DTSC has established a goal that sites requiring response actions where sensitive land uses are anticipated, be remediated to the degree that allows unrestricted use. The document cited, DTSC, 2002, is not included in the list of references at the end of this section, and without the full reference DTSC is limited in its ability to comment on this paragraph. However, it appears that the document cited may be DTSC Management Memo #EO-02-022-MM, which also states that in limited, site-specific circumstances, land use covenants may be used along with other protective measures to allow sensitive land uses.

| O.14-8

Ms. Lina Velasco  
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Page 3

b. Second full paragraph: The DTSC document cited in this section (DTSC, 2000) is also not included in the list of references at the end of this section.

O.14-9

8. Section 4.8 Hydrology and Water Quality:

a. If water removed as part of a dewatering process is determined to be a hazardous waste, the water will need to be handled and disposed in compliance with all applicable federal and state hazardous waste laws and regulations. In addition, if contaminated groundwater is known or suspected to be at or near the area to be dewatered, an evaluation needs to be conducted to ensure that dewatering will not interfere with any existing groundwater remedies or exacerbate the groundwater contamination.

O.14-10

b. This section indicates that grade be increased to 1 foot above base flood elevation at 3 feet of sea level rise. If a land use covenant requires that a cap be maintained on a property as part of a remedy, the appropriate agency(ies) should be contacted and approvals obtained if the cap will be disturbed to raise grade.

O.14-11

If you have any questions or would like to schedule a meeting, please contact me at (510) 540-3839 or [lynn.nakashima@dtsc.ca.gov](mailto:lynn.nakashima@dtsc.ca.gov).

Sincerely,

Janet Naito  
Branch Chief  
Berkeley Cleanup Operations Branch

cc: John Meerscheidt  
Office of Planning & Environmental Analysis  
Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, CA 94826-3200

Governor's Office of Planning and Research  
State Clearinghouse  
P.O. Box 3044  
Sacramento, CA 95812-3044

## Letter O.14: California Department of Toxic Substances Control

- O.14-1 The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.
- O.14-2 The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.
- O.14-3 As indicated in Chapter 2 of this Response to Comments document, pages 4.3-55 and 4.3-70 of the Draft EIR (in Section 4.3, *Biological Resources*) have been revised to include information provided in the comment.
- O.14-4 As indicated in Chapter 2 of this Response to Comments document, pages 4.3-58 and 4.3-71 of the Draft EIR (in Section 4.3, *Biological Resources*) have been revised to include information provided in the comment.
- O.14-5 As indicated in Chapter 2 of this Response to Comments document, page 4.7-10 of the Draft EIR (in Section 4.7, *Hazards and Hazardous Materials*) has been revised to include information provided in the comment.
- O.14-6 As indicated in Chapter 2 of this Response to Comments document, page 4.7-12 of the Draft EIR (in Section 4.7, *Hazards and Hazardous Materials*) has been revised to include information provided in the comment.
- O.14-7 As indicated in Chapter 2 of this Response to Comments document, page 4.7-15 of the Draft EIR (in Section 4.7, *Hazards and Hazardous Materials*) has been revised to include information provided in the comment.
- O.14-8 As indicated in Chapter 2 of this Response to Comments document, page 4.7-45 of the Draft EIR (in Section 4.7, *Hazards and Hazardous Materials*) has been revised to include information provided in the comment.
- O.14-9 As indicated in Chapter 2 of this Response to Comments document, page 4.7-45 of the Draft EIR (in Section 4.7, *Hazards and Hazardous Materials*) has been revised to include information provided in the comment.
- O.14-10 Refer to Section 4.8, *Hydrology, Sea Level Rise, and Water Quality*, of the Draft EIR, which discusses dewatering permit requirements and processes and addresses this issue on page 4.8-14, as well as under Impact HYD-1.SP, Impact HYD-2.SP, and Impact HYD-2.SA4. The comment does not raise any substantive environmental issues that require further response under CEQA.
- O.14-11 Refer to Section 4.7, *Hazards and Hazardous Materials*, of the Draft EIR, which describes requirements to ensure that development affecting active cleanup sites be subject to the supervision of appropriate agencies. Mitigation Measure HAZ-

1a.SP: Protection of Human Health from Environmental Contamination, and Mitigation Measure HAZ-1b.SP: Health and Safety Plan, described on page 4.7-30, are referred to under Section 4.8 *Hydrology, Sea Level Rise, and Water Quality* by reference (see page 4.8-25). This comment does not raise environmental issues that require a further response under CEQA.

## Comment Letter O.15

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**From:** Lina Velasco  
**Sent:** Monday, October 24, 2016 3:18:36 PM (UTC-08:00) Pacific Time (US & Canada)  
**To:** Richmond Bay Specific Plan  
**Subject:** FW: Safeway Comments 10-24-16

---

**From:** Colli, Garrett J. (Perkins Coie) [<mailto:GColli@perkinscoie.com>]  
**Sent:** Monday, October 24, 2016 2:20 PM  
**To:** Lina Velasco  
**Subject:** Safeway Comments 10-24-16

Dear Lina,

Please find Safeway's comments attached for the City's consideration.

Thank you,

**Garrett Colli | Perkins Coie LLP**  
ASSOCIATE  
D. +1.415.344.7160  
F. +1.415.344.7260  
E. [GColli@perkinscoie.com](mailto:GColli@perkinscoie.com)

---

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October 24, 2016

Matthew S. Gray  
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F. +1.415.344.7282

VIA ELECTRONIC MAIL

Lina Velasco  
Senior Planner  
450 Civic Center Plaza  
Richmond, CA 94804

Re: Safeway’s Comments on Proposed Final Richmond Bay Specific Plan and Public Review Draft Zoning and Subdivision Regulations

Dear Ms. Velasco:

We represent Safeway Inc. (“Safeway”) with respect to land use issues concerning its wholesale bakery facility at 905 South 34<sup>th</sup> Street (the “Bread Plant”). In prior comments on the Richmond Bay Specific Plan (“RBSP”) and Zoning Ordinance amendments, Safeway stressed the importance of maintaining the Bread Plant, not only because of its strategic value to Safeway’s West Coast operations, but also because it delivers significant value to the City of Richmond (“City”), including over 200 full-time jobs, economic stimulus, and site and neighborhood activation.

O.15-1

Safeway wishes to specifically note the following components of the RBSP and the Zoning Ordinance (as amended by Addendum 1.0):

- Limited Industrial is a permitted use under the Special District R&D Transect Zone. (RBSP, Transect Zone Land Use Table, p. 4-11.)
- Per Section 15.04.104.020 of the Zoning Ordinance (which supplies land use type definitions to the RBSP), “Limited Industrial” includes “wholesale bakeries” such as the Bread Plant.
- The Limited Exception for Nonconforming Industrial Uses in Specific Plan Areas (“Limited Exception”) process outlined in the Zoning Ordinance allows for certain expansions and modernizations of nonconforming uses and structures subject to an Administrative Use Permit issued by the Zoning Administrator. (Zoning Ordinance, Section 15.04.606.050.)
- The RBSP incorporates the Zoning Ordinance’s controls for non-conforming uses in Article 14.04.606, including the procedures for Limited Exceptions.

O.15-2

Lina Velasco  
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These are important terms, and Safeway wishes to express its gratitude to City staff and consultants for their efforts in developing land use regulations that balance the long-term goals of the RBSP while recognizing the need to retain existing industrial operations.

O.15-3

Safeway requests that the following information is clarified in an addendum to the RBSP:

- Section 15.04.606.040.B of the Zoning Ordinance authorizes the expansion of lawful non-conforming structures, including expansions of more than 10% of the existing gross floor area of a given structure through an administrative use permit. This should be acknowledged in Section 4.7.2 of the RBSP.

O.15-4

- Section 15.05.606.050.A requires an administrative use permit in conjunction with a Limited Exception. Accordingly, Section 4.7.2 of the RBSP should be reconciled with the Zoning Ordinance, such that the RBSP refers to an administrative use permit rather than a conditional use permit.

O.15-5

- Sections 4.8.6 and 4.8.7 of the RBSP (Transportation Management Association and Transportation Demand Management, respectively) are intended to reduce vehicle trips from new or expanded uses that that would otherwise generate substantial single-occupancy vehicle trips. Sections 4.8.7 further describes a set of baseline traffic demand management plan procedures for office projects and retail/commercial projects. This is understandable as office and retail/commercial projects can be reasonably expected to generate relatively large amounts of single-vehicle occupancy trips. Industrial uses in Sub-Area 3 (and any future expansions of these existing uses), would not be expected to generate commensurate amounts of single-occupancy vehicle trips due to the fact that these uses generate fewer employees and public visitors compared to office and retail/commercial uses.<sup>1</sup> Application of standards designed for office

O.15-6

<sup>1</sup> The Institute of Transportation Engineers Trip Generation Manual (9th ed.) includes the following trip generation rates for industrial uses:

- Industrial 120 (General Light Industrial): 0.97 trips: 1,000 sf
- Industrial 140 (Manufacturing): 0.73 trips: 1,000 sf
- Industrial 150 (Warehousing): 0.32 trips: 1,000 sf

By comparison, the manual includes the following trip generation rates (among others) for office and research/commercial uses:

- Office 710 (General Office Building): 1.49 trips:1,000 sf
- Office 715 (Single Tenant Office Building): 1.74 trips: 1,000 sf
- Retail 820 (Shopping Center): 3.71 trips: 1,000 sf

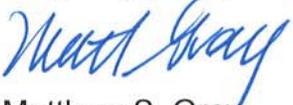
Lina Velasco  
October 24, 2016  
Page 3

and retail/commercial uses would be overly burdensome and unnecessary for potential future expansions of the wholesale bakery and cold storage facilities. Therefore, Safeway requests that the paragraph labeled "TDM Requirements" in Section 4.8.7 be clarified to exempt expansions of existing light industrial uses in Sub-Area 3.

↑  
O.15-6  
cont.

Safeway appreciates the City's efforts to date in developing a specific plan and zoning updates that will allow the Bread Plant to continue to provide jobs and economic stimulus in Richmond. We look forward to continuing to work with you through the adoption of the RBSP and the Zoning Ordinance, and would welcome the opportunity to discuss our comments in this letter at your convenience.

↑  
O.15-7

Very truly yours,  
  
Matthew S. Gray

MSG

**Letter O.15: Safeway Inc. (Perkins Coie)**

- O.15-1 The comment discusses the importance of maintaining the “Bread Plant” located within the Plan Area. The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.
- O.15-2 This comment addresses the Specific Plan and the Zoning Ordinance, rather than the EIR, and notes several components of both the Specific Plan and Zoning Ordinance pertaining to industrial uses. The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA. Refer to Section 4.2.1, Master Response to Comments, Master Response to Comments About Non-Conforming Uses and Zoning.
- O.15-3 This comment addresses the Specific Plan, rather than the EIR, and indicates support for the City’s Specific Plan process. The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.
- O.15-4 This comment addresses proposed revisions to the Specific Plan, rather than the EIR, and indicates support for the City’s Specific Plan process. The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.
- O.15-5 This comment addresses proposed revisions to the Specific Plan, rather than the EIR, and indicates support for the City’s Specific Plan process. The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.
- O.15-6 This comment addresses proposed revisions to the Specific Plan, rather than the EIR, and indicates support for the City’s Specific Plan process. The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.
- O.15-7 This comment addresses the Specific Plan and the Zoning Ordinance, rather than the EIR, and indicates support for the City’s Specific Plan and Zoning Ordinance update process. The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.

## Comment Letter O.16

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**From:** Mae Empleo  
**Sent:** Monday, October 24, 2016 3:54:57 PM (UTC-08:00) Pacific Time (US & Canada)  
**To:** Richmond Bay Specific Plan  
**Cc:** [patrick@semlawyers.com](mailto:patrick@semlawyers.com); [charissam@semlawyers.com](mailto:charissam@semlawyers.com)  
**Subject:** Comments from Sims Metal Management re: Richmond Bay Specific Plan Draft Environmental Impact Report

Dear Ms. Velasco,

Attached please find the letter submitted on behalf of Sims Metal Management regarding the Richmond Bay Specific Plan Draft Environmental Impact Report. Should you have questions, please do not hesitate to contact our office.

Sincerely,

Mae Ryan Empleo  
Legal Assistant  
*Soluri Meserve, A Law Corporation*  
1010 F Street, Suite 100  
Sacramento, CA 95814

 tel: 916.455.7300 ▪  fax: 916.244.7300 ▪  mobile: 559.361.5363 ▪  email: [mae@semlawyers.com](mailto:mae@semlawyers.com)

This email and any attachments thereto may contain private, confidential, and privileged material for the sole use of the intended recipient.



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October 24, 2016

**SENT VIA EMAIL (rbasp@ci.richmond.ca.us)**

Lina Velasco, Project Manager  
City of Richmond Planning Division  
450 Civic Center Plaza  
Richmond, CA 94804

**RE: Sims Metal Management’s Comments on the  
Richmond Bay Specific Plan Draft Environmental Impact Report**

Dear Ms. Velasco:

This letter, submitted on behalf of Sims Metal Management (“SMM”), provides public comments on the City of Richmond’s draft Richmond Bay Specific Plan dated September 2016 (“Specific Plan”) and Draft Environmental Impact Report (“DEIR”) for the Specific Plan.

**A. EXCLUSION OF ENVIRONMENTAL ISSUES FROM SIGNIFICANCE DETERMINATION**

The DEIR appears to impermissibly exclude certain areas from analysis. Footnote 1 on DEIR page 1-1 cites to the new *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal. 4th 369 (“CBIA”) decision and states, “[T]o the extent that the impacts discussed in this EIR relate to the pre-existing environment’s effects (whether on or off-site) on the project or potential site users, except for those exceptions identified in *CBIA v. BAAQMD*, they are included for informational purposes.” Thus, it appears that the DEIR excludes certain environmental considerations from significance determinations. The DEIR must identify with specificity those areas of analysis that do not include significance determinations due to this legal interpretation.

O.16-1

**B. INCONSISTENT PROJECT DESCRIPTION**

The DEIR violates CEQA by providing an inconsistent project description. The DEIR purports to analyze the Specific Plan, yet the Specific Plan proposes a different project than the admittedly more intense “foreseeable maximum theoretical buildout scenario” analyzed in the DEIR. (DEIR, p. 1-1, fn.2; see also p. 2-2.) While the DEIR claims that this makes the DEIR more “conservative,” in fact it violates CEQA’s mandate

O.16-2

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to provide an accurate project description. (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 199.) As *County of Inyo* explains:

A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal’s benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the “no project” alternative) and weigh other alternatives in the balance. An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.

(*Id.* at 192.)

The DEIR states, “The Foreseeable Maximum Theoretical Buildout is the program analyzed in this EIR.” (DEIR, p. 3-17, fn c.) Yet the Specific Plan provides for a different development plan. For example, the Specific Plan plainly states that Sub-Area 1 includes “up to 1160 [residential] units,” (Specific Plan, p. 3-13) and yet the DEIR’s project is for up to 1,840 units. Overall, the Specific Plan provides up to 4,080 residential dwelling, and yet the “maxim” plan described in the DEIR is 5,700 units. These are material differences, as is the confusing 112.3 acre increase in open space from the Specific Plan to the DEIR.<sup>1</sup>

The Specific Plan’s development scenario is more than just numbers in a table. Extensive infrastructure, utility and public service capacity analyses were developed and set forth in the Specific Plan, presumably based on the development set forth in the Specific Plan.<sup>2</sup> (See Specific Plan, chapter 5.) If the so-called “maximum theoretical buildout” scenario analyzed in the DEIR in fact more accurately describes development authorized by the Specific Plan, this calls into question whether the Specific Plan itself complies with Government Code section 65451, which states:

<sup>1</sup> The DEIR fails to explain why the City is taking credit for an additional 112.3 acres of open space under the maximum buildout scenario and not the Specific Plan development scenario. (DEIR, p. 3-17, Table 3-3.)

<sup>2</sup> Evidencing this point, the City was required to seek a second water supply assessment from EBMUD analyzing the increased water demand resulting from the Maximum Theoretical Buildout scenario. (See, e.g. DEIR, p. 4.14-25.)

↑  
O.16-2  
cont.  
  
O.16-3  
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(a) A specific plan shall include a text and a diagram or diagrams which specify all of the following in detail:

(1) The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan.

(2) The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.

(3) Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.

(4) A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out paragraphs (1), (2), and (3).

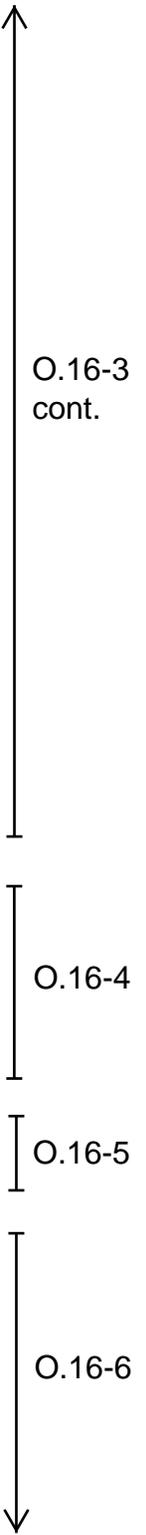
(b) The specific plan shall include a statement of the relationship of the specific plan to the general plan.

Additional confusion is created regarding the City’s use of tiering for future projects implementing the Specific Plan. For example, will the maximum buildout scenario, rather than the Specific Plan itself, be the basis for supplemental review and tiering described on page 1-4? If so, this is very misleading since the City claims that it will be relying on tiering “to the maximum extent feasible.”

In short, the City needs to correct the present inconsistency between the Specific Plan and the DEIR in a recirculated DEIR.

**C. FAILURE TO PROVIDE PROJECT-LEVEL REVIEW FOR RESIDENTIAL DEVELOPMENT**

The DEIR fails to provide necessary project-level review for planned residential development within the Specific Plan area. The DEIR states that it is providing programmatic review for the Specific Plan and “site-specific project level” review for the smaller “Sub-Area 4 Project.” (DEIR, p. 1-2 to 1-4.) That structure is not prohibited under CEQA. That said, the DEIR acknowledges that future residential development



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“that implements and is consistent with the specific plan[] is generally exempt from additional CEQA review.” Since future residential development is exempt from any future CEQA review, and since the Specific Plan identifies with specificity the locations of such residential development, CEQA requires this EIR to provide project-level review for such residential development.

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O.16-6  
cont.

The failure of the City’s attempt to rely solely on programmatic review here is demonstrated by a specific example. In a section entitled “Development Impact Tracking,” the DEIR states, “When totals of 1. and 2. exceed 80 percent of the estimated number of units or square footage of uses for the Plan Area as a whole and for each sub-area, an additional traffic analysis will be required demonstrating no new potentially significant impacts would result from the project.” (DEIR, p. 3-46.) However, since all residential projects implementing the Specific Plan are exempt from CEQA review, there is literally no mechanism to enforce this requirement. Thus, this development tracking will simply not occur.

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O.16-7

**D. OBSCURING SPECIFIC PROJECTS WITHIN SUB-AREA 4**

The DEIR fails to provide required information about specific development proposals within the Specific Plan. The DEIR states that Sub-Area 4 “is not a sponsor-proposed development proposal” even though it is acknowledged that the City is reviewing “one or more applications for development of the Sub-Area 4 Project site.” (DEIR, p. 1-4.) If true, then the City needs to explain what are the underlying City project actions regarding Sub-Area 4. Put another way, how does the City “approve” Sub-Area 4 separate from these private development applications that the City concedes? (DEIR, p. 1-6 (“subsequent approval of a Sub-Area 4 Project”).) No such actions are described in DEIR on page 2-3. To the contrary, the DEIR states, “After adoption of the Specific Plan, the city would consider site-specific applications for development, such as approval of one or more Development Agreements and associated tentative and final subdivision map approvals for specific subsequent projects”). The list of “required approvals and actions” applicable to Sub-Area 4 also identifies typical actions associated with private development projects. (DEIR, p. 3-41.) There appears to be no room for an intermediary “Sub-Area” approval of any kind, and instead appears intended to simply insulate these private development applications from project-level review in this EIR. If so, this would constitute impermissible project-splitting.

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O.16-8

**E. TRAFFIC**

The DEIR provides that project conditions at Wright Avenue/Harbour Way are “>180.” This fails as an informational document since the actual delay could be much

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O.16-9  
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worse than 180. (DEIR, p. 4.13-37.) In fact, the DEIR’s technical appendices reveal that the delay for vehicles heading eastbound on Wright and turning left onto northbound Harbour Way South is an astonishing 422 seconds in the am peak hour and 1,289 seconds (20 minutes!) in the pm peak hour. This is untenable.

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O.16-9  
cont.

**1. Mitigation for Wright Avenue/Harbour Way Is Inadequate.**

In light of the incredibly high wait times proposed for the intersection of Wright Avenue/Harbour Way, mitigation for that impact (TRF-1.SP) is inadequate. This mitigation measures provides in full:

“All applicants proposing the development of projects within the Plan Area and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvements:

- a) Signalize intersection and provide warning lights and gates for the at-grade railroad crossing.
- b) Restripe the southbound Harbour Way South approach to provide an exclusive left-turn lane and a shared right/through lane within the current right-of-way.

Signalization of the intersection is consistent with the mitigation measure proposed at this intersection by the Richmond Ferry Terminal Project Initial Study/Mitigated Negative Declaration (May 2014). If this improvement is implemented prior to the trigger identified in this mitigation measure, then it would not be required as a mitigation measure for the Specific Plan.

O.16-10

It is estimated that the mitigation measure at this intersection may be required when about 55 percent of the Specific Plan area is developed (which corresponds to 50 percent of Specific Plan development excluding the Sub-Area 4 Project). At that time, the development project that triggers the impact shall either fully fund or implement the mitigation measure. Alternatively, the City of Richmond may implement this mitigation measure prior to or at the time the 55 percent buildout trigger occurs, the mitigation measure would not be required to be implemented by an individual project and the City may collect fair-share contributions from the projects in the Plan Area to support implementation.

After implementation of this measure, the intersection would improve to LOS A during the AM peak hour and LOS B during the PM peak hour and



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reduce the impact to a less-than -significant level. No secondary significant impacts would result from implementation of this measure.”

This mitigation strategy is riddled with problems. Essentially the mitigation measure calls for installing a traffic signal and dedicated turning lane. This is reasonable. The problems with this mitigation measure are: (i) determining when the improvements are needed, and (ii) when, how and by who pays. On both these issues, the mitigation measure is both ineffective and unenforceable.<sup>3</sup>

The measure states, “the development project that triggers the impact shall either fully fund or implement the mitigation measure.” (DEIR, pp. 4.13-42 – 43.) But the mitigation measure never explains how the City would determine whether a particular development project triggers the impact and, by extension, the need for constricting the improvement. This is critical because, as conceded in the DEIR, residential projects do not trigger any CEQA review. (DEIR, p. 1-4.)

Further, the measure is valued on how the mitigation measure will be funded. It appears that either a single project would bear the full cost of this measure, or it will be funded by a yet-to-be-determined fair share program. The first option would likely be found legally infeasible on judicial review because bearing the full cost of constructing the improvement is likely not proportional to that single development project’s impact, particularly since the “triggering” developer would not be able to recoup expenses from Specific Plan projects preceding it. (CEQA Guidelines, § 15126.4, subd. (a)(4) (acknowledging “nexus” and “rough proportionality” requirements under 5th Amendment case law).) Also, the “alternative” strategy of relying on a future “fair share” program violates *Anderson First* since the DEIR provides no information about the fee program that does not yet exist.

Finally, reliance on “55 percent buildout” is meaningless since the DEIR expressly acknowledges that actual buildout of the Specific Plan will be subject to market demand. Thus, if market demand results in 1,800 residential units developed in Sub-Area 1, the trigger for constructing this improvement will occur well before 55 percent buildout in the overall Specific Plan area.



O.16-10  
cont.

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<sup>3</sup> It appears that several other mitigation measures for transportation impacts follow this same flawed approach.

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The City must develop a practical and legally-defensible strategy to ensure this critical mitigation measure is actually implemented. We look forward to seeing a proper nexus study, capital improvement plan and proposed fair-share impact fee ordinance with the recirculated DEIR.

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O.16-10  
cont.

**2. Roadway Hazards and Safety.**

The DEIR’s analysis of traffic hazards is inadequate and misleading. (DEIR, p. 4.13-94-95.) The impact analysis section conclusively states, “This EIR proposed certain SRTCP improvements as mitigation measures. The SRTCP improvements, as described on page 4.13-69, focusing on improving the safety and comfort of vulnerable roadway users, such as pedestrian and bicyclists.” (DEIR, p. 4.13-95.) Refuting this statement, however, the DEIR thereafter finds the impact to be less than significant without the need for any mitigation. (DEIR, p. 4.13-95.)

This defect analysis has practical consequences. Harbour Way South is an acknowledged existing truck route for industry. (Specific Plan, 3-44.) Figure 3.24 indicates that any bike path along Harbour Way South would be an “off-street path/separated bikeway.” (Specific Plan, 3-46.) The DEIR impact analysis, however, never discusses this as a requirement and yet finds the roadway safety hazard to be less than significant without the need for any mitigation.

O.16-11

While the off-street bike paths along Harbour Way South are included in the referenced improvement list, the DEIR does not actually include these improvements as mitigation measures. (DEIR, pp. 2-63 (draft MMRP), 4.13-94 (impact analysis).) This inconsistency is seemingly explained in page 4.13-26 of the DEIR, which explains, “This EIR assumes that the proposed bicycle network within the Plan Area would be completed as part of the Specific Plan project . . . .” In other words, these important improvements are not enforceable mitigation measures, but rather project elements that are assumed to occur. Setting aside this violation of the *Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 655-57 (EIR improperly conflated project components and mitigation measures), another page of the DEIR explains the flaw with assuming that these improvements will actually occur: “Currently, most of the SRTCP improvements do not have any funding.” (DEIR, p. 4.13-69.)

In short, the City must include the off-street bike paths described on page 4.13-70 as enforceable mitigation measures addressing impact TRF-25.SPP, and



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explain how they will be funded and constructed. It is critical that the City include this improvement in the necessary capital improvement program described above.

↑ O.16-11  
cont.

**F. AIR QUALITY**

Implementing the Specific Plan will bring thousands of new residents, including children, into an area of significant toxic air contaminant (“TAC”) sources that are located within and in the immediate area surrounding the Specific Plan. These sources include Kaiser Permanente pharmaceutical lab, Bio Rad Laboratories as well I-580, the BNSF rail line and switching yard, and the port of Richmond. (DEIR, 4.2-35-36.) The California Supreme Court recently confirmed that CEQA requires “evaluating a project’s potentially significant exacerbating effects on existing environmental hazards—effects that arise because the project brings ‘development and people into the area affected.’” (*California Building Industry Ass’n. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal. 4th 369, 388.) The *CBIA* decision requires this DEIR to analyze the health risks to those future residents. The DEIR, however, fails to comply with that duty. It is defective as an informational document with respect to health impacts from TAC emissions.

O.16-12

The EIR dismisses health risk impacts to future residents in the Specific Plan area based on an incorrect legal interpretation of the *CBIA* case. As set forth above, however, the *CBIA* decision explains that CEQA’s purpose is precisely to analyze projects that will, as here, exacerbate existing conditions by bringing new people into the affected environment. Here, the project includes bringing new residential uses in very close proximity to existing sources of TAC emissions that are up to, and even more than, three times the significance threshold of 10 increased cancer risks per million. (DEIR, p. 4.2-35.) Further, the precise location of both existing TAC sources and authorized residential dwelling areas are identified with specificity thereby making adequate analysis a very straightforward process. This analysis is never performed, however, because the DEIR claims that that because this action is characterized as a “plan”, the BAAQMD Guidelines allow it to avoid detailed analysis normally required. (DEIR, p. 4.2-19.)

The EIR proposes that “identification of overlay zones around existing and planned sources of TACs and at least 500 feet from all freeways and high volume roadways” as adequate to evaluate TAC impacts (EIR, p. 4.2-19), but this analysis only purports to address individual plan level impacts. Under BAAQMD Guidelines, a lead agency must “evaluate individual as well as cumulative impacts



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of general plans.” (BAAQMD Guidelines, p. 9-1, attached as Exhibit 1.) The BAAQMD Guidelines further counsel that a “risk and hazards analysis for assessing potential cumulative impacts should follow the risk screening guidance described in *Recommended Methods for Screening and Modeling Local Risks and Hazards*.” (BAAQMD Guidelines, p. 5-16.) The methodology prescribed by this document accounts for multiple TAC emissions sources and models how the health risks associated with those emissions varies within the plan area.<sup>4</sup> To comply with CEQA, the City must perform both the plan level individual and cumulative impact analyses for TAC emissions.

The requirement for a broad neighborhood-wide analysis like these examples is all the more necessary here because no future CEQA analysis will be required for residential projects within the Specific Plan area. To put another way, BAAQMD’s Guidelines for “plan” review simply do not apply here because no further opportunity for project-level health risk analysis will be performed. Thus, there is no opportunity whatsoever to inform a future discretionary action on a residential project with a CEQA document.

Put more succinctly, there may be certain areas of the Specific Plan area where residential development should not occur due to proximity to TAC emission sources. The EIR fails to provide any meaningful information on this issue, even though methodologies exist to analyze the issue. The EIR therefore fails as an informational document regarding TAC emissions.<sup>5</sup>

Finally, rather than provide meaningful analysis on the issue, the DEIR instead merely labels the impact significant and unavoidable. (DEIR, p. 4.2-35.)



O.16-12  
cont.



O.16-13

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<sup>4</sup> See generally Recommended Methods for Screening and Modeling Local Risks and Hazards, Bay Area Air Quality Management District, <https://www.arb.ca.gov/ch/communities/ra/westoakland/documents/draftsummary031908.pdf> (attached as Exhibit 2); see also California Air Resources Board Neighborhood Assessment Program, <https://www.arb.ca.gov/ch/programs/nap/step2.htm> (attached as Exhibit 3).

<sup>5</sup> MM Air-4a.SP calls for health risk assessments to be performed for residential projects within the Specific Plan area independent from any CEQA, which appears helpful. However, undercutting any public health protection is that such HRA is limited solely to determining whether onsite indoor air filtration systems are not necessary. The HRA cannot be used to support a decision to disallow a residential project, or require additional mitigation for TAC health impacts.

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This strategy fails, however, because decision-makers cannot knowingly find that an impact is acceptable, and that overriding considerations exist, without adequate knowledge of the nature and severity of the impact.

↑ O.16-13  
cont.

**G. UTILITIES AND SERVICE SYSTEMS**

The DEIR provides incomplete and inconsistent analysis of utilities impacts, specifically impacts to wastewater treatment capability. Without further description of these impacts, the DEIR fails to serve its purpose as an informational document.

↑ O.16-14

Though the DEIR notes that it analyzed anticipated wastewater capacity by modeling dry and wet weather flows (DEIR, 4.14-27), it does not state whether it also considered flows in a “Foreseeable Maximum Theoretical Buildout” scenario, which would include an increased number of residential units and corresponding increased water demand. (DEIR, 4.14-26.) The above scenario would result in potentially significant increases to wastewater flows and necessary treatment capacity; the final EIR must consider this scenario and provide the results.

↑ O.16-15

Further, the DEIR contradicts itself as to whether current and/or planned infrastructure and improvements would adequately address the Project’s wastewater treatment needs. On one page the DEIR claims that the City has approved funding, developed plans, and initiated construction to “improve the downstream facilities to reduce and capture the problematic I&I flows” during storm events, which “would address buildout within the City as anticipated under the Richmond General Plan 2030”. (DEIR, p. 4.14-27.) On the next page, however, the DEIR concedes that “it is uncertain when and how the Specific Plan’s contribution of wastewater flows to the WPCP would be addressed by existing and/or planned facilities.” (DIER, p. 4.14-28.) The Final EIR must clarify whether existing and proposed facilities can adequately address the Plan’s contribution to wastewater.

↑ O.16-16

Finally, the DEIR impermissibly defers mitigation of wastewater treatment impacts. Part of Mitigation Measure UTL-3b.SP requires the City to “identify a fair share funding mechanism to support the implementation of the identified required improvements, and [] establish a program to collect funds and guarantee that they are used for these improvements.” (DEIR, p. 4.14-28.) Fair share funding mechanisms are only adequate as mitigation where they are “part of a reasonable plan of actual mitigation that the relevant agency commits itself to implementing.” (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1187.) Here, there is no existing plan of actual mitigation that the City has committed itself to; this measure amounts to a promise

↑ O.16-17  
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Lina Velasco, Project Manager  
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to collect funds once the City identifies a funding mechanism. This is too speculative to constitute adequate mitigation.

↑ O.16-17  
| cont.

**H. PROJECT ALTERNATIVES**

The DEIR’s analysis of project alternatives is baffling and misleading. The development density set forth in the Specific Plan itself is neither the proposed project in the DEIR nor any of the project alternatives. (Compare Specific Plan p. 3-54 with DEIR, p. 5-23.) The correct way to analyze the Specific Plan and the maximum intensity project is to make the Specific Plan development scenario the proposed project and the maximum development scenario a project alternative. This structure will need to be followed in the recirculated DEIR.

| O.16-18  
| O.16-19

\* \* \*

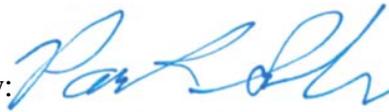
We thank you for the opportunity to comment on the DEIR and Specific Plan. In light of the substantive dissonance between the projects set forth in the Specific Plan and DEIR, as well as other significant flaws in the DEIR, we look forward to reviewing a recirculated Specific Plan and DEIR. We hope this additional time will allow the City to formulate the necessary nexus study, capital improvement program and fair-share fee ordinance to address the costly transportation infrastructure required by implementation of the Specific Plan.

| O.16-20

Please do not hesitate to contact the undersigned with any questions.

Very truly yours,

**SOLURI MESERVE**  
A Law Corporation

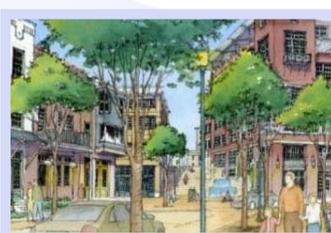
By:   
Patrick M. Soluri

PMS/mre

# **EXHIBIT 1**



# California Environmental Quality Act Air Quality Guidelines



Updated May 2011



California Environmental Quality Act

## Air Quality Guidelines

Jack P. Broadbent  
Executive Officer/Air Pollution Control Officer

Jean Roggenkamp  
Deputy Air Pollution Control Officer

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Deputy Air Pollution Control Officer

Brian Bunger  
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Alison Kirk  
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Sigalle Michael  
Senior Environmental Planner

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BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
939 Ellis Street  
San Francisco, CA 94109  
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**9.1. CRITERIA AIR POLLUTANTS AND PRECURSOR EMISSIONS**

To meet the *Threshold of Significance* for operational-related criteria air pollutant and precursor impacts for plans (other than regional plans), a proposed plan must satisfy the following criteria:

- Consistency with current air quality plan (AQP) control measures (this requirement applies to project-level as well as plan-level analyses).
- A proposed plan’s projected VMT or vehicle trips (VT) (either measure may be used) increase is less than or equal to its projected population increase.

**Air Quality Plan Control Measures**

For this threshold, an air quality plan refers to clean air plans, state implementation plans (SIPS), ozone plans, and other potential air quality plans developed by BAAQMD. To date, the Air District’s most current plan is the 2010 Clean Air Plan.

The following approach for incorporating current AQP control measures into a plan is also applicable for determining a project’s consistency with an air quality plan. CEQA requires lead agencies to determine whether a project is consistent with all applicable air quality plans. In addition, the State CEQA Guidelines sample Environmental Checklist Form (Appendix G), poses the question: “Would the project conflict with or obstruct implementation of the applicable air quality plan?”

BAAQMD recommends that the agency approving a project where an air quality plan consistency determination is required analyze the project with respect to the following questions. If all the questions are concluded in the affirmative, and those conclusions are supported by substantial evidence, BAAQMD considers the project consistent with air quality plans prepared for the Bay Area.

1. Does the project support the primary goals of the AQP?

The primary goals of the 2010 Bay Area Clean Air Plan (CAP), the current AQP to date, are to:

- Attain air quality standards;
- Reduce population exposure and protecting public health in the Bay Area; and
- Reduce greenhouse gas emissions and protect the climate.

Any project (i.e. project or plan) that would not support these goals would not be considered consistent with the 2010 CAP. The recommended measure for determining project support of these goals is consistency with District-approved CEQA thresholds of significance. Therefore, if approval of a project would not result in significant and unavoidable air quality impacts, after the application of all feasible mitigation, the project would be considered consistent with the 2010 CAP.

2. Does the project include applicable control measures from the AQP?

Agencies approving projects should require that they include all air quality plan control measures that can feasibly be incorporated into the project design or applied as mitigation, or justify the reasons, supported by substantial evidence, why a measure or measures are not incorporated into the project. Projects that incorporate all feasible air quality plan control measures are considered consistent with the 2010 CAP.



The 2010 CAP contains 55 control measures aimed at reducing air pollution in the Bay Area. Along with the traditional stationary, area, mobile source and transportation control measures, the 2010 CAP contains a number of new control measures designed to protect the climate and promote mixed use, compact development to reduce vehicle emissions and exposure to pollutants from stationary and mobile sources. BAAQMD encourages project developers and lead agencies to incorporate these Land Use and Local Impact (LUM) measures and Energy and Climate measures (ECM) into proposed project designs and plan elements.

Refer to Volume II of the 2010 CAP Control Measure for a list of all the control measures and implementation guidance.

3. Does the project disrupt or hinder implementation of any AQP control measures?

If approval of a project would not cause the disruption, delay or otherwise hinder the implementation of any air quality plan control measure, it would be considered consistent with the 2010 CAP. Examples of how a project may cause the disruption or delay of control measures include a project that precludes an extension of a transit line or bike path, or proposes excessive parking beyond parking requirements.

**Projected VMT and Population Growth**

A proposed plan must demonstrate that its projected VMT or vehicle trips (VT) (either measure may be used) is less than or equal to its projected population increase to be considered to have a less than significant impact on criteria air pollutants and precursor emissions.

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**9.2. GREENHOUSE GASES**

California's legislative mandate (AB 32) is to reduce total projected 2020 GHG emissions to 1990 levels, a reduction of approximately 30 percent. To achieve this target, future development must be planned and implemented in the most GHG-efficient manner possible. GHG-efficient development reduces vehicle miles traveled by supporting compact, dense, mixed-use, pedestrian- and bicycle-friendly, transit oriented development. State, regional and local agencies are strongly encouraged to address GHG emissions when updating and/or adopting long-range plans. For local jurisdictions, the general plan is perhaps the best venue for addressing GHG emissions in making meaningful progress toward attaining AB 32 goals while addressing CEQA requirements.



If a long-range plan includes goals, policies, performance standards, and implementation measures achieving GHG emission reductions that can be shown to meet and/or exceed AB 32 mandates, as outlined in Section 4.3, subsequent projects consistent with the plan could be relieved of performing GHG analysis as part of their CEQA compliance.

The threshold for operational-related GHG impacts of plans employs either a GHG efficiency-based metric of 6.6 MT per SP per year of carbon dioxide equivalent (CO<sub>2</sub>e), or a GHG Reduction Strategy option. Unlike the other plan-level thresholds that apply to the different plans



mentioned in Section 9 above, the GHG efficiency threshold may only be applied to general plans. A lead agency may also determine that this threshold is appropriate for a GHG Reduction Strategy’s 2020 milestone target. GHG Reduction Strategies using this threshold with horizon years beyond 2020 should consider horizon-year goals consistent with climate stabilization predictions identified in the Governor’s Executive Order S-03-05, and include an interim goal for 2020..

**Step 1. GHG Reduction Strategy Approach**

A general plan would be assumed to have a less than significant impact related to GHG emissions if the lead agency has a qualified GHG Reduction Strategy that is referenced and or integrated within the general plan. See Section 4.3 for qualifying criteria for a qualified GHG Reduction Strategy.

If the lead agency does not have a qualified GHG Reduction Strategy meeting established criteria, refer to Step 2.

**Step 2. GHG Efficiency Approach – Emissions Quantification**



BAAQMD recommends quantifying community-wide GHG emissions from a general plan through development of a GHG emissions inventory and projections report. The emissions inventory should be conducted for a base year at or before the current year of the plan; and should follow published ARB protocols for municipal and community-wide inventories (when available). The base year inventory should be expressed in terms of metric tons CO<sub>2</sub>e emissions and account for municipal and community-wide emission sectors applicable in the jurisdiction such as, transportation, commercial, residential, water use and treatment, solid waste, and agriculture.

BAAQMD’s *GHG Plan Level Quantification*

*Guidance* contains detailed recommendations for developing GHG emission inventories and projections. This document is available at BAAQMD’s website, <http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES.aspx>.

Section 4.3 contains additional guidance on preparing a GHG emissions inventory and projections report for a qualified GHG Reduction Strategy that should be applied to general plans as well. A range of tools and resources are available to assist lead agencies in completing inventories, including the Air District’s *GHG Plan Level Quantification Guidance*, [Intergovernmental Panel on Climate Change \(IPCC\) Emissions Inventory Guidelines](#), the California Climate Action Registry’s General Reporting Protocol and [ICLEI’s Clean Air and Climate Protection \(CACP\) model](#). In all instances where regional, statewide or national data sources are available, BAAQMD recommends that local data be used if available and more accurate.

**Step 3. Prepare Greenhouse Gas Emissions Projections**

BAAQMD recommends preparing a community-wide GHG emission projection to identify the expected levels of GHG emissions for: 1) 2020 (i.e., the AB 32 benchmark year), and 2) the projected year of the plan build out. Two projections should be prepared for each year:

- A projection reflecting existing conditions (e.g., business-as-usual), and



- A projection that accounts for proposed policies, programs, and plans included within the general plan that would reduce GHG emissions from build-out of the plan.

The first projection should be used as the basis for evaluation of the no project alternative in the plan's EIR. The second projection should be used as the basis for evaluation of the proposed project. Additional projections corresponding to plan alternatives considered within the EIR should also be prepared and included within the EIR's alternatives analysis. Examples of policies, performance standards and implementation measures are included in Section 9.6.

Where possible, emission projections should account for population and employment growth rates published by ABAG, VMT growth rates available from MTC, energy consumption growth rates available from California Energy Commission (CEC) planned expansions of municipal infrastructure or services, and anticipated statewide legislative requirements or mandates (e.g., Renewable Energy Portfolio, Green Building Code Standards, on-road vehicle emission regulations).

A range of GIS-based planning models are available that can assist lead agencies in completing projections, including [Index](#), [PLACE3S](#), [UPlan](#), and the Sustainable Systems Integration Model (SSIM). The projection should be expressed in metric tons CO<sub>2</sub>e emissions, and include the expected municipal and community-wide emissions across all sectors evaluated in the base year inventory.

BAAQMD encourages lead agencies to prepare similar projections for 2050 (the Executive Order S-03-05 benchmark year). As we approach the 2020 timeframe, BAAQMD will reevaluate this significance threshold to better represent progress toward 2050 goals. The lead agency should use the projected build-out emissions profile of the general or area plan as a benchmark to ensure that adoption of the plan would not preclude attainment of 2050 goals.

#### **Step 4. Determine Planned Population and Employment Levels and Service Population**

State law requires that general and area plans identify the planned density and intensity of land uses for all lands within the planning area established by the lead agency. These measures of density (typically dwelling units/acre) and intensity (typically floor-area ratios) are often translated into expected population and employment levels for estimating traffic impacts associated with the proposed plan. Most demand-based transportation models use population and employment to determine trip generation. Measures of population and employment are typically available for general and area plans. In evaluating GHG impacts, estimates of the number of residents and jobs anticipated in the general or area plan are required for 2020, the build-out year of the proposed plan, the no project alternative, and additional alternatives the lead agency is evaluating in the environmental review.

Service population (SP) is an efficiency-based measure used by BAAQMD to estimate the development potential of a general or area plan. SP is determined by adding the number of residents to the number of jobs estimated for a given point in time. For purposes of evaluating GHG impacts, SP estimates are required for 2020 and for the build-out year of the proposed plan.

#### **Step 5. Compare Service Population to 2020 GHG Projections and Thresholds of Significance**

The lead agency should divide the 2020 GHG emissions inventory by 2020 SP estimates to determine the per-SP emissions associated with the proposed general or area plan, the no project alternative, and additional alternatives the lead agency is evaluating. The lead agency should then compare these per-SP emissions to the significance thresholds identified in Chapter 2 (refer to Table 9-1).



Table 9-1 Example Plan-level Greenhouse Gas Emissions Analysis			
Step	Emissions Source	Year	Emissions (MT CO <sub>2</sub> e/yr)*
2	GHG Emissions Inventory (Community-wide and municipal)	Base year (e.g., 2007)	A
3	GHG Emissions Projections	2020	B
		GP Buildout (e.g., 2030)	C
4	Projected Service Population (population + employment)	SP	
	GHG/SP (2020)	B/SP (MT CO <sub>2</sub> e/SP/yr)	
5	BAAQMD GHG/SP Threshold	6.6 (MT CO <sub>2</sub> e/SP/yr)	
	Is B/SP > 6.6? (If Yes, Significant. Proceed to Step 6. If No, less than significant).		

\*Letters "A", "B", and "C" are used to represent numeric values that would be obtained through conducting a community-wide emissions inventory and projections.  
Notes: CO<sub>2</sub>e = carbon dioxide equivalent; MT = metric tons; yr = year, P = population, SP = service population. Refer to Appendix D for support documentation.

If the estimated per-SP emissions exceed identified thresholds, the general or area plan would be considered to have a significant impact with respect to GHG emissions, and mitigation would be required.

**Step 6. Mitigation Measures**

General or area plans found to have a significant impact should implement all feasible mitigation measures to reduce impacts. Refer to Section 9.5 for examples of appropriate mitigation measures for operational impacts relative to GHG emissions. Mitigation measures identified through the environmental review process must be made into binding and enforceable policies and implementation programs within the long range plan.

**9.3. LOCAL COMMUNITY RISK AND HAZARD IMPACTS**

For general and area plans to have a less-than-significant impact with respect to potential toxic air contaminants (TACs), special overlay zones need to be established around existing and proposed land uses that emit TACs. Special overlay zones should be included in proposed plan policies, land use maps, and implementing ordinances.

The *Thresholds of Significance* for plans with regard to community risk and hazard impacts are:

1. The land use diagram must identify:





- a. Special overlay zones around existing and planned sources of TACs;
  - b. Special overlay zones of at least 500 feet (or Air District-approved modeled distance) on each side of all freeways and high-volume roadways.
2. The plan must also identify goals, policies, and objectives to minimize potential impacts and create overlay zones for sources of TACs and receptors.

ARB's Land Use Handbook offers advisory recommendations for locating sensitive receptors near uses associated with TACs, such as freeways and high-traffic roads, commercial distribution centers, rail yards, ports, refineries, chrome platers, dry cleaners, gasoline stations, and other industrial facilities, to reduce exposure of sensitive populations. The lead agency should refer to this handbook when evaluating whether the proposed general or area plan includes adequate buffer distances between TAC sources and sensitive receptors.

### **9.3.1. Community Risk Reduction Plans**

The goal of a Community Risk Reduction Plan (CRRP) would be to bring TAC and PM<sub>2.5</sub> concentrations for the entire community covered by the Plan down to acceptable levels as identified by the local jurisdiction and approved by the Air District. This approach provides local agencies a proactive alternative to addressing communities with high levels of risk on a project-by-project approach.

A qualified Community Risk Reduction Plan adopted by a local jurisdiction should include, at a minimum, the following elements:

- (A) Define a planning area;
- (B) Include base year and future year emissions inventories of TACs and PM<sub>2.5</sub>;
- (C) Include Air District-approved risk modeling of current and future risks;
- (D) Establish risk and exposure reduction goals and targets for the community in consultation with BAAQMD staff;
- (E) Identify feasible, quantifiable, and verifiable measures to reduce emissions and exposures;
- (F) Include procedures for monitoring and updating the inventory, modeling and reduction measures in coordination with Air District staff; and
- (G) Be adopted in a public process following environmental review.

Refer to Chapter 5 for additional guidance on preparing a CRRP. BAAQMD has also developed the *Community Risk Reduction Plan Methodology* guidance document, which can found at <http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES.aspx>.

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## **9.4. ODOR IMPACTS**

For plans to have a less-than-significant impact, a plan must identify the location of existing and planned odor sources in the plan area. The plan must also include policies to reduce potential odor impacts in the plan area.



**9.5. REGIONAL PLANS**

Regional plans must demonstrate a no net increase in emissions to satisfy the *Threshold of Significance* for operational-related criteria air pollutant and precursor impacts, GHGs, and toxic air contaminants.

Regional plans include the Regional Transportation Plan prepared by the Metropolitan Transportation Commission (MTC) and air quality plans prepared by the Air District. In order to meet this threshold, these agencies must compare the regional plan's baseline emissions with its projected future emissions. This approach requires two comparative analyses:

- a. Compare existing (base year) emissions with projected future year plus project emissions (base year/project comparison);
- b. Compare projected future year emissions without the project with projected future year emissions plus the project (no project/project comparison).

A regional plan is considered less than significant if each scenario demonstrates that no net increase in emissions of criteria air pollutants and precursors, GHGs, and toxic air contaminants will occur.

**9.6. MITIGATING PLAN-LEVEL IMPACTS**

Plans often have significant, unavoidable adverse air quality impacts due to the SFBAAB's nonattainment status and the cumulative impacts of growth on air quality. In addition, plans generally have long-term planning horizons of twenty years or more. For these reasons, it is essential for plans to incorporate all feasible strategies and measures to reduce air quality impacts. Mitigation measures for plans are often broad in scope due to the long timeframe and comprehensive nature of general and area plan policies and programs.

This section contains mitigation measures recommended for plans prepared within the SFBAAB. Measures are identified by state-required general plan element, planning issue, development phase, and type of air quality impact. Proposed plans should incorporate mitigation measures applicable to their elements and planning issues.

Plans are the appropriate place to establish community-wide air quality policies that reinforce regional air quality plans. Plans present opportunities to establish requirements for new construction, future development, and redevelopment projects within a community that will ensure new or revised plans do not inhibit attainment of state and national air quality standards and actually assist in improving local and regional air quality. Binding, enforceable mitigation measures identified through the environmental review process should be incorporated as policies and implementation programs within the plan to the



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greatest extent feasible. Ideally, air quality related goals, policies, performance measures and standards should be incorporated within the context of the proposed project itself, rather than introduced as corrective actions within the proposed project's EIR. The list below is not intended to serve as an exhaustive list. The Air District also recommends that Lead Agencies refer to CAPCOA's reports, *Model Policies for Greenhouse Gases in General Plans* (June 2009) for additional guidance (<http://www.capcoa.org/modelpolicies/CAPCOA-ModelPolicies-6-12-09-915am.pdf>) and *Quantifying GHG Mitigation Measures*.

**9.6.1. Land Use Element**

**Urban Form**

Mitigation Measure or General/Area Plan Policy	Construction				Operational			
	CAPs	GHGs	TACs	Odors	CAPs	GHGs	TACs	Odors
Create and enhance landscaped greenway, trail, and sidewalk connections between neighborhoods, commercial areas, activity centers, and parks.					X	X		
Adopt policies supporting infill development					X	X		
Ensure that proposed land uses are supported by a multi-modal transportation system and that the land uses themselves support the development of the transportation system.					X	X		
Designate a central city core for high-density and mixed-use development.					X	X		
Discourage high intensity office and commercial uses from locating outside of designated centers or downtowns, or far from residential areas and transit stations.					X	X		
Provide financial incentives and density bonuses to entice development within the designated central city.					X	X		
Provide public education about benefits of well-designed, higher-density housing and relationships between land use and transportation.					X	X		

**Compact Development**

Mitigation Measure or General/Area Plan Policy	Construction				Operational			
	CAPs	GHGs	TACs	Odors	CAPs	GHGs	TACs	Odors
Achieve a jobs/housing balance or improve the jobs/housing ratio within the plan area.					X	X		
Create incentives to attract mixed-use projects to older commercial and industrial areas.					X	X		
Adopt incentives for the concurrent development of retail, office, and residential land uses within mixed-use projects or areas. Require mixed-use development to include ground-floor retail.					X	X		
Provide adaptive re-use alternatives to demolition of historic buildings. Provide incentives to prevent demolition of historic buildings.	X	X			X	X		
Facilitate lot consolidation that promotes integrated development with improved pedestrian and vehicular access.					X	X		
Reinvest in existing neighborhoods and promote infill development as a					X	X		



Assessing and Mitigating Plan-Level Impacts

preference over new, greenfield development.								
Ensure that new development finances the full cost of expanding public infrastructure and services to provide an economic incentive for incremental expansion.					X	X		
Require new developments to extend sewer and water lines from existing systems or to be in conformance with a master sewer and water plan.	X	X			X	X		

**Transit-oriented Design**

Mitigation Measure or General/Area Plan Policy	Construction				Operational			
	CAPs	GHGs	TACs	Odors	CAPs	GHGs	TACs	Odors
Require all development projects proposed within 2,000 feet of an existing or planned light rail transit, commuter rail, express bus, or transit corridor stop, to incorporate site design measures that enhance the efficiency of the transit system.					X	X		
Develop transit/pedestrian-oriented design guidelines. Identify and designate appropriate sites during general plan updates and amendments.					X	X		
Plan areas within ¼-mile of locations identified as transit hubs and commercial centers for higher density development.					X	X		

**Sustainable Development**

Mitigation Measure or General/Area Plan Policy	Construction				Operational			
	CAPs	GHGs	TACs	Odors	CAPs	GHGs	TACs	Odors
Ensure new construction complies with California Green Building Code Standards and local green building ordinances.					X	X		
Promote re-use of previously developed property, construction materials, and/or vacant sites within a built-up area.					X	X		
Avoid development of isolated residential areas near hillsides or other areas where such development would require significant infrastructure investment or adversely impact biological resources.						X		
Require orientation of buildings to maximize passive solar heating during cool seasons, avoid solar heat gain during hot periods, enhance natural ventilation, and promote effective use of daylight. Orientation should optimize opportunities for on-site solar generation.					X	X		
Provide land area zoned for commercial and industrial uses to support a mix of retail, office, professional, service, and manufacturing businesses.					X	X		
Provide permitting incentives for energy efficient and solar building projects.					X	X		
Develop a joint powers agreement or other legal instrument that provides incentive for counties to discourage urban commercial development in unincorporated areas and promote urban infill and redevelopment projects.					X	X		



**Activity Centers**

Mitigation Measure or General/Area Plan Policy	Construction				Operational			
	CAPs	GHGs	TACs	Odors	CAPs	GHGs	TACs	Odors
Provide pedestrian amenities, traffic-calming features, plazas and public areas, attractive streetscapes, shade trees, lighting, and retail stores at activity centers.					X	X		
Provide for a mix of complementary retail uses to be located together to create activity centers and commercial districts serving adjacent neighborhoods.					X	X		
Permit upper-story residential and office uses in neighborhood shopping areas.					X	X		
Provide pedestrian links between commercial districts and neighborhoods.					X	X		
Provide benches, streetlights, public art, and other amenities in activity centers to attract pedestrians.					X	X		

**Green Economy and Businesses**

Mitigation Measure or General/Area Plan Policy	Construction				Operational			
	CAPs	GHGs	TACs	Odors	CAPs	GHGs	TACs	Odors
Work with businesses to encourage employee transit subsidies and shuttles from transit stations.					X	X		
Encourage businesses to participate in local green business programs.					X	X		
Offer incentives to attract businesses to city core and infill areas.					X	X		
Work to attract green businesses and promote local green job training programs.					X	X		
Support regional collaboration to strengthen the green economy.					X	X		
Provide outreach and education to local businesses on energy, waste, and water conservation benefits and cost savings.					X	X		
Support innovative energy technology companies.					X	X		



**9.6.2. Circulation Element**

**Local Circulation**

Mitigation Measure or General/Area Plan Policy	Construction				Operational			
	CAPs	GHGs	TACs	Odors	CAPs	GHGs	TACs	Odors
Create or reinforce a grid street pattern with small block sizes and maintain high connectivity within the roadway network.					X	X		
Implement circulation improvements that reduce vehicle idling, such as signal timing systems and controlled intersections.					X	X	X	
Consider alternatives such as increasing public transit or improving bicycle or pedestrian travel routes before funding transportation improvements that increase VMT.					X	X		
Require payment of transportation impact fees and/or roadway and transit improvements as a condition upon new development.					X	X		
Minimize use of cul-de-sacs and incomplete roadway segments.					X	X		
Actively promote walking as a safe mode of local travel, particularly for children attending local schools.					X	X		
Consult with school districts, private schools, and other operators to coordinate local busing, to expand ride-sharing programs, and to replace older diesel buses with low or zero emission vehicles.					X	X	X	
Evaluate all busing options as a preferential strategy to roadway improvements in the vicinity of schools to ease congestion.					X	X		
Establish public/private partnerships to develop satellite and neighborhood work centers for telecommuting.					X	X		
Employ traffic calming methods such as median landscaping and provision of bike or transit lanes to slow traffic, improve roadway capacity, and address safety issues.					X	X		
Support the use of electric vehicles where appropriate. Provide electric recharge facilities.					X	X		



**Regional Transportation**

Mitigation Measure or General/Area Plan Policy	Construction				Operational			
	CAPs	GHGs	TACs	Odors	CAPs	GHGs	TACs	Odors
Ensure that submittals of transportation improvement projects to be included in regional transportation plans (RTP, RTIP, CMP, etc.) are consistent with the air quality goals and policies of the general plan.					X	X		
Consult with adjacent jurisdictions to address the impacts of regional development patterns on the circulation system.					X	X		
Adopt a (or implement the existing) Transportation Demand Management Ordinance.					X	X		
Create financing programs for the purchase or lease of vehicles used in employer ride sharing programs.					X	X		
Consult with adjacent jurisdictions to maintain adequate service levels at shared intersections and to provide adequate capacity on regional routes for through traffic.					X	X		
Work to provide a strong paratransit system that promotes the mobility of all residents and educate residents about local mobility choices.					X	X		
Designate sites for park-and-ride lots. Consider funding of the park and ride lots as mitigation during CEQA review of residential development projects.					X	X		
Consult with appropriate transportation agencies and major employers to establish express buses and vanpools to increase the patronage of park and ride lots.					X	X		
Allow developers to reach agreements with auto-oriented shopping center owners to use commercial parking lots as park-and-ride lots and multimodal transfer sites.					X	X		

**Parking**

Mitigation Measure or General/Area Plan Policy	Construction				Operational			
	CAPs	GHGs	TACs	Odors	CAPs	GHGs	TACs	Odors
Reduce parking for private vehicles while increasing options for alternative transportation.					X	X		
Eliminate minimum parking requirements for new development.					X	X		
Establish commercial district parking fees.					X	X		
Require that parking is paid for separately and is not included in rent for residential or commercial space.					X	X		
Encourage parking sharing between different land uses.					X	X		
Encourage businesses to offer parking cash-outs to employees.					X	X		
Encourage parking assessment districts.					X	X		
Encourage car-share and bike-share programs and dedicated parking spaces in new development.					X	X		
Support preferential parking for low emission and carpool vehicles					X	X		



**Bicycles and Pedestrians**

Mitigation Measure or General/Area Plan Policy	Construction				Operational			
	CAPs	GHGs	TACs	Odors	CAPs	GHGs	TACs	Odors
Provide safe and convenient pedestrian and bicycle connections to and from activity centers, commercial districts, offices, neighborhoods, schools, other major activity centers.					X	X		
Ensure that non-motorized transportation systems are connected and not interrupted by impassable barriers, such as freeways.					X	X		
Provide pedestrian pathways that are well-shaded and pleasantly landscaped to encourage use.					X	X		
Consult with transit providers to increase the number of bicycles that can be accommodated on buses.					X	X		
Provide crosswalks and sidewalks along streets that are accessible for people with disabilities and people who are physically challenged.					X	X		
Prohibit on-street parking to reduce bicycle/automobile conflicts in appropriate target areas.					X	X		
Prohibit projects that impede bicycle and walking access.					X	X		
Retrofit abandoned rail corridors as segments of a bikeway and pedestrian trail system.					X	X		
Require commercial developments and business centers to include bicycle amenities in building such as bicycle racks, showers, and lockers.					X	X		

**Regional Rail Transit**

Mitigation Measure or General/Area Plan Policy	Construction				Operational			
	CAPs	GHGs	TACs	Odors	CAPs	GHGs	TACs	Odors
Support regional rail service and consult with rail operators to expand services.					X	X		
Create activity centers and transit-oriented development projects near transit stations.					X	X		

**Local and Regional Bus Transit**

Mitigation Measure or General/Area Plan Policy	Construction				Operational			
	CAPs	GHGs	TACs	Odors	CAPs	GHGs	TACs	Odors
Give funding preference to investment in public transit over investment in infrastructure for private automobile traffic.					X	X		
Establish a local shuttle service to connect neighborhoods, commercial centers, and public facilities to rail transit.					X	X		
Empower seniors and those with physical disabilities who desire maximum personal freedom and independence of lifestyle with unimpeded access to public transportation.					X	X		
Provide transit shelters that are comfortable, attractive, and accommodate transit riders. Ensure that shelters provide shade, route information, benches and lighting.					X	X		
Design all arterial and collector streets planned as transit routes to allow for the efficient operation of public transit.					X	X		
Require transit providers to coordinate intermodal time schedules					X	X		



**9.6.3. Conservation Element**

**Municipal Operations**

Mitigation Measure or General/Area Plan Policy	Construction				Operational			
	CAPs	GHGs	TACs	Odors	CAPs	GHGs	TACs	Odors
Replace existing City vehicles with ultra-low or zero emission vehicles and purchase new low emission vehicles.					X	X		
Require that all new government buildings, and all major renovations and additions, meet identified green building standards.					X	X		
Install cost-effective renewable energy systems on all city buildings and purchase remaining electricity from renewable sources.					X	X		
Support the use of teleconferencing in lieu of city/county employee travel to conferences and meetings when feasible.					X	X		
Require city/county departments to set up telecommuting programs as part of their trip reduction strategies.					X	X		
Require environmentally responsible government purchasing. Require or give preference to products that reduce or eliminate indirect GHG emissions.						X		
Investigate the feasibility of using solar (photovoltaic) street lights instead of conventional street lights to conserve energy.					X	X		
Support investment in cost-effective land use and transportation modeling and geographic information system technology.					X	X	X	X
Install LED lighting for all traffic light systems.						X		
Implement a timed traffic light system to reduce idling.					X	X		



**Air Quality – Sensitive Receptors**

Mitigation Measure or General/Area Plan Policy	Construction				Operational			
	CAPs	GHGs	TACs	Odors	CAPs	GHGs	TACs	Odors
Develop and adopt a comprehensive Community Risk Reduction Plan that includes: baseline inventory of TAC and PM <sub>2.5</sub> emissions from all sources, emissions reduction targets, and enforceable emission reduction strategies and performance measures. Community Risk Reduction Plan to include enforcement and monitoring tools to ensure regular review of progress toward the emission reduction targets, report progress to the public and responsible agencies, and revise the plan as appropriate.			X				X	
Require residential development projects and projects categorized as sensitive receptors to be located an adequate distance from existing and potential sources of TACs and odors.				X			X	X
Require new air pollution point sources such as, but not limited to, industrial, manufacturing, and processing facilities to be located an adequate distance from residential areas and other sensitive receptors.	X		X	X	X		X	X
Consult with BAAQMD to identify TAC sources and determine the need for and requirements of a health risk assessment for proposed developments.			X	X			X	X
Consult with project proponents during the pre-application review process to avoid inappropriate uses at affected sites and during the environmental review process for general plan amendments and general plan updates.					X		X	X
Require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review when the proposed project has associated air-toxic emissions.			X				X	
Designate adequate industrial land in areas downwind and well-separated from sensitive uses.							X	X
Designate non-sensitive land uses for areas surrounding industrial sites.					X		X	X
Protect vacant industrial sites from encroachment by residential or other sensitive uses through appropriate zoning.					X		X	X
Require indoor air quality equipment, such as enhanced air filters, to be installed at schools, residences, and other sensitive receptor uses located near pollution sources.							X	X
Quantify the existing and added health risks to new sensitive receptors or for new sources.							X	
Utilize pollution absorbing trees and vegetation in buffer areas.					X	X	X	



**Air Quality – PM<sub>10</sub> and Dust Control**

Mitigation Measure or General/Area Plan Policy	Construction				Operational			
	CAPs	GHGs	TACs	Odors	CAPs	GHGs	TACs	Odors
Include PM <sub>10</sub> control measures as conditions of approval for subdivision maps, site plans, and grading permits.	X				X			
Minimize vegetation removal required for fire prevention.	X				X			
Require alternatives to discing, such as mowing, to the extent feasible. Where vegetation removal is required for aesthetic or property maintenance purposes, encourage or require alternatives to discing.	X	X			X	X		
Require subdivision designs and site planning to minimize grading and use landform grading in hillside areas.	X							
Condition grading permits to require that graded areas be stabilized from the completion of grading to commencement of construction.	X							
Require all access roads, driveways, and parking areas serving new commercial and industrial development to be constructed with materials that minimize particulate emissions and are appropriate to the scale and intensity of use.	X							
Develop a street cleaning program aimed at removing heavy silt loadings from roadways that result from sources such as storm water runoff and construction sites.	X				X			
Pave shoulders and pave or landscape medians. Curb and gutter installation may provide additional benefits where paving is contiguous to the curb.	X	X			X	X		

**Water Conservation**

Mitigation Measure or General/Area Plan Policy	Construction				Operational			
	CAPs	GHGs	TACs	Odors	CAPs	GHGs	TACs	Odors
Require residential remodels and renovations to improve plumbing fixture and fixture-fitting water efficiency by an established amount above the California Building Standards Code water efficiency standards.		X						
Provide water use audits to identify conservation opportunities and financial incentives for adopting identified efficiency measures.		X						
Require use of native and drought-tolerant plants, proper soil preparation, and efficient irrigation systems for landscaping.		X				X		
Maximize use of native, low-water plants for landscaping of areas adjacent to sidewalks or other impermeable surfaces.		X				X		
Increase use of recycled and reclaimed water for landscaping projects.		X				X		
Adopt a water-efficient landscaping ordinance and implement the Bay-Friendly Landscaping Guidelines established by StopWaste.org.						X		
Provide public water conservation education.						X		
Reduce pollutant runoff from new development through use of Best Management Practices.	X	X	X		X	X	X	
Minimize impervious surfaces and associated urban runoff pollutants in new development and reuse projects.	X	X	X		X	X	X	
Utilize permeable surfaces and green roof technologies where appropriate.					X	X	X	



**Energy Conservation**

Mitigation Measure or General/Area Plan Policy	Construction				Operational			
	CAPs	GHGs	TACs	Odors	CAPs	GHGs	TACs	Odors
Conduct energy efficiency audits of existing buildings by checking, repairing, and readjusting heating, ventilation, air conditioning, and lighting, water heating equipment, insulation and weatherization. Offer financial incentives for adoption of identified efficiency measures.		X				X		
Require implementation of energy-efficient design features in new development, including appropriate site orientation, exceedance of Title 24, use of light color roofing and building materials, and use of evergreen and wind-break trees to reduce heating and cooling fuel consumption.		X				X		
Adopt residential and commercial energy efficiency retrofit ordinances that require upgrades as a condition of issuing permits for renovations or additions, and on the sale of residences and buildings.		X				X		
Facilitate cooperation between neighboring development projects to use on-site renewable energy supplies or combined heat and power co-generation facilities.		X				X		
Develop a comprehensive renewable energy financing and informational program for residential and commercial uses.		X				X		
Partner with community services agencies to fund energy efficiency projects for low income residents.		X				X		
Encourage the installation of energy efficient fireplaces in lieu of normal open-hearth fireplaces. Prohibit installation of wood burning devices.	X	X			X	X		
Provide natural gas lines or electrical outlets to backyards to encourage the use of natural gas or electric barbecues, and electric gardening equipment.	X				X			
Implement Community Choice Aggregation (CCA) for renewable electricity generation.		X				X		

**Solid Waste**

Mitigation Measure or General/Area Plan Policy	Construction				Operational			
	CAPs	GHGs	TACs	Odors	CAPs	GHGs	TACs	Odors
Achieve established local and regional waste-reduction and diversion goals. Adopt more stringent waste reduction goals.		X				X		
Establish programs that enable residents to donate or recycle surplus furniture, old electronics, clothing, and other household items.		X				X		
Establish methane recovery in local landfills and wastewater treatment plants to generate electricity.		X				X		
Participate or initiate a composting program for restaurants and residences.						X		
Implement recycling programs for businesses and construction waste.	X	X			X	X		
Prohibit styrofoam containers and plastic bag use by businesses.					X	X		



**9.6.4. Open Space Element**

**Community Forestry**

Mitigation Measure or General/Area Plan Policy	Construction				Operational			
	CAPs	GHGs	TACs	Odors	CAPs	GHGs	TACs	Odors
Require inclusion of low VOC-emitting street trees and landscaping for all development projects.		X				X		
Require that trees larger than a specified diameter that are removed to accommodate development must be replaced at a set ratio.		X				X		
Provide adequate funding to manage and maintain the existing community forest, including sufficient funds for tree planting, pest control, scheduled pruning, and removal and replacement of dead trees.		X				X		
Provide public education regarding the benefits of street trees and the community forest.		X				X		

**Sustainable Agriculture**

Mitigation Measure or General/Area Plan Policy	Construction				Operational			
	CAPs	GHGs	TACs	Odors	CAPs	GHGs	TACs	Odors
Require agricultural practices be conducted in a manner that minimizes harmful effects on soils, air and water quality, and marsh and wildlife habitat. Sustainable agricultural practices should be addressed in the Qualified GHG Reduction Strategy to address climate change effects if relevant.	X	X			X	X		
Preserve forested areas, agricultural lands, wildlife habitat and corridors, wetlands, watersheds, groundwater recharge areas and other open spaces that provide carbon sequestration benefits.	X	X			X	X		
Establish a mitigation program for establishing conservation areas. Impose mitigation fees on development of such lands and use funds generated to protect existing, or create replacement, conservation areas.	X	X			X	X		
Require no-till farming, crop rotation, cover cropping, and residue farming.	X	X			X	X		
Require the use of appropriate vegetation within urban-agricultural buffer areas.		X				X		
Protect grasslands from conversion to non-agricultural uses.	X	X			X	X		
Support energy production activities that are compatible with agriculture, including biogas, wind and solar.		X				X		
Allow alternative energy projects in areas zoned for agriculture or open space where consistent with primary uses.		X				X		
Provide spaces within the community suitable for farmers markets.						X		
Promote local produce and garden programs at schools.						X		



**Parks and Recreation**

Mitigation Measure or General/Area Plan Policy	Construction				Operational			
	CAPs	GHGs	TACs	Odors	CAPs	GHGs	TACs	Odors
Expand and improve community recreation amenities including parks, pedestrian trails and connections to regional trail facilities.						X		
Require payment of park fees and/or dedication and provision of parkland, recreation facilities and/or multi-use trails as a condition upon new development.		X				X		
Encourage development of pocket parks in neighborhoods. Improve equal accessibility to park space across communities.		X				X		
Encourage joint use of parks with schools and community centers and facilities.		X				X		

**9.6.5. Housing Element**

**Affordable Housing**

Mitigation Measure or General/Area Plan Policy	Construction				Operational			
	CAPs	GHGs	TACs	Odors	CAPs	GHGs	TACs	Odors
Ensure a portion of future residential development is affordable to low and very low income households.		X				X		
Target local funds, including redevelopment and Community Development or Energy Efficiency Block Grant resources, to assist affordable housing developers in incorporating energy efficient designs and features.						X		
Adopt minimum residential densities in areas designated for transit-oriented, mixed use development to ensure higher density in these areas.					X	X		
Consult with the Housing Authority, transit providers, and developers to facilitate construction of low-income housing developments that employ transit-oriented and pedestrian-oriented design principles.					X	X		
Offer density-bonus incentives for projects that provide for infill, mixed use, and higher density residential development.					X	X		

**9.6.6. Safety Element**

**Traffic Safety**

Mitigation Measure or General/Area Plan Policy	Construction				Operational			
	CAPs	GHGs	TACs	Odors	CAPs	GHGs	TACs	Odors
Facilitate traffic safety for motorists and pedestrians through proper street design and traffic monitoring.					X	X		
Require traffic control devices, crosswalks, and pedestrian-oriented lighting within design of streets, sidewalks, trails, and school routes.					X	X		

# **EXHIBIT 2**

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**DIESEL PARTICULATE MATTER HEALTH RISK ASSESSMENT  
FOR THE WEST OAKLAND COMMUNITY**

**Preliminary Summary of Results**



**March 19, 2008  
State of California  
AIR RESOURCES BOARD**

California Environmental Protection Agency



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**DIESEL PARTICULATE MATTER HEALTH RISK ASSESSMENT  
FOR THE WEST OAKLAND COMMUNITY  
Preliminary Summary of Results**

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The staff of the Air Resources Board has prepared this report. Publication does not signify that the contents reflect the views and policies of the Air Resources Board.

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**DIESEL PARTICULATE MATTER HEALTH RISK ASSESSMENT  
FOR THE WEST OAKLAND COMMUNITY  
Preliminary Summary of Results**

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**I. INTRODUCTION, KEY FINDINGS, and RECOMMENDATIONS**

**A. Introduction**

The California Air Resources Board (ARB or Board) conducted a health risk assessment (HRA or study) to help understand the emissions impacts and the potential public health risk from exposures to diesel particulate matter (diesel PM) due to activities at the Maritime Port of Oakland and other significant sources of diesel exhaust in and near the West Oakland community. The West Oakland community is located in Oakland, California and is bounded by the Maritime Port of Oakland (the Port), the Union Pacific Railyard, and the I-580, I-880, and I-980 freeways. Approximately 22,000 people reside in West Oakland and, as trade through the Port has increased, many residents have voiced concerns about the health impacts from exposures to diesel exhaust. An aerial photograph of the West Oakland community is provided in Figure 1.

**Figure 1: Aerial Map of the West Oakland Community**



This study was a cooperative effort between the ARB and the Bay Area Air Quality Management District (BAAQMD). Both the Port and the Union Pacific (UP) Railroad assisted by providing information on their local marine and rail operations located near the West Oakland community. The study was designed to enhance our understanding of diesel PM emission impacts by evaluating the current and future contributions of diesel PM emissions from sources at the Port, the Union Pacific Railyard, local freeways

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and other sources of diesel PM near the West Oakland community on the potential health impacts for people living in the West Oakland community. This information will assist in the efforts underway to reduce diesel PM emissions by helping to identify the sources that have the greatest impact on potential cancer risks to nearby residents and by providing a tool that will allow evaluation of the impacts of measures adopted, planned, and under development that are designed to reduce diesel PM emissions. In addition, the information from this study is being used to satisfy Union Pacific Railroad and ARB's commitment under the Statewide Railroad Agreement (CARB, 2005) wherein health risk assessments are required for each major railyard. This HRA fulfills that commitment for the Union Pacific Railroad's Oakland Railyard.

This report provides a preliminary summary of the results from the study in a less technical and more easily understood format. A more comprehensive and technical report that provides a description of the supporting technical basis for the study and a more comprehensive summary of the results is also under development and will be available in June 2008 at <http://www.arb.ca.gov/ch/communities/ra/westoakland/westoakland.htm>. We do not expect the final comprehensive report to impact the findings in this preliminary summary report.

## **B. Key Findings**

The ARB conducted a HRA to help understand the emissions impacts and the potential public health risk from exposures to diesel PM associated with activities at the Port, the UP Railyard, and other significant sources of diesel exhaust in and near the West Oakland community. The impacts from diesel PM emissions on the West Oakland community as well as on the broader regional San Francisco Bay Area were evaluated. As will be described later in this report, the diesel PM emission sources were allocated to three Parts. Part I included the diesel PM emissions from Port operations; Part II encompassed activities at the UP Railyard; and Part III included other diesel PM emissions from activities not included either in Part I or Part II such as ocean-going vessels (OGV) destined for San Francisco Bay ports other than the Port of Oakland, on-road heavy-duty trucks not transporting goods to and from the Port, harbor craft such as the commercial ferries used to transport passengers across the bay, and local distribution centers in and near the West Oakland community.

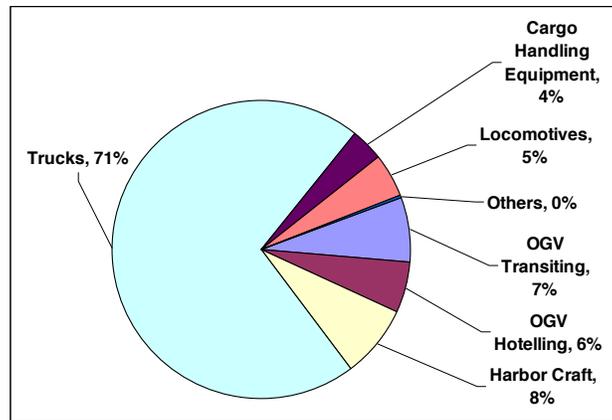
The key findings that can be drawn from the study are:

- The West Oakland community is exposed to diesel PM ambient concentrations that are almost three times the average background diesel PM ambient concentrations in the BAAQMD.
- The estimated lifetime potential cancer risk for residents of West Oakland from exposure to diesel PM emissions is about 1,200 excess cancers per million. This estimate assumes residents are exposed to the year 2005 levels of diesel PM emissions (Port and UP operations, and non-Port/non-UP marine and land-based diesel sources) continuously for 70 years.

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- The potential health risks in the West Oakland community from exposures to diesel PM emissions are of significant concern. Diesel PM emissions from Port operations result in an estimated lifetime potential cancer risk of 200 excess cancers per million in the West Oakland. Diesel PM emissions from the UP Railyard result in potential cancer risks of about 40 excess cancers per million and emissions from non-Port and non-UP sources about 950 excess cancers per million.
- As shown in Figure 2, the emissions from on-road heavy-duty trucks result in the largest contribution to the overall potential cancer risks levels in the West Oakland community, followed by OGV (combined transiting, maneuvering, anchoring, and hotelling emissions), harbor craft, locomotives, and cargo handling equipment.

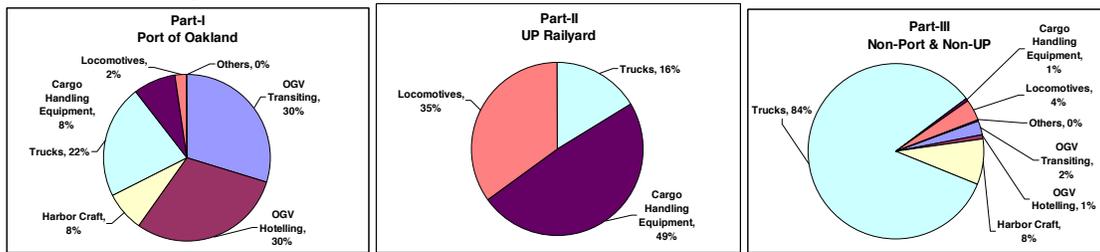
**Figure 2: Percent Contribution to the West Oakland Community Potential Cancer Risk by Source Category for the Combined Part I, II, & III Diesel PM Emissions**



- The contribution to the potential cancer risk in the West Oakland community from the different Parts varies. As shown in Figure 3, for the Port diesel PM emission sources, the OGV transiting (includes maneuvering and anchoring) and hotelling emissions are responsible for the largest contribution to the potential cancer risks in the West Oakland community followed by on-road trucks and cargo handling equipment. Cargo handling equipment at the UP Railyard is responsible for the largest contribution from the UP activities followed by locomotives. For the Part III sources, those sources in or near the West Oakland community that are not associated with either the Port or the UP Railyard, the on-road trucks are responsible for over 80 percent of the contribution to the potential cancer risks in the West Oakland community.

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**Figure 3: Percent Contribution to the West Oakland Community Potential Cancer Risk by Source Category for the Part I, II, & III Diesel PM Emissions**



- The impact of emissions on potential cancer risk also varies by source category. With respect to activities at the Port of Oakland, reducing truck emissions will have the greatest impact on reducing potential cancer risk in the West Oakland community, followed by locomotive, then OGV emissions.
- On a regional basis, diesel PM emissions from Port operations impact a very large area, about 550,000 acres. More than 3 million people live in this area and as a result of the diesel PM emissions from the Port, have potential elevated cancer risks of more than 10 chances in a million. Overall, the Port emissions result in a regional population-weighted potential cancer risk of about 27 in a million. OGV emissions are the largest contributor to the regional risk due to Port-related activities, responsible for about 85 percent of overall average potential cancer risks.
- On a regional basis, diesel PM emissions also result in non-cancer health impacts. Due to diesel PM from Port operations, there are an estimated 18 premature deaths per year, 8 hospital admissions for respiratory and cardiovascular problems, about 290 cases of asthma-related and other lower respiratory symptoms, and 15,000 minor restricted activity days.
- Diesel PM emissions and the associated cancer and non-cancer health risk will be reduced in the West Oakland community by about 80 percent by 2015 due to ARB’s regulatory actions. However, even with these actions, the remaining cancer risk will be greater than 200 in a million in the West Oakland community.
- Additional actions are needed in the near-term to accelerate emission reductions and to reduce the health impacts from diesel PM emissions in the West Oakland community and the region as a whole. Actions are also necessary to help offset growth and further reduce risk levels in future years.

**C. Recommendations**

The findings described above demonstrate that people living in the West Oakland community are exposed to unhealthy levels of diesel PM emissions and that these emissions will decline as adopted and planned regulatory programs are implemented. However, even with the benefits from these regulatory programs, the residual risks are unacceptable and much more needs to be done to ensure that the potential cancer risks are reduced quickly and that programs are developed to offset the expected growth in emissions as global trade expands. Achieving emission reductions from the myriad of diesel PM emission sources is a challenging task and success depends on collective and innovative efforts at the community, local, State, federal and International levels. It

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is not possible to meet this challenge alone. There also isn't one approach that can be used to reduce emissions from the ships, locomotives, trucks, and other diesel-fueled vehicles and equipment. A variety of strategies are needed including regulatory efforts, voluntary and incentive programs, careful land-use decisions and cooperative agreements.

With that in mind, as well as the accomplishments to date in the efforts to reduce diesel PM, we have several recommendations to take under consideration including:

- Maximize emissions and risk reduction as quickly and early as possible  
As this risk assessment shows, current health risks in the West Oakland community and the Bay Area region as a whole are too high. While ARB has a regulatory program in place, further efforts are needed to achieve additional emissions reductions.
  - The ARB, BAAQMD, the Port and its tenants, UP, and the community should work cooperatively to identify, prioritize, and implement actions beyond those identified in the Statewide Goods Movement Emission Reduction Plan to reduce diesel PM and other air emissions as quickly as possible.
  - The ARB, BAAQMD, the Port and its tenants, UP, and the community should work cooperatively to encourage and support national and international efforts to reduce emissions from ocean-going vessels as well as national efforts to reduce emissions from locomotives.
- Build and leverage funding sources to ease transition to clean technologies  
Regulatory programs designed to reduce emissions from trucks, ocean-going vessels, commercial harbor craft, and cargo handling equipment are expensive. The State has established funding opportunities which need to be utilized to their fullest extent to help ease the transition. The Port of Oakland should work in concert with ARB, the BAAQMD, and other stakeholders to identify additional funding opportunities.
  - The Port should work with the ARB, the BAAQMD, and the terminal operators to secure any incentive funding that may be available through the Carl Moyer Memorial Air Quality Standards Attainment Program.
  - The Port should work with the ARB, the BAAQMD, the terminal operators, and trucking companies to take advantage of the Proposition 1B Goods Movement Emission Reduction Program funds. These funds directly support early and accelerated diesel PM emission reduction programs and can help ease the transition into compliance with adopted and proposed ARB regulations.
  - The Ports of Los Angeles and Long Beach are implementing an Infrastructure Cargo Fee designed to provide a large supplemental funding source for infrastructure and air quality improvements. The Port of Oakland should consider such a program or similar mechanism to ensure sufficient funding is available to meet air quality goals.

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- Ensure successful implementation of ARB regulations

Achieving successful implementation of ARB regulations in the Bay Area will achieve major emissions reductions in the West Oakland community. Achieving these goals requires ARB, the Port of Oakland, UP, BNSF, and private industry to work together and cooperate to ensure emissions reductions are achieved. Specific initiatives include the following:

  - The BAAQMD, the Port and its tenants, UP, and the community should actively work to support the adoption of the proposed regulations “*Fuel Sulfur and Other In-Use Operational Requirements for Main Propulsion Diesel Engines and Auxiliary Boilers Operated on Ocean-Going Vessels Within California Waters And 24 Nautical Miles of the California Baseline*” and “*Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and Other Criteria Pollutants, and Greenhouse Gases from In-Use Heavy-Duty Diesel-fueled Vehicles.*” These proposed regulations are scheduled for ARB consideration in 2008 and are critical to reducing diesel PM emissions not only throughout the State but also in the West Oakland community.
  - The Port should work with the terminal operators, the local electrical utilities, and vessel operators to comply with ARB’s regulation to reduce hotelling emissions. This may include the installation of shore power infrastructure to support cold-ironing for ships that visit the Port, negotiating with the local electrical utilities for reduced tariffs, and encourage vessel modifications to reduce emissions.
  - The Port of Oakland should continue to work closely with ARB staff on the registration requirements, funding issues, and development of a plan to meet the regulatory requirements for the Drayage Truck regulation.
  - UP Railroad should continue to aggressively work to fulfill commitments made in the 2005 ARB/Railroad State Wide Agreement “*Particulate Emissions Reduction Program at California Rail Yards.*” Key elements for the agreement between the ARB and the Railroads (UP and BNSF) include the identification and implementation of future feasible mitigation measures based on the results of the railyard HRA.
- Continue to study trucking operations at the Port and in West Oakland

As discussed in this assessment, emissions estimates representing trucks are uncertain. We propose additional actions be taken to better understand the impact of drayage trucks on a regional basis, and both drayage and other trucks on the West Oakland community.

  - The BAAQMD should continue working with the community and the Port to implement its studies of trucking operations in the West Oakland community
  - The Port of Oakland should conduct a port truck survey and origin/destination study that investigates where Port truck trips begin, how

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Port trucks travel through the local community, and where Port trucks ultimately deliver their cargo.

- The BAAQMD and ARB should consider revisiting findings from this risk assessment if new information about trucking operations in West Oakland deviates significantly from findings developed in this assessment.

**II. BACKGROUND AND STUDY OVERVIEW**

Diesel engines emit a complex mixture of air pollutants, composed of gaseous and solid material. The visible emissions in diesel exhaust are known as particulate matter or PM, which includes carbon particles or "soot." In 1998, following a 10-year scientific assessment process, ARB identified diesel PM as a toxic air contaminant based on its potential to cause cancer and other health problems, including respiratory illnesses, and increased risk of heart disease. Subsequent to this action, research has shown that diesel PM also contributes to premature deaths (ARB, 2002). Health risks from diesel PM are highest in areas of concentrated emissions, such as near ports, railyards, freeways, or warehouse distribution centers. Exposure to diesel PM is a health hazard, particularly to children whose lungs are still developing and the elderly who may have other serious health problems.

Diesel PM is a significant component of particulate matter in many cities. Diesel PM is composed of carbonaceous particles (soot) and particles that can form from nitrogen oxides (NO<sub>x</sub>) and oxides of sulfur (SO<sub>x</sub>) emitted by diesel engines. The health impacts of particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) have been studied in epidemiological studies conducted in many different cities. These studies have found an increase of one to two percent in daily mortality associated with each 10 µg/m<sup>3</sup> increase in PM<sub>10</sub> exposure. The most vulnerable subpopulations are those with preexisting respiratory or cardiovascular disease, especially the elderly. In addition, increased hospital admissions and illnesses from respiratory disease have been associated with particulate matter exposure in adults and children. Numerous epidemiological studies have also found an association between exposures to diesel PM and an increased risk of lung cancer.

Health risk assessments are a useful tool for comparing the potential health impacts of various sources of air pollution. In a risk assessment, the amount of diesel PM emitted from each source (e.g., truck or ship) is estimated. An air modeling computer program uses local meteorological data (e. g. wind speed and direction) to estimate the annual average ground level concentrations of diesel PM in the communities around the facility. The increased risk of developing lung cancer from exposure to a particular level of diesel PM can be estimated using the Office of Environmental Health Hazard Assessment's (OEHHA) cancer potency factor for diesel PM. The non-cancer health impacts of diesel PM exposure can also be quantified if the expected concentrations of a pollutant are high enough and there is enough population exposed to predict a result.

*A risk assessment is a tool used to evaluate the potential for a chemical or pollutant to cause cancer and other illnesses.*

*For cancer health effects, the risk is expressed as the number of chances in a population of a million people who might be expected to get cancer over a 70-year lifetime. The number may be stated as "10 in a million" or "10 chances per million". Often, scientific notation is used and you may see it expressed as  $1 \times 10^{-5}$  or  $10^{-5}$ . Therefore, if you have a potential cancer risk of 10 in a million, that means if one million people were exposed to a certain level of a pollutant or chemical there is a chance that 10 of them may develop cancer over their 70-year lifetime. This would be 10 new cases of cancer above the expected rate of cancer in the population. The expected rate of cancer for all causes, including smoking, is about 200,000 to 250,000 chances in a million (one in four to five people).*

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These non-cancer impacts include premature death, hospital admissions, respiratory illnesses/asthma, and lost school/work days. However, the cancer health impacts have more commonly been used as the yardstick with which to compare the impacts of various diesel sources. Risk assessments have various uncertainties in the methodology and risk assessments are therefore deliberately designed so that risks are not under predicted. Risk assessments are best understood as a tool for comparing risks from various sources, usually for purposes of prioritizing risk reduction, rather than as a literal prediction of the incidence of disease in the exposed population.

## **A. West Oakland Community Health Risk Assessment Study Overview**

West Oakland is bounded to the west and southwest by the Maritime Port of Oakland, the Union Pacific Railyard, and the I-880 freeway. The I-580 freeway traverses along the northern edge of the neighborhood, the I-980 freeway to the east and the I-880 freeway to the south. West Oakland covers about a three square mile area and is a diverse neighborhood. It is not uncommon to find light industrial, commercial, and residential areas intermixed within the same block. As mentioned earlier, to investigate the potential health impacts from exposures to diesel PM emissions, a health risk assessment was conducted. Below we provide brief summaries of the key elements for the HRA.

### **Study (Modeling) Domain**

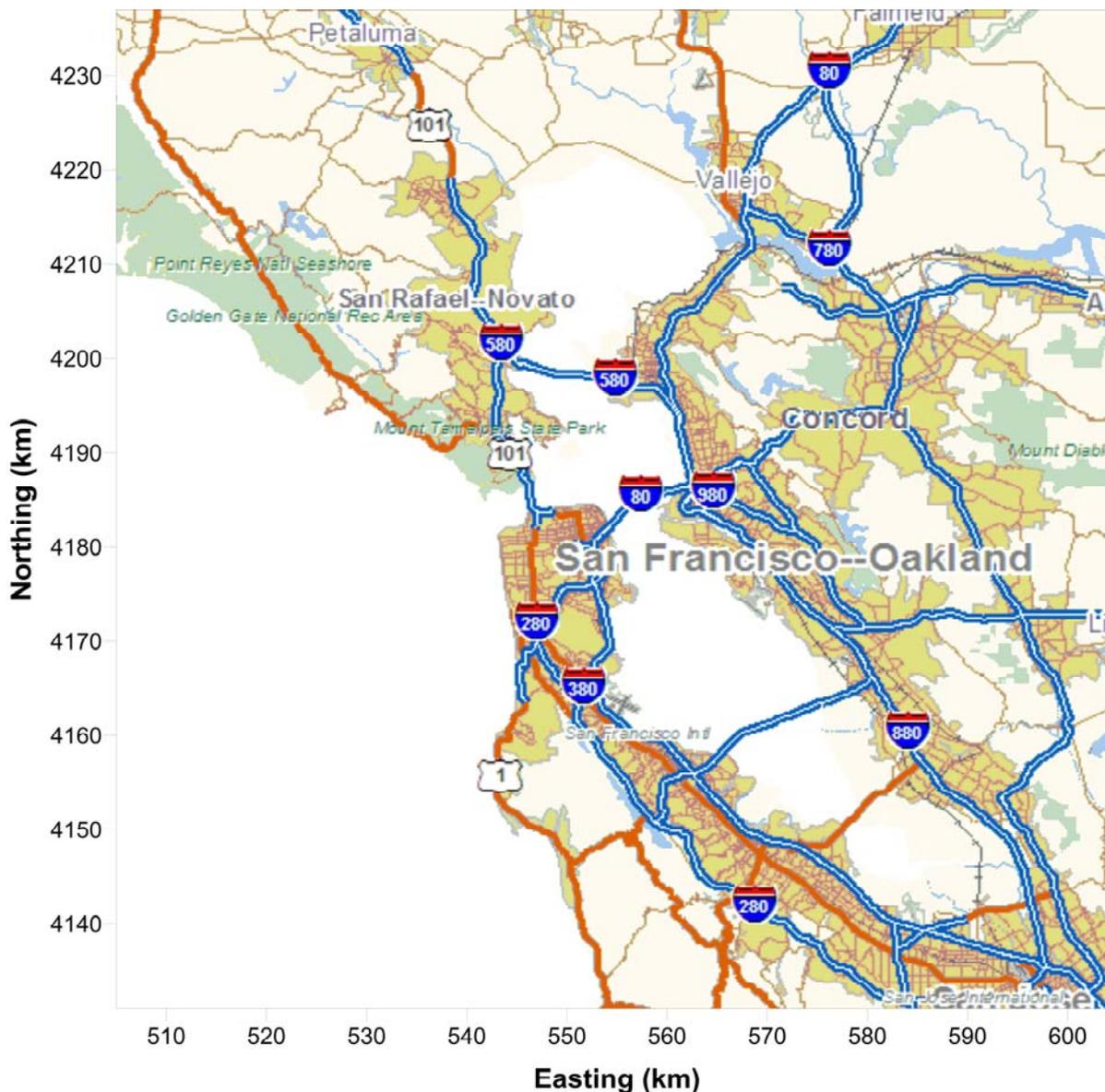
The study or modeling domain is the area in which the concentrations of diesel PM emissions in the atmosphere are to be determined. In this study, the modeling domain includes the Port, the ocean to the west of the Golden Gate Bridge out to the outer buoys, the inner bay waterway between Golden Gate Bridge and the Port, and the nearby communities. The size of the modeling domain was selected to ensure that the modeling effort would take into consideration all the diesel PM emissions. These emissions include all of the ship travel routes in the nearby ocean and the inner waterways to and from the Port, the Port property, and other land-based areas that could result in diesel PM emissions that would be expected to have risks level of 10 per million or greater. The modeling domain for the study is shown in Figure 4. It covers a 100 kilometer (km) by 100 km area (about 3,800 square miles).

For computer modeling purposes, the domain needs to be broken up into smaller areas referred to as grid cells. Selection of grid cell size reflected a compromise between the desire to define meteorological and geophysical variations on a very small scale, and the computer time and resources necessary to run the model. Given the complex terrain (sea-land, rolling mountains, etc.), non-uniform land-use characteristics, and the water bodies large enough to cause strong local-scale flows, we decided to use a grid cell size of 500 meters (m) x 500 m (about a third of a mile by a third of a mile) for the modeling effort. To provide a more detailed estimate of localized impacts of the emissions on the nearby community of the Port (West Oakland community), we used a grid cell size of 250 m x 250 m for the areas bordering the Port.

The meteorological grid was defined by 10 vertical layers. Cell heights were set at 20, 60, 80, 100, 300, 600, 1000, 1500, 2200, and 3000 meters above-ground level (AGL).

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**Figure 4: Modeling Domain for the West Oakland Community Health Risk Assessment**



Air Pollutants Evaluated

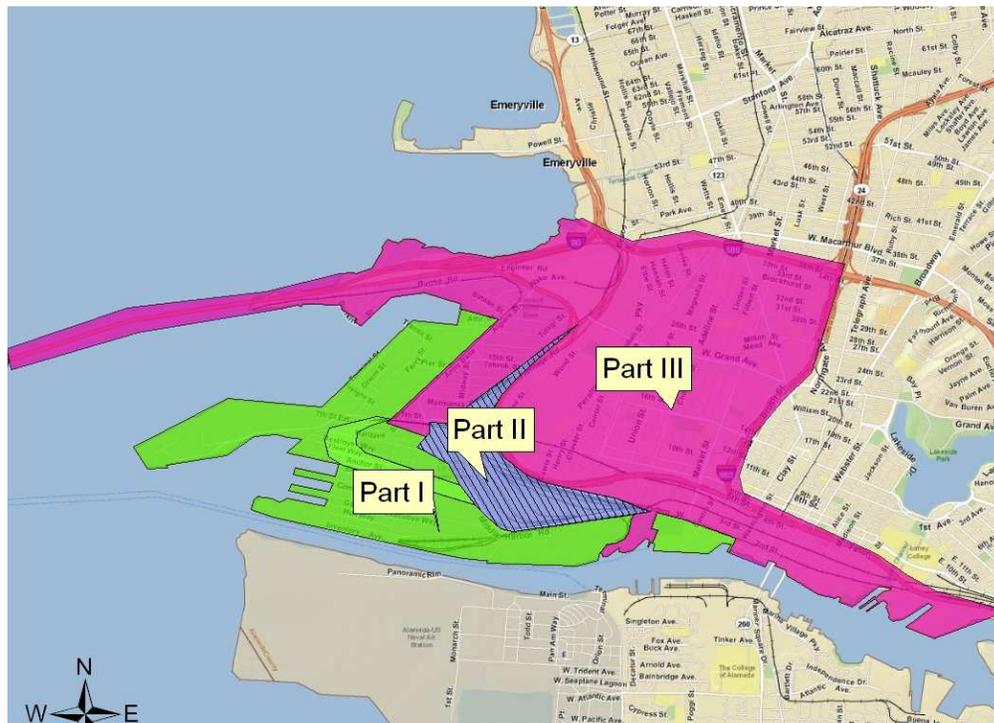
The study focused on the impacts from diesel PM. As mentioned earlier, diesel PM is a toxic air contaminant and exposure to diesel PM emissions can result in serious health impacts. Previous studies have shown that diesel PM is responsible for over 70 percent of the potential cancer risk from all toxic air contaminants in California. (DDRP, 2000) Because the health impacts from diesel PM are so large and exceed the health impacts from other air toxics on a community and regional basis, we limited the study to diesel PM emissions and did not evaluate the impact of other toxic air contaminants on West Oakland of the region.

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Sources and Locations of Diesel PM Investigated

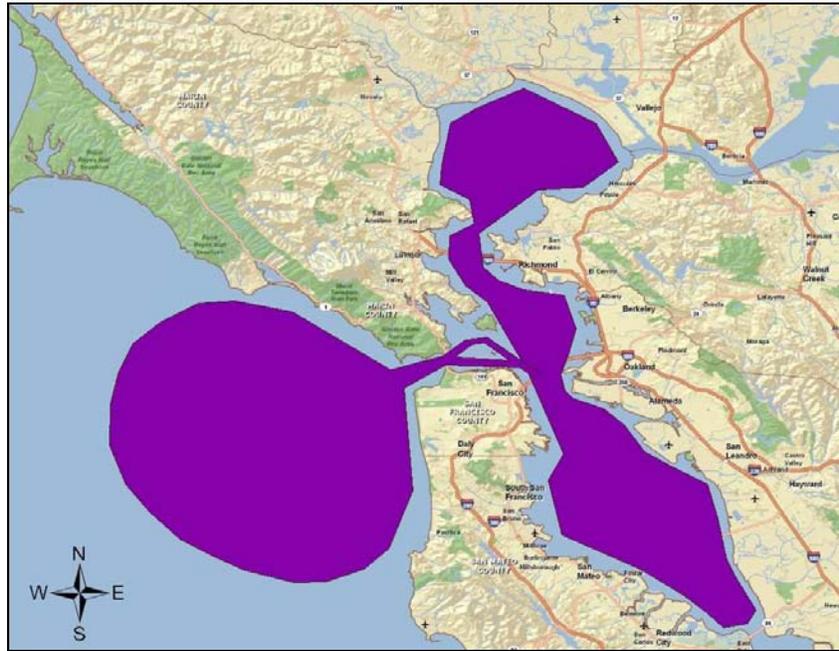
There are many sources of diesel PM emissions within the study domain. Diesel PM emission inventories were prepared for all local sources of diesel PM that were expected to impact the West Oakland community. To help manage the development of the emissions inventory and to interpret the results, the study domain was segregated into three parts. Part I included the diesel PM activities associated with the Maritime Port of Oakland. Part II addressed diesel PM sources at the Union Pacific (UP) Railyard. Part III examined the other sources of diesel PM in the Bay (over-water) and those located in and near the West Oakland community. Both Parts I and III included emission sources that were located overwater such as ships, ferries and tug boats. Figures 5 and 6 provide aerial overviews of the land-based portions and the water-based regions for Parts I, II, and III. These are the areas in which we estimated the diesel PM emissions.

**Figure 5: Land-based Emissions Domain for Parts I, II, and III**



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Figure 6: Overwater-based Emissions Domain for Parts I and III



In each area, there were a wide variety of operations and activities that resulted in emissions of diesel PM. In Table 1 below, we provide a summary of the various diesel PM emission sources inventoried in each Part.

Table 1: Sources of Diesel PM Evaluated in the HRA

Area	Description	Emission Sources Inventoried
Part I	Maritime Port of Oakland	ocean-going vessels, commercial harbor craft, cargo handling equipment, port drayage trucks operating on Port property, in West Oakland and on local freeways, on-port locomotives
Part II	Union Pacific Railyard	locomotives, cargo handling equipment, truck refrigeration units and reefer cars, drayage trucks
Part III	Non-port and non-Union Pacific Railyard areas in and adjacent to the West Oakland Community	on-road trucks, ocean-going vessels,* commercial harbor craft, cargo handling equipment, locomotives, Amtrak Maintenance facility, major construction projects, stationary point sources, truck-based businesses and distribution centers

\* Included in Part III were only ocean-going vessels destined for ports in the Bay Area other than the Port of Oakland

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2005 Baseline Emissions Inventory

We compiled a 2005 baseline emissions inventory representing emission sources in Part I, Part II, and Part III. Part I emissions inventories were developed by the Port of Oakland and reviewed by ARB and BAAQMD staff. Part II emissions inventories were developed by Union Pacific and reviewed by ARB staff. Part III emissions inventories were developed by ARB, Port, and BAAQMD staff. Because inventories were categorized into different Parts, we took care to ensure each Part was distinct so as to avoid double-counting of emissions. Table 2 provides summary emissions estimates by source category and Part. As shown in Table 2, the emissions of diesel PM from Port-related activities were estimated to be approximately 265 per year for the Port (Part I), 11 tons per year for the Union Pacific Railyard activities (Part II), and about 570 tons per year for the other sources (Part III). All combined, it was estimated that there were approximately 845 tons of diesel PM emissions in 2005 from the combined activities. A more detailed summary for the Parts I, II, and III emissions inventory is provided in Appendix A. In addition, the Part I inventory prepared for the Port by Environ International Corporation (Environ) can be found at <http://www.portofoakland.com/environm/airEmissions.asp>. Additional information on the Part II inventory is provided in Appendix C and the details on the Part III inventory can be found in Appendix D.

It should be noted that the emissions totals for the various categories presented in Table 2 may be slightly different than the emissions presented in Appendix A. The emission inventory in Table 2 is the inventory used in the dispersion modeling. It differs slightly from the Appendix A inventory because, in some cases such as for Part III ocean-going vessels, the emissions inventory presented in Appendix A included emissions that were outside of the model domain. In addition, the Part I (port) heavy-duty diesel truck inventory used in the modeling exercise is different than that published in the Part I inventory prepared by the Environ for Port. The approximately 20 tons per year (T/Y) reported in Table 2 for Part I trucks includes approximately 2.8 T/Y emissions from port-truck activities on nearby freeways that was not included in the inventory prepared for the Port. It also includes on-site truck emissions from the Oakland Maritime Support Services (OMSS) facility (1.4 T/Y).

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**Table 2: Summary of Modeled 2005 Diesel PM Emissions for the West Oakland HRA**

Source Category	Port of Oakland (Part I)	Union Pacific Railyard (Part II)	Non-Port & Non-UP (Part III)	Combined
2005 Diesel PM Emissions Tons/Year				
Ocean-going Vessels	209	-	218	428
Cargo Handling Equipment	21	2.2	4.3	27
Heavy-duty diesel trucks	20	1.9	90	112
Commercial Harbor Craft	13	-	238	251
Locomotives	2.0	3.9	1.3	7.2
TRUs & Reefer Cars	-	3.2	-	3.2
Amtrak Maintenance Facility	-	-	3.4	3.4
Major Construction Projects	-	-	13	13
Stationary Point Sources	-	-	0.2	0.2
<b>Total</b>	<b>265</b>	<b>11</b>	<b>568</b>	<b>845</b>

Notes: Modeled emissions are different than emissions reported in Appendix A and D due to the size of the modeling domain being slightly smaller than the overall region in which emissions were estimated. For Part III, the “Major Construction Projects” includes community construction projects. Approximately 10% or 1.2T/Y of the 13 T/Y is due to emissions from construction projects on Port property. Part III trucks include on-road truck emissions from activities at distribution centers.

The emission inventory presented in Table 2 represents the most comprehensive inventory of diesel PM emissions in the West Oakland area that has been done. The inventory was compiled from ARB developed category-specific emissions inventory models, and additional data where necessary to allocate emissions spatially within the modeling domain. The inventory was reviewed by several organizations within ARB, and by the BAAQMD and the Port. Overall, there is general agreement that the inventory represents the best information available on each category of emissions source, and the magnitude of emissions in the modeling domain.

However, early on in the inventory development process, ARB staff realized that information on trucking activity, both associated with the Port of Oakland and trucking operations in the West Oakland community as a whole, was quite limited. For example, we have very limited information on the origin and destination of port truck trips both within and outside of the West Oakland community, and we have limited information on the intensity of non-port related trucking operations within the West Oakland community. We believe these data limitations have led to a potential overestimate of overall trucking emissions within the modeling domain and a potential underestimate of the overall fraction of trucking emissions that are attributable to the Port of Oakland. The implications of this are discussed later in this document.

Because of these data limitations, ARB staff has worked with BAAQMD staff in their development and implementation of new studies focused on improving the quantification of Port and non-Port trucking operations in the West Oakland community. These studies are necessary, and will provide information that can be used in the future to update and refine truck inventory estimates provided in this report. ARB staff has

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also suggested that the Port of Oakland needs to conduct origin-destination truck surveys to better understand the location of trucking operations on both a regional basis, and within the West Oakland community. Without these studies, we cannot know with certainty the magnitude of trucking emissions that are attributable to the Port of Oakland that occur within the West Oakland community or on a regional basis.

## Future Emissions Inventory

One of the goals of this health risk assessment was to estimate both baseline and future health risks associated with emissions from the Port of Oakland, the Union Pacific Railyard, and other emissions sources. Evaluating the potential health impacts in future years requires the use of emission inventories for future years. Forecasting emissions requires estimating the future growth, and the impact of current and pending State and federal regulations on each emissions source. To accomplish this task, we used a scaling approach that was derived from ARB reports and published emissions estimates and designed to simulate the combined impact of both growth and regulatory control trends on each source category individually.

In general, the growth assumptions are consistent with the assumptions used in the Goods Movement Emission Reduction Plan approved by the ARB in 2006 and are about 4-5% per year for each category. Even with substantial growth, emissions are expected to decrease in the future. These decreases are caused by regulations that the ARB and federal government have already adopted, such as ARB's rule requiring the clean-up of all trucks that service California's Ports. For the purposes of this forecast, we assumed that two major ARB rules, which are currently under development, will apply in 2015 and 2020. The ARB is currently developing a regulation which will require ocean-going ships to use cleaner fuels in their main engines and auxiliary boilers, and a regulation which will require the clean-up of private on-road heavy duty trucks. Both of these rules will be considered by the Air Resources Board for adoption in 2008. Overall, every emissions source covered in this assessment has been or will be controlled by local, state, and/or federal regulation. In particular, it is important to understand that with the adoption of ARB's Port Drayage Truck regulation and the proposed Private Fleet Rule every truck operating in West Oakland will be required to meet new, more stringent emissions standards.

Additional information on the control measures and regulations included in the forecasted inventory are provided in Table 8 found later in this report. In addition, information on the growth and control factors used to forecast the inventory is provided in Appendix E. Using this approach, emissions were forecasted to 2010, 2015, and 2020. Table 3 provides the future year emissions estimates for each Part and source category. As can be seen, even with growth, emissions are forecasted to decline due to the regulations that have been adopted or are planned to be adopted in 2008. Overall, the combined emissions are expected to decrease by about 50 percent in 2010 and 70 percent in 2020 relative to emissions levels in 2005.

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**Table 3: Summary of 2005 and Projected 2010, 2015, and 2020 Diesel PM Emissions for the West Oakland HRA**

Source Category	(Part I)				Union Pacific Railyard (Part II)				Non-Port & Non-UP (Part III)				Combined			
	Diesel PM Emissions Tons/Year															
	2005	2010	2015	2020	2005	2010	2015	2020	2005	2010	2015	2020	2005	2010	2015	2020
Ocean-going Vessels	209	68	57	66	-	-	-	-	218	61	51	57	427	129	108	123
Cargo Handling Equipment	21	12	4.8	4.3	5.4	3	1.2	1.1	4.3	2.4	1	1	31	18	7	6.3
Heavy-duty diesel trucks	20	3.4	3.4	6.3	1.9	0.3	0.3	0.6	90	55	9	15	112	59	13	21
Commercial Harbor Craft	13	11	5.4	3.6	-	-	-	-	238	218	142	84	251	229	147	87
Locomotives	2	1.6	1.5	1.4	3.9	3.1	3	2.8	1.3	7.3	4.8	5	7.2	9	9	9.4
<b>Total</b>	<b>265</b>	<b>96</b>	<b>72</b>	<b>82</b>	<b>11</b>	<b>6.4</b>	<b>6.5</b>	<b>4.5</b>	<b>556</b>	<b>342</b>	<b>208</b>	<b>162</b>	<b>832</b>	<b>445</b>	<b>285</b>	<b>248</b>

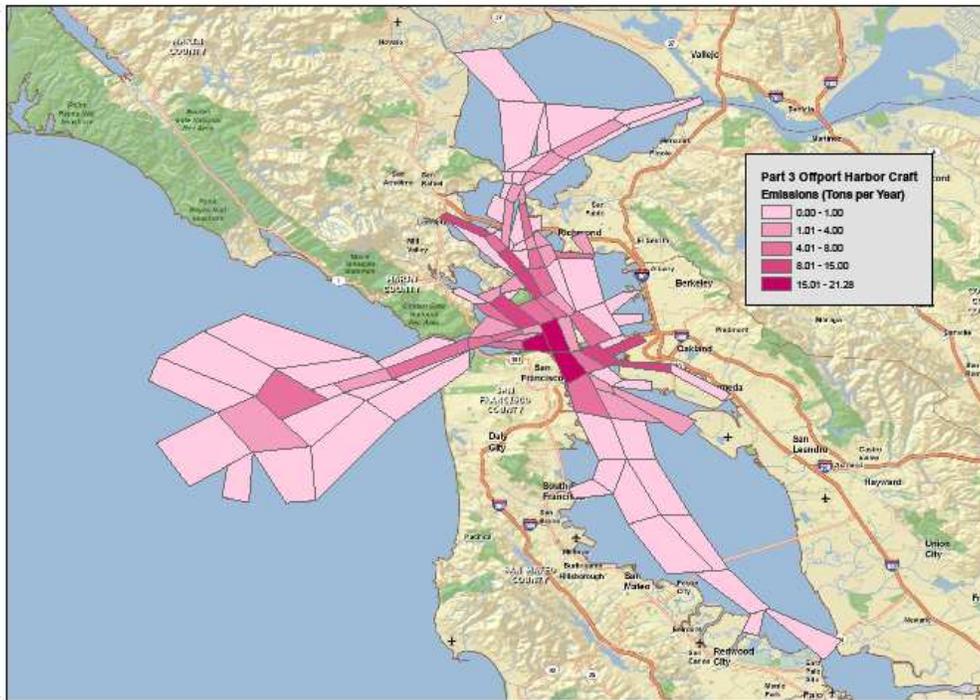
Note: Emissions were forecasted only for locomotives, ships, trucks, harbor craft and cargo handling equipment. For Part II, emissions associated with TRUs and reefer cars were combined with cargo handling equipment emissions. Emissions were not forecasted for stationary point sources or construction projects. Therefore, 2005 emissions from Table 2 will differ than those presented in Table 3 for the year 2005. In addition, the totals may differ slightly due to rounding.

Spatial and Temporal Allocation of Emissions

Running dispersion models requires assigning spatial locations and temporal release profiles to emissions in each Part from each source. This is an important aspect in an HRA because where emissions are released and the time of day they are emitted can have a significant impact on the exposures to the emissions. In addition, many emission sources are not released from a single location but occur over a broad area. To model emissions that occur over a broad area, the emissions are placed within a geometric figure (polygon) that approximates the region in which the emissions are released. Within the polygon, the emissions are evenly distributed. In most cases, spatial locations are derived from source data used for emissions inventory development. This is the case for ocean-going vessels (OGV), cargo handling equipment, and trucks. In some cases, spatial locations are estimated using surrogate data from a sample of data sources. This is the case for commercial harbor craft where we had information from geographic information systems tracking devices on harbor craft that was used to determine where the emissions from harbor craft occurred. An example of how emissions are spatially allocated is provided in Figure 7. Figure 7 presents the locations in which the harbor craft emissions from Part III were assumed to be released in the air dispersion modeling. As is shown, the harbor craft emissions were allocated in an area outside the Golden Gate Bridge and within the inner San Francisco Bay area. Each polygon represents a portion of the Part III harbor craft inventory and the darker the shading in the polygon, the more emissions that were released within that area.

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**Figure 7: Spatial Allocation of Harbor Craft Diesel PM Emissions in the San Francisco Bay Area**



The time during the day (temporal profile) when emissions are released also can impact exposures. This is because the meteorological conditions change over the course of a day – emissions released only during daylight hours will see different meteorological conditions than emissions released over the entire 24-hour day. Because of this, the emission inventory needs to be adjusted to account for the time of day over which the emissions occur. For example, drayage truck emissions predominately occur between 6AM and 8PM while OGV hotelling emissions occur 24 hours a day. Temporal profiles were identified for each source category and for each part based on discussions with the port and business representatives and previous studies of port-related operations. Table 4 provides the assumptions used for the temporal profiles for each emissions source.

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**Table 4: Temporal Distribution of Diesel PM Emissions for the West Oakland HRA**

Category	Time Period	Activity Distribution	Hours Per Day
OGV - Hotelling	12AM – 12AM	100%	24
OGV- Transiting	4AM – 9PM	75%	17
	9PM – 4AM	25%	7
Harbor Craft - Tugs	5AM – 8PM	80%	15
	8PM – 5AM	20%	9
Harbor Craft - Other	7AM – 6PM	80%	11
	6PM – 7AM	20%	13
On-Road Trucks – Part I (on-port)	6AM – 6PM	98%	12
	6PM – 6AM	2%	12
On-Road Trucks – Part III	6AM – 6 PM	80%	12
	6PM – 6AM	20%	12
Cargo Handling Equipment	9AM – 6PM	80%	9
	6PM – 9AM	20%	13
Locomotives	12AM – 12AM	100%	24

Air Dispersion Model

Currently there is not a scientific method to monitor directly for diesel PM in the air. However, air dispersion models can be used to estimate the concentration of diesel PM in the air. Air dispersion models use emission inventory data (magnitude, timing, and location of emissions), local meteorological information (wind speed, direction, temperature, etc.) and mathematical formulations that represent atmospheric processes to predict concentrations of a pollutant in the air.

The selection of an air dispersion model depends on many factors, including: nature of the pollutant (e.g., gaseous, particulate, reactive, inert), characteristics of emission sources (point, area, volume, or line), relationship between emission source and receptor, meteorological and topographic complexities of the area, the complexity of the source distribution, spatial scale and resolution required for the analysis, level of detail and accuracy required for the analysis, and averaging times to be modeled. For this study, ARB staff used the United States Environmental Protection Agency (U.S. EPA) CALPUFF model to estimate the annual average concentration of diesel PM in the West Oakland community. As one of the U.S. EPA’s preferred air dispersion models, CALPUFF is a multi-layer, multi-species non-steady-state puff dispersion model that can simulate the effects of time- and space-varying meteorological conditions on pollutant transport, transformation, and removal. A key feature of CALPUFF is its ability to account for spatially varying meteorological conditions with a three-dimensional wind field. As such, CALPUFF is capable of producing more accurate results than simpler

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models that do not simulate spatially varying wind fields. This is particularly true when dealing with large study areas and complex terrain such as is the case in this study.<sup>1</sup>

Meteorological Data

The CALMET meteorological processor is a key component of the CALPUFF modeling system. Its primary purpose is to prepare meteorological inputs for running CALPUFF that accurately represent the ground level and upper air meteorology. Meteorological input data required for CALMET include surface, upper-air, and overwater data. Geophysical input data include terrain and land-use data.

Meteorological data used in this study were obtained from the National Climatic Data Center (NCDC), the Bay Area Air Quality Management District (BAAQMD), and the National Weather Service stations. Data on meteorological observations from 30 inland surface stations (13 from NCDC and 17 from BAAQMD), 3 ocean buoys, and 1 upper air station were collected for this study. In Figure 8, we show the various meteorological data collection sites that provided information for the CALMET processor.

**Figure 8: Location of Meteorological Stations Providing Meteorological Data for the West Oakland Community HRA**

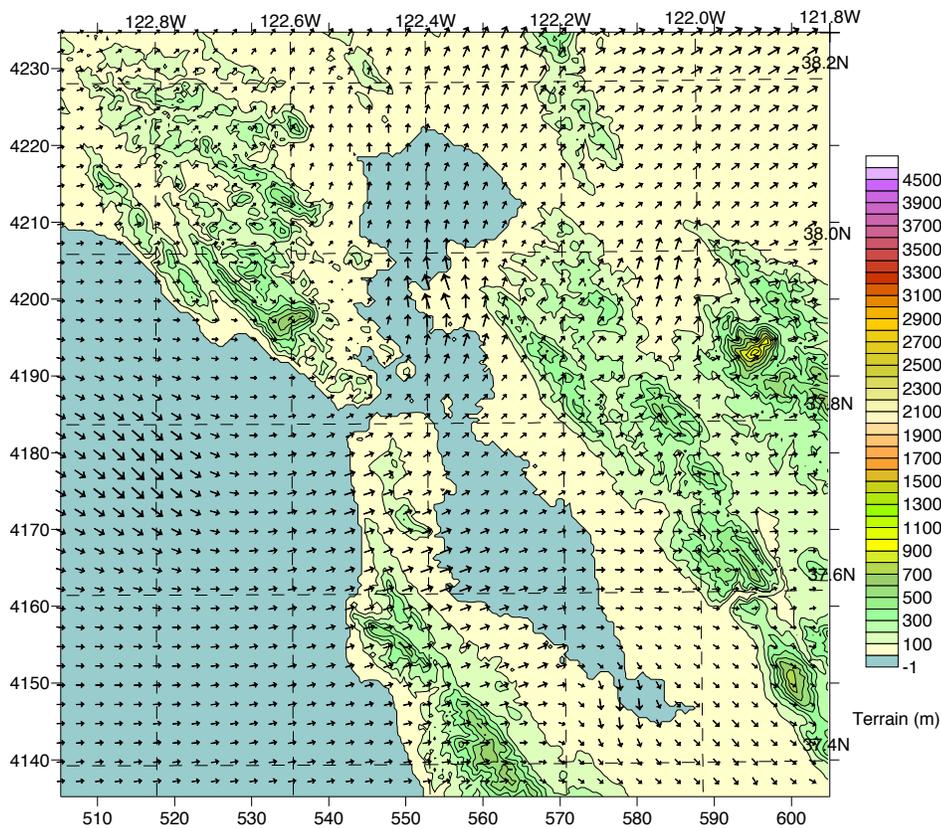


<sup>1</sup> In order to incorporate the impacts of Part II, the UP Railyard, with the impacts of Parts I and III, we modeled the Part II emissions using CALPUFF. In appendix C, the modeling results using AERMOD are provided. Throughout this Preliminary Summary of Results, any summary tables or comparisons are based solely on the CALFUFF modeling results for Part II.

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CALMET is uniquely suited to be able to simulate complex local effects of terrain and wind flow that can impact the concentrations of a pollutant. This is particularly important in this study since the emission sources span a wide area starting from the ocean (west of San Francisco) to the Golden Gate through the inner San Francisco Bay, to the Port and areas over land. This domain covers an area of very complex wind flows and terrain including over-water areas, over-land areas, and both flat regions and hilly areas. An example of the wind field plot for the model domain over a one-hour period is provided in Figure 9. The arrows on the figure designate both the direction and magnitude (speed) of the wind (i.e., the bigger the arrow, the greater the wind speed). In this example, surface winds were highly variable with terrain features and show almost all phenomena of complex terrain, such as circulation, mountain/hill blocking, channeling, and valley flows. In the northern coastal ranges of the San Francisco Bay Area, the winds were lighter and showed the damping or blocking effects (slowing down of the winds) of the mountains. In the inner San Francisco Bay, winds flow through the Golden Gate Bridge and then turn toward the northeast and/or north. These winds then flow into the inland valley areas of Napa, Fairfield, and Sacramento. In addition, the plot shows how the wind field converges in valley locations and diverges as it meets mountains and hills.

**Figure 9: Illustration of Complex Terrain and Wind Flow Patterns in the San Francisco Bay Area**



July 1, 2000, 12 to 13 pm, layer 1

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Additional details on the modeling methodology are provided in Appendix C.

## Exposure Assessment

For this study, we estimated both the cancer and non-cancer health impacts from the exposures to diesel PM emissions. Below we provide brief descriptions of the methodologies used.

*Potential Cancer Risks:* The potential cancer risks were estimated using standard risk assessment procedures based on the annual average concentration of diesel PM predicted by the model and a health risk factor (referred to as a cancer potency factor) that correlates cancer risk to the amount of diesel PM inhaled.

The methodology used to estimate the potential cancer risks is consistent with the Tier-1 analysis presented in OEHHA's Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments (OEHHA, 2003). A Tier-1 analysis assumes that an individual is exposed to an annual average concentration of a pollutant continuously for 70 years.<sup>2</sup> The cancer potency factor was developed by the OEHHA and approved by the State's Scientific Review Panel on Toxic Air Contaminants (SRP) as part of the process of identifying diesel PM emission as a toxic air contaminant (TAC).

The estimated diesel PM concentrations and cancer risk levels produced by a risk assessment are based on a number of assumptions. Many of the assumptions are designed to be health protective so that potential risks to individuals are not underestimated. Therefore, the actual cancer risk calculated is intentionally designed to avoid under-prediction. There are also many uncertainties in the health values used in the risk assessment. Some of the factors that affect the uncertainty are discussed later in Chapter III.

*Non-Cancer Health Impacts:* A substantial number of epidemiologic studies have found a strong association between exposure to ambient particulate matter (PM) and adverse health effects (CARB, 2002). As part of this study, ARB staff conducted an analysis of the potential non-cancer health impacts over the broader San Francisco Bay Area region in the study domain associated with exposures to the model-predicted ambient levels of directly emitted diesel PM (primary diesel PM) from the Port. The non-cancer health effects evaluated include premature death, hospital admissions, asthma-related and other lower respiratory symptoms, work loss days, and minor restricted activity days.

ARB staff assessed the potential non-cancer health impacts associated with exposures to the model-predicted ambient levels of directly emitted diesel PM (primary diesel PM) over the entire modeling domain. The population in the domain was determined from U.S. Census Bureau year 2000 census data and then was projected to the year of 2005. Using the methodology peer-reviewed and published in the Staff Report: *Public*

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<sup>2</sup>According to the OEHHA Guidelines, the relatively health-protective assumptions incorporated into the Tier-1 risk assessment make it unlikely that the risks are underestimated for the general population.

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*Hearing to Consider Amendments to the Ambient Air Quality Standards for Particulate Matter and Sulfates*, (PM Staff Report) (CARB, 2002), we calculated the number of annual cases of death and other health effects associated with exposure to the PM concentration modeled over the entire modeling area. Non-cancer health impacts were not separately estimated for the West Oakland community. However, the impact of Port operation on regional PM mortality would include the impacts on the West Oakland community. We did not do a separate PM mortality estimate of West Oakland because the studies used to estimate the PM<sub>2.5</sub>-mortality concentration-response function are based on regional PM measurements and regional or county-wide health data. The West Oakland community population is 22,000 residents. This is well below the population threshold that ARB staff has used in other health risk assessments (>100,000).

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### III. PRELIMINARY SUMMARY OF RESULTS

In this chapter, we provide the preliminary summary of results for the potential cancer risks and non-cancer health impacts. It is important to note that no background or ambient diesel PM concentrations are incorporated into the risk quantification. Based on the most recent estimate of basin wide risk in 2000, the estimated background potential cancer risk due to diesel PM in the San Francisco Bay Area is about 480 excess cancers per million (CARB, 2007). However, given the magnitude of the diesel PM emissions for all three parts and the predominate onshore wind flow, it is difficult to accurately estimate how much of the background in West Oakland community is from activities covered in Part I, II, and III versus activities located north or east of West Oakland. In addition, the potential cancer risks only take into consideration the potential cancer risk due to inhalation of diesel PM. This is because studies have shown that the risk contributions by other pathways of exposure, such as ingestion, are negligible relative to the inhalation pathway.

Due to the large number of emissions sources and the way the emissions were allocated to Parts I, II, and III, there are numerous ways of analyzing and presenting the results from this study. For this preliminary summary of results, we focused on the potential cancer risks from all sources and parts on the West Oakland community. We also provide the results from an analysis of the potential cancer and non-cancer impacts of Port-related emissions on the broader regional domain. Additional analyses will be provided in the comprehensive technical report that will be available in May 2008.

#### A. Potential Cancer Risk<sup>3</sup>

##### West Oakland Potential Cancer Risks from All Sources

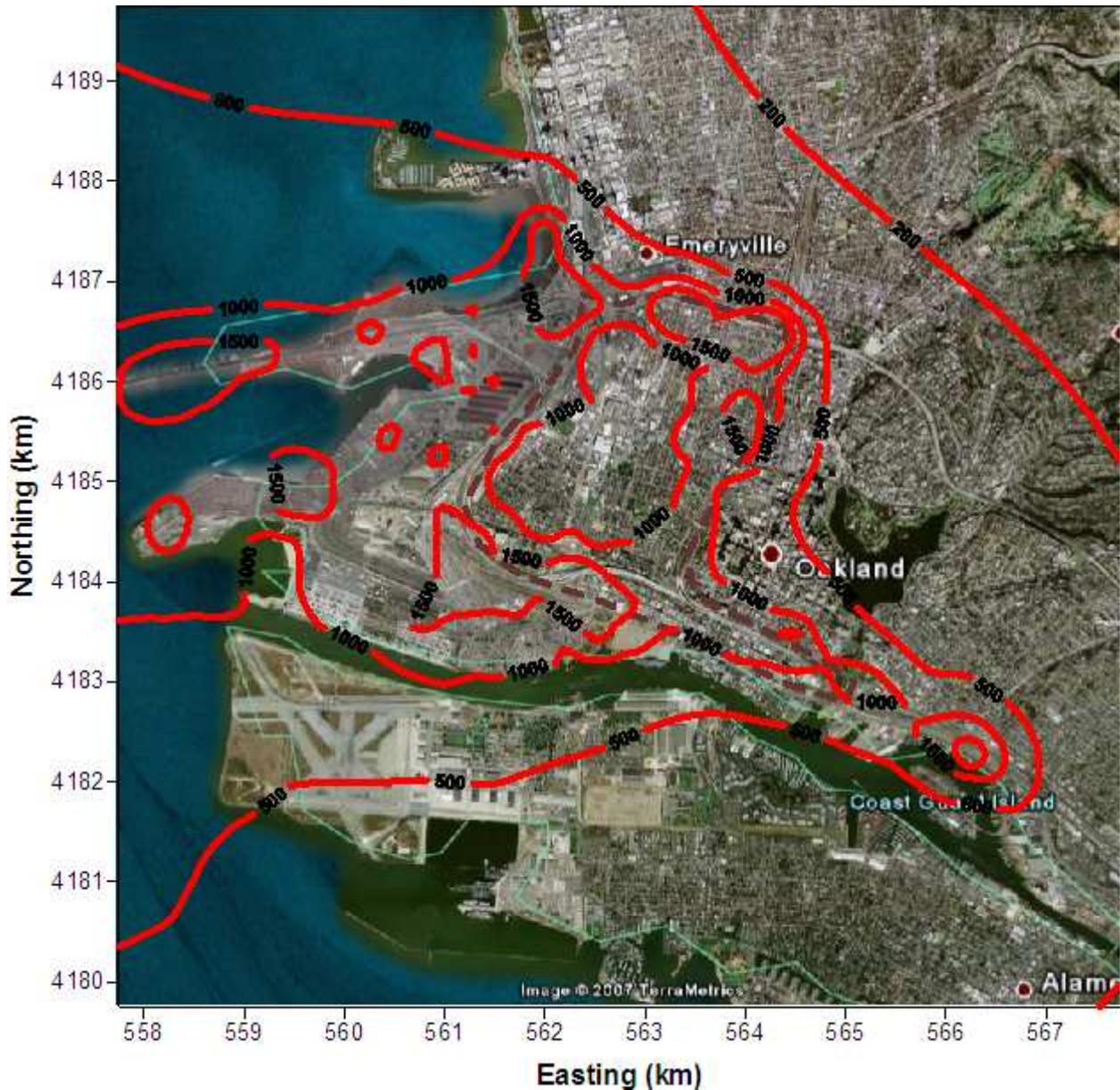
Figure 10 shows the risk isopleths for all diesel PM emission sources from all three parts superimposed on the map that covers the small (10 km x 10 km) domain used to study the potential cancer risks in the West Oakland community. As can be seen, the entire West Oakland community is exposed to elevated potential cancer risks from diesel PM emissions that occur adjacent to and in the West Oakland community.

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<sup>3</sup> As stated earlier, a modeling domain of 100 km x 100 km with a grid resolution of 500 m x 500 m was used in the modeling effort. The effective land area (excluding the Port property and the over water region) is about 6,500 square kilometers (3,800 square miles). The population within the modeling receptor domain is about 5 million based on the U.S. Census Bureau's year 2000 census data. Similarly, the effective land area of the West Oakland community is about 7.7 square kilometers (3 square miles) and the population within the community is about 22,200. The risk numbers, impacted areas, and affected population presented in this chapter are based on the effective land area within the modeling domain; that is, the risk, the area, and the number of population within the port property and over the ocean/lake/water surfaces are excluded from this analysis. Note that if the modeling domain expands, the risks, impacted areas, and affected population presented in this analysis would change.

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Figure 10: Estimated West Oakland Community Potential Cancer Risk from All Diesel PM Emissions Sources (Parts I, II, & III)



Notes: The risk levels are based on the 80<sup>th</sup> Percentile Breathing Rate. Total Modeled Emissions = 845 T/Y in 2005. Modeling Domain = 10 km x 10 km. Resolution = 250 m x 250 m. The dashed line represents the boundary for the West Oakland community.

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Using the U.S. Census Bureau’s year 2000 census data, we estimated the population within the isopleth boundaries. As shown in Table 5, the entire population of the West Oakland Community, about 22,000 people are exposed to risk levels greater than 500 in a million and over 50 percent of the residents living in the West Oakland Community are exposed to a risk level of greater than 1000 in a million.

**Table 5: West Oakland Community Summary of Impacted Area and Affected Population by Potential Cancer Risk Levels from All Emission Sources (2005)**

Potential Cancer Risk Level	Impacted Inland Area		Affected Population	
	Acres	Percent	Number	Percent
Risk > 10	1,800	100%	22,200	100%
Risk > 100	1,800	100%	22,200	100%
Risk > 200	1,800	100%	22,200	100%
Risk > 500	1,800	100%	22,200	100%
Risk > 1000	1,000	56%	11,000	50%

Notes: Total area for the community = 1,800 acres; total population = 22,200

As discussed previously, the emission sources were grouped or classified into three parts: the Maritime Port of Oakland (Part I), the Union Pacific Railyard (Part II), and the other non-port and non-UP diesel PM emissions that occur near and in the West Oakland community (Part III). The diesel PM emissions and corresponding population exposed for the three parts are presented in Table 6. All three parts exert significant health impacts to the West Oakland community. Emissions from each part (Part I, II, & III) individually result in risk levels of greater than 10 in a million throughout the entire West Oakland community and affect every resident. The zone of impact for potential risk levels above 100 in a million resulting from either Part I or Part III emissions also encompass the entire West Oakland community.

**Table 6: West Oakland Community Summary of Impacted Area and Affected Population by Potential Cancer Risk Levels from Part I, II, & III Emission Sources (2005)**

Potential Cancer Risk Level	Impacted Inland Area (acres)				Affected Population			
	Part I (Port)	Part II (UP)	Part III (Non-port/Non-UP)	Combined	Part I (Port)	Part II (UP)	Part III (Non-port/Non-UP)	Combined
Risk > 10	1,800	1,800	1,800	1,800	22,200	22,000	22,200	22,200
Risk > 100	1,800	280	1,800	1,800	22,200	1,800	22,200	22,200
Risk > 200	770	80	1,800	1,800	7,000	100	22,200	22,200
Risk > 500	0	0	1,700	1,800	0	0	20,500	22,200
Risk > 1000	0	0	480	1000	0	0	6,300	11,000

Notes: Total area for the community = 1,800 acres; total population for the community = 22,200

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In Table 7, the percentage of the overall population-weighted cancer risk<sup>4</sup> that can be attributed to each part is provided. As can be seen, the West Oakland community has an overall population-weighted risk of nearly 1,200 chances in a million due to the diesel PM emissions from Parts I, II, and III. Of this, the Port operations (Part I) account for about 16 percent of the overall cancer risk or 200 potential cancer cases per million. UP operations (Part II) account for about 4 percent of the overall cancer risk or 43 potential cancer cases per million people. Non-port and non-UP operations (Part III) account for the largest share of the overall potential cancer risk in the West Oakland community, about 80 percent of the total risk or about 950 potential cancer cases per million people.

Compared with Part I or Part II, the emissions from Part III exert the most significant health impacts on the community. Part III emissions are responsible for one out of three residents in the community being exposed to potential cancer risk levels greater than 1000 in a million and everyone in the community is exposed to levels of greater than 500 in a million. As can be seen in Table 7, the elevated potential cancer risk levels are primarily due to on-road trucks.

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<sup>4</sup> Population-weighted cancer risk or “average risk” is calculated using the following equation:

$$R = \frac{\sum_i^n (R_i \times POP_i)}{\sum_i^n POP_i}$$

Where  $R_i$  is the estimated risk in grid cell  $i$ ;  $POP_i$  is the allocated number of population in grid cell  $i$ ;  $n$  is the total number of grid cells within the modeling domain. For the West Oakland community, the population-weighted cancer risk is essentially similar to the average risk.

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**Table 7: Population-weighted Potential Cancer Risks in West Oakland Community by Part and by Source Category**

Source Category	Part I (Port)	Part II (UP)	Part III (Non-port/Non-UP)	Combined
OGV Transiting, Maneuvering, & Anchoring	57	0	23	81
OGV Hotelling	57	0	10	67
Harbor Craft	15	0	78	93
Trucks	42	7	795	844
Cargo Handling Equip.	16	21	7	43
Locomotives	4	15	37	56
Others	0	0	2	2
<b>Total</b>	192 (16%)	43 (4%)	951 (80%)	1186 (100%)

Notes: Total area for the community = 1,800 acres; total population = 22,200. Part III anchorage activities are included with impacts from Part III hotelling.

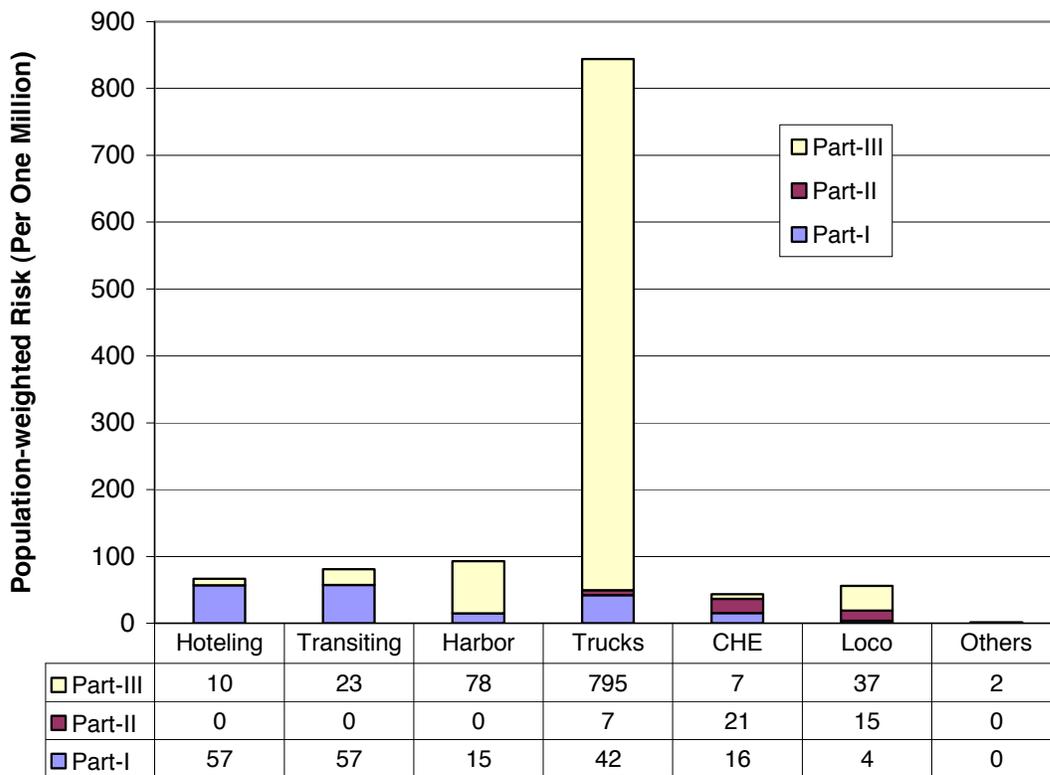
The magnitude of emissions and the location of the emission from the diesel-fueled equipment and vehicles used in and around the West Oakland community results in different levels of exposures in the community. In Table 7 and Figure 11, the contributions to the overall risk from each source category by part are shown. On-road trucks result in much higher localized risks when compared to other sources. This is in part due to the fact that the West Oakland community is surrounded by major freeways that have a significant amount of heavy-duty truck traffic. In addition, there is very little buffer between the freeways and highly populated areas. Also, many trucks travel through the neighborhoods, increasing exposures to residents that live along the city streets.

As discussed above, truck emissions are relatively more uncertain than other categories due to limitations in the availability of data describing the magnitude and intensity of trucking operations in the West Oakland community. These data limitations may have led to an overestimate in the overall magnitude of trucking emissions in the West Oakland community, and an underestimate of the fraction of total trucking emissions and risks attributable to trucks that service the Port of Oakland. Although these estimates are uncertain, the results from the risk assessment are clear. Trucking operations are the largest single source of health risk to the West Oakland community, even though they are not the largest source of emissions in the modeling domain. Whether those trucking operations are generated by trips visiting the Port or other businesses is of interest, but is not necessary to prioritize and control trucks as an emissions source. The ARB has already adopted a rule that requires the clean-up of trucks servicing California’s Ports, and is currently developing a similar rule to cover all other trucking operations. Together, these rules will require in the future (2010 for trucks servicing the Port of Oakland; around 2014 for all others) that all trucks operating in the community must be 85% cleaner than trucks operating in the community today.

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Other sources of emissions, such as ocean-going vessels, harbor craft, and locomotives, also generate significant population weighted potential cancer risks to the West Oakland community that individually exceed 50 in a million. These levels are significant and require reduction. Their impacts are not as high as trucks, because the location of these sources are further away from residents of the West Oakland community, and pollutant concentrations decrease with distance as they are dispersed in air. Additional information and discussion on the public health impacts from the various emission sources are provided in Appendix B.

**Figure 11: Population-weighted Potential Cancer Risks by All Sources/Parts for West Oakland Community**



Notes: Total area for the community = 1,800 acres; total population for the community = 22,200. Part I = Port; Part II = UP; Part III = Non-Port/Non-UP. Hoteling = OGV hotelling. Transiting = OGV Transiting. Harbor = Harbor Craft. CHE = Cargo Handling Equipment. Loco = Locomotives. Part III anchorage activities are included with impacts from Part III hotelling

Understanding the impacts from the various emission sources and locations of emissions can be complicated. As can be seen from the previous charts and tables, there are several different ways of presenting and looking at the data from the HRA. Since one of the primary reasons for this study was to assist in determining the most beneficial diesel PM mitigation strategies, it is important to understand how reductions in emissions from a source category and the geographic location of sources will impact the overall population-weighted risk; that is, which reductions in diesel PM emissions will reduce the potential cancer risk the most.

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Table 8 provides a comparison of the relative impact that reductions in diesel PM emissions will have on the potential cancer risk. This comparison shows the relative change in potential cancer risk for each ton of diesel PM emissions reduced per year. In Table 8, we provide this comparison for each of the source categories and geographic locations.<sup>5</sup> Looking at each part (Part I, II, and III), emissions from on-road trucks generate the most potential risk per ton of diesel PM emissions followed by locomotives and cargo handling equipment. For example, for each ton of diesel PM reduced from Part III on-road trucks, we would expect to see a reduction of about 9 in a million in the potential cancer risks in the West Oakland community. For Port sources (Part I), on-road trucks generate the greatest potential cancer risk per ton of diesel PM emissions followed by locomotives, harbor craft, and OGV hotelling. Emission sources at the UP Railyard had similar impacts for each category. With respect to Part III emission sources, on-road trucks had the highest impact on the West Oakland community followed by locomotives and cargo handling equipment.

**Table 8: Relative Change in Potential Cancer Risk per Ton of Diesel PM Emissions Reduced (2005)**

Source Category	Part I (Port)	Part II (UP)	Part III (Non-Port/Non-UP)
	Risk/ Emissions		
OGV Transiting	0.4	--	0.1
OGV Hotelling	0.9	--	0.3
Harbor Craft	1.1	--	0.3
Trucks	2.1	3.8	8.8
Cargo Handling Equip.	0.7	3.9	1.6
Locomotives	2.0	3.9	7.9
Others	-		0.1

Notes: OGV Transiting includes OGV emissions from transiting, maneuvering and anchorage except that for Part III, anchorage impacts are included with hotelling. Emissions = Diesel PM emissions in tons/year for the year 2005 and the values are from Table 2 and Appendix A. Risk = Average potential cancer risk per million and the values are from Table 7. Total area for the community = 1,800 acres; total population for the community = 22,200

<sup>5</sup> It's important to note that these comparisons are most useful as a guide when comparing one source to another and not as a literal prediction of the community change in risk as emissions are reduced.

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## West Oakland Community Future Projections of Potential Cancer Risks – 2010, 2015, 2020

Reducing diesel PM emissions is one of ARB's top priorities. In the 1990's, the ARB and the federal government adopted measures, such as new engine standards for on- and off-road vehicles and equipment. These measures are providing benefits today and will continue to provide benefits into the future as older vehicles and equipment are replaced with newer, cleaner engines. However, federal engine standards are not generating emissions reductions quickly enough to meet federal air quality attainment standards or to provide relief to local communities that are impacted by carcinogenic diesel PM.

In 2000, the ARB adopted its Diesel Risk Reduction Plan (DRRP) which established a goal of reducing diesel PM emissions by 85 percent in 2020. (CARB, 2000) In 2006, the ARB adopted its Goods Movement Emissions Reduction Plan, which reiterated the DRRP diesel PM goal, and set additional targets for emissions reductions. (CARB, 2006) Meeting these goals requires the adoption of new regulations designed to generate accelerated reduction in diesel PM emissions. ARB has recently adopted several regulations targeting the clean-up of port related equipment and vehicles.

Measures have been adopted for cargo-handling equipment, truck refrigeration units, port drayage trucks, off-road construction equipment, commercial harbor craft, and ocean-going vessels (auxiliary engine fuel and shore power). This summer, the ARB will consider a regulation requiring the use of cleaner fuels in OGV main engines. And, in the fall of this year, the ARB will consider a rule to require the clean-up of the private on-road heavy-duty truck fleets. These regulations will result in significant reductions in diesel PM and other exhaust emissions.

A summary of the various regulations and efforts to date are provided in Table 9. These efforts will result in significant emission reductions in future years, even when considering the expected growth in activities. Diesel PM emissions in the West Oakland community are projected to decline by over 75% by 2020. Future emissions estimates are presented in Figure 12. The upper line reflects those regulations adopted and the lower line reflects measures that have been adopted by the ARB plus two additional regulations scheduled for adoption this year - the ocean-going vessel main engine rule and private fleet truck rule. The chart shows that ARB expects to realize major emissions reductions through these two rules that are currently under development.

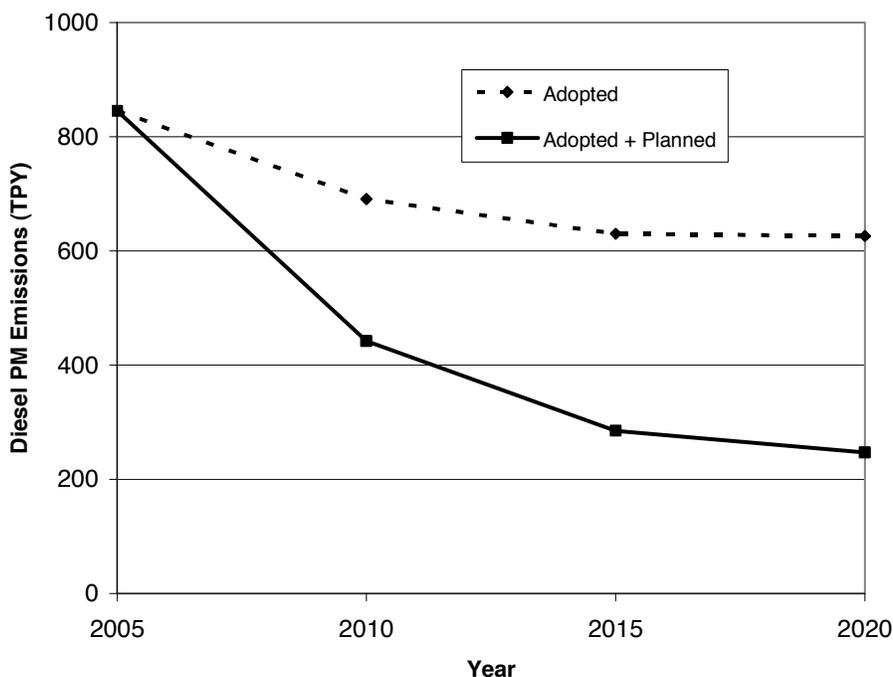
The future reductions discussed here represent mainly actions by ARB to reduce emissions from diesel PM sources. There also have been actions undertaken since 2005 by the BAAQMD, Port, UP, shipping companies, terminal operators, and trucking companies that are not reflected in this analysis. Future actions that are currently being contemplated as part of the BAAQMD's Green Ports Initiative and the Ports Maritime Air Quality Improvement Plan are also not reflected in this analysis.

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**Table 9: ARB Regulations Adopted and Planned (2008) that Reduce Emissions from Diesel PM On- and Off-Road Vehicles and Equipment (adoption date provided in parenthesis)**

<b>Adopted Regulations</b>	
New on-road heavy-duty diesel engine standards (October 2001)	Diesel truck operational idling limits (July 2004)
Tier 4 standards for new off-road diesel equipment (December 2004)	Clean up existing diesel cargo handling equipment at ports and intermodal railyards (December 2005)
California diesel fuel for harbor craft and intrastate locomotives (November 2004)	Clean up existing fleet of off-road diesel equipment (July 2007)
Low-sulfur diesel fuel for vehicles and off-road equipment (July 2003)	Clean up existing fleet of harbor craft (November 2007)
Heavy-duty engine manufacturers diagnostics (May 2004)	Cold ironing regulations (December 2007)
Heavy-duty on-board diagnostics (July 2005)	Clean up port truck fleets ( December 2007)
Cleaner fuel for ship auxiliary engines (December 2005)	<b>Planned Regulations</b>
2005 California Rail MOU	<i>Cleaner fuel for ship main engines and boilers (June 2008)</i>
Transport refrigeration units (February 2004)	<i>Clean up existing private fleets of diesel trucks (late 2008)</i>

**Figure 12: Projected Diesel PM Emissions for All Sources Evaluated in the West Oakland Community HRA (Parts I, II, & III)**

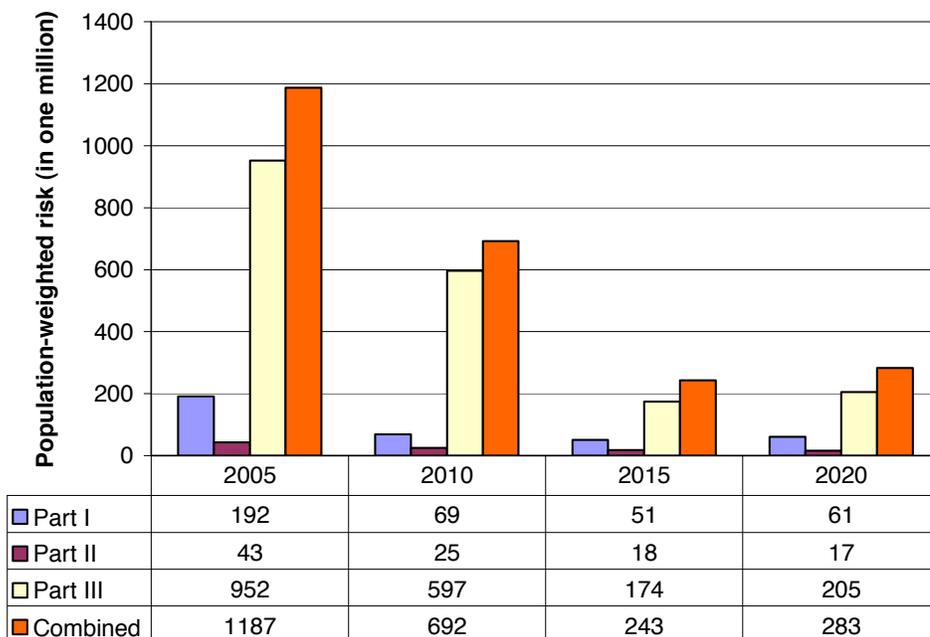


This decline in emissions will result in the reduction of the potential cancer (and non-cancer) risks due to exposures to diesel PM. In the West Oakland Community, as

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shown in Figure 13, we predict that the overall population-weighted risks will be reduced by about 80 percent in 2015 but then will begin to increase as growth begins to surpass the reductions required by regulatory programs. However, even with reduction in emissions due to the actions outlined in Table 9, the predicted remaining cancer risk in the 2010 timeframe will be over 650 in a million in the West Oakland community and in future years will be greater than 200 in a million. Clearly, additional actions are needed in the near-term to accelerate emission reductions and to reduce the health impacts from diesel PM emissions in the West Oakland community and the region as a whole. Additional actions are also necessary to help offset growth and further reduce risk levels in future years.

**Figure 13: Projected Future Population-weighted Potential Cancer Risks in the West Oakland Community Resulting from Exposures to Diesel PM from all Emission Sources (Parts I, II, & III)**



Notes: Total area for the community = 1,800 acres; total population for the community = 22,200.  
 Part I = Port. Part II = UP. Part III = Non-port/Non-UP.

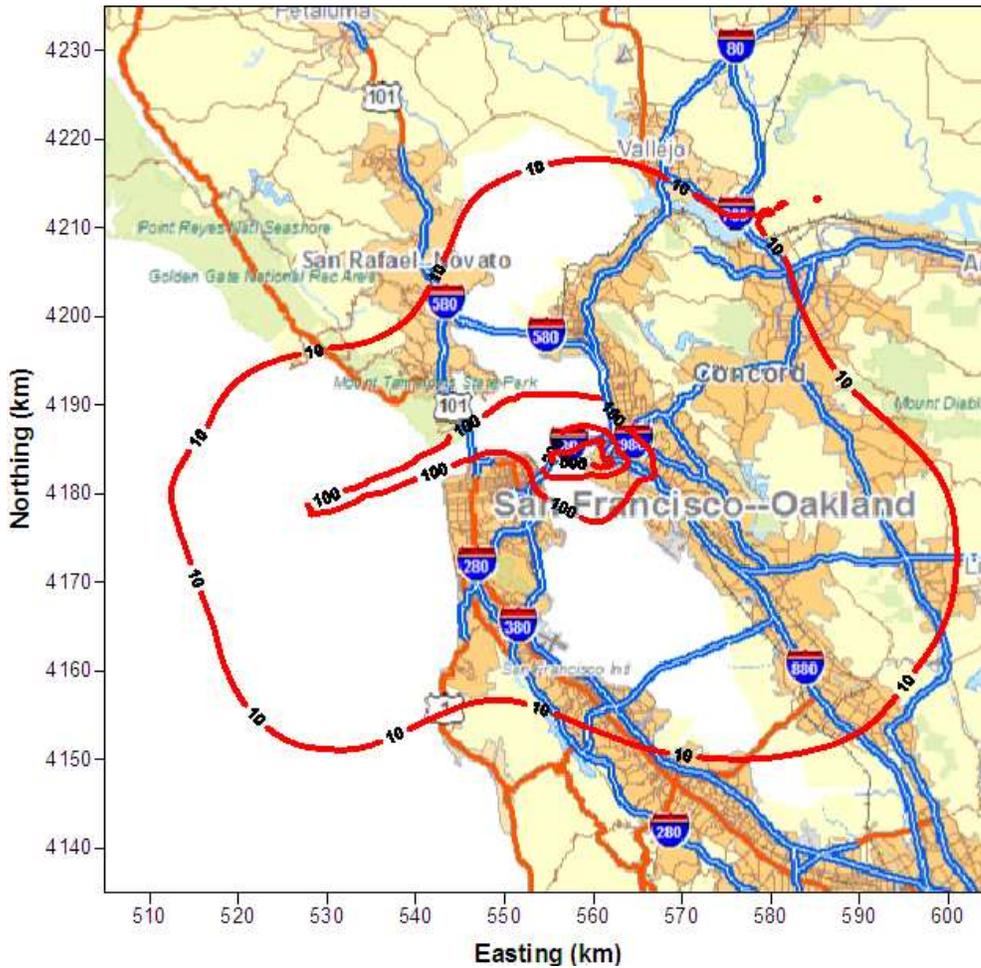
Regional Potential Cancer Risks from Port Operations

Figure 14 shows the risk isopleths for all diesel PM emission sources from Part I, the Maritime Port of Oakland, superimposed on the map that cover the regional (100 km x 100 km) domain. For the regional domain, the risk contour of 10 in a million extends over a large area, covering about 35 percent of the land-based areas within the domain. Risk levels of greater than 100 in a million also result in the broader Bay Area from the Port diesel PM emissions, however the higher risk levels are primarily located overwater.

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The estimated cancer risks presented in Figure 14 are not intended to be a complete estimate of the total cancer risk from exposure to diesel PM throughout the modeling domain. As discussed earlier, the average potential cancer risk from diesel PM in the BAAQMD is about 480 chances per million. Since we are looking at the potential cancer risk contribution over a large region, it is reasonable to view these risks as “above background” risks except in the immediate vicinity of the West Oakland Community. Thus, the estimated risk at the 10 in a million isopleths is estimated to be about 490 in a million when the background risk of 480 is included.

**Figure 14: Estimated Potential Cancer Risk in the Regional Domain from Port (Part I) Diesel PM Emissions Sources**



Notes: The risk levels are based on the 80<sup>th</sup> Percentile Breathing Rate. Total Modeled Emissions = 265 T/Y in 2005. Modeling Domain = 100 km x 100 km. Resolution = 500 m x 500 m. Total area for the regional domain = 1,564,000 acres; total population for the regional domain = 5 million.

Using the U.S. Census Bureau’s year 2000 census data, we estimated the population within the isopleth boundaries. As shown in Table 10, about 130,000 people out of the 5 million people living within the domain boundaries are exposed to risk levels of over

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100 in a million due to the diesel PM emissions from Port operations. Approximately 3.2 million people are exposed to risk levels of greater than 10 in a million. This is about 65 percent of the total population in the modeling domain region. There are about 60 acres located near the West Oakland community that have risk levels greater than 500 in a million which demonstrates that significant impacts from Port emissions also occur outside of the West Oakland community.

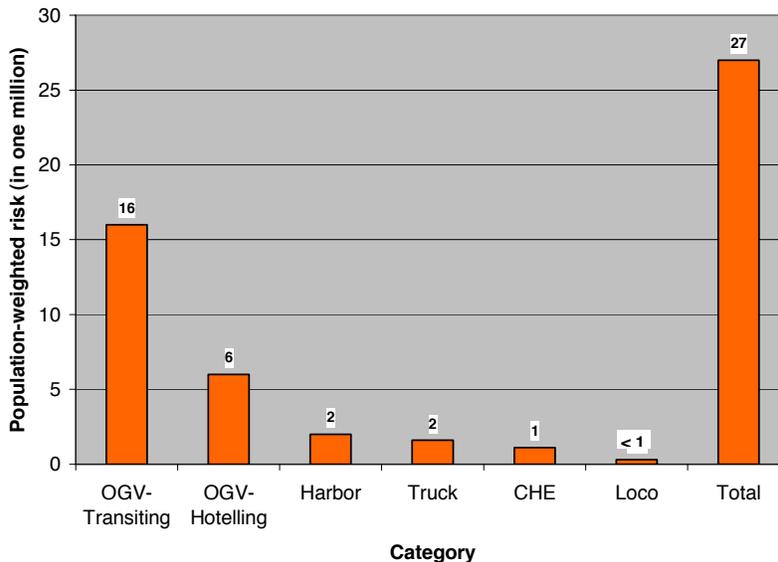
**Table 10: Summary of Impacted Regional Area and Affected Population by Potential Cancer Risk Levels from the Maritime Port of Oakland Activities**

Potential Cancer Risk Level	Impacted Inland Area		Affected Population	
	Acres	Percent	Number	Percent
Risk > 10	551,500	35%	3,179,000	66%
Risk > 100	11,800	1%	131,000	3%
Risk > 200	2,600	<1%	9,600	<1%
Risk > 500	60	<1%	20	<1%
Risk > 1000	0	0%	0	0%

Note: Total area for the regional domain – 1,564,000 acres; total population = 5 million

The various diesel PM emission sources from Port operations result in different contributions to the regional potential cancer risks. As seen in Figure 15, overall, the Port emissions result in a regional population-weighted risk of 27 potential cancer cases per million people exposed. Of this, OGV emissions contribute the most to the overall risk levels.

**Figure 15: Population-weighted Potential Cancer Risk in the Regional Domain Due to Maritime Port of Oakland Diesel PM Emissions**



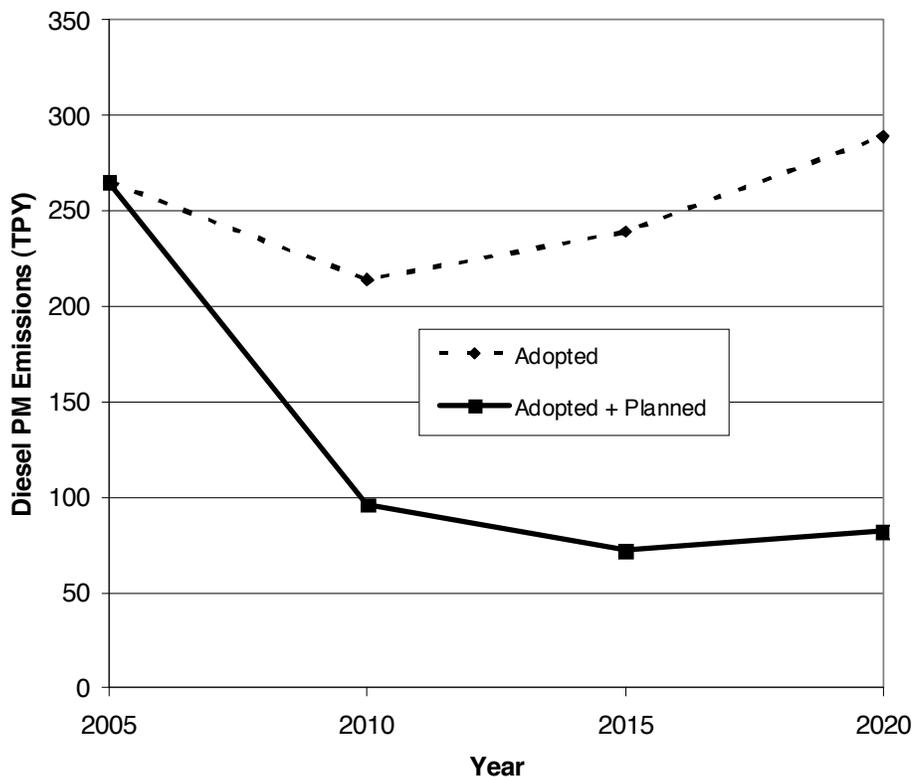
Notes: Total area for the regional domain = 1,564,000 acres; total population for the regional domain = 5 million. Hotelling = OGV Hotelling. Transiting = OGV Transiting. Harbor = Harbor Craft. Loco = Locomotive

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Regional Future Projections of Potential Cancer Risks from Port Operations– 2010, 2015, 2020

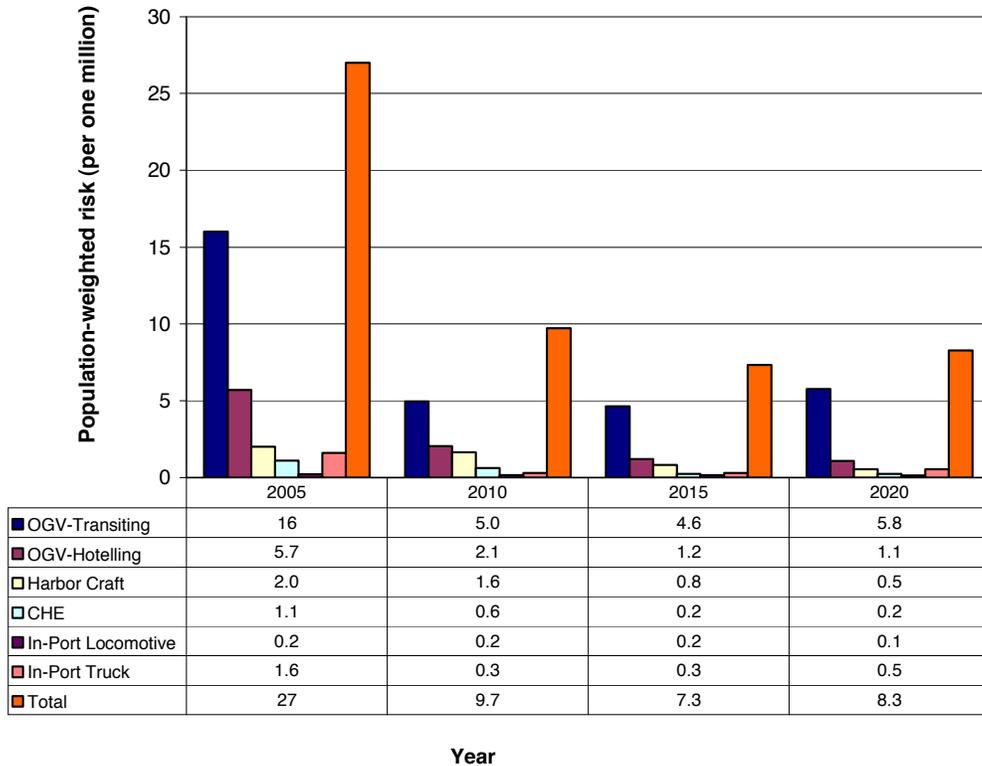
The ARB adopted and planned regulations presented previously in Table 9 will also result in a reduction of the regional potential cancer risks that result from exposures to emissions from the Port. Similar to the figures provided for the West Oakland community, Figure 16 provides the projected emissions trends for Port emissions and Figure 17 presents the regional future population-weighted potential cancer risks due to Port emissions. As is shown, the emissions from Port operations are forecasted to decline over the next several years as adopted and planned regulations are implemented. These reductions in emissions will result in the reduction of the potential cancer risks due to exposures to diesel PM. Over the broader San Francisco Bay area included in the model domain, the population-weighted cancer risks will be reduced by about 70 percent in 2020. This is largely due to the expected reduction in OGV emissions from ARB’s cleaner fuel requirements for OGV.

**Figure 16: Projected 2010, 2015, and 2020 Diesel PM Emissions for Port (Part I) Source Categories**



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**Figure 17: Projected Population-weighted Potential Cancer Risk by Category for Port Operations in the Regional Domain**



Notes: Total area for the regional domain = 1,564,000 acres; total population for the regional domain = 5 million. CHE = cargo handling equipment.

**B. Non-Cancer Health Impacts**

**Regional Non-Cancer Health Impacts from Port of Oakland Emissions**

As discussed previously, a substantial number of epidemiologic studies have found a strong association between exposure to ambient particulate matter (PM) and adverse health effects (CARB, 2002; CARB, 2006). As part of this study, ARB staff conducted an analysis of the potential non-cancer health impacts associated with exposures to the model-predicted ambient levels of directly emitted diesel PM (primary diesel PM) within the modeling domain for diesel PM resulting from Port operations (Part 1). Several counties are located within the modeling domain including San Francisco, Marine and parts of Alameda, Sonoma, Napa, Solano, Contra Costs, and Santa Clara counties. The non-cancer health effects evaluated include premature death, hospital admissions, asthma-related and other lower respiratory symptoms, work loss days, and minor restricted activity days.

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Consistent with U.S. EPA (EPA, 2004), ARB has been using the PM-mortality relationship from Pope et al. (Pope, 2002) since the adoption of the Emission Reduction Plan for Ports and Goods Movement (GMERP) (CARB, 2006). The methodology for estimating premature death and other health impacts is described in Appendix A of the GMERP. Ambient levels of directly emitted diesel PM from Port operations were predicted for each 500 meter by 500 meter grid cell within the modeling domain (100 km x 100 km) using the CALPUFF model. The population within each grid cell that was older than 30 years (about 3 million people) was determined from U.S. Census Bureau year 2000 census data. Using U.S. EPA’s BENMAP program, we estimated the number of annual premature deaths and several other non-cancer health effects that are likely to occur within the modeling domain due to exposure to the directly emitted diesel PM emissions from Port operations. The health effect estimates are based on concentration-response functions derived from published epidemiological studies relating changes in ambient concentrations to changes in health endpoints, the population affected, and the baseline incidence rates.

The estimated regional non-cancer health impacts for directly emitted diesel PM from Port operations are presented in Table 11. As is shown in Table 11, we estimate that, in the modeling area, there would be about 18 premature deaths (for ages 30 and older), 8 hospital admissions due to respiratory and cardiovascular causes, 290 asthma-related and other lower respiratory symptoms, 2,600 days of work loss; and 15,000 minor restricted activity days.

**Table 11: Estimated Non-cancer Health Impacts Resulting from Maritime Port of Oakland 2005 Diesel PM Emissions**

<b>Endpoint</b>	<b># of Cases per Year (Mean)</b>	<b># of Cases per Year 95 % Confidence Interval</b>
Premature Death	18	5-32
Hospital Admission (Respiratory & Cardiovascular)	8	4-12
Asthma - Related & Other Lower Respiratory Symptoms	290	110-460
Acute Bronchitis	24	0-54
Work Loss Day	2,600	2,200-3,100
Minor Restricted Activity Days	15,000	13,000 – 18,000

To put the premature deaths estimates in context, ARB estimated in the Goods Movement Report that directly emitted diesel PM contributed to 1,200 premature deaths per year statewide, or about 160 premature deaths in the San Francisco Bay Area per year. (CARB, 2006)

Several assumptions were used in our estimation. They involve the selection and applicability of the concentration-response functions to California data, exposure estimation, subpopulation estimation, baseline incidence rates, and the threshold. These are briefly described below.

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- Premature death calculations were based on the concentration-response function of Pope et al. (Pope, 2002). The ARB staff assumed that concentration-response function for premature mortality in the model domain is comparable to that in the Pope's study. It is known that the composition of PM can vary by region, and not all constituents of PM have the same health effects. However, numerous studies have shown that the mortality effects of PM in California are comparable to those found in other locations in the United States, justifying our use of Pope et al's results. Also, the U.S. EPA has been using Pope's study for its regulatory impact analyses since 2000. For other health endpoints, the selection of the concentration-response functions was based on the most recent and relevant scientific literature. Details are in CARB's PM Staff Report (CARB, 2002).
- The ARB staff assumed the model-predicted exposure estimates could be applied to the entire population within each modeling grid. That is, the entire population within each modeling grid of 500 m x 500 m was assumed to be exposed uniformly to modeled concentration. This assumption is typical of this type of estimation.
- The ARB staff included only directly emitted PM and did not account for secondary PM formed from NO<sub>x</sub> and SO<sub>x</sub> emissions.
- The ARB staff assumed the baseline incidence rates were uniform across each modeling grid, and in many cases across each county. This assumption is consistent with methods used by the U.S. EPA for its regulatory impact assessment. The incidence rates match those used by U.S. EPA.

It should be noted that because the estimates apply to a limited modeling domain (100 km by 100 km), the affected population is small, and hence the overall estimated health impacts are smaller than estimates made on a statewide basis. In addition, to the extent that only a subset of health outcomes is considered here, the estimates should be considered an under-estimate of the total public health impact.

## **C. Uncertainty and Limitations**

Risk assessment is a complex process which requires the integration of many variables and assumptions. Due to these variables and assumptions, there are uncertainties and limitations with the results. Generally, the assumptions are designed to be health protective so that the estimates of risks to individuals are not underestimated. Below is a discussion of uncertainty associated with the key elements used in a risk assessment. These key elements are the health risk values, the air dispersion modeling used to predict diesel PM concentrations, and the model input parameters.

### **Uncertainty Associated with Health Values**

Scientists often use animal studies to predict how a chemical affects humans in the development of health values that are then used in a risk assessment. Scientists

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cannot be sure that humans will respond exactly the same way as animals do to a chemical. Also, animals used in these studies are often given very high doses of a chemical to produce negative health effects. These doses are much higher than what people are actually exposed to in the environment. When available, as is the case with diesel PM, scientists use studies of people exposed at work to develop health values to estimate potential cancer risk from environmental exposures. This can introduce uncertainty in the potential risk estimated for the general public because there is a wide range of responses among all individuals, and there can be a wider range of responses in the general public than in the workers in an epidemiology study. In addition, for diesel PM, the actual worker exposures to diesel PM were based on limited monitoring data and were mostly derived based on estimates of emissions and duration of exposure. Different epidemiological studies also suggest somewhat different levels of risk. When the Scientific Review Panel (SRP) identified diesel PM as a toxic air contaminant, they endorsed a range of inhalation cancer potency factors ( $1.3 \times 10^{-4}$  to  $2.4 \times 10^{-3} (\mu\text{g}/\text{m}^3)^{-1}$ ) and a risk factor of  $3 \times 10^{-4} (\mu\text{g}/\text{m}^3)^{-1}$ , as a reasonable estimate of the unit risk.<sup>6</sup> From the unit risk factor an inhalation cancer potency factor of  $1.1 (\text{mg}/\text{kg}\text{-day})^{-1}$  may be calculated.

#### Uncertainty Associated with Air Dispersion Modeling

As mentioned previously, there is no direct measurement technique for diesel PM. This analysis used air dispersion modeling to estimate the concentrations to which the public is exposed. While air dispersion models are based on the state-of-the-art formulations, there are uncertainties associated with the models. The primary purpose of this study was to prioritize emission sources/categories from the Ports operation which are to be regulated. The U.S. EPA CALPUFF model was selected for use in this study because it is the most applicable for the region being modeled and the variety of emission sources addressed. In addition, it currently is one of several U.S. EPA's recommended air dispersion model at this time.

#### Uncertainty Associated with the Model Inputs and Domain

The model inputs include emission rates, emission release parameters, meteorological conditions, and dispersion coefficients. Each of the model inputs has uncertainty associated with it. Among these inputs, emission rates and meteorological conditions have the greatest affect on the modeling results. Emission rates for each source were calculated from the emission inventory developed for the HRA. The emission inventory has several sources of uncertainty including: emission factors, equipment population and age, equipment activity, load factors, and fuel type and quality. The uncertainties in the emission inventory can lead to over predictions or under predictions in the modeling

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<sup>6</sup> The Scientific Review Panel (SRP/Panel) is charged with evaluating the risk assessments of substances proposed for identification as toxic air contaminants by the Air Resources Board (ARB) and the Department of Pesticide Regulation (DPR). In carrying out this responsibility, the SRP reviews the exposure and health assessment reports and underlying scientific data upon which the reports are based, which are prepared by the ARB, DPR, and the Office of Environmental Health Hazard Assessment (OEHHA) pursuant to the sections 39660-39661 of the Health and Safety Code and sections 14022-14023 of the Food and Agricultural Code.

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results. To minimize uncertainty, we relied on the most current information available. There are two emission source categories, harbor craft and on-road trucks, where we have identified areas for improvement. Brief discussions on these are provided below.

On-road Trucks: Part III on-road truck (port drayage truck and on-road non-port-related trucks) emissions were estimated for individual roadway links within the modeling domain. Developing these emissions required obtaining information about truck travel on individual roadway links, which are developed by local transportation agencies using travel demand models. We used a roadway network developed by Bay Area local transportation agencies. As with most travel demand model networks, roadway maps are accurate for freeway and major arterials, while smaller streets are represented schematically and do not necessarily follow actual travel routes. As a result, the spatial allocation of emissions from minor arterials and roadways in this risk assessment is less accurate than for freeways and major arterials.

While developing the inventory we compiled total truck vehicle miles traveled estimates on the local agency transit network and compared those results to EMFAC2007, which is the federally accepted model for estimating regional emissions for air quality and transportation conformity assessments. Results suggested a significant difference between total vehicle miles traveled estimates representing Alameda County in the network and in EMFAC2007. The local agency network contained more than twice as many truck vehicle miles traveled than EMFAC2007. To evaluate this difference we compiled available truck count data and compared results to the local agency network. Results were mixed, indicating that while for most roadways vehicle miles traveled appeared to be overestimated, some appeared to be underestimated. We considered reducing truck volumes on the roadway network for consistency with EMFAC, but ultimately decided that this would generate as much uncertainty as it would resolve. As a result, we decided to use the local agency network as provided to us. We believe the truck activity on the roadway network we used, while potentially overestimating the total vehicle miles traveled, provided the best representation of trucking operations within the modeling domain. As such, we believe it accurately characterizes all of the trucking emissions within the West Oakland community.

One of the questions to be addressed by this risk assessment was the allocation of responsibility for trucking emissions between Ports and Railyards, and other businesses. Very little information was available to accomplish this task. The Port of Oakland had quantified emissions on Port property to and from port property to the freeway on-ramps. Because they had not conducted an origin-destination survey we had no information on the routes trucks took to and from the freeways through the modeling domain, and in the West Oakland community. ARB staff had estimated trips and emissions associated with Port of Oakland trucks for development of ARB's 2007 Drayage Truck Rule (CARB, 2007C). Trip estimates were consistent with those developed by the Port of Oakland in the Part I inventory. ARB's drayage truck inventory was used to estimate drayage truck emissions in the West Oakland community, assuming that all trips leaving the Port of Oakland traveled through the modeling domain on freeways through the community without using minor arterials or secondary roadways. This approach may underestimate the magnitude of emissions from trucks serving the Port of Oakland, because port-truck operations within the community are not

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well characterized even though clearly some are occurring. Since drayage truck emissions were subtracted from the total emissions on the network, any potential underestimate in drayage truck emissions in the Part I inventory implies an equal overestimate in Part III inventories.

In late 2007, ARB and BAAQMD began discussing the need for improved estimates of truck volumes and origins/destination within West Oakland. As a result of these discussions, the BAAQMD initiated a contract designed to count trucks and survey idling behavior. Both ARB and BAAQMD have recommended to the Port of Oakland that they conduct origin-destination studies of trucks servicing the port of Oakland in order to improve Port truck emissions estimates both within West Oakland and in the Bay Area and San Joaquin Valley. Results from these efforts were not available to refine this risk assessment, but could be used in the future to do so.

*Harbor Craft:* Commercial harbor craft include passenger ferries, tug boats, tow boats, push-boats, crew vessels, work boats, pilot vessels, supply boats, research vessels, United States Coast Guard vessels, hovercraft, emergency response vessels, and barges. ARB staff estimated emissions from harbor craft for the Bay Area using the statewide commercial harbor craft emission estimation methodology. More detailed information about the development of this emissions inventory can be found in the document titled, Emissions Estimation Methodology for Commercial Harbor Craft Operating in California (CARB, 2007B). This document can be accessed at <http://www.arb.ca.gov/regact/2007/chc07/appb.pdf>.

There are no comprehensive databases of commercial harbor craft population or activity. As described in CARB (2007B) we developed the inventory by compiling several incomplete population databases, and conducting a survey of commercial harbor craft operations. By necessity, the statewide inventory assumes that vessels operate only in the vicinity of their home port, whereas we believe some harbor craft transit between ports, especially in the Bay Area. As a result, inventory estimates may not accurately reflect where actual vessel operations occur. The statewide inventory also assumes engine operation parameter averages by vessel type are indicative of operations in the Bay Area. This may or may not be true. Finally, the statewide commercial harbor craft inventory provides no information on spatial allocation within regions. To develop a spatial allocation we used a limited data set of GPS-based second by second vessel traffic data that is generated as a result of national vessel safety programs. We used these data, representing a limited number of vessels, to estimate the spatial activity patterns of all commercial harbor craft in the Bay Area. The ARB is actively working on improving commercial harbor craft emissions inventories by integrating new data sources, conducting new surveys, and taking advantage of new data that will be provided as a result of the recently adopted commercial harbor craft regulation.

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# **EXHIBIT 3**



## Neighborhood Assessment Program Step 2

*This page last reviewed October 21, 2010*

### 2. Cumulative-Impact Assessment Methodology

**Objective:** To develop source-receptor-based, cumulative-impact/risk assessment methodologies suitable for evaluating neighborhood-scale air pollution impacts from all nearby sources, including mobile sources, for comparing neighborhood-scale exposures within a region. With these methodologies, local decision-makers can then assess policy options for addressing neighborhood-scale environmental concerns. While recognizing that cumulative impacts will ultimately require multimedia effects evaluation, this effort would focus only on the air pathway.

**Tasks:**

- a. **Identify Data and Methodology Gaps:** Perform a literature survey to compile information on existing cumulative impact assessment methodologies and databases, including air dispersion models, total exposure and risk assessment models, emission inventories, and meteorological data. Identify the uncertainties associated with the methodologies and databases. Identify gaps in data and methodology, and determine the need for additional monitoring data, emission inventories, meteorological data, model development, and reconciliation of monitoring data and inventory estimates.
- b. **Dispersion and Impact Assessment Model Development:** Develop and refine the models, as needed, based on the methodology gaps identified in task 2(b) and following the pilot and supplemental assessments made in tasks 3 and 4.
- c. **Evaluate Methodologies and Protocols:** Evaluate the performance of protocols and methodologies applied in tasks 3 and 4 (i.e., an initial evaluation after the Barrio Logan Pilot and a second after the monitoring in supplemental test neighborhood studies) with respect to the monitoring, emission inventory, and/or health risk assessment data sets collected.
- d. **Work Cooperatively with the Office of Environmental Health Hazard Assessment (OEHHA):** Enlist OEHHA's expertise and guidance in developing a risk assessment and numerical index of neighborhood-scale cumulative risk, that includes the combined effects of criteria and toxic air pollution at the neighborhood-scale.
- e. **Peer Review:** Upon completion, all newly developed models and methods will be subject to a peer review process as routinely followed by the ARB.

[Work Plan Step 3 >](#)

**Click For More Details:**

- > [NAP Overview](#)
- > [NAP Background](#)

**Work Plan Steps:**

- > 1. Development
- > 2. Methodologies
- > 3. Pilot Study
- > 4. Refine Methods
- > 5. Evaluate Impacts
- > 6. Define Strategies
- > 7. Create Guidelines

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## Letter O.16: Sims Metal Management (Soluri Meserve)

O.16-1 The Draft EIR does not impermissibly exclude any areas from analysis. Instead, “[f]or the purpose of a thorough analysis, all thresholds for determining the significance of impacts in accordance with the CEQA *Guidelines*, including Appendix G, requirements have been evaluated” (page 1-1 of the Draft EIR). The case *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369 (“CBIA case”) is discussed in detail on pages 4.2-15 to 4.2-16 of the Draft EIR. The CBIA case held that agencies subject to CEQA generally are not required to analyze the impact of existing environmental conditions on a project’s future users or residents. (*CBIA* at p. 387) The Court clarified that the limited number of express CEQA provisions that require analysis of the impacts of the existing environment on a project, such as impacts associated with school siting and airports, should be viewed as specific statutory exceptions to the general rule that such impacts are not properly within CEQA’s scope (*CBIA* at pages 391-392). It is noted that the Governor’s Office of Planning and Research released proposed revisions to Section 15126.2(a) of the CEQA *Guidelines* in response to the CBIA case. These proposed revisions are intended to address the requirement to analyze hazards that a project may risk exacerbating. The proposed text and background materials are available online,<sup>11</sup> but are not expected to be finalized prior to certification of this EIR.

Notwithstanding the CBIA case, the Draft EIR utilizes all thresholds for determining the significance of impacts in accordance with CEQA, including the current CEQA *Guidelines* Appendix G, to evaluate potential impacts. Further, significance determinations based on analysis of impacts of the existing environment on the project are identified throughout the Draft EIR where relevant and analyzed as impacts, including Impacts AIR-4.SP, AIR-4.SA4, C-AIR-2.SP, GEO-1.SP, GEO-1.SA4, GEO-4.SP, GEO-4.SA4, NOI-3.SP, and NOI-3.SA4. (See also explanations of the EIR’s approach to the CBIA case; Section 4.2 *Air Quality*, pp. 4.2-19, 21, 36; and Section 4.10 *Noise*, p. 4.10-14, 15, 24, 30). There are, therefore, no areas of analysis in the Draft EIR that exclude significance determinations based on an interpretation of the CBIA case.

O.16-2 The Draft EIR includes a detailed project description of both the Specific Plan and the Sub-Area 4 Project (pages 3-1 to 3-47 of the Draft EIR). The Draft EIR analyzed the Foreseeable Maximum Theoretical Buildout scenario at a plan level for the Specific Plan, and at a project level for the Sub-Area 4 Project. Included within the project description is the following explanation of the Foreseeable Maximum Theoretical Buildout scenario (on page 3-17 of the Draft EIR):

<sup>11</sup> See [https://www.opr.ca.gov/docs/Proposed\\_Amendments\\_to\\_Section\\_15126.2a\\_Regarding\\_Hazards\\_10212016.pdf](https://www.opr.ca.gov/docs/Proposed_Amendments_to_Section_15126.2a_Regarding_Hazards_10212016.pdf) (last accessed October 30, 2016).

The purpose of the EIR analysis is to disclose all reasonably foreseeable environmental effects that could result from development under the Specific Plan. Therefore, the development scenario presented in this section and evaluated throughout the rest of this EIR represents the most impactful (from an environmental perspective), foreseeable development plan that could occur with buildout of the Specific Plan. The Foreseeable Maximum Theoretical Buildout is that scenario, and is shown in Table 3-3.

As explained in the Draft EIR, the Specific Plan “conceptual program presented in this table is illustrative in nature and demonstrates one way that the Specific Plan may be built out” (page 3-17 of the Draft EIR; page 3-51 of the Specific Plan [phasing in the Specific Plan “demonstrate[s] one way in which the long-term buildout of the Plan can be achieved and [is] illustrative in nature; actual buildout conditions may vary based on a variety of factors”]). The comment is correct that the foreseeable maximum theoretical buildout scenario “is more dense than the conceptual program envisioned in the Specific Plan (the Specific Plan conceptual development program is also included for the sake of comparison and illustration only). The foreseeable maximum theoretical buildout scenario is consistent with the Specific Plan standards, but would include a higher residential density than is identified in the Specific Plan conceptual, illustrative phasing diagrams” (pages 3-17 to 3-18 of the Draft EIR).

In *Citizens for a Sustainable Treasure Island v City & County of San Francisco* (2014) 227 Cal.App.4th 1036, 1052 (“*Treasure Island*”), the court acknowledged the general CEQA principle that “[a]n accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR,” referencing *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 190, 198 (“*County of Inyo*”) (holding that CEQA is violated where the “project concept expands and contracts from place to place within the EIR,” and noting that “a curtailed, enigmatic or unstable project description draws a red herring across the path of public input”).

However, an accurate and stable project description that is based on maximum theoretical development does not violate CEQA. *Treasure Island*, 227 Cal.App.4th at 1055 (project description's accuracy, stability, and finite nature throughout EIR process were adequate under CEQA). In *Treasure Island*, the court upheld an EIR project description that included maximum development, noting that “[t]he Project that is being reviewed is expected to be built over a very long timeframe, during which great change is expected to this largely undeveloped area for which there needs to be a future accounting. The EIR’s focus on the maximum impacts expected to occur at full buildout promoted informed decisionmaking, and evidences a good faith effort at forecasting what is expected to occur if the Project is approved” (Id. at 1054).

As explained above, the Draft EIR includes a stable project description that describes the foreseeable maximum theoretical buildout scenario, which was

analyzed consistently throughout the Draft EIR (as noted on pages 1-1, 1-4, 2-2, 3-17, 3-18, 3-31, 3-32, 4.1-19, 4.1-36, 4.2-20, 4.6-25, 4.6-27, 4.6-36, 4.8-21, 4.11-7, 4.11-8, 4.11-11, 4.11-12, 4.11-17, 4.12-12, 4.12-13, 4.13-23, 4.13-24, 4.13-31, 4.13-71, 4.14-1, 4.14-17, 4.14-18, 4.14-19, 4.14-20, 4.14-21, 4.14-22, 4.14-25, 4.14-34, 5-23, 5-29, 6-1, and 6-3 of the Draft EIR). The Draft EIR’s project description therefore complies with CEQA’s mandate to provide an accurate, stable project description. The Draft EIR “made an extensive effort to provide meaningful information about the project, while providing for flexibility needed to respond to changing conditions and unforeseen events that could possibly impact the Project’s final design.” *Treasure Island* at 1053. As in *Treasure Island*, the Draft EIR’s evaluation of the maximum theoretical buildout, which analyzed the greatest potential impacts expected to occur to various resources at full buildout, complies with CEQA.

Consistent with the presentation of the conceptual development program presented in the Specific Plan, the foreseeable maximum theoretical buildout scenario presented in the Draft EIR includes a summary of the total acreage of wetlands, marsh, and open space within the Plan Area, including the Meeker Slough wetlands, Stege Marsh, and Hoffman Marsh. Both the Specific Plan and the foreseeable maximum theoretical buildout scenario presented in the Draft EIR acknowledge that these areas comprise 112.3 acres of existing open space.

- O.16-3 The analysis of the Specific Plan impacts to infrastructure, utilities, and public services is based on the foreseeable maximum theoretical buildout (see Draft EIR pages 4.8-21, 4.13-23, 4.14-17, and 4.12-11). The comment is correct that the City updated the water supply assessment (WSA) to ensure that the Draft EIR included a consistent analysis of the Foreseeable Maximum Theoretical Buildout scenario. Draft EIR p. 4-14-18 (“[t]he estimates of potable water demand and sanitary sewer generation as presented in this section are based on generation rates presented in the Utility Analysis but have been revised to include buildout under the Foreseeable Maximum Theoretical Buildout scenario, in order to address the flexibility in land uses contemplated in the Specific Plan”). The East Bay Municipal Utilities District (EBMUD) submitted a comment letter dated October 11, 2016, which provides a WSA accounting for the Foreseeable Maximum Theoretical Buildout scenario (included as Appendix A of this Response to Comments document). The WSA concludes that “[t]he water demand for the Project is accounted for in EBMUD’s water demand projections as published in EBMUD’s Urban Water Management Plan (UWMP) 2015....” (Appendix A, page 1). The WSA also concludes that “[t]he proposed Project’s future development and operations will not change EBMUD’s 2040 demand projection” (Appendix A, page 3).

As explained in Response to Comment O.16-2, “the foreseeable maximum theoretical buildout scenario is consistent with the Specific Plan standards, but would include a higher residential density than is identified in the Specific Plan conceptual, illustrative phasing diagrams” (pages 3-17 to 3-18 of the Draft EIR).

“The standards for new development within the Plan Area include the use of a form-based code, which uses physical form, rather than a separation of uses, as an organizing principle. Form-based codes include regulations and standards that are used to encourage development that is more compact, walkable, and mixed-use, facilitating reduced personal vehicle use” (page 3-14 of the Draft EIR). Form-based zoning “is designed to retain the flexibility to allow variation in the distribution and type of development and uses throughout the Plan Area. Tracking of future development in the Plan Area would be conducted over time to ensure the environmental effects of such development fall within the parameters of the environmental effects identified in this EIR and to identify where further CEQA review may be warranted” (page 3-45 of the Draft EIR).

Although not a CEQA impact, the Specific Plan complies with Government Code Section 65451. The Specific Plan includes text and diagrams which specify all of the following in detail:

1. The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan. (See Transect Zone Regulating Plan, Section 4.2 of the Specific Plan)
2. The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan. (See Chapter 5, Infrastructure, in the Specific Plan).
3. Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable. (See Chapter 4, Development Standards, in the Specific Plan).
4. A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out paragraphs (1), (2), and (3). (See Chapter 6, Implementation, of the Specific Plan)

Finally, the Specific Plan includes a statement of the relationship of the specific plan to the general plan. (Section 1.3.4, Relationship to General Plan 2030). Therefore, the Specific Plan complies with Government Code Section 65451.

O.16-4 The Draft EIR clearly identifies the City’s potential use of tiering in the future. Tiering generally refers to how a lead agency evaluates a specific project or later development action that is covered by an existing certified EIR. General information from the previously certified EIR is summarized or incorporated by reference so that the tiered CEQA document (EIR, Mitigated Negative Declaration, Negative Declaration, Addendum, or findings) can focus on project-specific issues that were not defined when the previous analysis was performed. The CEQA *Guidelines* expressly state that tiering is appropriate when the

sequence of EIR is from a general plan, policy, or program EIR to a site-specific EIR, and from an EIR on a specific action at an early stage to a subsequent EIR or supplement to an EIR at a later stage. (CEQA *Guidelines* Section 15385). CEQA strongly encourages the tiering of EIRs, which “shall be tiered whenever feasible, as determined by the lead agency” (CEQA Section 21093[b]; CEQA *Guidelines* Section 15152[b]).

As stated on page 3-45 of the Draft EIR, the foreseeable maximum theoretical buildout will be the basis for supplemental CEQA review. Section 3.13.2 of the Draft EIR states (pages 3-45 to 3-46 of the Draft EIR, emphasis added):

Development in the Plan Area will occur over time based on future market conditions and opportunities and pursuant to development parameters proposed in the Specific Plan. The intent of the Specific Plan is to provide as much flexibility as is feasible in terms of the actual mix of new land uses and their location within the Plan Area, while conforming to the CEQA analysis in this EIR. The Specific Plan establishes form-based zoning that is designed to retain the flexibility to allow variation in the distribution and type of development and uses throughout the Plan Area. Tracking of future development in the Plan Area would be conducted over time to ensure the environmental effects of such development fall within the parameters of the environmental effects identified in this EIR and to identify where further CEQA review may be warranted.

Traffic capacity is largely the key environmental factor constraining development in the urban development CEQA context. ***Therefore, the City will track and measure the Specific Plan maximum theoretical buildout by vehicle trip generation.*** As the Plan Area develops, the City will also track amounts of development by land use, giving foremost consideration to estimates of the net new generation of automobile trips. Any proposal for development resulting in net trip generation in excess of the amounts estimated in the Plan Area and/or each Sub-Area and analyzed in the transportation and traffic analysis in this EIR would be required to conduct a traffic impact analysis and potentially undergo additional CEQA review (in addition to any other project-specific studies required) to establish that other traffic characteristics, including remaining circulation capacity, within the Plan Area and within the traffic study area established for this EIR would not result in new or more severe environmental impacts than are analyzed and disclosed in this EIR.

Therefore, as the Plan Area develops, the City will monitor:

1. The total number of residential units and non-residential square footage for which entitlements have been granted and building permits issued;

2. The total number of residential units and non-residential square footage removed due to elimination or change of use or structure;

When totals of 1. and 2. exceed 80 percent of the estimated number of units or square footage of uses for the Plan Area as a whole and for each sub-area, an additional traffic analysis will be required demonstrating no new potentially significant impacts would result from the project.

***In summary, this EIR evaluates the impacts of the Specific Plan maximum theoretical buildout, and as long as the actual development within the Plan Area stays within the impact envelope established in this EIR, there can be a mix and match between various land uses (e.g. there can be more residential if less commercial is built, and vice versa).***

The Draft EIR also includes the following statement regarding subsequent CEQA compliance (page 3-46 of the Draft EIR, emphasis added):

Following certification of this EIR, the City intends to use the tiering and other provisions of CEQA, as appropriate, so that future environmental review of subsequent proposals to implement the Specific Plan are expeditiously undertaken without the need for repetition and redundancy. The Specific Plan establishes form-based zoning that is designed to retain flexibility to allow variation in the distribution of development and uses throughout the Plan Area. ***Accordingly, this EIR analyzes a maximum foreseeable development scenario that conservatively identifies environmental impacts for a wide range of development scenarios under the Specific Plan. Specifically, it is anticipated that future proposals within the Plan Area would be evaluated for consistency with the Specific Plan and reviewed under CEQA as required through the use of findings, Addenda, or other appropriate CEQA compliance tools.*** This could involve preparation of an Environmental Review Checklist specifically intended for projects seeking CEQA clearance under a previously-certified EIR, in accordance with CEQA streamlining vehicles pursuant to Public Resources Code (PRC) Section 21166 and CEQA *Guidelines* sections 15183 (Projects Consistent with a Community Plan or Zoning) and/or 15183.3 (Streamlining for Infill Projects), and/or 15162 (Subsequent EIRs and Negative Declarations), and/or 15168 (Program EIR), and/or other appropriate CEQA mechanisms.

The use of the maximum theoretical buildout for tiering purposes is not misleading. The Draft EIR analyzed the environmental impacts associated with the maximum theoretical buildout and future project-level environmental analyses may be tiered from or incorporate by reference the program analysis in this EIR (page 1-4 of the Draft EIR).

O.16-5 As explained in responses to comments O.16-2, O.16-3, and O.16-4, there is no inconsistency between the Specific Plan and the Draft EIR. The Draft EIR does not need to be recirculated. See also Response to Comment O.16-20 below.

O.16-6 Contrary to the statement in the comment, future residential development is not automatically exempt from further CEQA review. The language referenced by the comment is part of a longer sentence explaining that residential development is exempted from further CEQA review in only limited circumstances. The full sentence states, “Moreover, California Government Code Section 65457 and CEQA *Guidelines* Section 15182 provide that once an EIR is certified and a specific plan adopted, any residential development project, including any subdivision or zoning change that implements and is consistent with the specific plan, is generally exempt from additional CEQA review under certain circumstances” (page 1-4 of the Draft EIR).

Government Code Section 65457 and CEQA *Guidelines* Section 15182 provide an exemption from CEQA for residential development projects, provided they are consistent with a specific plan. These provisions are further limited by CEQA Section 21166 and CEQA *Guidelines* Sections 15162 and 15168, which establish that once an EIR has been certified, no subsequent EIR shall be prepared unless the lead agency determines, on the basis of substantial evidence, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:
  - (A) The project will have one or more significant effects not discussed in the previous EIR;
  - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

If these triggers occur, the City (as lead agency) would determine the appropriate level of CEQA review, which could include preparation of a subsequent EIR, supplement to an EIR, addendum to an EIR, mitigated negative declaration, or findings that the residential project does not trigger further CEQA review.

The Draft EIR specifically states that the Sub-Area 4 Project and other activities, including residential development facilitated by the Specific Plan, would be required to obtain all project-specific City approvals necessary to proceed and may be required to conduct their own project-specific environmental review if there are changes to the project that result in new or more severe environmental impacts that those disclosed in the Draft EIR (page 3-41 of the Draft EIR).

O.16-7 The City did not solely rely on programmatic review in the Draft EIR. All projects, including residential projects implementing the Specific Plan, will be required to obtain project-specific City approvals. The development tracking will occur at that time. As explained above in Response to Comment O.16-6, all residential projects are not exempt from future CEQA review.

O.16-8 The comment states that the City is reviewing “one or more applications for development of the Sub-Area 4 Project site.” However, the City is not reviewing “one or more applications for development of the Sub-Area 4 Project site.” In fact, there have been no applications submitted for the Sub-Area 4 Project site. The following is the relevant text from the Draft EIR:

This EIR also includes a project-level analysis of the Sub-Area 4 Project. The Sub-Area 4 Project, as described further in this EIR, is not a sponsor-proposed development proposal; rather, it represents a likely program of development for the Sub-Area 4 site that is analyzed at project level in this EIR, *in order to facilitate the City’s review* and approval of one or more applications for development of the Sub-Area 4 Project site (page 1-4 of the Draft EIR).

Future development projects within the Sub-Area 4 Project will be required to obtain all project-specific City approvals necessary to proceed and may be required to conduct their own project-specific environmental review (page 3-41 of the Draft EIR). Refer to Response to Comment O.16-6 for a discussion of the standards for subsequent CEQA review that the City will apply to all future project-specific development applications). There are no private development projects insulated from project-level review and there is no impermissible project-splitting.

O.16-9 The comment questions the discussion in the Draft EIR of “>180” for delays calculated for the Wright Avenue / Harbour Way South intersection (i.e., delays at this intersection would be longer than 180 seconds).

The use of “>180” is an acceptable industry practice for reporting very high delay values under very congested conditions; the forecasted volumes and delay may not be accurate because drivers may divert to other routes, shift to travel at other non-peak times, shift to other modes, or eliminate trips. However, reporting the actual calculated delay value at the Wright Avenue / Harbour Way South intersection would not change the Draft EIR’s conclusion that the Specific Plan would cause a significant impact at this intersection and that the proposed mitigation measure would mitigate the impact to a less than significant level. As shown in Tables 4.13-9 and 4.13-11 of the Draft EIR, Mitigation Measure TRF-1.SP, which would consist of signalizing the intersection, providing safety features for the at-grade railroad crossing, and providing an exclusive left-turn lane on the southbound Harbour Way South approach would mitigate the impact to less than significant and improve the overall intersection operations to LOS B or better under Existing conditions and LOS D or better under 2040 conditions.

The comment also states that the delay for vehicles heading eastbound on Wright and turning left onto northbound Harbour Way South as shown in the Draft EIR Transportation and Traffic Appendix (422 seconds in the a.m. peak hour and 1,289 seconds in the p.m. peak hour) would be untenable. Mitigation Measures TRF-1.SP and TRF-10.SP reduce this impact at this intersection to less-than-significant levels: with implementation of Mitigation Measure TRF-1.SP, the delay for the existing plus project condition would be reduced to less than 11 seconds, which would result in a less-than-significant impact; and, with implementation of Mitigation Measure TRF-10.SP, the delay for the cumulative condition would be reduced to less than 42 seconds, also resulting in a less-than-significant impact. As discussed in Section 4.13, *Transportation and Traffic*, of the Draft EIR, these mitigation measures for this intersection would generally result in conditions that improve upon the current condition. As discussed in Response to Comment O.12-6, City decision-makers will consider the significant and unavoidable impacts identified in the EIR, including traffic impacts, when reviewing the Specific Plan and considering whether to adopt it.

O.16-10 Under CEQA, the commitment to a fair share program as described in this mitigation measure provides reasonable assurance and a feasible means of funding the described traffic improvements. The City will be required by the Mitigation Monitoring and Reporting Program (MMRP) presented in Chapter 6 of this Response to Comments document to provide oversight for monitoring development proposed and constructed within the Plan Area, and identify the project that represents over 50 percent buildout (by square feet) within the Plan Area.

The comment requests clarification regarding the City's determination of when mitigation measure TRF-1.SP would be triggered, and notes that, in the Draft EIR, "it appears that either a single project would bear the full cost of this measure, or it will be funded by a yet-to-be determined fair share program." The mitigation measure, along with all mitigation measures with similar language is revised as follows to clarify that: (a) the mitigation measure is triggered according to the percentage of development of the Foreseeable Maximum Theoretical Buildout; (b) no single project would bear the full cost of the measure; and (c) improvements identified in the mitigation measure would be funded through mechanisms established by the City prior to issuance of the first building, grading, or demolition permit for any project within the Plan Area and prior to collection of any fair share contribution to fund this improvement.

**Mitigation Measure TRF-1.SP: Wright Avenue/Harbour Way South Intersection Signalization and Channelization Improvements.** All applicants proposing the development of projects within the Plan Area and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvements:

- a) Signalize intersection and provide warning lights and gates for the at-grade railroad crossing.
- b) Restripe the southbound Harbour Way South approach to provide an exclusive left-turn lane and a shared right/through lane within the current right-of-way.

Signalization of the intersection is consistent with the mitigation measure proposed at this intersection by the *Richmond Ferry Terminal Project Initial Study/Mitigated Negative Declaration* (May 2014). If this improvement is implemented prior to the trigger identified in this mitigation measure, then it would not be required as a mitigation measure for the Specific Plan.

The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a "nexus" study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a "reasonable relationship" or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a "fair share" contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.

It is estimated that the mitigation measure at this intersection ~~may~~would be required when ~~about~~approximately 25 percent of the ~~Specific Plan area~~Foreseeable Maximum Theoretical Buildout is developed (which corresponds to 15 percent of Specific Plan development excluding the Sub-Area 4 Project). ~~Foreseeable Maximum Theoretical Buildout~~). At that time, the ~~development project that triggers the impact~~ City shall ~~either fully fund or implement~~cause the mitigation measure to be implemented. Alternatively, the City ~~of Richmond~~ may implement this mitigation measure prior to ~~or at~~ the time the 25 percent buildout trigger occurs, ~~the mitigation measure would not be required to be implemented by an individual project and~~. In such case, the City may continue to collect fair-share contributions from the projects in the Plan Area to support implementation, in accordance with the requirements of this Mitigation Measure.

After implementation of this measure, the intersection would improve to LOS A during the AM peak hour and LOS B during the PM peak hour and reduce the impact to a less-than -significant level. No secondary significant impacts would result from implementation of this measure.

The comment also states that residential projects that would be proposed for development within the Plan Area do not trigger any CEQA review. As discussed above under Response to Comment O.16-6, this assertion is incorrect.

- O.16-11 The comment claims that the Draft EIR’s analysis of traffic hazards is inadequate and misleading because the Draft EIR does not include South Richmond Transportation Connectivity Plan (SRTCP) improvements (e.g., off-street bike paths along Harbour Way South) as enforceable mitigation measures, but instead assumes the improvements (many with no current funding) would be completed as part of the Specific Plan project. It should be noted that Harbour Way South is located outside of the Plan Area, so the proposed bicycle improvements on Harbour Way South are not assumed as part of the Specific Plan implementation.

As stated on page 4.13-70 of the Draft EIR, the bicycle improvements on Harbour Way South are included in the SRTCP. All 2040 mitigation measures in the Specific Plan EIR include the implementation of the SRTCP improvements. Therefore, the bicycle improvements on Harbour Way South are required mitigation measures for implementation of the Specific Plan.

- O.16-12 The comment’s reference to the recent CBIA case is incorrect – the Draft EIR does not rely on the CBIA case to avoid undertaking any impact analysis otherwise required by CEQA. The Draft EIR includes a thorough analysis of potential toxic air contaminant (“TAC”) and diesel particulate matter (“DPM”) conditions and impacts. As explained in Response to Comment O.16-1 above, the Draft EIR states, “[f]or the purpose of a thorough analysis, all thresholds for determining the significance of impacts in accordance with the CEQA *Guidelines*, including Appendix G, requirements have been evaluated [in the Draft EIR]” (page 1-1 of the Draft EIR). Indeed, the Draft EIR identifies that

development of the Specific Plan could locate “new sensitive receptors within proximity to stationary sources, I-580 or the BNSF railway [which] could result in a cumulative increased cancer exposure risk exceeding 100 in one million or an incremental exposure to PM<sub>2.5</sub> concentrations exceeding 0.8 ug/m<sup>3</sup>” (page 4.2-36 of the Draft EIR). The Draft EIR further identifies appropriate mitigation measures.

The Draft EIR includes information on TACs (see pages 4.2-5, 4.2-8, 4.2-13 to 4.2-15 of the Draft EIR), a detailed inventory of sources of TACs within 1,000 feet of the Plan Area (page 4.2-9 of the Draft EIR), and an analysis of health risk impacts of and within the Plan Area (pages 4.2-19 and 4.2-35 to 4.2-37 of the Draft EIR) and the Sub-Area 4 Project (pages 4.2-21 and 4.2-46 to 4.2-50 of the Draft EIR). The Draft EIR also addresses cumulative risks associated with TACs (pages 4.2-22 and 4.2-52 to 4.2-56 of the Draft EIR). Further, the Draft EIR includes mitigation measures AIR-4a.SP, AIR-4b.SP, AIR-4c.SP, AIR-4a.SA4, and AIR-4b.SA4 that specifically address impacts from TAC emissions. The Draft EIR is, therefore, not defective as an informational document with respect to health impacts from TAC emissions.

For area plans to have a less-than-significant impact with respect to potential TACs, BAAQMD guidance has suggested that overlay zones be established around existing and proposed land uses that emit high volumes of TACs (page 4.2-35 of the Draft EIR; see BAAQMD CEQA Guidelines Updated May 2011, pages 2-2 to 2-3 and 9-3). Mitigation Measure AIR-4a.SP (Diesel Particulate Matter Exposure for Residential and Other Sensitive Land Uses) follows the approach suggested in the BAAQMD CEQA Guidance. For the purposes of clarity, in the Final EIR, Mitigation Measures AIR-4a.SP and AIR-4b.SP are combined into a new Mitigation Measure AIR-4a.SP as follows:

**Mitigation Measure AIR-4a.SP (Health Risk Assessment of Future Projects Under the Specific Plan)** Prior to issuance of a building permit for development within the Plan Area that includes sensitive land uses (e.g., residential uses, schools, daycares), except the Sub-Area 4 Project, the City shall review and approve, as appropriate, a health risk assessment and mitigation plan documenting that exposure of sensitive land uses to concentrations of Toxic Air Contaminants (TACs), including diesel particulate matter, meet or are less than (i.e., are as protective as) health-based thresholds established by BAAQMD. The health risk assessment and mitigation plan shall become an enforcement element of the building permit. At a minimum, the project-specific health risk assessment and mitigation plan shall:

- Use up-to-date, project-specific sensitive receptor location information and a detailed assessment of risks associated with I-580 and any permitted stationary sources at that time;

- Include an analysis of the health risks associated with each individual source, as well as an analysis of cumulative health risk impacts, and
- Demonstrate a less than significant exposure risk for future uses based on then-current BAAQMD thresholds using one or more of the following (or comparable) measures to reduce TAC exposure: 1) Install and ensure the operation in good working order of indoor air filtration systems; and/or 2) Integrate building design features (e.g., strategic placement of HVAC air intakes, use of vegetative or structural screening, appropriate building set-back) to limit exposure from sources of TAC concentrations.

This mitigation measure will be adopted as an enforceable condition of project approval for all development projects within the Plan Area as required by Public Resources Code Section 21081.6. The City enforces conditions of approval pursuant to Section 15.04.950 of its Municipal Code, and can revoke permits if “[a] term of one or more of the conditions of approval of the permit or variance has been violated or relevant other laws or regulations have been violated” (Richmond Municipal Code Section 15.04.990.020).

The Draft EIR provides a meaningful analysis of TAC emissions sources and is fully compliant with CEQA’s requirements.

O.16-13 As explained in Response to Comment O.16-13, the Draft EIR provides a meaningful analysis of TAC emissions for both the full Plan Area and the Sub-Area 4 Project site. For the Specific Plan level analysis, Table 4.2-9 of the Draft EIR presents an inventory of stationary sources of TAC exceeding a fenceline cancer risk of 10 in one million within 1,000 feet of the Plan Area. Without mitigation, these cancer risks exceed BAAQMD thresholds and are therefore identified as a potentially significant impact. The Draft EIR also identifies that “[l]ocating new sensitive receptors within proximity to stationary sources, I-580 or the BNSF railway could result in a cumulative increased cancer exposure risk exceeding 100 in one million or an incremental exposure to PM<sub>2.5</sub> concentrations exceeding 0.8 ug/m<sup>3</sup>.” As indicated in Chapter 2 of this Response to Comments document, page 4.2-37 of the Final EIR has been revised to reflect revised Mitigation Measure AIR-4a.SP.

As explained in Response to Comment O.16-13, above, the Draft EIR includes a detailed and thorough explanation and analysis of the potential impacts from TAC emissions within the Plan Area, and has considered feasible mitigation measures to reduce the impacts.

O.16-14 The Draft EIR analyzes impacts associated with utilities, including impacts to wastewater treatment, in Section 4.14, *Utilities and Service Systems* (pages 4.14-1 to 4.14-44) of the Draft EIR. Responses to the comment’s specific concerns

regarding wastewater treatment are addressed in turn below in Responses to comments O.16-16 to O.16-18.

- O.16-15 Impacts related to wastewater treatment are analyzed in the Draft EIR on pages 4.14-27 to 4.14-29. As noted by the comment, the anticipated wastewater capacity was analyzed by modeling dry and wet weather flows (page 4.14-27 of the Draft EIR). Table 1.14-3 shows the estimated sanitary sewer generation by Sub-Area for average dry weather and peak wet weather flows (page 4.14-20 of the Draft EIR). Table 1.14-3 expressly states that this estimated sanitary sewer generation was adjusted based on the Foreseeable Maximum Theoretical Buildout Scenario. Thus, the Draft EIR analyzed the impacts associated with this scenario for both average dry weather and peak wet weather flows.
- O.16-16 As stated on p. 4.14-28 of the Draft EIR, it is uncertain when and how the contribution of Specific Plan development wastewater flows to the WPCP would be addressed by existing and planned facilities since the timing of the Specific Plan's buildout is unknown due to the fact that the Specific Plan development program analyzed in the Draft EIR is conceptual and no application for a specific development project has been submitted. Accordingly, the Draft EIR concludes that a significant impact would result and includes two mitigation measures (Mitigation Measures UTL-3a.SP and UTL-3b.SP) that would mitigate this impact to a less-than-significant level. Thus, although it is uncertain whether the planned and existing facilities can adequately address the contribution to stormwater that would result from development within the Plan Area, the implementation of Mitigation Measures UTL-3a.SP and UTL-3b.SP will ensure that facilities would be available and online to treat sanitary sewer flows associated with buildout under the Specific Plan, resulting in less-than-significant impacts (page 4.14-28 of the Draft EIR).
- O.16-17 The Draft EIR sets out a reasonable plan of actual mitigation that the City has committed to in order to lessen impacts related to wastewater treatment as described in Mitigation Measures UTL-3a.SP and UTL-3b.SP. The comment suggests that the funding mechanism established by Mitigation Measure UTL-3b.SP constitutes impermissible deferred mitigation. Under CEQA, fair-share contributions to a mitigation fund are adequate mitigation if they "are part of a reasonable plan of actual mitigation that the relevant agency commits itself to implementing." (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1187; see also *Save Our Peninsula Comm. v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 141 [traffic impact fees upheld as adequate mitigation on basis that a "reasonable plan" to mitigate traffic impacts was in place])

Mitigation Measure UTL-3b.SP specifically directs the City to ensure that any required improvements for the WPCP necessary to accommodate Specific Plan buildout are completed prior to the issuance of a building permit for each

development project proposed within the Plan Area, and to identify a fair share funding mechanism and establish a program to collect funds and guarantee the funds are used for required improvements (Draft EIR, p. 4.14-28).

In order to provide clarity, Mitigation Measure UTL-3b.SP is revised as follows to clarify that: (a) the mitigation measure is triggered according to the percentage of development of the Foreseeable Maximum Theoretical Buildout; (b) no single project would bear the full cost of the measure; and (c) improvements identified in the mitigation measure would be funded through mechanisms established by the City prior to issuance of the first building, grading, or demolition permit for any project within the Plan Area and prior to collection of any fair share contribution to fund this improvement.

**Mitigation Measure UTL-3b.SP: Determine Upgrades to Water Pollution Control Plant.** For each project developed within the Plan Area, the City Planning and Building Division shall review the sanitary sewer system capacity study prepared per Mitigation Measure UTL-3a.SP, and additionally confirm whether improvements planned for the Water Pollution Control Plant (WPCP) in the most current Wastewater Treatment Plant Facility Plan are required to be operational prior to project operation, and shall ensure that any required improvements are completed prior to issuance of a building permit for the project. ~~The City shall also identify a fair share funding mechanism to support the implementation of the identified required improvements, and shall establish a program to collect funds and guarantee they are used for these improvements.~~

The City shall also commit to preparing and implementing a Water Pollution Control Plant Improvement Fee Program to guarantee funding for upgrades to the WPCP, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Water Pollution Control Plant Improvement Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the WPCP improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.

As indicated in Chapter 2 of this Response to Comments document, page 4.14-28 of the Final EIR has been revised to reflect revised Mitigation Measure UTL-3b.SP.

The Specific Plan is City-sponsored, and as such the City will be bound by the mitigation measures through the adoption of the Mitigation Monitoring and

Reporting Plan associated with the Draft EIR. Therefore, the fair-share funding approach established by Mitigation Measure UTIL-3b.SP is adequate under CEQA because it provides a reasonable plan to mitigate impacts associated with wastewater treatment.

O.16-18 The comment suggests that the Foreseeable Maximum Theoretical Buildout should have been analyzed as an alternative in the Draft EIR. However, as detailed in Response to Comment O.16-2, the Draft EIR appropriately analyzed the Foreseeable Maximum Theoretical Buildout.

Additionally, the Draft EIR includes alternatives analysis in accordance with CEQA. Specifically, CEQA requires that an EIR describe a range of reasonable alternatives to the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives (14 CCR Section 15126.6[a]). A “No Project” alternative must be evaluated (14 CCR Section 15126.6(e)). However, “CEQA establishes no categorical legal imperatives as to the scope of alternatives to be analyzed in an EIR, ... and an EIR need not consider every conceivable alternative to a project” (*California Native Plant Society v. City of Santa Cruz* [2009] 177 Cal.App.4th 957, 980; internal citations omitted). The Draft EIR analyzes a “No Project” alternative, as mandated by CEQA, in addition to other alternatives that would reduce the significant impacts identified. (See Draft EIR Chapter 5, *Alternatives to the Proposed Project*, for the full analysis of alternatives to the Specific Plan.) As such, the Draft EIR’s alternatives analysis complies with CEQA.

O.16-19 and O.16-20:

The City is only required to recirculate the Draft EIR if significant new information is added after notice of public review has been given, but before final certification of the EIR (CEQA Section 21092.1; CEQA *Guidelines* Section 15088.5; *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 447). Recirculation is generally required when the addition of new information deprives the public of a meaningful opportunity to comment on substantial adverse project impacts or feasible mitigation measures or alternatives that are not adopted. (*Laurel Heights Improvement Ass’n v. Regents of Univ. of Cal.* [1993] 6 Cal.4th 1112; CEQA *Guidelines* Section 15088.5(a)) There are only four situations in which recirculation is required, none of which are applicable here (*Laurel Heights Improvement Ass’n*, 6 Cal.4th at 1130, CEQA *Guidelines* Section 15088.5[a]):

1. When the new information shows a new, substantial environmental impact resulting either from the project or from a mitigation measure;
2. When the new information shows a substantial increase in the severity of an environmental impact, except that recirculation would not be required if mitigation that reduces the impact to insignificance is adopted;

3. When the new information shows a feasible alternative or mitigation measure, considerably different from those considered in the EIR, that clearly would lessen the significant environmental impacts of a project and the project proponent declines to adopt it; and
4. When the draft EIR was “so fundamentally and basically inadequate and conclusory in nature” that public comment on the draft EIR was essentially meaningless.

Here, the comments do not identify new information that shows either a new substantial impact, or a substantial increase in the severity of an impact, nor does the comment present evidence that the Draft EIR was so inadequate and conclusory that it denied meaningful public comment. Therefore, recirculation of the Draft EIR is not required. See also Response to Comment O.16-6.

## Comment Letter O.17

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**From:** Cameron Wilson  
**Sent:** Monday, October 24, 2016 4:52:34 PM (UTC-08:00) Pacific Time (US & Canada)  
**To:** Richmond Bay Specific Plan  
**Cc:** Shirley Dean; Robert Cheasty  
**Subject:** Comments from CESP on the RBSP DEIR

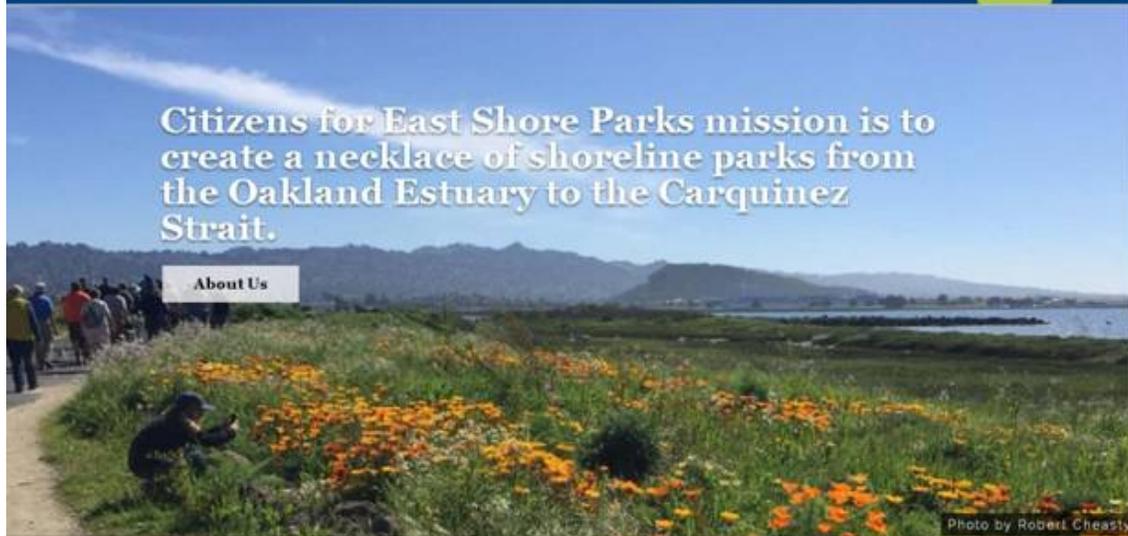
Hello Lina,  
Please see the attached comment letter from Citizens for East Shore Parks (CESP) on the Richmond Bay Specific Plan Draft Environmental Report.

Sincerely,

Cameron Wilson  
Program Manager  
Citizens for East Shore Parks (CESP)  
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Like us on [Facebook](#)  
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*Click on the image below to check out CESP's NEW website!*



STATISTICS

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MILES OF SHORELINE PARK

OUR MISSION

The mission of Citizens for East Shore Parks (CESP) is to create a necklace of shoreline parks from the Oakland Estuary to the Carquinez Strait.

CESP works to conserve natural resources and wildlife habitat and to secure public access to shoreline open space along our

WHAT'S NEW

- > Help keep our shoreline clean at the Coastal Cleanup, Saturday, September 17
- > Visit the CESP booth at the Solano Avenue Stroll, Sunday, September 11
- > Sierra Club SF Bay Chapter Annual David Brower Dinner, Thursday, September 8
- > Spring 2016 Shore Lines newsletter
- > Citizens for East Shore Parks Honors the Life of Sylvia McLaughlin, Grand Dame of Environmentalism, who Advocated for Parks, Open Space and the SF Bay



# Citizens for East Shore Parks

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October 24, 2016

Lina Velasco, Project Manager  
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450 Civic Center Plaza  
P.O. Box 4046  
Richmond, CA 94804-1630

via email: [rbsp@ci.richmond.ca.us](mailto:rbsp@ci.richmond.ca.us)

RE: DEIR Richmond Bay Specific Plan

Dear Ms. Velasco:

Citizens for East Shore Parks (CESP) thanks you for the opportunity to comment on the Richmond Bay Specific Plan DEIR. As you may know, CESP is an environmental non-profit organization that played a leading role in the creation of McLaughlin Eastshore State Park. We are continuing this work until there is a continuous park and open space that stretches along the entire eastern shore of San Francisco Bay. Our dedication to this goal is based on communities working together to provide:

1. open space and the experience of nature essential to the health and welfare of people living in a densely populated urban environment;
2. protection, preservation and restoration of the natural resources along the Bay that are vital to the on-going health of the Bay; and
3. a response to sea level rise in the near term that can be reasonably implemented well before our east shore communities are hit by this disaster that looms in the future.

CESP is in complete agreement with the Richmond Bay Specific Plan, Final Draft, Section 3.3.6 Parks, Open Space, and Shoreline Access that states: *"The Bay shoreline is the defining feature, providing a rich natural environment and dramatic visual setting."* and further, that these natural features are complemented by *"a series of City parks, the natural marshlands of McLaughlin Eastshore State Park, and the National Parks Service's Rosie the Riveter WWII Homefront National Historic Park. Knit together by the San Francisco Bay Trail, these park and open space resources are important character-defining elements for the Plan Area."*

However, CESP has deep concerns regarding the amount and type of open space that is planned. DEIR Table 3-3, Foreseeable Maximum Theoretical Buildout indicates 5.7 million square miles of research and development/business/service uses; 720,000 square miles of retail uses and 5,700 dwelling units with 145 acres of open space, a number which includes 112.3 acres of Wheeler Slough wetlands, Stege Marsh and Hoffman Marsh, leaving only 32.7 acres of open space (a number slightly less than the 34.2 acres of open space cited in the Specific Plan Conceptual Program).

Assuming that the 112.3 acres mentioned above is within the Natural Preserve Area described in Section 4.5.10 of the Plan, we discover that this area is *"not intended for general public access or active recreation."* CESP agrees with that provision. We additionally believe that the remaining planned for open space

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Emeritus Co-Chair  
(1914 - 2002)

Sylvia McLaughlin  
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Hon. Whitney Dotson  
Hon. Rochelle Nason

Executive Director:  
Robert Cheasty  
Program Manager  
Cameron Wilson

*The mission of Citizens for East Shore Parks is to create a necklace of shoreline parks from the Oakland Estuary to the Carquinez Strait*

O.17-1

O.17-2

O.17-3

of 32.7 or 34.2 acres of open space is inadequate. An estimated residential population of 10,200 at full build out (page 4.50 of the Plan) in 5,700 dwelling units would mean about 1.8 persons in each unit. That does not seem like a likely scenario. Workers and visitors to the planned industrial, business, R&D, and retail uses, plus people from areas outside traveling to the shoreline for passive and active recreation have not been considered in formulating an adequate numerical amount of open space, a number that should have equal value in the other categories of uses that the Plan covers.

O.17-3  
cont.

As the Plan and resultant DEIR is grounded in "connectivity" of one sub-area to the other areas, CESP maintains that this same principal must be applied to shoreline open space as well.

While we are pleased that the Plan contemplates incorporating part of the Richmond shoreline into the McLaughlin Eastshore Park and also aligning it with other important parks in the City of Richmond, the Specific Plan for this area falls far short of the creation of a continuous shoreline park. The DEIR describes the area as a "landscape active with industrial uses mixed with patches of open space connecting to biologically rich marshland habitat adjacent to the Bay." The goal for the future of this area and the actions to implement that goal should be more defined and based on the concept that the area should be marked by a continuous green space along the entire shoreline. Restriction of the space to the standard width of the Bay Trail, and other spaces along the shoreline should be recognized as being minimums which connect to spaces that are maximized with all the whole space sharing the objective to protect wildlife and provide enjoyment to the public.

A continuous shoreline park is not considered in any of the alternatives analyzed in the DEIR. All of the analysis regarding alternatives seems to be based on varying degrees of reduction in development. While this might lead to increasing land available for open space, increasing open space is never stated in the description and analysis provided for each of the alternatives. All of the same impacts stated in the DEIR are simply stated to be less for each reduced development scenario. The DEIR concludes that the low intensity of development (SA4-1) that is not a "no project" is the environmentally superior project because of reducing the significantly and unavoidable impacts of traffic while attaining all of the objectives of Sub-area 4. While this alternative project provides for: 1.3 million square miles for R&D, business, and service uses; 66,000 square miles of retail; and 115 dwelling units with 117 acres of open space which includes the 112.3 acres of Wheeler Slough, etc., this leaves even less open space for the public. There is no Alternative that considers development at this low level with more designated open space, something that might be achieved by intensifying development rather than spreading it out.

O.17-4

An Alternative that combines a lower level of development and larger amounts of open space would also address the DEIR statement on page 4.3-22 that "Avian diversity in urbanized areas is highest where relatively large sized, diverse patches of habitat remain." By lowering the level of development, but concentrating it into smaller areas, it becomes possible to create buffers with trees and space that separates trails from buildings and from the shoreline.

We well understand that depending upon various factors, the width of such a continuous shoreline park may well have to vary. It will be narrower in places and then widen before it becomes part of a space such as the proposed Shoreline Promenade described in Section 4.5.7 as consisting of a hardscape path with a balustrade on the Bay side, and trees, shrubs and lawn areas on the inland side. However, a continuous shoreline park is most assuredly not just a shoreline road, nor is it just the width of the Bay Trail as seems to be what is being proposed for long stretches along the shoreline. A continuous shoreline park must always provide room for protection of the natural resources along its borders.

Supporting organizations include: Golden Gate Audubon Society— Sierra Club—Save the Bay— Oakland Waterfront Coalition— Berkeley Partners for Parks—California Native Plant Society—Ecology Center—Environmental Defense—Citizens Committee to Complete the Refuge—Friends of Aquatic Park—Oceanic Society—Regional Parks Association—Urban Creeks Council—CA State Parks Foundation—Citizens for the Albany Shoreline—Contra Costa Hills Club—NRSOSA (Letterhead created by word processor)

The Specific Plan addresses the extremely important issue of sea level rise through the construction of sea walls. Page 4-58 of the Plan states: *"Due to the Promenade's bayfront location, it is recommended that it be elevated along with the shoreline road to avoid inundation and serve as a barrier from anticipated sea level rise."* On pg. 5-14 regarding a new storm water management system, one of the strategies includes *"constructing perimeter measures, such as a floodwall levee"*. The shoreline road is also to be constructed to *"accommodate any potential sea level rise"* and also properties east of this wall are to be constructed to *"higher elevations should the waves erode the wall."* DEIR Figure 4.8-2 points out that the Bay Trail *"embankment"* continues to block waves that emanate from the open Bay and on page 4.8-9 it cautions that if the Bay Trail embankment and/or Stege Marsh degrade and erode, the future flood elevations would likely be higher due to wave run up. (The reference to Stege Marsh seems to indicate a *"flood embankment"* along Meeker Slough.) It is unclear from the documents whether the Bay Trail embankment build up will apply to the entire length of the Trail or just to certain locations.

O.17-5

There can be little doubt that the direction regarding sea level rise in this Plan is through the construction of floodwall levees.

O.17-6

The DEIR (page 4.8-6) indicates portions of the Plan site area are subject to 100 and 500 foot floods. Page 4.8-8 provides various sea rise levels. These include:

- *"For the San Francisco Bay region, the National Research Council projects sea level rise of 11 inches by 2050 and 36 inches by 2100."*
- *"NRC's possible range for San Francisco Bay sea level rise in 2025 is 5 to 24" and in 2100 is 17 to 66."*
- *"Other reports consider 36 inches plus or minus 10 inches the most likely 2100 sea level scenario, with 66" at the highest end of the range."*

O.17-7

Two scenarios are provided - one of 3 feet and another of 5.5 feet. It is unclear whether the planned floodwall levees will be phased, i.e. built initially at 3 feet and later raised to 5.5 as needed. The recent approval of a project, Terminal One, which required an initial wall of 3 feet, may provide some guidance to interpretation.

Page 4.3-39 of the DEIR acknowledges that *"activities such as Bay Trail improvements could directly impact special status wildlife species areas of Meeker Slough, Stege Marsh and Hoffman Marsh by vegetation and habitat removal, sediment and storm water discharge and draining or diverting water from the Upper and Lower Lagoons, potentially diminishing the value of the habitat."* However, it is troubling that Mitigation Measures BIO-1a.SP and BIO-1b.SP involving such items as *"exclusion fencing,"* avoiding construction during certain months and *"Worker Awareness Training"* etc. are hardly adequate to rely upon to reduce this potential impact to one that is less-than-significant. Such measures are mainly dependent upon active enforcement regarding incidents that occur after the fact. Prevention of the impact in the first instance is far more acceptable.

O.17-8

The DEIR is inadequate regarding the specific construction of such floodwall levees whether initially at any level or in two phases because:

- it does not provide a map which clearly indicates *all* locations where a new shoreline road, shoreline bicycle or pedestrian lanes, and the Bay Trail will be constructed to serve as a floodwall levee and the heights for each that are proposed so that the specific threats to natural resources can be identified and subsequently analyzed;
- it does not state whether phasing or initial embankment construction to 5.5 feet will be required, and what the impacts of construction to a higher level at a later date analyzed;

O.17-9

O.17-10

Supporting organizations include: Golden Gate Audubon Society— Sierra Club—Save the Bay— Oakland Waterfront Coalition— Berkeley Partners for Parks—California Native Plant Society—Ecology Center—Environmental Defense—Citizens Committee to Complete the Refuge—Friends of Aquatic Park—Oceanic Society—Regional Parks Association—Urban Creeks Council—CA State Parks Foundation—Citizens for the Albany Shoreline—Contra Costa Hills Club—NRSOSA (Letterhead created by word processor)

- it does not analyze impacts at the different levels of sea rise on the California Native Plant designation that the entirety of the Richmond Shoreline is a botanical priority protection area, or the impacts on existing wildlife, or how the intrusion of Bay waters change the ebb and flow of contaminates into habitat areas and into the Bay itself;
- it relies on improvements to infrastructure as a mitigating measure, but construction of infrastructure improvements is itself not without intrusion into existing shoreline wildlife resources particularly if the sea rise is over 3 or even 5 feet and more intense intrusion occurs.

O.17-11  
 O.17-12

Most important, the approach of constructing floodwall levees leaves out consideration of other methods such as extending marsh lands into the Bay and widening eelgrass beds to reduce or control sea level rise which are more environmentally friendly. Important work is currently being done by the Oro Loma Sanitary District and the Bay Institute. These and other agencies should be consulted regarding this issue *well before* it is decided to rely on levees. In making the decision regarding this matter, it also would be appropriate to consider the Bay Conservation and Development Commission's recent announcement they will be engaging in a study that may result in a regional planning authority and greatly increased collaboration with both Caltrans and the Metropolitan Transportation Authority.

O.17-13

The August 2016 decision by the University of California to abandon their initial plan for the Richmond Field Station and instead use the site for "*enrollment growth and housing*" is of such importance that the City of Richmond should consider placing the DEIR on hold until uses in this Sub-Area become definite. It is entirely likely that such changes will significantly change basic assumptions in the Specific Plan.

O.17-14

Whether such changes occur or not, the DEIR statement on page 4.3-28 that the remnant coastal terrace prairie within the Richmond Field Station would not be impacted by the Specific Plan is questionable. Coastal prairie stands are rare, and a remnant portion is, by its very definition, of value. Roadways crossing into this area must be prohibited. Mitigation Measure BIO-2b.SP, page 4.3-56, restoration of coast terrace prairie reads as though this stand would be destroyed but then some restoration of "*exotic plants*" would be studied and maybe restoration undertaken. This is not acceptable.

O.17-15

In the same way, the dismissal of loss of habitat for the Monarch Butterfly or that birds can find other nesting sites in buildings is not acceptable. The stand of eucalyptus trees on the Field Station campus could become a valuable natural resource in that communities up and down the California Coast are using such attractions as destinations attracting large numbers of visitors. To simply say the Monarchs could easily find a home elsewhere is not thought out and not acceptable. Nor is it acceptable not to consider the impact of pesticides, weed killers and the like commonly used in residential areas.

O.17-16  
 O.17-17

CESP acknowledges that these are not issues that lend themselves to easy solutions. The task before you is to minimize negative impacts upon natural areas and wildlife habitats that come from *both buildings* (including consideration of such factors as height, placement, and size) *and increased human intrusion*. Such an alternate to the Specific Plan does not now exist. The City of Richmond with its long stretch of shoreline along the East Shore is key. This challenge is also a rare opportunity to achieve a leadership position in putting the complex pieces together to create an area that provides for development but also an environmentally friendly shoreline park immediately adjacent to a dense urban environment.

O.17-18

This is not an easy task but CESP and other environmental groups, stand ready to work with you. We would welcome the unprecedented opportunity to bring together these groups to meet directly with you in a summit to discuss the issues, exchange ideas and find common ground. We also would like to take this



Supporting organizations include: Golden Gate Audubon Society— Sierra Club—Save the Bay— Oakland Waterfront Coalition— Berkeley Partners for Parks—California Native Plant Society—Ecology Center—Environmental Defense—Citizens Committee to Complete the Refuge—Friends of Aquatic Park—Oceanic Society—Regional Parks Association—Urban Creeks Council—CA State Parks Foundation—Citizens for the Albany Shoreline—Contra Costa Hills Club—NRSOSA (Letterhead created by word processor)

opportunity to inform you of the Coalition of east shore cities that we are forming to bring a collaborative approach to sea level rise.

↑ O.17-18  
| cont.

Yours truly,



Shirley Dean  
Board President



Robert Cheasty  
Executive Director

Supporting organizations include: Golden Gate Audubon Society— Sierra Club—Save the Bay— Oakland Waterfront Coalition— Berkeley Partners for Parks—California Native Plant Society—Ecology Center—Environmental Defense—Citizens Committee to Complete the Refuge—Friends of Aquatic Park—Oceanic Society—Regional Parks Association—Urban Creeks Council—CA State Parks Foundation—Citizens for the Albany Shoreline—Contra Costa Hills Club—NRSOSA (Letterhead created by word processor)

## Letter O.17: Citizens for East Shore Parks

O.17-1 The comment describes the role of Citizens for East Shore Parks (CESP) as an environmental non-profit that played a leading role in the creation of McLaughlin Eastshore State Park and a stakeholder in the EIR process. The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.

O.17-2 The comment states CESP has concerns regarding the amount and type of open space planned within the Plan Area. The comment also states the Foreseeable Maximum Theoretical Buildout as presented in Table 3-3 of the Draft EIR (in Chapter 3, Project Description) includes 5.7 million square miles of research and development/business/service uses, 720,000 square miles of retail uses, and 32.7 acres of open space (not including areas of the Meeker Slough Wetlands, Stege Marsh, and Hoffman Marsh within the Plan Area). It should be noted that the the Foreseeable Maximum Theoretical Buildout as presented in Table 3-3 of the Draft EIR includes 5.7 million square feet of research and development/business/service uses and 720,000 square feet of retail uses (not square miles). The comment also correctly states the acreage of new open space within the Plan Area as 32.7 acres, not the 34.2 acres presented in Table 3-3.

As indicated in Chapter 2 of this Response to Comments document, Table 3-3 on page 3-17 of the Draft EIR (in Chapter 3, Project Description) has been revised to include information provided in the comment.

O.17-3 Chapter 4.12, Public Services and Recreation, of the Draft EIR analyzes whether the Specific Plan would result in adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios for recreation services. (Draft EIR, p. 4.12-9). The City has a goal to provide 3.0 acres of parkland per 1,000 residents. (Draft EIR, p. 4.12-8).

The open space included in the Specific Plan is adequate. As set forth in the Draft EIR, the Specific Plan would result in an increase in open space and recreational facilities, which would accommodate some of the potential increase in demand for recreational opportunities that would be generated by the new residents. The inclusion of approximately 32.7 acres of new open space proposed by the Specific Plan would nearly offset the acreage required for the increase in residential population: applying the ratio of 3.0 acres per 1,000 residents, at least 34.5 acres of parkland would be warranted for the projected 11,490 Plan Area residents in order to meet the City goal. Residents within the Plan Area would also have the opportunity to access existing parks and open space, including the Bay Trail and extensive open space south of Sub-Area 4. Future, project-specific development in the Plan Area would be required to comply with Specific Plan requirements, as

well as applicable parkland dedication or in-lieu fee requirements. Therefore, the impact would be less-than-significant. (Draft EIR, p. 4.12-14).

It should be noted that the comment estimates a population of 10,200 people within the Plan Area at full buildout, which differs from the population of 11,490 analyzed in the Draft EIR. (Section 4.11, *Population, Housing, and Employment*, of the Draft EIR describes the methodology for arriving at this population estimate.) As explained in Response to Comment O.16-2, the Foreseeable Maximum Theoretical Buildout scenario differs somewhat from the conceptual development program presented in the Specific Plan, and represents the most impactful (from an environmental perspective) foreseeable development plan that could occur with buildout of the Specific Plan.

O.17-4 The comment states that “[a] continuous shoreline park is not considered in any of the alternatives analyzed in the Draft EIR.” However, CEQA does not require analysis of a continuous shoreline park as an alternative in the Draft EIR. CEQA requires that an EIR describe a range of reasonable alternatives to the project (in this case, the “project” is the Specific Plan, and Sub-Area 4 Project), which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. (14 CCR Section 15126.6(a)) A “No Project” alternative must be evaluated. (14 CCR Section 15126.6(e)) The Draft EIR analyzes a “No Project” alternative in addition to other alternatives that would reduce the significant impacts identified. (See Draft EIR Chapter 5, *Alternatives to the Proposed Project*, for the full analysis of alternatives to the Specific Plan.) The Draft EIR did not identify significant impacts associated with recreation facilities that could be reduced by a continuous shoreline park project alternative.

O.17-5 The comment incorrectly states that the Draft EIR assumes buildup/reconstruction of the Bay Trail to address sea level rise. Rather, the Draft EIR states an assumption that the Bay Trail “embankment” (i.e. the length of Bay Trail that extends south of the RFS/UC property and Sub-Area 4) and Stege Marsh would remain relatively intact into the future.

O.17-6 Although not a CEQA issue, for clarification purposes, it is noted that the Specific Plan identifies numerous flood protection strategies that can be implemented with adaptive capacities to address sea level rise, including: raising elevations to be at or above the expected flood levels and projected amount of sea level rise within the life of the project; constructing perimeter measures, such as a floodwall or levee, above the expected flood levels and projected amount of sea level rise; setting back from the shoreline and developing on areas with existing elevations above the expected flood levels and projected amount of sea level rise; and using natural shore forms where practical and coordinating closely with the East Bay Regional Park District on maintaining the San Francisco Bay Trail embankment (Section 5.3.3 of the Specific Plan).

O.17-7 The comment correctly summarizes the sea level projections identified in the Draft EIR (page 4.8-8 of the Draft EIR). Figure 4.8-3 in the Draft EIR is a map that shows the areas with the Plan Area that are subject to 5.5 feet of sea level rise plus the 100-year flood event and wave overtopping.

The comment states that “[i]t is unclear whether the planned floodwall levees will be phased, i.e. built initially at 3 feet and later raised to 5.5 as needed.” Floodwall levees would be constructed in accordance with applicable General Plan policies, as well as Draft EIR mitigation measures.

Specifically, Draft EIR Mitigation Measure HYD-7b.SP (Sea Level Rise Adaptation) requires that “[p]rior to issuance of building permits, all projects proposed for development within areas of the Plan Area shown on Figure 4.8-32 of the EIR to be affected by ~~up to~~ greater than 3 feet of sea level rise, including the 100-year flood event and wave overtopping, shall submit an Adaptive Flood Risk Management Plan to the City for approval. The City shall require implementation of such plan as a condition of approval for entitlement approvals and/or building permits as applicable” (page 4.8-36 of the Draft EIR; note revisions to text at the end of this response).

Additionally, as noted in the Draft EIR, the City is required to develop an Adaptation Strategy under its General Plan (Action EC6.G Adaptive Management Plan) that would include preparing an Adaptive Management Plan that outlines an institutional framework, monitoring triggers, and a decision-making process, and creates an entity with taxing authority that would pay for infrastructure improvements necessary to adapt to higher than anticipated levels. Strategies could include, but would not be limited to: (1) Construction of a shoreline protection system that is initially built to accommodate a mid-term rise in sea level of 16 inches, with a design that is adaptable to meet higher than anticipated values in the mid-term, as well as for the long-term; (2) Construction of a storm drainage system that is initially built to accommodate a mid-term rise in sea levels of 16 inches, with a design that is adaptable to meet higher than anticipated sea level rise values (similar to 1.); and (3) Construction of buildings and vital transportation infrastructure at elevations that would not be exceeded by flood waters, even if the shoreline protection does not function, for existing conditions and over a longer term as compared to the two above. Furthermore, the City is required to prepare a Sea Level Rise Action Plan for the South Shoreline under Action Item A1.8 of the Specific Plan (page 4.8-35 of the Draft EIR).

As indicated in Response to Comment O.11-9 and in Chapter 2 of this Response to Comments document, Mitigation Measure HYD-7b.SP (Sea Level Rise Adaptation), on page 4.8-36 of the Draft EIR (in Section 4.8, *Hydrology, Sea Level Rise, and Water Quality*) has been revised to indicate that Figure 4.8-2, not Figure 4.8-3, is the correct figure referred to in the mitigation measure; and that the mitigation measure shall apply to projects that would be affected by greater than 3 feet of sea level rise.

O.17-8 Draft EIR mitigation measures BIO-1a.SP and BIO-1b.SP include standard requirements that are recommended by qualified biologists to both prevent and reduce potential impacts to identified species. Under Mitigation Measure BIO-1a.SP, measures including but not limited to installation of exclusion fencing are implemented in the event western pond turtle is identified during preconstruction survey prior to ground-disturbing activities for any project proposed for development on a parcel immediately adjacent to the existing Upper Lagoon and/or Lower Lagoon, or in the area of Meeker Slough and Meeker Creek. Because this mitigation measure requires preconstruction surveys for identified projects, prior to ground-disturbing activities, the measure is specifically designed to avoid impacts.

Similarly, Mitigation Measure BIO-1b.SP requires worker awareness training for projects throughout the Specific Plan area. This measure is broadly designed to ensure that potential impacts to biological resources are avoided and prevented. This measure is protective because it applies to all development projects, regardless of the potential for protected biological resources to occur within the project site, based on pre-construction surveys.

O.17-9 through O.13

Refer to Responses O.17-8 and O.17-9. The construction of floodwall levees within the Plan Area, if it occurs, will occur in accordance with General Plan requirements and Draft EIR mitigation measures.

Additionally, it is noted that the location of the Shoreline Road (and other roadways) as shown in the Specific Plan Thoroughfare Regulating Plan is conceptual. Specifically, the Specific Plan states that “The location of new thoroughfares is subject to interpretation at the discretion of the Zoning Administrator, provided that the perimeter of development blocks does not exceed 2000’.” (Specific Plan, Section 4.6.2, p. 4-72).

Finally, as noted in Response to Comment O.17-8, the Specific Plan identifies numerous flood protection strategies that can be implemented with adaptive capacities to address sea level rise, including: raising elevations to be at or above the expected flood levels and projected amount of sea level rise within the life of the project; constructing perimeter measures, such as a floodwall or levee, above the expected flood levels and projected amount of sea level rise; setting back from the shoreline and developing on areas with existing elevations above the expected flood levels and projected amount of sea level rise; and using natural shore forms where practical and coordinating closely with the East Bay Regional Park District on maintaining the San Francisco Bay Trail embankment (Section 5.3.3 of the Specific Plan).

O.17-14 The comment states the City should consider placing the Draft EIR on hold until plans for UC Berkeley’s Richmond Field Station (former Berkeley Global Campus Project) “become definite.” Refer to Section 4.2.1, Master Response to

Comments, Master Response to Comments About the Richmond Field Station (Berkeley Global Campus).

O.17-15

Draft EIR Chapter 4.3, Biological Resources, analyzes impacts to the coastal terrace prairie (pages 4.3-54 through 57). The Draft EIR acknowledges that, with respect to the Lark Drive Variant in particular, “Encroachment of development proposed under the Specific Plan into sensitive natural communities and effects associated with increased human population would result in impacts to sensitive natural communities in the Plan Area, specifically coastal terrace prairie in the location of the Lark Avenue Extension Variant. Project construction could occur adjacent to and within northern coastal saltmarsh, coastal scrub, and riparian and freshwater emergent wetland habitat within the Plan Area, resulting in potential incidental impacts from construction activities that take place in upland areas adjacent to these types of habitats. Runoff associated with other construction activities such as materials staging, stockpiling, vehicle and equipment parking, could also result in adverse effects on these sensitive habitats. The northern coastal saltmarsh, upland coastal scrub, riparian scrub, and wetland communities within the Plan Area provide valuable foraging and cover benefits for resident wildlife and the loss or degradation of such habitat would be considered a significant impact” (page 4.3-54 of the Draft EIR).

The Draft EIR concludes that the impacts would be less-than-significant with implementation of certain mitigation measures. Specifically, Mitigation Measure BIO-2b.SP requires restoration of coastal terrace prairie to further reduce impacts resulting from the Lark Drive Variant by requiring project-level design to adhere to principles of minimization, protection and restoration of coastal prairie, as described in UC’s Coastal Terrace Prairie Management Plan.<sup>12</sup> Implementation of this Mitigation Measure is sufficient to reduce impacts to less-than-significant levels; it is not necessary to prohibit roadways within the UC site.

The sentence on page 4.3-28 of the Draft EIR that states “remnant coastal terrace prairie within the Richmond Field Station site would not be impacted by the Specific Plan or Sub-Area 4 Project” is incorrect; as indicated further in the section, on page 4.3-54, the construction of the Lark Drive Variant would impact this community. As indicated in Chapter 2 of this Response to Comments document, this sentence on page 4.3-28 of the Draft EIR has been revised to correct this error. With regards to the reference to exotic plants in Mitigation Measure BIO-2b.SP, the comment incorrectly states that exotic plants would be restored as part of mitigation for impacts to coastal terrace prairie; rather, this mitigation measure discusses the removal of exotic plants as part of restoration of coastal terrace prairie habitat.

<sup>12</sup> Available online at <http://bgc.berkeley.edu/archive.html#CaliforniaEnvironmentalQualityAct>, and <http://bgc.berkeley.edu/Images/Final%20RBC%20EIR%20-%20Appendix%20G.pdf>, incorporated herein by reference (last accessed November 5, 2016).

- O.17-16 With regards to potential impacts to monarch butterflies, see Response to Comment O.6-2.
- O.17-17 With regards to the possible use of pesticides and weed killers within the Plan Area, future development within the Plan Area, including landscaping and cultivation of open space areas, would be subject to City regulations addressing pesticide and herbicide use, including Richmond Municipal Code Chapter 9.48 (Integrated Pest Management, which, among other actions, prohibits the use of pesticides in riparian areas, playgrounds, and picnic areas) and Richmond Municipal Code Section 12.22.090.
- O.17-18 The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.

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**From:** John Edgcomb  
**Sent:** Monday, October 24, 2016 4:53:42 PM (UTC-08:00) Pacific Time (US & Canada)  
**To:** Richmond Bay Specific Plan  
**Cc:** Lina Velasco; Sobelman, Donald; [slai@dtsc.ca.gov](mailto:slai@dtsc.ca.gov); [lnakashima@dtsc.ca.gov](mailto:lnakashima@dtsc.ca.gov); Elmendorf, Charles N; Bill Marsh  
**Subject:** Zeneca comments on City's DEIR for the RBSP

All:

Please find attached Zeneca's comments on the DEIR for the 2016 Draft Final RBSP and Figure 1 referenced therein.

Regards, John

**John D. Edgcomb**

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October 18, 2016

**BY EMAIL AND U.S. MAIL**

Lina Velasco, Project Manager  
Planning and Building Services  
City of Richmond  
450 Civic Center Plaza  
P.O. Box Richmond, CA 94804-1630

Re: Zeneca’s Comments on the Draft Environmental Impact Report for the  
Revised Final Draft Richmond Bay Specific Plan

Ms. Velasco:

On behalf of Zeneca Inc. (“Zeneca”), we submit the following public comments on the Sept. 2016 Draft Environmental Impact Report (“DEIR”) prepared concerning the September 2016 Revised Final Draft Richmond Bay Specific Plan (“RBSP”) issued by the City of Richmond (City).<sup>1</sup>

Zeneca is a stakeholder in the Specific Plan process because it is one of four respondents to the 2006 Site Investigation and Remediation Order issued by the California Department of Toxic Substances Control (“DTSC”) concerning the property known as Campus Bay, located within Sub-Area 4 of the RBSP Plan Area. Zeneca submitted a revised Uplands Feasibility Study/Remedial Action Plan (“Uplands FS/RAP”) to DTSC in October, 2014 and a Draft Final Feasibility Study/Remedial Action Plan for Habitat Area 2 (“Lagoon FS/RAP”) in July, 2016. Zeneca’s comments on the DEIR to the RBSP largely focus on the RBSP’s impact on Zeneca’s ongoing remedial activities, and the potential resulting environmental impacts.

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***1. The Notice of Preparation for the DEIR Is Outdated Due to Subsequent Material Changes Made in the Project***

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O.18-2  
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<sup>1</sup> Zeneca and its land use consultant Vivian Kahn, previously submitted comments on the RBSP and its predecessor, the South Shoreline Specific Plan. Those comments largely reflect Zeneca’s disagreement that many or even most of the uses proposed in the RBSP are “reasonably foreseeable,” particularly the sensitive uses prohibited by the 2004 RWQCB LUCs.

CEQA regulations require preparation of a Notice of Preparation (“NOP”) that provides sufficient information describing the project and the potential environmental effects to enable responsible agencies and other interested parties to make a meaningful response. 14 CCR § 15064. The City’s September 30, 2014 NOP for what was then called the Richmond South Shoreline Specific Plan (“SSSP”), however, describes an entirely different project than that now described in the RBSP. The material changes between the SSSP project and the RBSP project are numerous, including, but not limited to:

- As confirmed by the City’s April 22, 2014 letter (incorporated by reference), none of the uses in the “Recommended Land Use Map” that the City described as forming the basis for the SSSP included ground floor residential development, as the RBSP now does.
- Residential development was limited to a small portion of Sub-Area 4 in the areas designated “Residential” and “Mixed Use-Residential” in the SSSP, but the RBSP now potentially allows residential development in most, if not all, of Sub-Area 4.
- The SSSP did not include sensitive uses such as day-care facilities, hospitals or schools in Sub-Area 4, which the RBSP now proposes to authorize, contrary to existing land use controls.
- The NOP “Project Description” did not include any reference to a site-specific “Sub-Area 4 Project” to be built on Sub-Area 4 of the RBSP Plan Area, a project now discussed and analyzed in the DEIR (*Id.* at 3-29 to 3-33), meaning Responsible Agencies, Trustee Agencies and other Interested Parties were not given a description of the Sub-Area 4 Project until now.
- the 2014 NOP was issued at a time when the University of California (“UC”) was proposing the establishment of the now “suspended” Berkeley Global Campus (“BGC”), with the 2014 NOP noting that the SSSP will establish planning policies, land use controls, development standards and urban design guidelines that will guide the Plan Area’s transformation into a sustainable waterfront community *anchored by the planned [BGC].* (Emphasis added.)

O.18-2  
cont.

The City should consider re-starting the CEQA process with a new NOP to more adequately advise all potential commenters of the nature and scope of the two “projects” actually contemplated in the substantially revised RBSP, at both the program and project level.

**2. *The RBSP and DEIR Should Be Revised to Reflect the Recent Indefinite Suspension of the Development of UC’s Proposed Berkeley Global Campus.***

In late 2004, the U.C. Regents announced the proposed development of the BGC on UC’s Richmond Field Station in RBSP Sub-Area 4, adjacent to the Campus Bay property. However, the RBSP and DEIR both now acknowledge that the BGC effort has been “indefinitely suspended in 2016”. Yet, both documents still contain many references to the BGC, and with respect to the RBSP in particular, much of the planning analysis still assumes its development

O.18-3

(see, e.g. RBSP, Section 1.5.1 “Richmond Bay Long Range Development Plan”; Section 2.2.5 “Market Demand”, and Section 3.1 “Guiding Design Principles; Principle 3”.) The RBSP should be revised to delete reference to the now-suspended BGC, and all planning assumptions premised and decisions made in part or in whole in reliance on its development must be deleted or revised accordingly. To the extent any changed planning decisions ripple through to the DEIR, it should be revised too.

O.18-3  
cont.

O.18-4

**3. The RBSP and DEIR Should Incorporate the Effect of Land Use Controls Recorded by the Campus Bay Property Owner in 2004.**

The RBSP and the related DEIR also must be consistent with the existing land use controls enforceable by the Regional Water Quality Control Board (“RWQCB”) that the Campus Bay property owner, Cherokee Simeon Venture I, LLC (“CSV”) recorded in 2004 (the “2004 RWQCB LUCs”) on the titles to the three lots at Campus Bay, as part of the RWQCB-approved remedy implemented in 2002 and 2003 on the Campus Bay property. The DEIR acknowledges the existence of the 2004 RWQCB LUCs (see DEIR at p. 4.7-14), but does not attempt to directly reconcile them with the RBSP’s proposed uses and required development procedures and approvals.

O.18-5

With respect to residential uses, the 2004 RWQCB LUCs prohibit the use of the Campus Bay property for detached, single family residential development, but conditionally allows for other types of residential uses. The RBSP, to the extent it does not permit detached, single family residential development is consistent, but to the extent it permits other types of attached, residential development, it should specify the applicable conditions. The 2004 RWQCB LUCs provide that development of the Campus Bay property is restricted to industrial, commercial or office space, unless the RWQCB approves in writing residential use and 1) a residential construction design plan; and 2) a risk assessment to be submitted with the design plan establishing acceptable risk levels from residual contaminants to future residents. Any proposed residential developments on the Campus Bay property have to comply with these conditions. There are other requirements to be met as well if any residential development is proposed, including the formation of secure vehicles to undertake the obligations of the Risk Management Plans (“RMPs”) attached to the 2004 RWQCB LUCs, and the prohibition on excavation work inconsistent with the RMPs.

O.18-6

Additionally, the 2004 RWQCB LUCs prohibit use of the Campus Bay property for hospitals, schools for persons under 21 years of age, or day care centers for children or senior citizens (collectively, “sensitive uses”).

O.18-7

Presently, the RBSP, in describing sites with existing LUCs, omits reference to the 2004 RWQCB LUCs. See Draft Final RBSP at p. 2-11. The RBSP should specifically identify these pre-conditions for any potential future residential uses, and prohibitions on sensitive uses, and require compliance with them. Instead, the RBSP improperly conflicts with this prohibition in

O.18-8

O.18-9

that the use designations set forth in the new “Transect Zone Regulating Plan” allow for the sensitive uses barred by the 2004 RWQCB LUCs. Moreover, the “Urban Agriculture” use designation, without modification, conflicts with the prohibition in paragraph 3.1 (f) in the 2004 RWQCB LUCs of any excavation unless such work is conducted pursuant to the RMPs attached to the 2004 RWQCB LUCs.

O.18-9  
cont.

The 2004 RWQCB LUCs are relevant to, and should be reflected in the DEIR. Specific references should be made in the DEIR to the prohibition of sensitive uses, the required approval from the RWQCB for any residential development, and the need for compliance with recorded SMPs, pursuant to the 2004 RWQCB LUCs. Similarly, on p. 3-43 of the DEIR, the required approvals from the RWQCB should include that required for any proposed non-single family residential use.

O.18-10

**4. The RBSP Should Prohibit Any School Use on the Campus Bay Property, But If It Remains Possible, the DEIR Must Identify the Resulting Potential Environmental Impacts, Viable Mitigation Measures, and Reasonable Alternatives.**

As noted above, the school use authorized by the Sub Area 4 Transect Zone Regulating Plan for the Campus Bay property, along with other sensitive uses, should be prohibited in the RBSP, since they are prohibited in the 2004 RWQCB LUC.

O.18-11

Even in the absence of any such prohibition, however, Zeneca notes that the RBSP and related DEIR lack meaningful analysis of the potential environmental impacts of a “school” use authorized by the Sub Area 4 Transect Zone Regulating Plan at the Campus Bay property. Specifically, as noted above, in the pending Uplands FS/RAP, the recommended remedy for the large volume of treated cinders on Lot 3 of the Campus Bay property includes, among other measures, their retention in place under a permanent cap. A significant reason for the recommendation of this remedy is the negative environmental impact to the community and the environment that would result from the tens of thousands of truck trips over two years or more that would be necessary to remove the cinders and replace them with clean fill. *See* Rev. Draft Uplands FS/RAP, pp. 72-75 (Remedial Alternatives 3 and 4).

O.18-12

O.18-13

The DEIR notes that the “area of treated cinders makes up most of the 39-acre upland area of Lot 3,” but does not consider the potential indirect environmental impact that siting a school on the Lot 3 portion of the Campus Bay property may have. The RBSP DEIR simply states that “[a]ll truck trips for remediation and removal of contaminated soils at the Zeneca site that is located within the Sub-Area 4 Site are considered under a separate CEQA analysis for DTSC’s Feasibility Study/Remedial Action Plan for the Zeneca Site.” DEIR, p. 4.2-22. But this statement does not present the required analysis of the different environmental impacts that would result from the potentially differing selected remedies for the Lot 3 treated cinders depending upon the land uses made possible by the RBSP and the Sub-Area 4 Project. The City

O.18-14

cannot leave such environmental analysis to DTSC when its own development decisions may have some impact.

↑ O.18-14  
| cont.

An analysis of the indirect impacts of the City's land use options, and the development of mitigation measures and/or alternatives that would fully mitigate or avoid these impacts, should result in a decision to prohibit the siting of a school on Lot 3. Given the DEIR's existing conclusions that program and project level construction and operational greenhouse gas emission impacts (*see, e.g.* Impact GHG-1.SP, GHG-1.SA4 and C-GHG-1.SP and SA4) and traffic impacts (*see, e.g.* Impacts TRF-5.SA4, TRF-7.SA4 and TRF-11.SA4) already are significant and unavoidable, any analysis of the environmental impact of the removal and offsite disposal of the treated cinder area would quickly conclude that it would significantly exacerbate those already negative impacts on the environment and the community caused by the Projects, and require selection of an alternative (no school construction on Lot 3), that would prevent exacerbation of those negative impacts. Thus, the City should either modify the Project to prohibit a school on Lot 3 or develop and select a no-school alternative on the Campus Bay property.

O.18-15

We note that neither the Sub-Area 4 Project analyzed in the DEIR nor the NOP includes any specific reference to a potential school use. The DEIR acknowledges that new CEQA analysis will be required for a project that would have environmental impacts that were not anticipated or are otherwise peculiar and unique. As noted above, a proposed school use would result in a significant environmental impact not identified in the DEIR at the Sub Area 4 Project Level. We therefore assume, but request the City to confirm, that any proposed Sub-Area 4 site-specific proposal for the development of a school would not be covered by the Sub-Area 4 Project analyzed in the DEIR, but would be the subject of a new CEQA analysis, given the substantially different environmental impacts that would be raised by such a different sensitive use.

***5. The RBSP's Transect Zone Regulating Plan for Sub-Area 4 Permits Development To Improperly Encroach Upon Environmentally-Sensitive Jurisdictional Wetland Areas and Fails to Include a Buffer Area for Tideland Areas and Related Freshwater Habitat.***

The City's General Plan 2030 provides that, in the South Gateway Area, which includes Sub-Area 4 and the Campus Bay property:

“An appropriate transitional habitat zone, including development setbacks shall be observed in order to respect the natural habitats in adjacent marsh areas.”

O.18-16

*Id.*, § 3.41. However, the RBSP does not provide such a development setback uniformly across the Campus Bay property. Instead, it proposes to allow for the filling of a portion of the Lower Lagoon habit and have a new shoreline road pass over/adjacent to that former habitat area, and to allow development (T5N-0) on and immediately adjacent to that former habitat area and related habitat zone. *See* Figure, RBSP p. 4-7.

Zeneca has provided the City with a GIS map reflecting both the City's proposed land use figure and, superimposed on that figure, the locations on the property of the jurisdictional wetlands, as determined by the Army Corps of Engineers, among other features (*see* attached Figure 1). Zeneca provided this map to allow the City to be aware of where these features are located and to modify the areas zoned for potential development to protect the wetlands and ensure continued access to the remedial features. As reflected on Ex. A, the RBSP reflects potential development on top of and adjacent to ecologically-sensitive, jurisdictional wetlands.

O.18-17

Such development of this area, which would require filling of federally-recognized wetland areas, is inadequately addressed in the aesthetics and biological impact sections of the DEIR at both the Plan and Sub-Area 4 Project Level. *See, e.g.* AE S-1.SP and AE S-2.SP, and BIO-3.SP. We acknowledge that that "Mitigation Measure BIO-2a.SP: Restoration of Northern Coastal Saltmarsh, Riparian, and Wetlands," provides that for any project proposed for development within the RBSP area that may remove the habitat functions and services of freshwater emergent wetlands, this habitat shall be restored in-place to pre-project conditions, if possible, or an equivalent area of these habitats shall be established (ratio of 1:1) at suitable off-site locations along the Richmond shoreline. However, Zeneca suggests that prohibiting any loss of freshwater wetlands such as the Lower Lagoon is the better option.

O.18-18

The DEIR should provide a 100' minimum buffer between development and the lower lagoon and any other wetlands or tidelands as a mitigation measure. Also, on DEIR p. 3-43, the Army Corps of Engineers' requirements should include a Section 404 permit for any proposed filling of any jurisdictional wetland in the Lower Lagoon area.

O.18-19

**6. *The Rev. Draft RBSP's Sub-Area 4 Transect Zone Regulating Plan Permits Development on Existing Remedial Features Requiring Future Access.***

The 2004 RWQCB LUC recorded on the title to Lot 3, includes an attached RMP, which provides protection for two remedial features installed under the RWQCB's oversight to provide groundwater protection: 1) the biologically active permeable barrier ("BAPB"); and 2) the slurry trench cutoff wall ("Slurry Wall") installed along 46<sup>th</sup> Street between the Campus Bay property and UC's Richmond Field Station. The BAPB passively treats groundwater moving through it from the upland area to East Stege Marsh and other wetlands. The low-permeability slurry wall is oriented north-south and limits groundwater migration from the lower portion of the Campus Bay site to UC's Richmond Field Station. The RMP attached to the 2004 RWQCB LUC for Lot 3 requires the owner of the Campus Bay property to maintain:

O.18-20

"[a] 32-foot-wide section centered across the BAPB (approximately 15 feet on either side of the BAPB) extending along the length of the BAPB [that] shall remain undeveloped....Surface improvements on top of the BAPB and within the 32-foot-wide section, such as a concrete or asphalt walkway, are acceptable."

*Id.* at Section 5.1. Similarly, with respect to the Slurry Wall, the Lot 3 RMP requires the owner of the Campus Bay property to:

“[p]reserve the integrity of the slurry trench cutoff wall....”

Thus, any future Campus Bay property owner must comply with these minimum requirements to protect these remedial features, which serve to protect the environment.

Additionally, Zeneca’s revised draft Uplands FS/RAP requires that no development occur within 100’ of the BAPB or over the top of the slurry wall. DTSC’s anticipated approval of these requirements, and their expected enforcement in a further LUC naming DTSC as the beneficiary, will add another layer of protection to the environmental remedial features.

Thus, the DEIR should address the impact of any allowed uses (i.e. uses other than Open Space) by the RBSP along the southern uplands edge of Lot 3 at Campus Bay or along the southern portion of 46<sup>th</sup> Street that might be inconsistent with and encroach on the 100-foot set-back described in the Draft Final FS/RAP from the BAPB or which may affect the integrity of the Slurry Wall.

As noted above, the GIS map attached as Figure 1 hereto reflects the locations of the BAPB and the Slurry Wall. Zeneca provided the GIS map to allow the City to be aware of where these features are located and to modify the areas zoned for potential development to ensure continued access to these two remedial features. The RBSP acknowledges the need for the 100’ buffer from the BAPB, but the RBSP Transect Zone figure (p. 4-7) does not appear to fully provide that buffer at the eastern end of the BAPB. Nor does the Final Draft RBSP preserve access to the slurry wall, and protect integrity, by preventing development over it. The Final Draft RBSP should be revised to fully reflect the need to protect access to both remedial features.

The DEIR does not address either access requirement. The DEIR also should acknowledge the environmental impacts of the development on these features if access to them is not protected from development, and propose required mitigation measures to protect the needed access to them as set forth in the Lot 3 RMP to the 2004 RWQCB LUC and in Zeneca’s rev. draft Uplands FSRAP.

**7. For the Sub-Area 4 Project, the DEIR May Inadequately Describe the Project.**

The DEIR’s description of the Sub-Area 4 Project at Section 3.10.2 is vague and arguably inadequate for CEQA purposes because the uses described as comprising that Project do not specifically correlate to the uses set forth in the Transect Zone Land Use Table (RBSP, pp. 4-8 to 4-11). We assume based on the description given of the Sub-Area 4 Project, that the following uses, for example, are not expected to be utilized in the Sub-Area 4 Project, and the related

O.18-20  
cont.

O.18-21

O.18-22

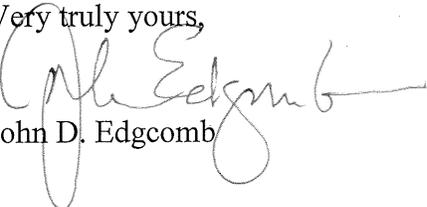
O.18-23

potential environmental impacts of such uses are therefore not analyzed: “Agriculture, Production and Services”; and “Institutional and Community Facilities—College and Trade School, Day Care, Hospitals and Clinics, and Schools.” Although we do not understand the Sub-Area 4 Project to allow for all uses listed in the Transect Zone Land Use Table (at pp. 4-8 to 4-11) based on its DEIR description, if they are, the DEIR fails to identify the environmental impacts associated with all such uses (i.e. schools, hospitals, day care facilities, agriculture and community gardens). The DEIR also fails to identify any related mitigation measures for those impacts, or to consider any alternatives to these uses that would eliminate or minimize those impacts, except for Mitigation Measure HAZ-1a.SP, which as noted above provides that residual contaminant risks will be mitigated by, among other measures, the separation of site users from the contaminants, including engineering and or institutional controls.

↑  
O.18-23  
cont.

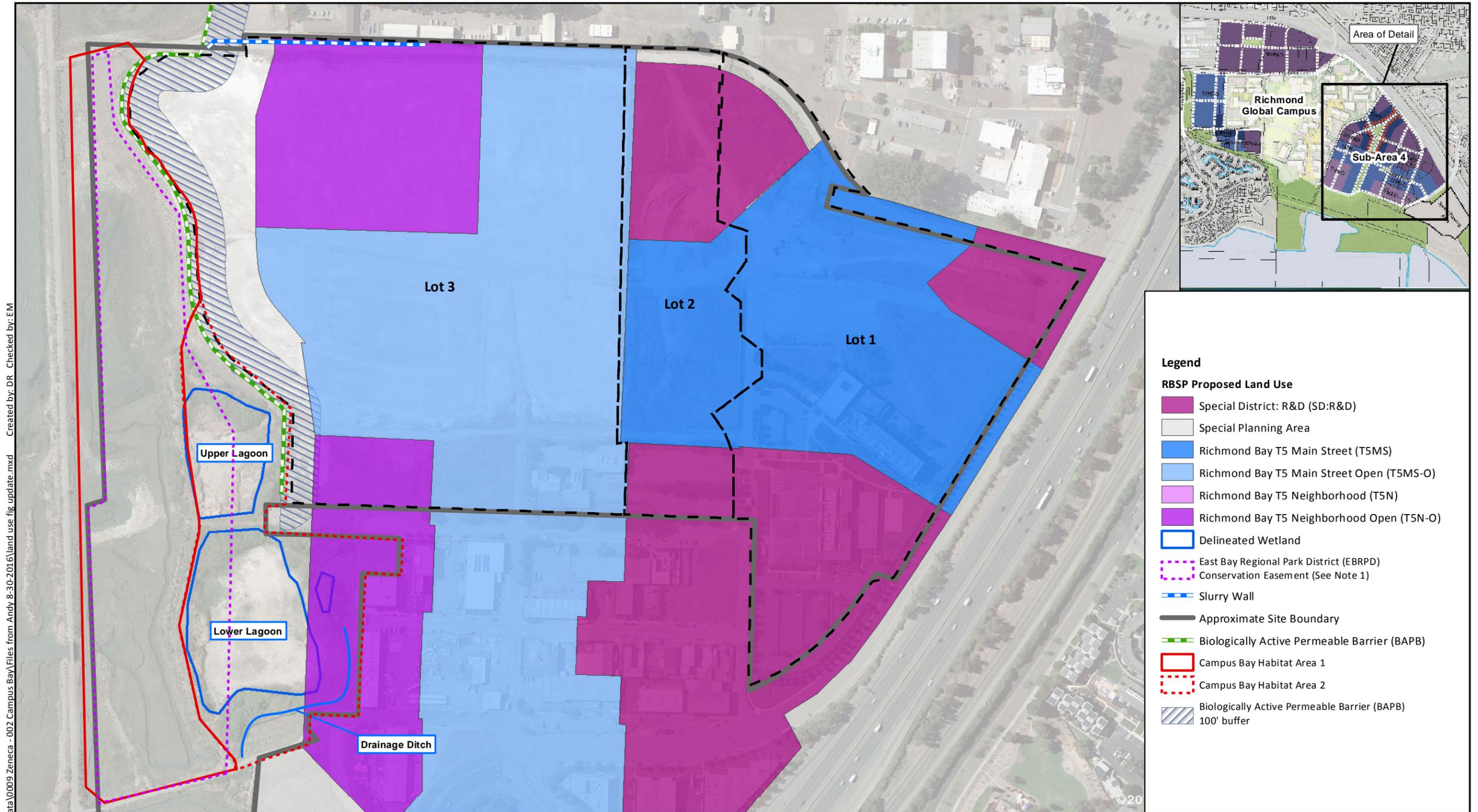
Thank you for your consideration of Zeneca’s comments. We look forward to continuing to work with the City to ensure that both parties’ goals and concerns are adequately addressed.

Very truly yours,

  
John D. Edgcomb

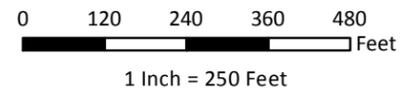
Enclosure

cc: Rachel Somavilla, Esq., Deputy City Attorney  
Donald Sobelman, Esq.  
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Stephanie Lai, Esq., counsel for DTSC  
Barton Lounsbury, Esq., counsel for UC  
Charles Elmendorf, Zeneca



File: J:\GIS Backup\GIS Data\0009 Zeneca - 002 Campus Bay\Files from Andy 8-30-2016\land use fig update.mxd Created by: DR Checked by: EM

Aerial imagery captured on 10/1/2009 (Google, 2010)



**Legend**

**RBSP Proposed Land Use**

- Special District: R&D (SD:R&D)
- Special Planning Area
- Richmond Bay T5 Main Street (T5MS)
- Richmond Bay T5 Main Street Open (T5MS-O)
- Richmond Bay T5 Neighborhood (T5N)
- Richmond Bay T5 Neighborhood Open (T5N-O)
- Delineated Wetland
- East Bay Regional Park District (EBRPD) Conservation Easement (See Note 1)
- Slurry Wall
- Approximate Site Boundary
- Biologically Active Permeable Barrier (BAPB)
- Campus Bay Habitat Area 1
- Campus Bay Habitat Area 2
- Biologically Active Permeable Barrier (BAPB) 100' buffer

<b>SAFETY FIRST</b>	CLIENT:	Zeneca, Inc.	<b>Proposed Land Use</b>
	PROJECT:	Campus Bay Richmond, CA	
	PROJECT NUMBER:	0009.002.023	
			<b>FIGURE 1</b>

## Letter O.18: Zeneca Inc. (Edgcomb Law Group)

O.18-1 The comment is noted. The footnote on the first page of this letter references previous comments submitted by Zeneca Inc. and its land use consultant, Vivian Kahn that largely reflected Zeneca’s “disagreement that many or even most of the uses proposed in the RBS are ‘reasonably foreseeable,’ particularly the sensitive uses prohibited by the 2004 RWQCB LUCs.” With regards to this footnote, and as stated in their October 24, 2016 letter submitted on the Draft EIR (specifically, Comment O.14-2), DTSC will utilize the Specific Plan as the basis for reasonably foreseeable land use. The comment does not raise any substantive environmental issues that require further response under CEQA.

O.18-2 The Notice of Preparation (NOP) for the Specific Plan (previously called the South Shoreline Specific Plan or “SSSP”), was released on September 30, 2014, and included the elements required by CEQA with sufficient detail to enable meaningful responses. CEQA requires the lead agency to prepare and distribute the NOP “as early as feasible in the planning process.” (Pub. Res. Code Section 21080.4(a); 14 CCR Section 15082; CEQA *Guidelines*, Section 15004, subd. (b)). It is the starting point for gathering information to be analyzed in the Draft EIR, and the beginning of the decisionmaking process. Even where the size and intensity of a project have substantially increased in the time since issuance of the NOP, a new or updated NOP is not required.

CEQA requires the lead agency to include, at a minimum, the following elements in the NOP (14 CCR Section 15082(a)(1)):

- A description of the project;
- The location of the project by street address and cross street or by attaching a specific map; and
- The project's probable environmental effects.

First, the NOP for the Specific Plan contains a detailed description of the Specific Plan proposal, including a Proposed Land Use Map and Program (NOP, Figure 3) and certain development standards (NOP, p. 5). Second, the NOP describes the location of the Plan Area, providing street addresses and boundaries (NOP, p. 4), and it includes a map (NOP, Figure 1). Finally, the NOP discusses the probable environmental effects associated with development under the Specific Plan. Specifically, the NOP states that development under the Specific Plan may result in potentially significant environmental effects in the following areas: aesthetics, air quality, agriculture and forestry, biological resources, cultural and historic resources, geology and soils, greenhouse gasses and global climate change, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services and recreation, transportation and traffic, and utilities and service systems. (For a complete discussion of the potential impacts, refer to pages 8 through 12 of the NOP.)

With respect to the items identified by comment:

- Residential uses are identified in the Proposed Land Use Map (NOP, Figure 3) and in the NOP (NOP, pp, 3, 5) as proposed uses within the Plan Area. The ground floor residential uses proposed in the Specific Plan and in the Draft EIR are consistent with the NOP.
- The NOP is not required to identify the precise location of each use, but rather, the location of the Specific Plan project as a whole. (14 CCR §15082(a)(1)) Moreover, residential uses are identified in the Proposed Land Use Map (NOP, Figure 3) and in the NOP (NOP, pp, 3, 5) as proposed uses in the Specific Plan. The Transect Zone Regulating Plan in Section 4.2 of the Specific Plan provides further refinement of the land uses permitted in Sub-Area 4 described in the NOP.
- The uses identified in the comment are categorized as institutional uses, which are expressly included in the proposed R&D/Business/Services land use designation as referenced in the Recommended Land Use Map and in the NOP. (NOP, Figure 3, Table 1, p. 5) According to the NOP, Sub-Area 4 would contain 2,120,000 square feet of the R&D/Business/Services uses, which again, encompasses institutional uses. (NOP, Table 1, p. 5) The Specific Plan further clarifies that institutional uses include schools, day care facilities and hospitals (Section 4.2 of the Specific Plan, Transect Zone Land Use Table). Accordingly, the inclusion of the identified institutional uses within Sub-Area 4 is consistent with the project as described in the NOP.
- In addition to analyzing the potential impacts resulting from development under the Specific Plan on a plan-level, the Draft EIR also analyzes the potential significant environmental impacts caused by development of the Sub-Area 4 Project on a project-level, which represents a likely future development scenario for redevelopment of a portion of the developable area of Sub-Area 4, consistent with the Specific Plan (pages 1-1 and 3-29 of the Draft EIR). The fact that the area is reviewed at the “project level” means that the granularity of analysis of potential impacts is increased in the Draft EIR. It does not imply that the area departs from the project described in the NOP. Indeed, the Sub-Area 4 Project fits within the scope of the Specific Plan, which is the project described in the NOP.
- Regarding the suspension of the University of California’s proposal for the Berkeley Global Campus, refer to Section 4.2.1, Master Response to Comments, Master Response to Comments About the Richmond Field Station (Berkeley Global Campus).

The comment does not identify any information that would require restarting the CEQA process by issuance of a new NOP.

O.18-3 Refer to Section 4.2.1, Master Response to Comments, Master Response to Comments About the Richmond Field Station (Berkeley Global Campus).

O.18-4 Refer to Section 4.2.1, Master Response to Comments, Master Response to Comments About the Richmond Field Station (Berkeley Global Campus).

O.18-5 The Specific Plan and Draft EIR recognize the existing land use controls (“LUCs”) on the Zeneca/former Stauffer Chemical Company site (“Zeneca Site”) and require future development of the Zeneca Site to be consistent with applicable environmental requirements.

As correctly noted by the comment, and as reflected in the Draft EIR on page 4.7-14, the Regional Water Quality Control Board (RWQCB) and the Zeneca Site owner entered into restrictive covenants and an associated Risk Management Plan for Lots 1, 2, and 3, which describe site conditions and precautionary requirements to be taken during construction and post-construction monitoring and maintenance. The covenants also restrict future site uses, prohibiting single-family detached residential construction as well as sensitive uses such as schools, hospitals, and day-care centers. The covenants also require RWQCB approval prior to development of residential uses” (page 4.7-14 of the Draft EIR).

To ensure the protection of environmental health and to maintain consistency with prior LUCs, given the anticipated residential and other sensitive land uses for the Zeneca Site and other properties that may have been impacted by hazardous materials within the Specific Plan area, the Draft EIR requires that development within the Plan Area where releases have taken place or resulted in impacts, including development of the Zeneca Site, comply with Mitigation Measure HAZ-1a.SP, as appropriate. This measure provides:

Prior to issuance of a building permit for any new project proposed within the Plan Area at a location where previous hazardous materials releases have occurred or resulted in environmental impacts, the City shall ensure the project will be developed under the supervision of an environmental agency of applicable jurisdiction (e.g., Department of Toxic Substances Control, **Regional Water Quality Control Board**, Contra Costa County Department of Human Health Services) *such that health-based goals appropriate for the proposed new use are achieved, and soil management plans and/or environmental land use covenants are observed* (emphasis added).

Therefore, so long as the RWQCB LUCs remain in effect, Mitigation Measure HAZ-1a.SP will ensure that they are observed.<sup>13</sup> However, to clarify that more than one environmental agency may have jurisdiction over a project at any given time and that the measure addresses the full range of permits issued by the City, Mitigation Measure HAZ-1a.SP is revised as follows,

<sup>13</sup> It is anticipated that the RWQCB will terminate the 2004 RWQCB LUCs once DTSC has approved a remedial action plan for the Zeneca Site that supports the uses anticipated by the Specific Plan, and will replace those LUCs with more limited covenants. Regardless of the LUCs that will remain in place, Mitigation Measure HAZ-1a.SP will ensure that LUCs are observed.

Prior to issuance of a building permit for any new project proposed within the Plan Area at a location where previous hazardous materials releases have occurred or resulted in environmental impacts, the City shall ensure the project will be developed under the supervision of ~~an~~ the environmental agency(ies) of applicable jurisdiction (e.g., Department of Toxic Substances Control, Regional Water Quality Control Board, Contra Costa County Department of Human Health Services) such that health-based goals appropriate for the proposed new use are achieved, and soil management plans and/or environmental land use covenants are observed. The City shall not issue a building, use, or other permit for a new use that is inconsistent with any applicable land use covenant(s).

Even without the clarifications, it is reasonable for the City to assume that site users will comply with existing environmental restrictions on the Zeneca Site or elsewhere in the Specific Plan Area. The 2004 RWQCB LUCs set forth restrictions that run with the land pursuant to Section 1471 of the Civil Code. These restrictions are expressly enforceable by the RWQCB. Civil Code Section 1471(b) provides “the covenant shall be binding upon each successive owner, during his or her ownership, of any portion of the land affected thereby and upon each person having any interest therein derived through any owner thereof.” Consistent with the law, Section 3.2 of the 2004 RWQCB LUCs states:

Failure of an Owner or Occupant to comply with any of the restrictions, as set forth in paragraph 3.1, shall be grounds for the Board, by reason of this Covenant, to have the authority to require that the Owner modify or remove any Improvements constructed in violation of that paragraph. Violation of the Covenant shall be grounds for the Board to file civil actions against the Owner as provided by law.

Furthermore, Section 4.1 of the 2004 RWQCB LUCs allows any Occupant of the property burdened by the 2004 RWQCB LUCs to apply to the RWQCB for a written variance of the provisions. Therefore, the RWQCB can both enforce and allow variances from the land use restrictions included in the 2004 RWQCB LUCs.

The City must assume that the owners and occupiers of the Zeneca Site will follow the law and comply with the 2004 RWQCB LUCs. *Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884, 910 (upholding mitigation measures requiring compliance with Building Code provisions because “[i]t is reasonable to expect that these environmental regulations will be followed”); *Ebbetts Pass Forest Watch v. California Dept. of Forestry* (2008) 43 Cal.4th 936, 952, 957 (upholding environmental analysis of future herbicide use which assumed that herbicides would be applied in conformance with legal requirements).

Further, with the adoption of Mitigation Measure HAZ-1a.SP, the City will also enforce the land use restrictions included in the 2004 RWQCB LUCs. Mitigation Measure HAZ-1a.SP will be adopted as an enforceable condition of project approval for all development projects within the Plan Area as required by Public Resources Code Section 21081.6. The City enforces conditions of approval pursuant to Section 15.04.950 of its Municipal Code, and can revoke permits if “[a] term of one or more of the conditions of approval of the permit or variance has been violated or relevant other laws or regulations have been violated. Richmond Municipal Code § 15.04.990.020.

- O.18-6 With respect to residential uses, the Specific Plan does not allow detached single family residential development in any of the Transect Zones (Section 4.2, Transect Zone Standards of the Specific Plan). As noted by the comment, this is entirely consistent with the 2004 RWQCB LUCs. The Specific Plan also includes information on environmental contamination within the Plan Area (Section 2.2.4 of the Specific Plan). The Specific Plan lists the Zeneca Site as “open assessment” and identifies that at this site, and other similarly situated sites within the Plan Area, “there may be interim remedial measures that have been performed but no final remedy is yet in place, and sites may be subject to additional land use restrictions in the future” (Section 2.2.4 of the Specific Plan). Therefore the Specific Plan both prohibits detached single family residential uses and identifies that additional conditions may apply to future development depending on its location within the Plan Area. Finally, the Draft EIR identifies the existence of existing LUCs on the Zeneca Site on page 4.7-9.

As required by the Mitigation Monitoring Reporting Plan (“MMRP”), any new development within the Plan Area and on the Zeneca Site must comply with Mitigation Measure HAZ-1a.SP. The MMRP and its Mitigation Measures will be adopted as enforceable conditions of project approval as required by Public Resources Code Section 21081.6. Specifically, Mitigation Measure HAZ-1a.SP requires any project developer to “provide evidence to the City of successful implementation of protective measures through a certificate of completion, finding of suitability for the project’s intended use or similar documentation issued by the environmental agency having jurisdiction over the project” prior to issuance of a certificate of occupancy or similar operating permit for such new project. Mitigation Measure HAZ-1a.SP further requires that the City ensure that the project will be developed under the supervision of agencies of applicable jurisdiction, which will approve health-based goals appropriate for any proposed new use on the Zeneca Site, approve any required soil management plans, and assure that environmental land use covenants are observed.

As noted above in Response to Comment O.18-5, above, the RWQCB will enforce the 2004 RWQCB LUCs, so long as they are in effect. While the City anticipates that the Specific Plan area will be developed for ground floor residential use and for other uses that are conditionally permitted or proscribed under the 2004 RWQCB LUCs, it is reasonable for the City to assume that the

2004 RWQCB LUCs will be adhered to, including the processes and protocols for allowing residential and other uses. Therefore, in addition to Mitigation Measure HAZ-1a.SP, which ensures that protective environmental conditions will be achieved and land use covenants will be observed for any project requiring a City permit, the City may reasonably assume that all site users will abide by any land use covenants.

O.18-7 Comment noted. The City agrees that the 2004 RWQCB LUCs state that certain sensitive land uses on portions of the Zeneca Site are prohibited, subject to obtaining a waiver, modification, or termination of the 2004 RWQCB LUCs.

O.18-8 While this comment addresses the Specific Plan rather than the Draft EIR, for informational purposes the comment is addressed as follows. As noted in Response to Comment O.18-6, above, the Specific Plan lists the Zeneca Site as “open assessment” and identifies that at this site, and other similar sites within the Plan Area, “there may be interim remedial measures that have been performed but no final remedy is yet in place, and sites may be subject to additional land use restrictions in the future” (Section 2.2.4 of the Specific Plan). Both because the 2004 RWQCB LUCs may be terminated following DTSC’s issuance of a remedial action plan that supports the uses contemplated by the Specific Plan, and because Mitigation Measure HAZ-1a.SP will ensure compliance with all environmental land use covenants, further modification to the Specific Plan is not required.

O.18-9 For the reasons stated in responses to comments O.18-5, O.18-6, and O.18-7, above, Mitigation Measure HAZ-1a.SP will ensure compliance with applicable land use covenants. Moreover, the City may reasonably assume that the owners and occupiers of the Zeneca Site and other portions of the Specific Plan area will follow the law and comply with applicable land use covenants.

O.18-10 Schools for persons under 21 years of age, hospitals, day care centers, and agricultural uses are not permitted as of right (Section 4.2, Transect Zone Standards, of the Specific Plan). Schools are allowed only after discretionary City approval of a Conditional Use Permit (“CUP”); hospitals are only allowed in the T5MS-O and SD:R+D zones after discretionary City approval of a CUP, and are prohibited in other zones; day care centers require discretionary City approval of either an Administrative Use Permit (“AUP”) or a CUP depending on the zone; and all agricultural uses require either an AUP or a CUP. All of these uses therefore require further discretionary review by either the City or school district (for public schools), which will involve imposition of appropriate conditions of approval. Day care facilities for seniors are a Permitted Use in some zones [city to confirm], but development of a day care facility for seniors would require City approval of development permits and certificates of occupancy.

The City is required to enforce the MMRP on all new projects within the Plan Area. Pursuant to Mitigation Measure HAZ-1a.SP, among other things, “[t]he

City shall not issue a building, use, or other permit for a new use that is inconsistent with any applicable land use covenant(s).”

O.18-11 As noted above in Response to Comment O.18-5, the 2004 RWQCB LUCs are reflected in the Draft EIR. As noted in Response to Comment O.18-5 and Response to Comment O.18-6, above, Mitigation Measure HAZ 1a.SP requires both approval from the applicable regulatory agency for any development on the Zeneca Site and compliance with any recorded land use covenants or restrictions. As the agency with jurisdiction over the Zeneca Site, the DTSC is correctly described at Page 3-43 of the Draft EIR as providing “review and oversight of remediation of contaminated soils or groundwater impacting sites within the Plan Area.” To the extent that they remain in effect at the time of development, the 2004 RWQCB LUCs will also be adhered to.

O.18-12 Both the Specific Plan and Draft EIR address school uses within the Plan Area (see page 4.12-4 of the Draft EIR). As discussed above under Response to Comment O.18-10, schools for persons under 21 years of age, hospitals, day care centers, and agricultural uses are not permitted as of right within any part of the Plan Area (Section 4.2, Transect Zone Standards, of the Specific Plan). Schools are allowed only after discretionary City approval of a Conditional Use Permit (“CUP”). New school uses require further discretionary review by either the City or school district (for public schools), which will involve imposition of appropriate conditions of approval.

Although no schools are planned for development within the Plan Area and none may be developed, the analysis in the Draft EIR addresses impacts that would be associated with a school (see pages 1-1, 4.2-10, 4.2-13, 4.2-16, 4.2-17, 4.2-36, 4.2-37, 4.2-47, 4.2-48, 4.2-49, 4.6-18, 4.6-21, 4.6-22, 4.7-3, 4.7-14, 4.7-35, 4.7-36, 4.9-32, 4.9-33, 4.10-6, 4.10-11, 4.12-1, 4.12-3, 4.12-4, 4.12-5, 4.12-6, 4.12-7, 4.12-9, 4.12-13, 4.12-16, 4.12-18, 4.12-19, 4.13-19, 4.14-12, 4.15-7, 4.15-10, 4.15-15, 5-34, 5-39, 5-43, 5-46, 5.51). Impacts associated with the development of a school within the Plan Area are included in the impacts described in the Draft EIR, and mitigation measures for these impacts are identified as needed. For example, Mitigation Measure AIR-4a.SP requires a health risk assessment and mitigation plan documenting that exposure of new sensitive land uses, including schools, to concentrations of TACs occurs in such a way that meets or is less than health-based thresholds. In addition, Mitigation Measure HAZ-2b.SP requires review of new sensitive uses, including schools, to ensure that such uses would not be exposed to unacceptable risk to human health or safety to the public once impacts are mitigated. In addition, goals, policies and actions in the City’s General Plan address impacts to schools – for example, Policy CN-4.1 requires that the City “ensure that sensitive uses such as schools, childcare centers, parks and playgrounds, housing and community gathering places are protected from adverse impacts of [air] emissions.”

In addition, the City is required to enforce the MMRP on all new projects within the Plan Area. Pursuant to Mitigation Measure HAZ-1a.SP, among other things, “[t]he City shall not issue a building, use, or other permit for a new use that is inconsistent with any applicable land use covenant(s).” Any land use covenants that apply to the Campus Bay/Zeneca site that would conflict in this way with a school use would therefore serve to prevent the development of schools in this area.

See Response to Comment O.18-10. Although this comment addresses the Specific Plan and not the Draft EIR, the following response is provided for informational purposes. While there is currently no proposal to develop a school on the Zeneca Site or elsewhere within the Plan Area, any public, charter or private school would be developed after an environmental review process under CEQA, including addressing mitigation measure HAZ-1a.SP, as modified, and as described in responses to comments O.18-5 through O.18-10.<sup>14</sup> To the extent that the 2004 RWQCB LUCs (or any other LUC) are in effect at the time that a school is proposed, the school would need to comply with the LUCs, as well. Therefore, to the extent a school is to be constructed on the Zeneca Site or elsewhere within the Plan Area, environmental issues are required to be addressed prior to construction.

Moreover, prior to approval of a new public school site, school districts are required to comply with Education Code Section 17210 et seq. This statutory school siting process requires school districts that are seeking state funds to go through a comprehensive environmental review and cleanup process under DTSC oversight prior to acquisition and/or construction. <http://www.dtsc.ca.gov/Schools/index.cfm>. This ensures that selected properties are either free of contamination or that they are cleaned up to a level that is protective of the students and faculty who will occupy the new school. [http://www.dtsc.ca.gov/SiteCleanup/Brownfields/upload/BF\\_FS\\_Schools\\_11-04.pdf](http://www.dtsc.ca.gov/SiteCleanup/Brownfields/upload/BF_FS_Schools_11-04.pdf)

- O.18-13      There are currently no proposed school sites within the Plan Area or the Sub-Area 4 Project Site. While the Draft EIR recognizes that new schools may be developed within the Plan Area or the Sub-Area 4 Project Site, none of the land within the Plan Area is currently owned by a school or a school district. As noted in Response to Comment O.18-12, above, prior to acquisition of a new school site, school districts are required to comply with statutory school siting process and any school would be required to address Mitigation Measure HAZ-1a.SP as part of the CEQA process. Because no school is currently planned for Sub-Area 4 or the Plan Area, more generally, the Draft EIR was not required to analyze potential impacts of a school use at a detailed level of analysis. (See Response to Comment O.18-15, below). As explained in Response to Comment O.18-12,

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<sup>14</sup> The board of trustees of a school district can, by two-thirds vote, render the City’s zoning ordinance inapplicable to a proposed use of property provided the use is for classroom facilities (Government Code §53094). School districts are the lead agency under CEQA for projects on school district land and would be required to comply with CEQA if building a new school within the Plan Area.

above, schools are, in general, required to obtain a CUP from the City or if they are entitled directly through the School District they will be required to comply with the School District's CEQA process, including addressing Mitigation Measure HAZ-1a.SP. As part of the City's CUP permitting process, the City would also require comply with CEQA.

O.18-14 The Draft FS/RAP cited by the comment is out of date and is currently being revised. In 2014, Zeneca submitted a draft FS/RAP to DTSC addressing remediation of the uplands portion of the Zeneca Site, but DTSC is requiring the revision of that FS/RAP to consider ground floor residential uses and other uses contemplated in the Draft Specific Plan (page 4.7-15 of the Draft EIR; DTSC, 2016g). As noted in the Draft EIR, "cleanup of the Zeneca site will be completed pursuant to a Feasibility Study/Remedial Action Plan (FS/RAP) for the site that is currently under development and will be circulated for public review prior to approval by DTSC. Redevelopment of the property will comply with the FS/RAP as applicable" (page 3-40 of the Draft EIR). The remedial strategies and approaches undertaken to clean up the Zeneca site will be based on the final, approved FS/RAP.

Moreover, evaluation of the potential environmental impacts of a hypothetical school use to be constructed at an undetermined location at an unknown time in the future would be purely speculative. Therefore, the potential effects are not addressed. See *Citizens for a Sustainable Treasure Island v City & County of San Francisco* (2014) 227 Cal.App4th 1036, 1058 (An EIR need not speculate about the effects of contingent future events relating to a project. When future actions that may follow from a project are uncertain, the EIR need not address the environmental consequences that might result). Mitigation Measure HAZ-1a.SP, however, will ensure that environmental conditions will be protective of human health and that land use covenants will be observed. Further, as a project requiring a discretionary entitlement, all impacts of a school use that may have a significant effect on the environment will be appropriately evaluated by the public and decisionmakers.

See responses to comments O.18-13 and O.18-14, above, related to siting a new school on the Zeneca Site. The DTSC is updating the FS/RAP to be consistent with the land uses in the Specific Plan. The DTSC is a public agency that is subject to the requirements of CEQA because it carries out and approves various hazardous waste-related projects that have the potential to impact the environment. DTSC must comply with CEQA prior to its discretionary approval of the FS/RAP pursuant to regulatory authority granted under Chapter 6.8, Division 20 of the Health and Safety Code. The City is not an environmental agency of applicable jurisdiction with respect to soil and groundwater contamination that exists at the Zeneca Site and does not have the statutory authority to approve the FS/RAP. Furthermore, the FS/RAP is currently in draft form and the final remedial actions have not been selected. It would therefore be

speculative for the City to include the FS/RAP within the Draft EIR. DTSC is the appropriate and qualified lead agency that is required to comply with CEQA prior to approval of the FS/RAP. Both the FS/RAP and DTSC's CEQA document will be released for public review prior to approval by DTSC.

O.18-15 As noted in Response to Comment O.18-10, schools are allowed only after discretionary City approval of a CUP, or to the extent that a school district elects to issue its own entitlement following school district review and approval, and compliance with CEQA. Also as noted in responses to comments O.18-12 and O.18-13, development of a public school would require compliance with the environmental provisions of the statutory school siting process. As correctly noted by the comment, neither the Sub-Area 4 Project description nor the NOP includes reference to a school. The comment is also correct that the project-level analysis undertaken for the Sub-Area 4 Project did not specifically reference school use. Rather, the Draft EIR appropriately provides that "the Sub-Area 4 Project and other activities facilitated by the Specific Plan would be required to obtain all necessary project-specific City approvals necessary to proceed and may be required to conduct their own project-specific environmental review," and that "[a]ctivities could require CEQA finding or further CEQA review" (page 3-41 of the Draft EIR). If a school is proposed for the Zeneca Site, that project would be required to obtain a CUP and the City or the school district would be required to undertake an entitlement process and to comply with CEQA.

O.18-16 If a project is proposed that impacts jurisdictional wetlands or lagoons, appropriate transitional zones, including development setbacks, will be determined through the Section 404 permitting process on a project-specific level. As part of that process, the US Army Corps of Engineers ("USACE") "may require the restoration, establishment, enhancement, and preservation, as well as the maintenance, of riparian areas and/or buffers around aquatic resources where necessary to ensure the long-term viability of those resources. Buffers may also provide habitat or corridors necessary for the ecological functioning of aquatic resources. If buffers are required by the district engineer as part of the compensatory mitigation project, compensatory mitigation credit will be provided for those buffers." (40 CFR 230.93(i).) The City will ensure that any buffer required and established by USACE is observed in order to respect the natural habitats in adjacent marsh area consistent with its General Plan. Also see responses to comments O.18-19 and O.18-20.

O.18-17 The City is aware that the Specific Plan reflects potential development on top of and adjacent to potential jurisdictional wetlands. As explained in the Draft EIR, "[p]ortions of the western and southern perimeter of the Study Area are within the San Francisco Bay, which is considered a navigable Water of the U.S. and is therefore a jurisdictional water under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act" (pages 4.3-28 to 4.3-29 of the Draft EIR). The Draft EIR also identifies that "Section 404 of the Federal Clean Water

Act (CWA) (33 U.S.C. 1251–1376) prohibits the discharge of dredged or fill material into waters of the U.S., including wetlands, without a permit from the USACE” (page 4.3-31 of the Draft EIR). “Fill and excavation in areas considered jurisdictional waters requires permitting and authorization from the appropriate regulatory agencies. An individual project within the Plan Area that failed to proceed without permits or approvals would be in violation of these regulations” (page 4.3-58 of the Draft EIR). The Draft EIR also states that “[p]ursuant to Section 404 of the Federal Clean Water Act, permit approval from the USACE shall be obtained for any project placing dredge or fill material in waters of the U.S., including, for example, the placement of rip-rap or other fill along the shoreline during construction of the Promenade in Sub-Area 4 as described in the Specific Plan. Any other construction below mean higher water (MHW) elevation in Meeker Channel or similar waterbody would require a Section 10 permit. Preparation of the Section 404 / Section 10 permit applications may require a Preconstruction Notification (PCN) and supporting documentation. A PCN outlines project activities, areas of impact, construction techniques, and methods for avoiding and reducing impacts to jurisdictional features” (page 4.3-58 of the Draft EIR). Therefore no development would occur on top of or adjacent to jurisdictional wetlands in the Plan Area without appropriate permits and oversight from the USACE.

O.18-18

The potential filling of federally-recognized wetlands areas is adequately addressed in both the aesthetics and biological impacts sections of the Draft EIR. With respect to aesthetics, the Draft EIR notes that “under development of the Specific Plan, open space along the shoreline and waterfront marsh would be preserved, and additional parks and open spaces, including the shoreline promenade in the southern part of Sub-Area 4, would function as visual features connecting viewers to the shoreline and improving access to views. Redevelopment of existing vacant properties and the 86-acre Zeneca site, which are currently inaccessible to the public, under the Project would likely enable new, highly scenic views of the shoreline and marshes south of Sub-Area 4, as well as the other scenic resources visible from this area, including the Bay, San Francisco skyline, East Bay Hills, and Marin Hills, providing a beneficial aesthetic effect” (pages 4.1-36 to 4.1-37 of the Draft EIR). The biological impact analysis provides extensive information on Riparian Areas and Open Water Channels, Freshwater Emergent Wetlands and Lagoons, Tidal Salt Marshes and Intertidal and Subtidal Habitats (see pages 4.3-6 to 4.3-12 of the Draft EIR). Notably, the requirements for Section 404 permits are explicitly referenced on pages 4.3-28 to 4.3-29, 4.3-31, 4.3-34, 4.3-58, and 4.3-72 of the Draft EIR. Impact BIO-3.SP and BIO-3.SA4 identifies that “The Study Area, most notably Sub-Area 4, contains jurisdictional features that would be directly affected by development under the Specific Plan, including wetlands and other waters of the United States and waters of the State of California. This would be a significant impact” (pages 4.3-57, 4.3-70 of the Draft EIR). This potential impact is mitigated to less than significant by adhering to wetland permitting requirements

and implementing Mitigation Measure BIO-2a.SP (Restoration of Northern Coastal Saltmarsh, Riparian, and Wetlands); Mitigation Measure BIO-3.SP (Wetland Protection), and Mitigation Measure HYD-1.SP (Water Quality Best Management Practices for All Construction Activities).

The City notes that it is Zeneca's preferred option to prohibit the loss of freshwater wetlands. As explained in Response to Comment O.18-20, the USACE would approve Section 404 permits prior to filling of any jurisdictional wetlands. As acknowledged by the comment, this potentially significant impact would be mitigated to less than significant by implementation of Mitigation Measure BIO-2a.SP, which requires that impacted "habitats shall be restored in-place to pre-project conditions, if possible, or an equivalent area of these habitats shall be established (ratio of 1:1) at suitable off-site locations along the Richmond shoreline." Mitigation Measure BIO-2a.SP also requires approval of a habitat-specific Restoration and Monitoring Plan by the appropriate regulatory agencies. Further, Mitigation Measure BIO-3SP (Wetland Protection) requires that for "any project proposing development within or adjacent to jurisdictional wetlands within the area of the Specific Plan, the project applicant shall ensure that wetland protection measures shall be applied to protect identified state and federal jurisdictional wetlands" including but not limited to "[t]he project applicant shall obtain the appropriate permits in accordance with the Clean Water Act and California Fish and Game Code from the regulatory agencies and implement any additional mitigations measures or conditions of approval included within the permits." Filling of federally-recognized wetlands is therefore adequately addressed in the Draft EIR.

- O.18-19 As explained in responses to comments O.18-17 through O.18-19, appropriate transitional zones, including development setbacks, will be determined on a project-specific level within the Plan Area lagoons through the Section 404 permitting process.
- O.18-20 The City is aware that two remedial features – a biologically active permeable barrier (BAPB) and slurry wall – were installed on the Zeneca Site under the RWQCB's oversight. DTSC is currently preparing an FS/RAP for the Zeneca Site. The City anticipates that the final FS/RAP will ensure that any buffer zone required for the proper and safe functioning of the selected remedy will be included in the FS/RAP, including, among other elements, any necessary and appropriate buffer zone required for the long term functioning of the BAPB and slurry wall. As an enforceable regulatory document, any future owner or occupant of the Zeneca Site will be required to comply with the FS/RAP and any additional or modified land use controls that are established to preserve the integrity of either the BAPB or the slurry wall. These obligations will be further assured through Mitigation Measure HAZ-1a.SP.
- O.18-21 As noted in Response to Comment O.18-15, the draft FS/RAP is being revised and the final remedial actions, set back requirements, and engineering and institutional

controls that will be applicable to the Zeneca Site have not yet been determined by DTSC. As further noted in Response to Comment O.18-15, additional CEQA review of the FS/RAP will be completed by DTSC prior to its approval. The City acknowledges that the 2014 draft FS/RAP proposed a 100 foot buffer zone to allow for access around the BAPB, but that draft document does not prohibit development within 100 feet of the BAPB, as stated by the comment (Draft Initial Study, page 2). Moreover, the 2004 RWQCB LUCs require only that 15 feet on either side of the BAPB “remain undeveloped.” The City will not speculate as to what requirements DTSC will approve with respect to the protection of the BAPB. Assuming that DTSC were to require a 100 foot buffer zone around the BAPB, Mitigation Measure HAZ-1a.SP would ensure that any development would protect the BAPB as required by DTSC.

O.18-22 The Draft EIR is not required to analyze the impact of any allowed uses within the Sub-Area 4 Project that might encroach on a speculative setback from the BAPB or which may affect the integrity of the slurry wall in the Draft EIR. As a general principle, CEQA does not require environmental review where the analysis would require speculation about future impacts. See *Citizens for a Sustainable Treasure Island v City & County of San Francisco* (2014) 227 Cal.App.4th 1036, 1058 (An EIR need not speculate about the effects of contingent future events relating to a project. When future actions that may follow from a project are uncertain, the EIR need not address the environmental consequences that might result); *River Valley Pres. Dist. v. MTDB* (1995) 37 Cal.App.4th 154, 169-170 (supplemental EIR not required where public agency committed to hire an engineering firm to submit a wetlands mitigation concept plan for a light rail transit project for which the final EIR had been certified, as there was no purpose to require "sheer speculation" about future environmental consequences of then-uncertain and unspecified mitigation plan).

See Response to Comment O.18-22, above, related to protection of the BAPB. A slurry wall was installed along the southern portion of 46th Street (located at the southwestern property boundary with the RFS) in October 2003. The slurry wall consists of a soil and bentonite mixture placed from 3 feet bgs (approximately 7 to 8 feet NGVD) to 20 feet bgs (approximately -10 feet NGVD) extending approximately 15 feet below the groundwater elevation. The slurry wall is approximately 3 feet wide and approximately 610 feet long (LFR 2005c). As noted by the comment, the integrity of the slurry wall must be preserved. Surface uses such as roads, landscaping, and trails that do not limit access to the wall will not compromise the integrity of the slurry wall. As noted above, DTSC will approve a final FS/RAP that includes protective measures and controls related to the BAPB and slurry wall.

Per the Municipal Code and Mitigation Measure HAZ-1a.SP, the Sub-Area 4 Project would be required to obtain development permits for all project plans. During the City’s development permit review process, the City will ensure that

no development is approved within an area restricted for development in either the final FS/RAP or any applicable land use controls. In addition, the City will consider the integrity of the slurry wall as part of the permitting process for any project located along the western boundary of the Sub-Area 4 Project and may require additional setbacks at that time.

The Draft EIR addresses the impacts of the theoretical maximum buildout of the Sub-Area 4 project generally. The form based zoning in the Specific Plan and Sub-Area 4 Project are designed to permit flexibility and to allow variation in the distribution and types of development and uses throughout the Plan Area, subject to limitations included in the EIR, applicable law, and other limitations that may be included as part of the development process. The City may thus restrict development in areas shown on the Figure 1 attached to the Zeneca comment letter if required by DTSC for protection of, and access to, the BAPB and the slurry wall pursuant to Mitigation Measure HAZ-1a.SP or as otherwise required by land use covenants, including the 2004 RWQCB LUCs. This is consistent with the Specific Plan and Sub-Area 4 Project analyzed in the Draft EIR, and the Draft EIR does not need to be revised.

The City acknowledges the figure supplied by the comment. As noted in Response to Comment O.18-22, above, the City will ensure that the integrity of, and access to, the BAPB and slurry wall are maintained, consistent with DTSC's final FS/RAP or as otherwise required by land use covenants, through the development permitting process and consistent with Mitigation Measure HAZ-1a.SP. The Specific Plan does not need to be revised to reflect the need to provide access to these features. Similarly, and as explained above, the Draft EIR addresses the allowable flexible development on the Zeneca Site and, through Mitigation Measure HAZ-1a.SP, requires compliance with the FS/RAP and other regulatory or institutional controls imposed by DTSC or other regulatory agencies. No new mitigation is required.

O.18-23      The Draft EIR adequately describes the Sub-Area 4 Project. The form-based zoning in the Specific Plan and Sub-Area 4 Project is designed to permit flexibility and to allow variation in the distribution and types of development and uses throughout the Plan Area.

Under CEQA, an EIR project description must contain certain information, including the location and boundaries of the proposed project; statement of project objectives; a general description of the project's technical, economic, and environmental characteristics; and a statement briefly describing the EIR's intended uses. (CEQA *Guidelines* Section 15124). Although a conceptual description is sufficient for an EIR project description, the Draft EIR includes a 10-page project description of the Sub-Area 4 Project that includes the project location, project objectives, and a detailed description of the project characteristics, including proposed multimodal access and connectivity, roadway networks, pedestrian and bicycle circulation, transit, parking, utilities, civic

space, grading, construction and phasing, and design elements to address sea level rise (pages 3-31 to 3-40 of the Draft EIR); See *Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, 1052-55 (rejecting argument that EIR's project description was conceptual and lacked accurate, finite and stable project-level details, where EIR made extensive effort to provide meaningful information about the project while providing flexibility needed to respond to changing conditions and unforeseen events that could possibly impact final design, and provided concrete information about building heights, mass, bulk, and design specifications); *Dry Creek Citizens Coal'n v. County of Tulare* (1999) 70 Cal.App.4th 20, 31-36 (rejecting argument that EIR's conceptual descriptions failed to provide detailed information required by CEQA).

The form-based zoning in the Specific Plan and Sub-Area 4 Project are designed to permit flexibility and to allow variation in the distribution and types of development and uses throughout the Plan Area. As explained in Response to Comment O.18-10, above, the uses identified by the comment (Agricultural, School, Day Care, Hospitals and Clinics) all require discretionary approval of either a CUP or AUP by the City prior to development, or compliance with the statutory school siting process. The Sub-Area 4 Project and other activities facilitated by the Specific Plan would be required to obtain all necessary project-specific City approvals necessary to proceed and may be required to conduct their own project-specific environmental review (page 3-41 of the Draft EIR). Therefore if any of the uses identified by the comment are proposed for the Zeneca Site (or other locations within the Plan Area), the City will determine at that time if further CEQA review is required. As part of that further CEQA review, additional mitigation measures may be imposed and alternative uses may be considered. The City notes the comment's acknowledgement of Mitigation Measure HAZ 1a.SP. This mitigation measure applies to any proposed use within the Plan Area. As explained above, risks from residual contamination to workers, future residents, the public and the environment will be mitigated to a less than significant level such that "[p]rior to issuance of a certificate of occupancy or similar operating permit for such new project, the project proponent shall provide evidence to the City of successful implementation of protective measures through a certificate of completion, finding of suitability for the project's intended use or similar documentation issued by the environmental agency having jurisdiction over the project." Because this mitigation measure ensures protection of human health and the environment, and given that future projects on the Zeneca Site are subject to further CEQA review, additional mitigation measures to address residual contamination are not required.

## Comment Letter O.19

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**From:** pam young  
**Sent:** Monday, October 24, 2016 4:57:26 PM (UTC-08:00) Pacific Time (US & Canada)  
**To:** Richmond Bay Specific Plan  
**Subject:** GGAS Comment on draft final RBSP

Dear Manager Velasco,

Attached are comments from Golden Gate Audubon Society on the draft final Richmond Bay Special Plan:

Please feel free to contact me.

thank you,

Pam Young

Pam Young  
Chair, GGAS East Bay Conservation Committee  
Member, GGAS Board of Directors



inspiring people to protect  
Bay Area birds since 1917

October 24, 2016

**VIA E-MAIL**

To: Lina Velasco, Project Manager  
City of Richmond  
Planning and Building Services Department  
450 Civic Center Plaza  
P.O. Box 4046  
Richmond, CA 94804

[rbsp@ci.richmond.ca.us](mailto:rbsp@ci.richmond.ca.us)

RE: Comments on final draft Richmond Bay Specific Plan (RBSP)

Dear Manager Velasco,

On behalf of Golden Gate Audubon Society (GGAS), please accept my comments on the final draft Richmond Bay Specific Plan (RBSP). GGAS is a 99 year old non-profit organization dedicated to protecting the Bay area’s bird life and their natural habitats. The San Francisco Bay is a vital feature of the Pacific Flyway and is a Western Hemisphere Shorebird Network Site of hemispheric importance (the highest possible designation.) The Richmond Bay is an ecologically valuable refuge for over 150 bird species that concentrate their populations along the shoreline and inland through out the year. This vital bay ecosystem and its vast network of tidal pools, mudflats, wetlands, and estuaries provide shelter, food, and ancient communal sources for interspecies gatherings during seasonal migration, overwintering, transient rest periods, and intensive spring and summer breeding activities. The GGAS and its many active supporters have a substantial interest in protecting and enhancing this bay wildlife habitat.

O.19-1

The final draft RBSP offers a major opportunity to focus improvements and sustainable development along the Richmond Bay in a manner that reinforces and preserves the ecological features that attract so many of us to its natural beauty. Indeed, the RBSP references the San Francisco Bay Plan which states: *[T]he Bay should be regarded as the most valuable natural asset of the entire Bay region, a body of water that benefits not only the residents of the Bay Area but of all California and indeed the nation.* [http://www.bcdc.ca.gov/plans/sfbay\\_plan.html](http://www.bcdc.ca.gov/plans/sfbay_plan.html)

O.19-2

The GGAS offers the following comments on the RBSP that emphasize the importance of essentially canonizing the ecosystems and sensitive habitats along this 500-acre portion of Richmond’s Bay as the single most fragile feature of this RBSP. All development must be approached with a very cautious awareness and anticipation and avoidance of unintended

O.19-3

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consequences of negative impacts to wildlife and to their habitats through out this planned area. By regulatory authority, any impacts must first be avoided and or minimized. Only when such impacts simply cannot be avoided or sufficiently minimized should measures for mitigation be considered.

↑  
O.19-3  
cont.

**Install and Incorporate Adequate Setbacks and Ecological Buffers for Sensitive Habitat Areas Along the South Richmond PDA.**

1-4 This 1,350-acre portion of the south Richmond shoreline encompasses wildlife corridors and access ways for wildlife movement between isolated unconnected habitat regions. By installing and incorporating adequate setbacks and creating protected ecological corridors, wildlife will have ecological buffers from encroaching development.

O.19-4

**Limit Public Access Near Designated Wetlands, Mudflats, Creek Corridors, and Other Preservation Areas**

1-6 The RBSP should state unequivocally that public access to sensitive wetlands and related habitat is strictly prohibited. Provide protective buffers from all preservation areas and sensitive habitat so that development and intense human activity are safely distanced from the protected wildlife areas.

O.19-5

**1-7 Define Human Health and Wellness to Include the Benefits of Ecosystem Services and Natural Capital That Reduce the Costs of Remediation and Restoration**

This RBSP represents an opportunity to contain the ongoing costs of remediation and restoration by planning and constructing development that sustainably protects clean water and restores flood-protecting features of natural landforms and natural drainage systems.

O.19-6

**1-12 Plan Community Workshops with Experts in Ecological Restoration**

Build cooperative planning into this RBSP so that workshops focus on preventing harmful unanticipated impacts.

O.19-7

**1-17 Utilize the MESP General Plan to Identify and Set Aside Conservation and Preservation Areas**

Require a close working partnership with EBRPD at the early planning stages. Identify and designate Conservation Areas and Preservation Areas as requiring strict avoidance so that mitigation measures remain unavailable.

O.19-8

**2-9 Protect Natural Features as Cost-effective Measures Against Sea Level Rise**

Levee failures and intensity of flooding are less likely to occur where natural land features are protected, enhanced, and remain intact and connected along the shoreline.

O.19-9

**3-17 In addition to Day-lighting Creeks, Establish Ecological Buffers Along the Creek Banks and Slopes As Natural Protection from Erosion and Encroachment**

↓  
O.19-10

## Comment Letter O.19

Many wildlife species depend on creek sides for forage and shelter. These wildlife communities naturally protect the land features that prevent erosion. ↑ O.19-10  
| cont.

**3-31 In Addition to Requiring the Transfer of Open Space to EBRPD in Sub-Area 4's Special Planning Area, Require Workshops that Include Ecologists and Land Stewards** | O.19-11

The transfer of open space to EBRPD is an opportunity to confer with ecologists and wildlife specialists on identifying and designating key habitat features for enhancement and preservation.

**4-108 Apply Bird-safe Building Standards to All New and Updated Construction** | O.19-12

Birds occur through our urban communities and sadly, millions of birds die of window-strikes and blinding night lighting. Consult with wildlife field biologists on the location, position, and structure of all new and updated structures.

**5-12 Monitor for TMDL's and Prevent Contamination From Stormwater Runoff into Meeker Slough, Hoffman Marsh, or impaired creeks, such as Baxter Creek** | O.19-13

The RBSP should require intensive BMPs for releasing clean stormwater and discharge into sensitive shoreline habitat and creeks.

**6-6 Any Sea-level Rise Applications Should Require Critical Analysis of Unintended Consequences, such as Negative Impacts to Wildlife and Their Habitats** | O.19-14

Alterations and remedies for sea-level rise, such as rip-rap along shorelines, have harmful impacts that should be avoided. Instead, planners should intensively manage natural shorelines, extend native landscaping, and apply setbacks to development.

**7-21 In Addition to Incentivizing Developments That Incorporate Sustainable Development, Require Measurable Benefits That Will Monitored** | O.19-15

Planners should be prepared to modify development that has negative environmental impacts. Any development should be monitored and measured so that such impacts can be modified and eliminated.

Thank you for this opportunity to comment on the draft final RBSP.

Sincerely,

Pam Young

Pam Young  
Chair, GGAS Conservation Committee  
Member, GGAS Board of Directors

## Letter O.19: Golden Gate Audubon Society

- O.19-1 The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.
- O.19-2 The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.
- O.19-3 Refer to Section 4.3, *Biological Resources*, of the Draft EIR which analyzes impacts on biological resources, including wildlife and habitat, and includes mitigation measures to reduce such impacts.
- O.19-4 Refer to Section 4.3, *Biological Resources*, of the Draft EIR which discusses buffers to protect wildlife and habitat. In particular, page 4.3-45 (Impact BIO-1.SP) addresses buffer zones for special-status birds and common nesting birds during construction activity and between lit areas and open space. Furthermore, refer to Section 7.2 of the Specific Plan (2030 General Plan Land Use Map Amendment), which discusses open space. See Response to Comment O.6-5 regarding wildlife corridors.
- O.19-5 Refer to Section 4.3, *Biological Resources*, of the Draft EIR, which discusses buffers to protect wildlife and habitat, as well as impacts associated with increased human activity. Impacts to wetlands are discussed under Impact BIO-3.SP (pages 57 to 60 of the Draft EIR) and Mitigation Measure BIO-3.SP, Wetland Protection. See also Response to Comment O.18-17 regarding wetland buffers. Refer also to response to comment O.19-4 above for additional detail regarding wildlife buffers. See Response to Comment O.6-5 regarding wildlife corridors.
- O.19-6 This comment addresses the Specific Plan, rather than the EIR. As discussed in Section 7.4, General Plan 2030 Policy Synergies, of the Specific Plan, the Plan incentivizes developments that incorporate sustainable development practices and conservation measure to ensure a healthy natural environment. The Plan also seeks to protect and restore creek corridors in the area. The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.
- O.19-7 This comment addresses the Specific Plan, rather than the EIR. As discussed in Section 1.4, Summary of Process, of the Specific Plan, the Plan was developed through a synthesis of input from community members, stakeholders, and agencies through an iterative process of community meetings and workshops and technical analysis. A 28-member Community Advisory Group and 12-member Economic Advisory Panel were also formed and consulted with at key milestones

- during the process. The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.
- O.19-8 This comment addresses the Specific Plan, rather than the EIR. See Response to Comment O.5-1. The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.
- O.19-9 This comment addresses the Specific Plan, rather than the EIR. See Response to Comment O.5-1. The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.
- O.19-10 Refer to Section 4.3, *Biological Resources*, of the Draft EIR, which discusses buffer areas that would protect wildlife and habitat, as well as Section 4.8, *Hydrology and Water Quality* which addresses erosion control measures. As discussed in Section 4.3 of the Draft EIR, Specific Plan habitat restoration strategies are envisioned to improve the role of existing creeks as wildlife habitat and as district amenities, and City Zoning Ordinance Section 15.04.840.060, (Creeks/Streams/Riparian Corridors) supports this goal by establishing creek buffer zones and best management practices on parcels that include creeks. Also refer to Response to Comment O.19-4 for additional detail regarding buffers.
- O.19-11 This comment addresses the Specific Plan, rather than the EIR. See Response to Comment O.17-6. The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.
- O.19-12 Refer to Section 4.3, *Biological Resources*, Mitigation Measure BIO-1d.SP: Building Design and Lighting Strategies to Address Biological Resources Impacts (page 4.3-39 of the Draft EIR) which would avoid and minimize potential impacts on special-status species and nesting and migratory birds by requiring design features such as patterned or fritted glass and decreasing reflectivity of surfaces to make buildings appear less transparent. The measure also calls for limiting night lighting, which would reduce the potential for disorientation. With the implementation of this measure, the impact would be less than significant.
- O.19-13 Refer to Section 4.8, *Hydrology and Water Quality*, of the Draft EIR, which includes a discussion of the Specific Plan's stormwater quality standards. Further, Mitigation Measure HYD-1.SP: Water Quality Best Management Practices for All Construction Activities, addresses construction Best Management Practices that will be implemented during construction under the Specific Plan. With the implementation of this measure, the impact would be less than significant.
- O.19-14 The project analyzed in the Draft EIR includes certain improvements that are intended to address sea level rise. Specifically, as noted in Response to Comment O.17-8, the Specific Plan identifies numerous flood protection strategies that can

be implemented with adaptive capacities to address sea level rise, including: raising elevations to be at or above the expected flood levels and projected amount of sea level rise within the life of the project; constructing perimeter measures, such as a floodwall or levee, above the expected flood levels and projected amount of sea level rise; setting back from the shoreline and developing on areas with existing elevations above the expected flood levels and projected amount of sea level rise; and using natural shore forms where practical and coordinating closely with the East Bay Regional Park District on maintaining the San Francisco Bay Trail embankment (Section 5.3.3 of the Specific Plan). Section 4.8, *Hydrology, Sea Level Rise, and Water Quality* of the Draft EIR also includes two mitigation measures – HYD-7a.SP and HYD-7b.SP – that address sea level rise. Additionally, all proposed development within the Plan Area will be reviewed by the City, as well as permitting agencies to the extent they have jurisdiction, to determine whether the development proposal would have impacts above and beyond those described in the EIR.

O.19-15 Refer to Chapter 6, Mitigation Monitoring and Reporting Program, of this Response to Comments Document which, consistent with Public Resources Code Section 21081.6(a)(1)), contains the monitoring and reporting program that will mitigate or avoid the identified significant effects for the Specific Plan and Sub Area 4 Project. The MMRP will be adopted as an enforceable condition of project approval for all development projects within the Plan Area as required by Public Resources Code Section 21081.6.

DEPARTMENT OF TRANSPORTATION

DISTRICT 4  
P.O. BOX 23660  
OAKLAND, CA 94623-0660  
PHONE (510) 286-5528  
FAX (510) 286-5559  
TTY 711  
www.dot.ca.gov



Serious Drought.  
Help save water!

October 20, 2016

04-CC-2016-00024  
CCVAR019  
SCH# 2014092082

Ms. Lina Velasco  
City of Richmond  
Planning Division  
450 Civic Center Plaza – 2<sup>nd</sup> Floor  
Richmond, CA 94804

Dear Ms. Velasco:

**Richmond Bay Specific Plan – Draft Environmental Impact Report**

Thank you for continuing to include the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. The following comments are based on the Richmond Bay Specific Plan (RBSP) Draft Environmental Impact Report (EIR). We provide these comments consistent with the State’s smart mobility goals that support a vibrant economy, and build communities, not sprawl. Our letter dated December 14, 2015 is incorporated by reference. Additional comments may be forthcoming pending final review.

O.20-1

**Project Understanding**

The RBSP is a 500-acre portion of the Richmond South Shoreline area and immediately adjacent to the south of Interstate (I) 580. The RBSP includes the University of California Richmond Field Station (Berkeley Global Campus). The RBSP focuses on ways the City of Richmond (City) can capitalize on the planned Berkeley Global Campus, an economic engine for the entire Bay Area – as well as future ferry service and other area assets to create a sustainable, waterfront community over time that will provide increased jobs and housing opportunities, improved transportation options, and access to entertainment and recreation for the City and region. The RBSP includes areas that are walkable, mixed-use neighborhoods that can accommodate over 5.6 million square feet (sf) or research and development uses, 730,000 sf of retail and services, over 4,000 housing units, and 145 acres of public and natural open space.

O.20-2

**Project Design**

As the lead agency, the City of Richmond is responsible for all project mitigation, including any needed improvements to state highways. Please coordinate the design of proposed I 580 interchange improvements with Caltrans.

O.20-3

*“Provide a safe, sustainable, integrated and efficient transportation system to enhance California’s economy and livability”*

Ms. Lina Velasco/City of Richmond

October 20, 2016

Page 2

All curb ramps, sidewalks and crosswalks shall meet Caltrans standards and Americans with Disabilities Act Accessibility Guidelines requirements. Any non-standard features located within State right of way need to be approved by Caltrans.

O.20-4

Please consider coordinating bikeshare locations with Bay Area Bike Share.

O.20-5

**Cultural Resources**

In the Draft EIR, Section 4.4 Cultural and Paleontological Resources section, references are made on pages 4.4-10 and 4.4-26 to recommendations provided by the Northwest Information Center (NWIC), however the NWIC is an archive with no authority to provide recommendations as to the required cultural resource studies per state or federal environmental regulations. The NWIC's recommendations regarding Sub-Area 4 are incorrect and there is a high potential to encounter archaeological resources within the project area. It is understood that portions of Sub-Area 4 are covered by artificial fill, but such fill could potentially conceal archaeological deposits. If ground disturbing activities penetrate the artificial fill, there is a high potential for encountering previously unrecorded historic-era and prehistoric archaeological deposits.

O.20-6

In the Draft EIR Appendix D Cultural Resource Supporting Information, as presented, the Department of Parks and Recreation (DPR) forms are out of order. The majority of the second pages come at the end in a group, and in one case, the second page is an incorrect match to the first page. Additionally, if it is known, the DPR forms should include who originally constructed the buildings and the names of the companies that now occupy the buildings.

O.20-7

**Encroachment Permit**

Please be advised that any work or traffic control that encroaches onto the State ROW requires an encroachment permit that is issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to the following address: David Salladay, District Office Chief, Office of Permits, California Department of Transportation, District 4, P.O. Box 23660, Oakland, CA 94623-0660. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. See the website linked below for more information:

O.20-8

Please feel free to call or email Becky Frank at (510) 286-5536 or becky.frank@dot.ca.gov with any questions regarding this letter.

Sincerely,



PATRICIA MAURICE  
District Branch Chief  
Local Development - Intergovernmental Review

c: Scott Morgan, State Clearinghouse

DEPARTMENT OF TRANSPORTATION

DISTRICT 4  
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Serious Drought.  
Help save water!

December 14, 2015

CCVAR019  
SCH #2014092082

Ms. Lina Velasco  
City of Richmond  
450 Civic Center Plaza  
Richmond, CA 94804

Dear Ms. Velasco:

**Richmond Bay Specific Plan (RBSP)-Plan**

Thank you for continuing to include the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. The Mission of Caltrans is to provide a safe, sustainable, integrated, and efficient transportation system to enhance California's economy and livability.

O.20-9

***Project Understanding***

The RBSP is a 500-acre portion of Richmond's Bay and immediately adjacent to the south of Interstate (I-) 580. The RBSP includes the Richmond Field Station for the UC Berkeley's Berkeley Global Campus. This RBSP focuses on ways the City of Richmond can capitalize on the planned Berkeley Global Campus, an economic engine for the entire Bay Area – as well as future ferry service and other area assets to create a sustainable, waterfront community over time that will provide increased jobs and housing opportunities, improved transportation options, and access to entertainment and recreation for the city and region. The RBSB includes areas that are walkable, mixed-use neighborhoods that can accommodate over 5.6 million square feet of research and development uses, 720,000 square feet of retail and services, over 4,000 housing units, and 145 acres of public and natural open space.

O.20-10

***Traffic Analysis***

On pages 3-22 and 3-23, there's reference to reconfigured off-ramps at the I-580/Regatta Boulevard/Meade Street interchange. Please include this intersection in your traffic analysis in the Draft Environmental Impact Report (DEIR).

O.20-11

Ms. Lina Velasco, City of Richmond  
December 14, 2015  
Page 2

**Goods Movement**

- In section 3.3.1, freight accommodation with regard to delivery and commercial vehicle parking should be a major consideration in terms of infrastructure development and construction. Please address this issue in the DEIR; [ O.20-12
- On page 3-14 Alternative E, Grade Separated Railway. Have the Class I railroads been consulted on this part of the plan; [ O.20-13
- Please include specific discussion on how the Port of Richmond affects the study area, particularly with regards to goods movement; and [ O.20-14
- Please further develop the discussion on freight buffers; [ O.20-15
- The RBSB provides excellent freight rail facility analysis, and related shipper and route issues with some very good maps and alternative projects that could alleviate freight congestion and improve bottlenecks. Overall the plan was comprehensive with regard to understanding high level freight issues. [ O.20-16

Should you have any questions regarding this letter, please contact Keith Wayne at 510-286-5737 or keith\_wayne@dot.ca.gov.

Sincerely,



for

PATRICIA MAURICE  
District Branch Chief  
Local Development - Intergovernmental Review

## Letter O.20: California Department of Transportation (Caltrans)

- O.20-1 The comment states the agency’s letter dated December 14, 2015 is incorporated by reference. Responses to comments in the Caltrans letter dated December 14, 2015 (submitted as comments on the draft Specific Plan) comprise responses O.20-9 through O.20-16, below. The comment does not raise any substantive environmental issues that require further response under CEQA.
- O.20-2 The comment incorrectly states the Plan Area includes the Richmond Field Station (Berkeley Global Campus). The comment does not raise any substantive environmental issues that require further response under CEQA.
- O.20-3 The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.
- O.20-4 The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.
- O.20-5 The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.
- O.20-6 The comment refers to pages 4.4-10 and 4.4-26 of the Draft EIR (Section 4.4, *Cultural and Paleontological Resources*). As described in the Draft EIR, the NWIC concluded that there was a high potential for historic-era archaeological resources and a moderate potential for Native American resources within the Sub-Area 4 Project site. The NWIC further concluded that because ground-disturbing activities would be conducted in “areas composed entirely of artificial fill,” there was a low possibility of identifying Native American and historic-era archaeological resources within areas where construction would actually take place. This comment disagrees with this finding, stating that there is a high potential to encounter archaeological resources below the artificial fill.

The consulting archaeologists for the Draft EIR completed further archaeological assessment of the Sub-Area 4 Project site, including a comprehensive records search at the NWIC, a reconnaissance-level survey of accessible areas of the site, and a geological analysis. The consulting archaeologists concluded that based on a variety of factors—taking into account the NWIC recommendations as well as additional research—the archaeological sensitivity of the Sub-Area 4 Project site appears to be moderate rather than low. It was determined that implementation of the Sub-Area 4 Project would result in a significant impact if project construction activities could cause a substantial adverse change to an archaeological resource through physical demolition, destruction, relocation, or alteration of the resource. Mitigation Measure CUL-2.SP (Archaeological Resources Evaluation) was provided in the Draft EIR to ensure that impacts to potential archaeological resources associated with both the Specific Plan and the Sub-Area 4 Project would be reduced to a less-than-significant level by requiring a comprehensive

archaeological study and survey in order to determine the presence or absence of known and potential unknown archaeological resources in relation to the impacts of site-specific development.

- O.20-7 The DPR forms in Appendix D have been re-ordered and are included as Appendix B of this Response to Comments document. The names of original builders were not included in the DPR forms, because the consulting historical resources specialists were unable to determine the original builders. In addition, information regarding the names of the companies that now occupy the buildings was not included, because the current building occupants are not always (or even typically) the current owners.
- O.20-8 The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.
- O.20-9 The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.
- O.20-10 The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.
- O.20-11 As recommended in the comment, the intersection at I-580/Regatta Boulevard/ Meade Street was included in the traffic analysis presented in the Draft EIR (Section 4.13, *Transportation and Traffic*).
- O.20-12 The Draft EIR addresses commercial vehicle delivery and parking – for example, Mitigation Measure AIR-3c.SP, in Section 4.2, *Air Quality*, requires electrification of loading docks. A Goods Movement Plan will also be completed under the Specific Plan (refer to Section 4.2.1, Master Response to Comments, Master Response to Comments About a Goods Movement Plan).
- O.20-13 The comment is noted. Rail operators of rail line and facilities within the Plan Area are stakeholders in the planning process, and have been consulted throughout the process.
- O.20-14 The comment is noted. A Goods Movement Plan, which will address goods movement operations to and from the Port of Richmond, will be completed under the Specific Plan (refer to Section 4.2.1, Master Response to Comments, Master Response to Comments About a Goods Movement Plan).
- O.20-15 This comment addresses the Specific Plan, rather than the EIR. The comment is noted. A Goods Movement Plan will be completed under the Specific Plan (refer to Section 4.2.1, Master Response to Comments, Master Response to Comments About a Goods Movement Plan). The comment does not raise any substantive environmental issues that require further response under CEQA.

O.20-16        The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.

**October 29, 2015**

**Richmond Annex Neighborhood Council's  
Comments to the  
Draft Richmond Bay Specific Plan**

**PART 1**

Note: RANC is still reviewing the Draft Plan;  
more recommendations will be forthcoming.

1. Proposed Land Use Regulations under the Draft Richmond Bay Specific Plan (RBSP):

The proposed Land Use Regulations under the Draft RBSP are too loose and widespread in comparison to our neighboring cities' shoreline districts (i.e. everything located between I-80 or I-580 and the Bay).

O.21-1

The Richmond Annex Neighborhood Council strongly considers the entire portion of our shoreline area, located between Baxter Creek and Hoffman Marsh, and between the Zeneca site and the Bay, as environmentally-sensitive and fragile areas, as these wetlands, marshes, mudflats and tidelands are interspersed throughout. These areas are currently designated as green, Open Space on our current General Plan Land Use maps, adopted in April of 2012. This is because these areas contain an extensive area of intertidal marshes, creek, and other unnamed wetlands. These areas are important in maintaining wildlife, shorebirds, the waterfowl of the Pacific Flyway and other upland species. These areas are very important because they offset air and water pollution by adding to the oxygen supply in the surrounding air and water and absorbing carbon dioxide from the air. Also, the wildlife value of marshes and creeks can be degraded through human intrusion and domestic pet intrusion.

O.21-2

The Draft RBSP, if adopted in its current state, would supersede the General Plan Land Use maps and designate this particular area as gray, Special Planning Area. As stated in the Draft RBSP, "*the Special Planning Area shall have the same Land Uses and Height Standards as in the Special R&D Zone. Building Placement and Parking to be approved by the City Council.*" Unfortunately, the Special R&D zone requires only a Minor Use Permit or specifies "outright permitted" for most of the commercial and industrial land uses, which can adversely impact these fragile ecological systems that are currently and appropriately designated on the General Plan maps as green, Open Space. The Draft Plan specifically calls for a hotel, restaurant, winery, and several detached bed & breakfast inns within the proposed gray, Special Planning Area. How did these particular land uses get into this Draft Plan for this specific area, prior to releasing this plan to the public? This is very concerning to us.

O.21-3

The uses which can be compatible with marshes and creeks and which have the least disturbing effect upon the surrounding wildlife include: minimally contaminated storm drainage overflow and nature study. Other uses can have a disturbing effect on wildlife depending on their intensity and conflicting characteristics. Do not require unacceptable or unmitigated degradation of existing site habitat and natural resources. Require that development cause "no net loss of ecological function" of our shoreline. Minimize negative impacts upon all wetlands, natural areas and wildlife habitats from all buildings and potential increased human access, by providing adequate buffer zone areas. The RBSP should provide a buffer zone for any development in order to ensure the full protection of wetlands from any development impacts. Although similar, buffers and setbacks are not quite the same thing. Buffers are intended to protect ecological functions. A buffer provides a high level of protection that is to be maintained in an undisturbed state.

O.21-4

Unlike Richmond, the neighboring Cities of Albany, Berkeley, and Emeryville do not outright-permit land uses nor require just a Minor Use Permit on their shorelines. Proposed uses for these cities require a Conditional Use Permit, which allows their Planning Commissions and communities to carefully evaluate if such land uses are appropriate for these areas.

O.21-5

For years, Richmond has outright-permitted some incompatible uses for our shoreline. An awareness of how other neighboring cities handle these situations should convince Richmond to follow better practices for our shoreline as well. Protecting our wetland areas is a primary goal that reflects the long-standing views and values of the Greater Richmond Annex community. We believe it is important to retain this area as green, Open Space in order to protect this fragile ecological area to the maximum extent possible.

We were fascinated with the "Richmond Bayway, A Future for the Richmond Shoreline," by Tom Leader Staff Internship Studio (See [www.tomleader.com/issue3D/richmondbayway/index.html](http://www.tomleader.com/issue3D/richmondbayway/index.html) ). On page 4, paragraph 2, of his PowerPoint presentation it states, "*The Richmond Shoreline also needs to become a healthier place to live and work, by reducing or eliminating pollution sources, generating clean energy and water, expanding open space available to the residents, and multiplying the existing coastal marshes and tidal habitat that create (currently unrealized) value for the city. Any city with 35 miles of Bay shoreline ought to get the maximum benefit from such an enormous resource." We concur.*

O.21-6

2. What are the Differences between Permitted Uses, Minor Use Permit, and Conditional Use Permit?

- **Permitted Uses:** In contrast to uses which require a Use Permit, permitted uses are generally less intensive in nature and have no neighborhood impacts or environmental impacts.
- **Minor Use Permit (MUP):** Uses requiring a MUP have low potential for adverse impacts on surrounding properties. A MUP involves modifications to an existing use, certain accessory uses, or new uses which are clearly compatible with the adjoining land uses. A MUP is reviewed administratively and the Planning Director or his or her designee makes a final determination after a 10-day public notice is given.
- **Conditional Use Permit (CUP):** A CUP is required when certain uses, due to the nature of use, intensity, or size, require special review to determine if the proposed use is compatible with other existing and proposed uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics, and environmental impacts. The Planning Commission is the decision-making body and a regular public hearing is required.

O.21-7

Why a Conditional Use Permit?

The purpose of a Conditional Use Permit is to provide for individual approval or denial of land uses that have some special impact or uniqueness that needs to be evaluated for a particular location. The CUP process provides the city with the means to review the location, design, configuration of uses and potential impacts and compatibility with the surrounding area. The nature of these uses requires special review and conditions to ensure that the use does not result in a nuisance and that its operation is compatible with the environment or the existing adjoining land uses (e.g. shoreline areas or when abutting a residentially-zoned district).

➤ **Please review the Land Use Comparison Chart, which is attached at the end of this packet.**

O.21-8

3. Type of Density in the RBSP (Bulk and Mass)

The Draft Plan proposes uniform mid-rise to high density for ALL zoning districts under the Plan, including areas adjacent to environmentally-sensitive areas along our shoreline. This means all buildings heights are set at 5-stories or 8-stories with a density bonus for mixed-use housing projects, with zero lot lines—0’ front, 0’ side, and 0’ to 5’ rear setbacks. This plan, if adopted, would allow the construction of intensive compact/condensed housing and/or commercial buildings, which would change the visual character and environmental quality of the shoreline area in a major way by significantly reducing private/common open space under the development standards, and creating noise and nighttime glare to the natural areas. The overcrowding of this type of development illustrates the need for more open space, not reducing the private/common open space.

4. Aesthetics

A number of sensitive wildlife species adjacent to the development may be adversely affected by this new source of noise, lighting, and building heights of 5 and 8-stories with a density bonus for mixed-use housing projects. The Draft Plan should consider and include policies that provide for transition between land uses, such as buffer zones between the wetlands and development, low profile structures and downward- directed lighting.

O.21-9

The visual quality of any shoreline development proposal should relate directly to a set of site-specific factors. Incorporating design principles such as human scale, architectural diversity and varied building massing can lead to well-designed waterfront buildings and shoreline access areas.

This objective can be achieved by:

- a. Providing visual interest and architectural variety in massing and height to new buildings along the shoreline.
- b. Using building footprints to create a diversity of public spaces along the Bay.
- c. Articulating shoreline building facades with human-scale elements.
- d. Using forms, materials, colors and textures that are compatible with the Bay.

O.21-10

**Providing visual access to the Bay:**

Buildings should be graduated from the parallel street grid pattern on shoreline to provide visual access to Bay views.

This objective can be achieved by:

- a. Being cognizant of human scale and provide variety and contrast in building height, setback and physical appearance.
- b. Designing the street grid pattern so that longer streets are parallel to the shoreline.

O.21-11

Example:

Development along the closest street parallel to the shoreline should be lower-story buildings.  
Development along the parallel street above the first block should be medium-story buildings.  
Development along the parallel street above the 2<sup>nd</sup> block should be taller buildings.

Bay view opportunities would then be provided for all developments.

**5. Bird-Safe Buildings** (Adopted July 14, 2011 by the San Francisco Planning Commission)

We need to adopt hybrid bird-safe building standards that currently apply to the City of San Francisco, including Mission Bay. The Draft Plan emulates the Mission Bay Campus in San Francisco. Let's make a concerted effort to provide similar guidelines. The South Shoreline is located in a major Pacific Flyway area, which includes migratory birds that pass through this way or stop to rest and feed. We also have several resident bird species, including the endangered California Clapper Rail and Salt Marsh Harvest Mouse. It also provides the water birds' pattern of life. The salt marshes, wetlands and mudflats of the Point Isabel area, Hoffman Marsh area, Baxter Creek, Meeker Slough, East and West Stege Marshes, and other intertwined wetlands and their surrounding habitat areas provide their living space.

O.21-12

**6. Important Goals & Policies that Need to be Added to the RBSP**

- a. Establish the area located between the I-580 Bayview Overpass and Hoffman Marsh primarily for open space, recreational, and environmental uses, with preservation, cleanup and enhancement of the marshes, creeks, and expansion of its surrounding habitat areas.
- b. Protect all open water, marshlands, creeks, mudflats and all tidelands to the maximum extent feasible. Discourage filling, dredging and all development that would have a significant adverse impact on the biological productivity or aesthetic character of the physical features of open water, marshlands, creeks, mudflat or tidelands.
- c. Require all new shoreline development and encourage existing development to provide an appropriate buffer zone between such development and adjacent marshlands, creeks, including its surrounding habitat areas.
- d. Require new development to preserve the unique view opportunities in the gray, Special Planning Area of the shoreline and make these views available to the public to the maximum extent feasible.
- e. Protect fish and wildlife habitats and avoid disruption and of the ecological balance in the Bay and around wetland areas, which has already been damaged by past fills, and can endanger the very existence of some species of birds and fish (e.g. California Clapper Rail, Salt Marsh Harvest Mouse).
- f. Avoid reducing the air-conditioning effects of the wetlands and reduce the danger of air pollution. Reducing the open water surface over which cool air moves in from the ocean would reduce the amount of this air reaching the Santa Clara Valley and the Carquinez Strait in the summer. This would increase the frequency and intensity of temperature inversions, which trap air pollutants and thus cause an increase in smog in the Bay Area.

O.21-13

## 7. Proposed Street Tree Palette

Do we want to look like Southern California or a tropical island? There are three species of palm trees proposed in the Draft Plan. Palm trees are inappropriate for the Richmond South Shoreline area and are known to attract rats.

Though not native to the state, the hundreds of species of palm trees you might find in southern California, only one is native to the state, and that specimen is naturally found around springs and arroyos in the desert southwest, not lined along beach community parks and streets.

Palms are actually more closely related to grasses than they are to woody deciduous trees. They need an abundance of water in the soil to grow successfully, and so they—like the manicured lawns they often adorn—rely on the vast amounts of water that Southern California imports from distant watersheds.

The fact that palms are more structural than functional, requiring a significant amount of water and providing little shade, Los Angeles was looking to replace its palms with a number of other trees (back in 2006). The Million Tree Initiative of Mayor Antonio Villaraigosa wasn't anti-palm but wouldn't be planting any as part of official replanting.

Ref. A Brief History of Palm Trees in Southern California; USC Libraries

Please review “**TREES of the California Landscape,**” recommended by Ellen Miramontes, Bay Design Analyst (25+ years experience at BCDC), San Francisco, CA. She highly recommends the street trees and median trees listed below for the Richmond Shoreline areas. She has recommended street trees for Seaport Avenue in Richmond. Trees for urban streets require careful selection. Parkway use allows more flexibility in tree selection.

Ellen Miramontes  
Bay Design Analyst  
San Francisco Bay Conservation and Development Commission (BCDC)  
455 Golden Gate Avenue, Suite 10600  
San Francisco, California 94102  
(415) 352-3643 Direct  
(415) 352-3600 Main  
(415) 352-3606 Fax  
[ellenm@bccdc.ca.gov](mailto:ellenm@bccdc.ca.gov)

### Large

#### ***Nyssa sylvatica***

Topelo – An excellent street, lawn, parkway, or patio tree with dependable fall color even in mild winter climates. Grows well in any soil. Tolerates alkalinity and poor drainage. Relatively pest free. Deep rooted, with shallow lateral roots. Larger trees difficult to transplant. Longevity estimated to be 100-150 years.

#### ***Aesculus californica***

Buckeye - deciduous tree 15-30' tall; fragrant, white blooms buckeye May-June; sometimes drops leaves in July; white bark color; tolerates seacoast; attracts butterflies; does well in a variety of conditions

#### ***Arbutus unedo***

strawberry tree - evergreen multi-stemmed shrub/tree 15-30' tall and wide; dark green leaves, reddish bark, pink flowers turn to red fruit; full sun to part shade; tolerates wind and seacoast conditions

O.21-14

***Platanus x acerifolia***

London plane - deciduous tree 40-80' tall by 30-40' wide; sun to part shade; moderate water; fast growing; tolerates many soils, smog, reflected heat; performs well as street or lawn tree

***Quercus agrifolia***

coast live oak - evergreen tree 30-75' tall by 60-100' wide; full sun or part shade, good drainage; do not water regularly within root zone; tolerates drought, heat, wind; plant in groves preferably; acorns used for propagation should be from salt adapted parents

***Liriodendron tulipifera***

tulip tree

***Platanus x acerifolia***

London plane

***Quercus agrifolia***

cork oak

***Schinus molle***

pepper tree

***Zelkova serrate***

sawtooth zelkova

## Medium

***Alnus cordata***

Italian alder

***Pistacia chinensis***

Chinese pistache

***Tilia cordata***

little-leaf linden

## Small

***Aesulus x carnea***

red horsechestnut

***Carpinus Canadensis***

European hornbeam

***Cercis Canadensis***

eastern redbud

***Lagerstoemia indica***

crape myrtle

***Melaleuca quinquenervia***

cajeput tree

O.21-14  
cont.

Attachment 1

Use Classifications	Albany Waterfront Plan	Berkeley Waterfront Specific Plan	Emeryville Shoreline Areas	Hercules Waterfront Commercial District	Pinole	Richmond Bay Specific Plan	Richmond Bay <u>Special District</u> ; R&D
	<b>Note:</b> None of the uses are out-right permitted. All Uses are either Prohibited or require a CUP	<b>Note:</b> None of the uses are out-right permitted. All Uses are either Prohibited or require a CUP	<b>Note:</b> Very few of the uses are out-right permitted. Most Uses are either Prohibited or require CUP				This is the sensitive area, located south of the Bayview Overpass bt. Baxter Creek and Hoffman Marsh. Most of the uses listed in this column are <i>not</i> appropriate for this location:
Farmers' Market			Temporary Use Permit			Permitted (P)	MUP
<b>Urban Agriculture:</b>							
With Animals			Prohibited to CUP			MUP	MUP
With No Animals			Prohibited to CUP			Permitted	MUP
Light Industry, Manufacturing & Processing						MUP / Permitted <sup>3</sup>	Permitted
<b>General Industry, Manufacturing Processing, except with any of the following features:</b>						MUP / Permitted <sup>3</sup>	Permitted
<b>Floor Area:</b>							
>25,000 sf			Prohibited to CUP			MUP & CUP	Permitted
>50,000 sf			Prohibited to CUP			CUP	MUP
>100,000 sf			Prohibited to CUP			Prohibited	CUP
<b>Operating between:</b>							
1am – 5am			Prohibited to CUP			CUP	CUP
5am – 7am			Prohibited to CUP			MUP	MUP
11pm – 1am			Prohibited to CUP			MUP	MUP
<b>Heavy Industry, Manufacturing &amp; Processing</b>						Prohibited	Prohibited
Media Production			Prohibited to CUP			Permitted to MUP	Permitted (P)
Printing and Publishing			Prohibited to CUP			Permitted to MUP	Permitted
Recycling, small collection facility			Prohibited to CUP			MUP	Permitted

O.21-7 cont.

# Comment Letter O.21

Use Classifications	Albany Waterfront Plan	Berkeley Waterfront Specific Plan	Emeryville Shoreline Areas	Hercules Waterfront Commercial District	Pinole	Richmond Bay Specific Plan	Richmond Bay Special District; R&D
<b>Storage:</b>							
Personal storage facility			Prohibited to CUP			MUP	Permitted
<b>Warehouse:</b>							
<20,000 sf			Prohibited to CUP			MUP to CUP	Permitted
>20,000 sf			Prohibited to CUP			CUP	MUP
<b>Commercial Recreation Facility:</b>							
<b>Indoor:</b>							
<5,000 sf				CUP		Permitted to MUP	Permitted
>5,000 sf				CUP		MUP	MUP
<b>Outdoor</b>				CUP		CUP	MUP
Civic Space				MUP		Permitted	Permitted
<b>Health Fitness Facility:</b>							
<3,000 sf				MUP		Permitted to MUP	Permitted
>3,000 sf				MUP		Permitted to MUP	Permitted
<b>Library or Museum:</b>							
<5,000 sf			Prohibited to Permitted	MUP		Permitted	Permitted
>5,000 sf			Prohibited to Permitted	MUP		MUP to CUP	Permitted
<b>Meeting Facility, public or private:</b>							
<5,000 sf						Permitted to MUP	Permitted
<20,000 sf						MUP to CUP	MUP
>20,000 sf						CUP	CUP
<b>Place of Worship:</b>							
<5,000 sf						Permitted to MUP	Permitted
<20,000 sf						MUP to CUP	Permitted
>20,000 sf						CUP	CUP
<b>School, art, dance, martial arts, music, etc:</b>							
K-12			Prohibited to CUP			CUP	CUP
Colleges or Universities			Prohibited to CUP			CUP	CUP
Commercial Trade			Prohibited to CUP			CUP	CUP
Social Services						CUP	CUP

O.21-7  
cont.

# Comment Letter O.21

Use Classifications	Albany Waterfront Plan	Berkeley Waterfront Specific Plan	Emeryville Shoreline Areas	Hercules Waterfront Commercial District	Pinole	Richmond Bay Specific Plan	Richmond Bay Special District; R&D
<b>Studio, art, dance, martial arts, music, etc:</b>							
<1,500 sf						Permitted	Permitted
<b>Theater, cinema or performing arts:</b>			<b>Indoor:</b> Prohibited to Permitted <b>Outdoor:</b> CUP				
<5,000 sf						Permitted	Permitted
<10,000 sf						Permitted to MUP	Permitted
>10,000 sf						MUP to CUP	MUP
<b>Residential:</b>							
Accessory/ Secondary Unit				Prohibited		Permitted	MUP
Single-Unit Residence			X	Prohibited		Permitted	CUP
Multi-Unit Residence			Permitted (Only in one limited area)	Prohibited		Permitted to MUP	CUP
Transitional Supportive Housing			C	Prohibited		Permitted to MUP	CUP
<b>Group Housing:</b>							
<8 Occupants			Permitted (Only in one limited area)	Prohibited		Permitted to MUP	CUP
>8 Occupants			CUP (Only in one limited area)	Prohibited		Permitted to MUP	CUP
<b>Home Occupation:</b>							
<b>In an Accessory Structure:</b>							
<600 sf and <4 employees						Permitted to MUP	Permitted
>600 sf or > 4 employees						MUP to CUP	MUP
<b>In the Main Building:</b>							
<300 sf and <2 employees						Permitted	Permitted
>300 sf or 2 employees						MUP to CUP	MUP

O.21-7  
cont.

# Comment Letter O.21

Use Classifications	Albany Waterfront Plan	Berkeley Waterfront Specific Plan	Emeryville Shoreline Areas	Hercules Waterfront Commercial District	Pinole	Richmond Bay Specific Plan	Richmond Bay Special District; R&D
<b>Institutional Residential:</b>							
<8 Clients						Permitted to MUP	CUP
>8 Clients						CUP	CUP
<b>Live/Work</b>						Permitted to MUP	MUP
<b>Residential Care:</b>							
Small, in a home			Prohibited to P			Permitted to MUP	CUP
Large			CUP			Permitted to MUP	CUP
Single Room Occupancy (SRO)						Prohibited to Permitted and MUP	Prohibited
Work/Live						Permitted to MUP	MUP
<b>Eating or Drinking Establishment, except with any of the following features:</b>						Permitted to MUP	Permitted
Adult-Oriented Business						Prohibited	Prohibited
<b>Alcohol Beverage Sales:</b>							
<50% Gross Revenue			CUP	CUP		Permitted to MUP	Permitted
>50% Gross Revenue			CUP	CUP		MUP to CUP	MUP
<b>Drive-through restaurants</b>							
Operating between:							
1am – 5am			CUP	CUP		MUP	MUP
5am – 7am			CUP	CUP		Permitted to CUP	Permitted
11pm – 1am			CUP	CUP		Permitted to CUP	Permitted
Providing Entertainment			Prohibited to CUP	CUP		MUP to CUP	MUP
Providing Outdoor Seating			Prohibited to CUP			MUP	MUP
Tenant floor area:							
>5,000 sf			CUP			Permitted to MUP	Permitted
>10,000 sf			CUP			MUP	MUP

O.21-7  
cont.

## Comment Letter O.21

Use Classifications	Albany Waterfront Plan	Berkeley Waterfront Specific Plan	Emeryville Shoreline Areas	Hercules Waterfront Commercial District	Pinole	Richmond Bay Specific Plan	Richmond Bay Special District; R&D
<b>General Retail, except with any of the following features:</b>			Prohibited to CUP			Permitted to MUP	Permitted
Adult-Oriented Business			Prohibited			Prohibited	Prohibited
Alcohol Beverage Sales:							
<25% Gross Revenue			Prohibited to CUP			Permitted to CUP	Permitted
>25% Gross Revenue			Prohibited to CUP			Permitted to CUP	MUP
Drive-through services			Prohibited			Prohibited	Prohibited
On-site production of items sold						MUP	Permitted
Operating between:							
1am – 5am						MUP	MUP
5am – 7am						Permitted to CUP	Permitted
11pm – 1am						Permitted to CUP	Permitted
Sale of used items						MUP	MUP
Tenant floor area:							
>5,000 sf						Permitted to MUP	MUP
>10,000 sf						MUP to CUP	MUP
>25,000 sf						MUP	MUP
Mobile Vending Unit						MUP	MUP
Vehicle Sales and Rental			Prohibited to CUP			Prohibited to CUP	CUP
<b>Transportation, Communications, and Utilities</b>							
Parking Facility, Public or Commercial			Prohibited to CUP			Prohibited to Permitted	MUP
Public Safety Facility:							
<1,000 sf			CUP			MUP to CUP	MUP
>1,000 sf			CUP			Prohibited to CUP	CUP
Temporary Event Parking			CUP			MUP	MUP
Wireless Communications Facility			CUP			CUP	CUP

O.21-7  
cont.

## Comment Letter O.21

Use Classifications	Albany Waterfront Plan	Berkeley Waterfront Specific Plan	Emeryville Shoreline Areas	Hercules Waterfront Commercial District	Pinole	Richmond Bay Specific Plan	Richmond Bay Special District; R&D
<b>General Services, except with any of the following features:</b>						Permitted to MUP	Permitted
Adult-Oriented Business			Prohibited			Prohibited	Prohibited
Drive-through services						Prohibited	Prohibited
Operating between:							
1am – 5am						MUP to CUP	MUP
5am – 7am						Permitted to MUP	Permitted
11pm – 1am						Permitted to MUP	Permitted
Tenant floor area:							
>2,500 sf						Permitted to MUP	Permitted
>5,000 sf						Permitted to MUP	Permitted
>10,000 sf						MUP to CUP	MUP
ATM						Permitted	Permitted
Animal Kennel			Prohibited or CUP			MUP	MUP
Animal Medical Service:							
Animal Clinic			Prohibited or P			Permitted to MUP	Permitted
Animal Hospital			CUP			Prohibited to MUP	MUP
Pet Stores			Prohibited or CUP				
Automotive Services:							
Filling Station			Prohibited to CUP			Prohibited to CUP	CUP
Major Repair			Prohibited to CUP			Prohibited to CUP	CUP
Minor Repair			Prohibited to CUP			Prohibited to MUP	MUP
Bank or Financial Services			Prohibited to Permitted	MUP		Permitted to MUP	Permitted
Business Support Services						Permitted to MUP	Permitted
Day Care, child or adult:							
Day Care Center			Prohibited or CUP			MUP to CUP	CUP
Large Family Day Care Home			Prohibited or CUP			MUP to CUP	CUP

O.21-7  
cont.

# Comment Letter O.21

Use Classifications	Albany Waterfront Plan	Berkeley Waterfront Specific Plan	Emeryville Shoreline Areas	Hercules Waterfront Commercial District	Pinole	Richmond Bay Specific Plan	Richmond Bay Special District; R&D
Small Family Day Care Home			Prohibited or CUP			Permitted	CUP
<b>Lodging:</b>							
Bed & Breakfast			Prohibited to CUP	CUP		Permitted	CUP
Hostel						Permitted to MUP	MUP
Hotel			Prohibited to CUP	CUP		Permitted to MUP	MUP
Inn/Lodge			Prohibited to CUP	CUP		Permitted to MUP	MUP
<b>Medical Services:</b>							
Extended Care Facility			CUP			Permitted to CUP	Permitted
Hospital			Prohibited to CUP			Prohibited to CUP	CUP
Medical/Dental Clinic			Prohibited to Permitted			MUP	MUP
Medical/Dental Office			Prohibited to Permitted			Permitted to MUP	Permitted
Office: Professional, administrative:							
<5,000 sf			Prohibited to Permitted			Permitted to MUP	Permitted
>5,000 sf			Prohibited to Permitted			Permitted to CUP	Permitted
Small Animal Day Care			Prohibited to CUP			MUP	MUP

O.21-7  
cont.

**December 15, 2015**

**Richmond Annex Neighborhood Council's  
Comments to the  
Draft Richmond Bay Specific Plan**

**PART 2**

1. **More Goals & Policies that Need to be Added to the Richmond Bay Specific Plan (RBSP)**

Protection and enhancement of land and water habitat have been the longstanding views and values of the Greater Richmond Annex community. The marshlands, creeks, and Bay waters support abundant water birds and aquatic life and the upland areas support birds and small mammals that have adapted to the area's vegetation and topography.

**Very Important Goals to Include in the RBSP:**

- a. **Access Restrictions.** Minimize disruption of wildlife by restricting access by people and dogs in the most environmentally sensitive areas of the RBSP, and by siting trails and other facilities appropriate distances from these areas. Signs and/or fencing should be posted or erected restricting access to the most sensitive areas. *Trails throughout the RBSP should be designed to minimize disturbance of ducks, shorebirds, and other water birds on the Richmond South Shoreline.*
- b. **Interpretive Signs, Exhibits, and Panels.** Encourage the use of interpretive signs and exhibits that discuss the value of tidal marshes, mudflats, wetlands, and sub-tidal habitats near those areas. Add interpretive panels in the vicinities of these wetland areas that discuss the function of the Bay ecosystem and Pacific Flyway, in addition to identifying the birds and marine life that frequent the area.
- c. **Wetland and Marine Habitat.** Designate the most valuable wetland and marine habitat areas, including East and West Stege Marshlands, Meeker Slough, including the entire area located between the Hoffman Marsh and the Bayview Overpass and other unnamed wetlands within the Specific Plan area as Preservation or Conservation areas (i.e. Green Open Space Land Use Designation).
- d. **Botanic and Wildlife Surveys.** Ensure that qualified botanists and wildlife biologists are engaged in the planning and design processes for waterfront improvements. Environmental professionals should be retained to identify potential habitat for special status plant and animal species, and to ensure that potential impacts to these species are avoided and minimized.
- e. **Balanced Objectives.** Strive for a balance between shoreline protection, waterfront access, environmental enhancement, recreation, and economic development in the planning and design of shoreline improvement and projects. *Restore native vegetation, limiting parking and paved surfaces, emphasizing pedestrian and bicycle access, improving transit to the RBSP, and provide buffer zones to protect the wetlands and its surrounding habitat, which will enhance the habitat value of the area and reduce the likelihood of disturbance by humans and land animals.*
- f. **Carrying Capacity.** Ensure that the level and character of activities is managed in a way that does not exceed the carrying capacity of shoreline resources. *Carrying capacity is defined by the Eastshore State Park Plan as "the land's inherent ability to sustain the integrity of natural systems and the land uses dependent on them over time. It implies that there is a point beyond which the ability to regenerate is exceeded by demands on the system, resulting in a loss in resource quality." This concept has been used by the Park District in its designation of "preservation," "conservation" and "recreation" areas and should be used in future planning.*

O.21-15

- g. **Green Construction.** Ensure that any structural improvements in the RBSP areas are consistent with principles of green design and construction, including LEED certified construction, the use of photo-voltaics and other alternative energy sources, pervious pavement, low impact design, and site plans which respond to solar orientation and prevailing wind direction.
  - h. **Shoreline Protection.** Replace portions of the shoreline that consist of construction debris, concrete, and slag material with materials and designs that improve their long-term function and enhance their appearance. *This could include structural reinforcement where greater public use is envisioned or “softening” where a more natural appearance is desired. The specific treatment in each location should be determined on a case by case basis. Higher priority should be given to shoreline protection projects in areas of high activity and areas of observed erosion.*
  - i. **Balancing Development and Environmentally-Sensitive Sustainability.** Ensure that any type of use for the RBSP is consistent with Richmond’s values, protects the shoreline as a place of scenic beauty, and balances the economic development and environmentally-sensitive areas in a balanced, environmentally sound way.
  - j. **Aesthetic Quality.** Protect the scenic and visual qualities of the South Richmond Shoreline in any future public facility development on the land located between the Hoffman Marsh and the Bayview Overpass. Any future development within this area should be low in scale and height, allowing the waterfront itself to be the dominant visual feature and enhancement of the wetlands’ and the Bay’s unique qualities.  
Private development located between the Bayview Overpass up to Marina Bay should be graduated, as described in detail in the Richmond Annex Neighborhood Council’s RBSP Comments Part 1, under Aesthetics, submitted on 10-29-15.
- One of the visual attractions of the Richmond South Shoreline is its abundance of wildlife, particularly birds which are constantly moving around the Bay waters, marshes, and mudflats in search of food and refuge.

O.21-15  
cont.

**2. Public Review Process**

As mentioned in the Richmond Annex Neighborhood Council’s RBSP Comments Part 1, page 1, under Proposed Land Use Regulations under the Draft Richmond Bay Specific Plan, submitted on 10-29-15, *“Unlike Richmond, the neighboring Cities of Albany, Berkeley, and Emeryville do not outright-permit land uses nor require just a Minor Use Permit on their shorelines. Proposed uses for these cities require a Conditional Use Permit, which allows their Planning Commissions and communities to carefully evaluate if such land uses are appropriate for these areas.”* As you may know, **the public review process is very important to us.**

**We are skeptical about the proposed Public Review/Input Process and 10-day public review period:**

- Table 4.10.A – Specific Plan Review Authority
- Table 4.10.B – Minor Variance Application Standards
- Table 4.10.C – RBSP Design Review Authority

Does this sound like there is meaningful public process? **This subject needs to be further evaluated for public participation or lack thereof, before adopting this type of review authority, especially for our shoreline areas.** This is not what we expected. A better public review process for reviewing the suitability of higher intensity uses along our shoreline needs to occur, including the opportunity to discuss wildlife and habitat issues, or conflicting land uses planned along our shoreline. (See Tables below)

O.21-16

## Draft Plan - Richmond Bay Specific Plan (RBSP)

### Proposed Specific Plan Review Authority

Table 4.10.A: Specific Plan Review Authority					
Type of Action	Code Section (if Applicable)	Review Authority			
		Director	Design Review Board	Planning Commission	City Council
<b>Applicable Development Permits and Approvals</b>					
Minor Use Permit	15.05.830.020.C	Decision		Appeal	Appeal
Conditional Use Permit	15.04.910			Decision	Appeal
Minor Variance	15.05.830.020.D	Decision		Appeal	Appeal
Variance	15.04.920			Decision	Appeal
Design Review Board, small projects (Minor - 4.10.C)	15.05.830.020.B	Decision	Appeal		Appeal
Design Review Board, large projects (Major - 4.10.C)	15.05.830.020.B		Decision		Appeal
<b>Applicable Administrative and Legislative Actions</b>					
Specific Plan Amendments				Recommend	Decision
<b>Other Applicable Approvals</b>					
Development Agreements				Recommend	Decision

O.21-16 cont.

Table 4.10.B: Minor Variance Application Standards		
Type of Minor Variance	Definition of Variance	Allowed Maximum Variance
Building Form Height	A deviation in the height calculation for main buildings, ground floor finish level, and ceiling height (feet and inches).	10 percent
Footprint	A decrease in the minimum required depth of ground floor space for residential and retail/service, where applicable (feet and inches).	20 percent
Building Placement	A deviation from the required build-to-lines and setbacks (e.g., front, side, street-side, and rear) for structures (feet and inches).	20 percent
Civic Spaces	Deviations from the minimum, maximum, and typical dimensions provided in Section 4.5 (feet and inches).	20 percent

Table 4.10.C: RBSP Design Review Authority		
Development Project Type	Review Authority	
	Director <sup>1</sup> (Minor Design Review)	Design Review <sup>2</sup> Board (Major Design Review)
All new commercial, industrial, institutional, and mixed-use structures, including accessory structures, of up to a maximum of 10,000 sf of gross floor area.	Decision	Appeal
All new commercial, industrial, institutional, and mixed-use structures, including accessory structures, of 10,001 square feet or more of gross floor area.		Decision
Additions to existing structure(s) in all non-residential districts that are 30 percent or less of existing gross floor area and do not exceed 10,000 square feet when visible from a public right-of-way or alley.	Decision	Appeal
Additions to existing structure(s) in all non-residential zones of 10,001 square feet or more of gross floor area, or which comprise 31 percent or more of existing gross floor area, when visible from a public right-of-way or alley.		Decision
<b>Other</b>		
New fences and walls located along street and public right-of-way frontages.	Decision	Appeal
New public or private parking lots or structures and restriping of existing lots of up to a maximum of 10,000 square feet.	Decision	Appeal
New public or private parking lots or structures and restriping of existing lots of 10,001 square feet or more.		Decision

**Notes:**

- (1) The Director may defer action and refer the request to the next higher review authority for decision.
- (2) Decisions of the Design Review Board may be appealed to the City Council.

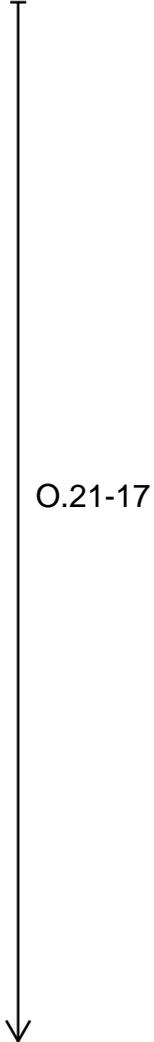
O.21-16  
cont.

# Richmond South Shoreline Wetlands and Surrounding Habitat

- Pt. Isabel
- Brooks Island
- Hoffman Marsh
- Meeker Slough
- East Stege Marsh
- West Stege Marsh
- Baxter Creek

Slide Presentation Prepared by the  
Richmond Annex Neighborhood Council

2015



# Point Isabel

**Point Isabel** is a small promontory on the eastern shore of San Francisco Bay in the Richmond Annex neighborhood of Richmond, California. It can be reached at the west terminus of Central Avenue from Richmond / El Cerrito.



O.21-17  
cont.

# History of Point Isabel

In the 19th Century, Pt. Isabel was part of the Rancho San Pablo owned by Don Victor Castro who received it in a land grant from the Mexican Republic. He named the point for his daughter Isabel. In later years, the land was acquired by the Du Pont subsidiary Vigoret Powder Works of San Francisco, which used it primarily to store explosives. A wharf and railroad spur served the Vigoret site.

The Pt. Isabel Regional Shoreline Park was established in 1974 with the help of the Richmond Annex Neighborhood Council. In recent years, part of the land was acquired by the East Bay Regional Parks District for its Point Isabel Regional Shoreline, and also by the California state park system for its Eastshore State Park (now called the McLaughlin Eastshore State Park). The remains of at least two ancient Native American shell mounds are visible just offshore in the Albany Mudflats wetlands on the southern shore. The promontory once featured a hill much higher than today's elevation.



O.21-17  
cont.

The East Bay Regional Park District allows dogs off leash and the freedom to run on large expanses of lawn. The Hoffman Marsh and other unnamed wetlands are separated with fencing from the dog area.



O.21-17  
cont.

**Long-Term Agreement with  
the East Bay Regional Park District and PIDO**

The Point Isabel Dog Organization (PIDO) recognizes that dog walking in Pt. Isabel Regional Shoreline Park is shared with a number of recreational opportunities, including hiking, jogging, biking, fishing, bird watching, kite flying, kayaking and windsurfing. Dogs are allowed off leash with a formal agreement with the East Bay Regional Park District and PIDO to clean up after the few dog owners who ignore the park rules. PIDO has been active in helping the Richmond Annex Neighborhood Council protect the wetland and mudflat areas further north, including the extensive Hoffman Marsh to the east, and Eastshore Park’s Wildlife Sanctuary to the south. These areas are well-recognized by the East Bay Regional Park District and the Golden Gate Audubon Society where more than 140 bird species have been identified and are protected from the dogs.



O.21-17  
cont.

# Brooks Island

When San Francisco was first mapped in 1775 by Jose de Canizares, this sliver of an island was labeled Isla de Carmen. Later it was known as Rocky, Bird, and Sheep Island before being named Brooks Island. Ohlone Indians lived here for perhaps 4,000 years, and two Ohlone shellmounds and burial sites are preserved here in perpetuity. By the 1860s, and into the 20<sup>th</sup> century, the island was used for fruit growing, oyster cultivation, rock quarrying, yachting, and hunting.\

And yet, today, as a 375-acre preserve of the East Bay Regional Park District (75 acres of land and 300 acres of water), Brooks Island retains much of its native vegetation and wildlife. Although a few guinea fowl and pheasants remain from the days when crooner Bing Crosby and friends used the island as a private hunting reserve, some 100 species of birds have been recorded here, and many nest here, including Caspian terns, Canada geese, and pelicans. In 2008, over 200 pelicans were roosting on Brooks Island.



O.21-17  
cont.

Golden Gate and Brooks Island where over 200 pelicans are roosting,  
June 2008. Picture taken from the Bayview / I-580 Overpass  
Pt. Isabel Bay Trail in Foreground



↑  
O.21-17  
cont.  
↓

**Pt. Isabel Regional Shoreline  
Western Grebe Mating Ritual, "Rushing," observed January 2006**



O.21-17  
cont.

The riprap shoreline hosts countless mussels, and the Black Oystercatchers thrive on them. These three were working the rocks not far from Costco along the Pt. Isabel Shoreline, observed February 2007.



The Black Oystercatcher is an easily recognized shorebird that makes its home on the beach or near salt marshes and mudflats. It hunts through the intertidal area. It uses its strong chisel-like bill to pry mussel shells open. Birds like the Black Oystercatcher that live along the shoreline are threatened by rising sea levels.

O.21-17  
cont.

**White-tailed Kite at Pt. Isabel  
Behind Costco, observed February 2008**



O.21-17  
cont.

**Pt. Isabel Regional Shoreline  
California Least Tern Feeding and Fledging, observed July 2007**



This state and federally endangered species is present only during the breeding season from April to September.

O.21-17  
cont.

**Point Isabel at Mouth of Hoffman Channel**



O.21-17  
cont.

# Sunset at Point Isabel Regional Shoreline



O.21-17  
cont.

# Hoffman Marsh

**Hoffman Marsh** is an extensive 40-acre intertidal salt marsh, located in Richmond Annex bordering Pt. Isabel Regional Shoreline and Interstate 580. The marsh is the delta for the mouth of Fluvius Innominatus creek into the Hoffman Channel which lead to San Francisco Bay. Hoffman Marsh is part of the original Bay margin and a vital link in the native ecosystem of the Bay Area and the last existing zone of healthy salt marsh vegetation in five miles of East Bay Shoreline.

In comparison, brackish and fresh water marsh found in the North Bay and Delta regions may be more abundant. But because of the large difference in area between the three types of marsh, the more saline East Bay salt marsh becomes more valuable on an acre-for-acre basis simply because so little of such marshland remains. Such areas as this are rare, because over 85 percent of the Bay’s marshes and tidal flats have been filled in over the last hundred years. The marsh has been proposed to be included in the Eastshore State Park as it is one of only a handful of undestroyed wetlands in the Bay Area. The marsh is an important nesting ground for wildfowl and stopping ground for the Pacific Flyway.

Salt-water marshes—subject to tidal action, marked by extensive networks of sloughs and channels, and characterized by salt-tolerant plants such as pickleweed represent a vital ecosystem. Among their ecological functions, marshes enhance the Bay’s water quality by filtering toxic compounds out of the runoff from surrounding uplands.



O.21-17  
cont.

**Hoffman Marsh and Point Isabel from the North**



This aerial view shows how Hoffman Marsh is significantly extensive.



O.21-17  
cont.

**Besides Hoffman Channel, an underground creek also feeds into the south end of Hoffman Marsh**



Closer view of Hoffman Marsh (located on the northeast corner of Central Avenue & Rydin Road) and the Richmond/Albany Mudflats (Wildlife Sanctuary located on the southwest corner of Central Avenue & Rydin Road)



O.21-17  
cont.

# Kidneys of the Earth

Wetlands/Marshlands are often called the “kidneys of the earth” because they help purify water by filtering out pollutants and runoff from adjacent lands. Wetlands/Marshlands themselves filter many toxins in our water and appropriate buffer zones help to improve that function. Increased development in the vicinity of wetlands can hasten or reverse this process, for a wetland or salt marsh is a fragile system, precisely balanced.



O.21-17  
cont.

**Aerial View of Pt. Isabel,  
showing the Extensive 40-acre Intertidal Hoffman Marsh**



O.21-17  
cont.

Area outlined in green is Pt. Isabel Regional Shoreline Park. The area outlined in yellow is Eastshore State Park. The Hoffman Marsh is designated as Preservation Lands. The highest density of shorebirds in the Eastshore State Park are in areas that have significant mudflats, i.e. the Albany Mudflats and South Richmond Shoreline.\* (\*Ref. A Census of Birdlife in the Eastshore State Park, Oct. 2005 – Sept. 2006, Golden Gate Audubon, p. 4)

## Vital Air Purifier

Wetlands/Marshlands are also an air purifier, since many marsh plants use tremendous quantities of carbon dioxide and release oxygen in vast volumes. The marsh waters, despite their unattractive appearance, are well oxygenated, or tidal life could not survive. These areas are important because they offset air and water pollution by adding to the oxygen supply in the surrounding air and water and absorbing carbon dioxide from the air. The most productive area in the world in respect to a carbon dioxide-oxygen exchange is a marshland. In this day of smog and smaze, our salt marshes helps give us our breath.



O.21-17  
cont.

**Hoffman Marsh is Flushed Out Daily by Intertidal Waves traveling through the Hoffman Channel**



Salt-water marshes—subject to tidal action through channels, and characterized by salt-tolerant plants such as pickleweed represent a vital ecosystem. Among their ecological functions, marshes enhance the Bay’s water quality by filtering toxic compounds out of the runoff from surrounding uplands.



O.21-17  
cont.

### View Across Hoffman Marsh to Albany Hill



O.21-17  
cont.

One of the most visually distinctive areas are the coastal marshes that have been established in the Hoffman Marsh. These marshlands are valuable visual resources that provide a major contrast to the Bay views and adjacent urban setting.

Tidal marshes, particularly the South Richmond Marshes and Hoffman Marsh provide habitat for many different organisms, including special-status species such as California Clapper Rails, Alameda Song Sparrows, Salt Marsh Common Yellowthroats, and Salt Marsh Harvest Mouse.

**View Across Hoffman Marsh to Albany Hill  
Watercolor**



O.21-17  
cont.

**Hoffman Channel feeds a lot of water from the S.F. Bay into the Intertidal Hoffman Marsh. Tide coming in; view looking WEST**



O.21-17  
cont.

**Notice Hoffman Channel is Full at High Tides  
view looking WEST**



O.21-17  
cont.

**Hoffman Channel When Tide is Out  
View Looking WEST**



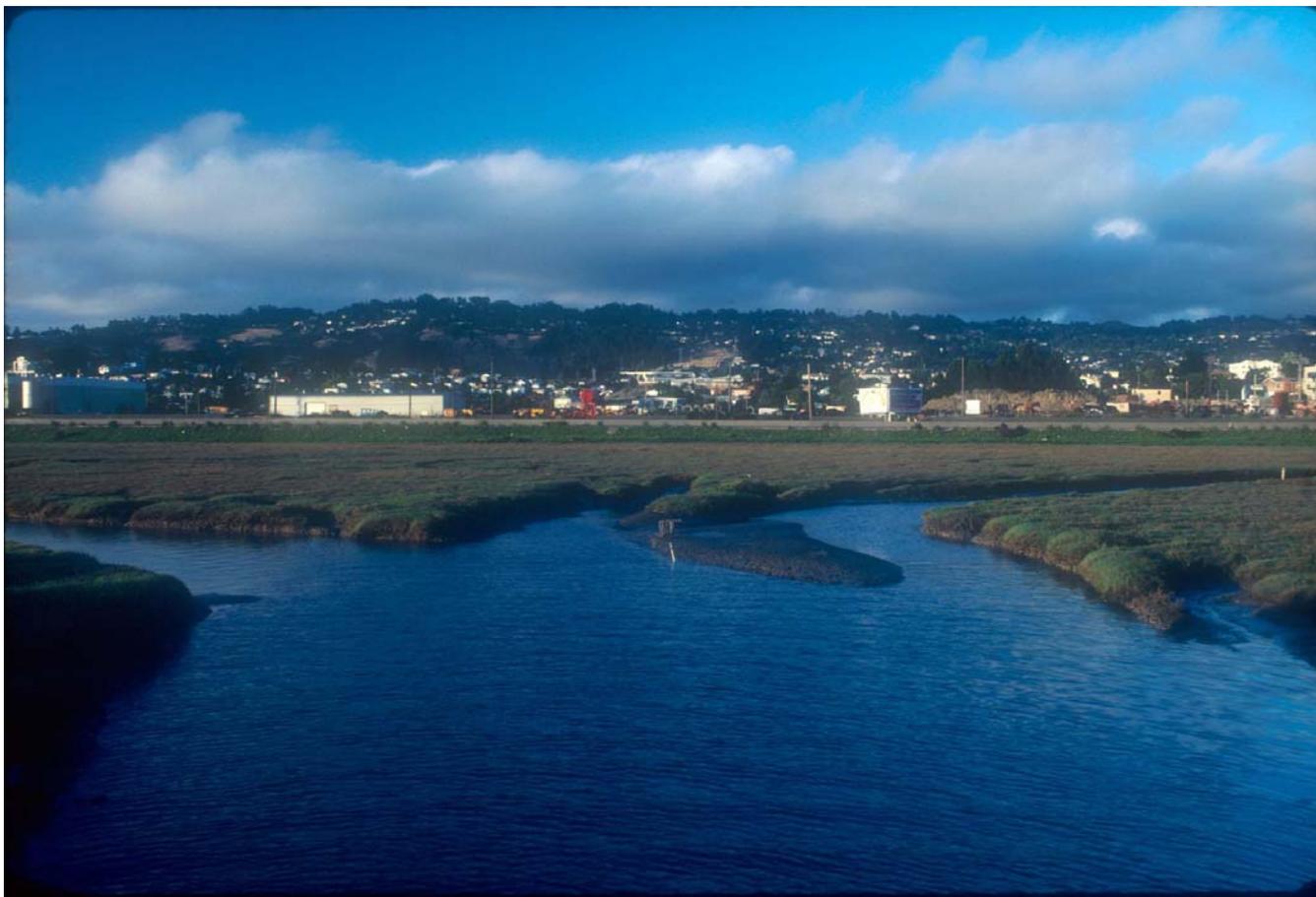
O.21-17  
cont.

**Hoffman Channel When Tide is Out  
View Looking EAST**



O.21-17  
cont.

## Close up view of Hoffman Marsh



O.21-17  
cont.

# Hoffman Channel Dramatic Sunset



O.21-17  
cont.

**Snowy Egrets around Hoffman Marsh vicinity, November 2007**



O.21-17  
cont.

**Springtime in the Hoffman Marsh, May 2006  
Cormorants & Snowy Egret in the foreground**



O.21-17  
cont.

**Salt Marsh Common Yellowthroat  
is specific to the Hoffman Marsh and Surrounding Areas**



O.21-17  
cont.

**Gold-Crowned Sparrow,  
observed on the rocks at Pt. Isabel, February 2007**



O.21-17  
cont.

### Alameda Song Sparrow



Vulnerable songbirds breeding in remnant tidal marsh habitat, the Alameda Song Sparrow is strictly limited to salt marshes of the South Shoreline of Richmond to Hayward and South San Francisco Bay. It is a bird species of special concern—limited in range and in danger of being lost if development continues in their bay habitat.

This special tidal marsh-dependent bird species is able to drink saltwater, while the inland varieties that approach the Bay cannot. It is quite unique, adapted beautifully to its specific habitat, and well worth the effort to protect it.

The beautiful song usually starts with “sweet-sweet-sweet cheer” and continues with a variety of both musical and buzzy notes. It is also the subspecies most threatened by habitat destruction, with less than 10% of its original habitat remaining. This highlights the need to prioritize conservation efforts for the Alameda Song Sparrow.

O.21-17  
cont.

**Northern Harrier (Marsh Hawk)  
observed at South Richmond & Hoffman Marshlands**



O.21-17  
cont.

**Wildlife Sanctuary (Richmond-Albany Mudflats)  
Huge flocks of American Avocets observed March 2007**



Easily recognized by their white body, and black & white back and wings. Since avocets are resident birds, bird watchers can enjoy the cinnamon-red head feathers of their spring breeding plumage.



O.21-17  
cont.

**Western Grebes and Brown Pelicans Gorging on Fish,  
Wildlife Sanctuary (Richmond/Albany Mudflats),  
observed November 2007.**



O.21-17  
cont.

**Junior white-tailed kite during walk at Albany Shoreline December 2007,  
next to the Albany-Richmond Mudflats neighboring Hoffman Marsh.**



O.21-17  
cont.

**Wildlife Sanctuary (Richmond-Albany Mudflats)  
Northern Pintail observed January 2008**



O.21-17  
cont.

Most common, especially in fall and winter, are the mallards, the elegant brown and white pintails seen here, and the northern shovelers with their huge, shovel-shaped bills. During breeding season, the common species is the gadwall, which nests in the vegetated fringes of the marsh and mudflats.

**Dowitchers landing at Wildlife Sanctuary  
(Richmond-Albany Mudflats) observed June 2008**



O.21-17  
cont.

From fall through spring the dowitcher is often found in large flocks mixing with the larger waders. Its straight bill and foot-long body distinguish it from smaller sandpipers.

**Wildlife Sanctuary (Richmond-Albany Mudflats)  
Dowitchers observed June 2008**



O.21-17  
cont.

**Wildlife Sanctuary (Richmond-Albany Mudflats)  
Long-billed Curlew**



With its down-curved bill, the curlew wades belly deep, plunging its head under water and its bill more than 6-inches down into the mud to feel for the deepest worms, clams and other burrowers.



O.21-17  
cont.

**Wildlife Sanctuary (Richmond-Albany Mudflats)  
observed May 2008**



Canadian Geese stop by to rest and feed.

O.21-17  
cont.

# Native California Cordgrass

(*spartina foliosa*)



California cordgrass is a perennial grass native to central and southern California coastal salt marshes. Its range is restricted to areas around the upper inter tidal areas because California cordgrass requires daily flushing of surface salts through tidal action. *S. alterniflora*, also called smooth cordgrass, is an Atlantic and Gulf Coast marsh grass that was introduced to the west coast approximately 25 years ago. Smooth cordgrass also hybridizes with California cordgrass, leading to the dilution of California cordgrass phylogeny. It is reasonable to predict that without intervention *S. foliosa* will go extinct in San Francisco Bay. Cordgrass needs to be inundated by salt water daily. It has adapted to the harsh salt marsh habitat: specialized glands eject excess salt from its system and specialized leaves help transport oxygen to its water-logged roots. Hoffman Marsh consists of Native California Cordgrass mixed in with Pickleweed.

O.21-17  
cont.

## Pickleweed (*salicornia virginica*)



Pickleweed, the most common salt marsh plant, stores salt in its joints and has vestigial leaves. Its genus name, *Salicornia*, is derived from Greek and means, "salthorn," referring to its salt-concentrating abilities. It is somewhat shrubby perennial, with jointed very juicy-stemmed leaves. This genus is a major component of salt marshes worldwide. Pickleweed is a halophytic (salt loving) plant. Pickleweed plays many roles within this unique ecosystem. It is food for birds and mammals and habitat for insects. Most importantly, pickleweed is a "successional" species. It is one of the first to start growing after flooding disturbance, establishing a "pickleweed zone" in the most salty soil. The Hoffman Marsh consists of a lot of pickleweed, highly suitable for the salt marsh harvest mouse.

O.21-17  
cont.

### Salt Marsh Harvest Mouse



The Salt Marsh Harvest Mouse is a federal and state endangered species, found nowhere else in the world except in the salt marshes in the Bay Area. It is a tiny mouse, among the smallest rodents in the United States. Their brown bodies are about the size of a thumb, and weigh less than a nickel. Because of their small size, salt marsh harvest mice live in areas of dense pickleweed, which is their source of food and provides ample hiding places from natural predators, such as raptors, herons, and clapper rails. Their bodies are especially adapted to tolerate high concentrations of salt. Salt marsh harvest mice live very short lives—most live less than 8 months. Unlike most rodents, they do not reproduce quickly: females bear only about four young per litter, and have only one litter in their lifetime. Because it is nocturnal, this mouse is rarely seen.

↑  
O.21-17  
cont.  
↓

# Saltgrass

(*distichlis spicata*)



Saltgrass is a low creeping perennial grass that is a very common member of salt marshes and many seasonally or regularly inundated saline or alkaline wetlands such as flats, shallow depressions, and fringes. Saltgrass can occur bordering well-drained habitat and is also very tolerant of prolonged arid conditions. Saltgrass provides nesting grounds for birds, fish, and larvae of many species of marine invertebrate animals. As salt marsh plants decompose, their stored nutrients provide a steady source of food for clams, crabs, and fish.



O.21-17  
cont.

# Marsh Gumplant

(*grindelia integrifolia*)



Marsh Gumplant is found in shallow saltwater and brackish marshes within the peripheral halophyte zone, below 1,700 feet. Gumplants belong to the sunflower family and are readily recognizable by their large and abundant bright yellow flower heads and dark green shiny leaves. They are especially notable for their very sticky (gummy) inflorescences. In the Bay Area, our gumplants are mostly low perennial shrubs restricted to salt marshes, scrub or grasslands near the coast and alkaline places inland.



O.21-17  
cont.

**Marsh Rosemary (also sea lavender)**  
(limonium californicum)



Marsh Rosemary is a perennial herb that grows in salt marshes and the coastal strand plant community along the California coast. It is a common sight along the coastal strand, salt marshes, and bays of California. This Bay Area native grows 1 foot high 1.5 foot spread with sprays of tiny blue and white flowers in summer. Blooming period is July to December.

O.21-17  
cont.

## Meeker Slough

**Meeker Slough** is a slough in Richmond, California formed by a creek of the same name and drains into the Richmond Inner Harbor, part of San Francisco Bay. The area lies between modern tract housing in the Marina Bay neighborhood and the University of California, Berkeley Richmond Field Station's portion of Western Stege Marsh, which has been cleaned of legacy industrial contamination and restored to **a productive tidal salt marsh home to the endangered California Clapper Rail** (*Rallus longirostris oboletus*). The slough is across from Stege Marsh from which Baxter Creek drains across from a small bay they both form known as Campus Bay. The site is currently undergoing wetlands restoration.



O.21-17  
cont.

**Meeker Slough  
north of Pt. Isabel Regional Shoreline**



O.21-17  
cont.

**A California Least Tern Diving at Meeker Slough**



O.21-17  
cont.

# Meekeer Slough Bridge



O.21-17  
cont.

**Clapper Rail siting at Meeker Slough  
August 2009**



O.21-17  
cont.

# Clapper Rail at Meeker Slough August 2009



O.21-17  
cont.

**Great Blue Heron's Shadow on Meeker Slough  
January 2015**



O.21-17  
cont.

Looking across Meeker Slough towards El Cerrito and Albany. The yellow shadows of the setting sun lit the grasses and the old wharf with a soft richness.



O.21-17  
cont.

Looking down Meeker Slough, southward, where it meanders into the marsh along Richmond's South Shoreline. In that fog is Emeryville.



O.21-17  
cont.

Looking due south with Meeker Slough turning left in front of us.  
Geese winging east.



O.21-17  
cont.

**View from Stege Marsh looking out towards Meeker Slough.**  
Brooks Island in the background where over 200 pelicans are roosting,  
June 2008.



O.21-17  
cont.

**Mt. Tamalpais (also known as the Sleeping Lady)  
as seen from Stege Marsh  
August 2011**



O.21-17  
cont.

## Stege Marsh

**Stege Marsh** is a wetlands area in the South Shoreline area of Richmond Annex. The marsh is the delta at the mouth of Baxter Creek also known as Stege Creek, especially at this location. That creek drains from a watershed extending into the El Cerrito Hills. The marsh is opposite Meeker Slough from where Meeker Slough Creek drains into Campus Bay a baylet of the Richmond Inner Harbor of the San Francisco Bay. The site is polluted from UC Berkeley's Richmond Field Station and a former Zeneca and Stauffer Chemical site who manufactured sulfuric acid, fertilizers, and pesticides. Facility operations and on-site disposal of spent pyrite ore have resulted in pollution of groundwater and the adjacent Stege Marsh with high levels of metals, pesticides, VOCs, and acidic ground water. Half of Stege Marsh has undergone a cleanup. The other half is awaiting cleanup.



O.21-17  
cont.

# Stege Marsh and Meeker Tidal



O.21-17  
cont.

**Clapper Rails just north of Pt. Isabel  
April 2012**



O.21-17  
cont.

**San Francisco seen from Baxter Creek in Stege Marsh  
August 2011**



O.21-17  
cont.

## Baxter Creek

**Baxter Creek** or **Stege Creek** and archaicly **Bishop Creek** is a three-branch creek in Richmond and El Cerrito, forming the Baxter Creek watershed. The creek has three sources and flows from the El Cerrito Hills to Stege Marsh and the San Francisco Bay. The creek has been largely culverted over the years since the Rancho San Pablo and the subdivided Bishop Ranch, then known as Bishop Creek, were developed urbanly. This caused the residents to miss the creek as it disappeared under the asphalt and the Friends of Baxter Creek formed. This group has aided in the restoration of several portions of the creek at Baxter Creek Park, Poinsett Park, and Booker T. Anderson Park to a more natural riparian condition.



O.21-17  
cont.

**Baxter Creek  
March 2015**



Not one, but two Clapper Rails swimming in Baxter Creek between the Bayview Overpass and Bay Trail. It is breeding season.

O.21-17  
cont.

**The California Clapper Rail is a Federal and State Endangered Species and makes its home around the Baxter Creek, Meeker Slough, Stege Marsh, and Hoffman Marsh areas.**



The special-status clapper rail lives in the salt marsh area and is often heard but seldom seen in the dense marsh. They are secretive birds that haunt the night and twilight with their cries, but remain hidden in the undergrowth. In flight, rails flap awkwardly at low level, with their long legs dangling over the marsh grasses. They swim even less gracefully. Rails have narrow, compressed bodies, an adaptation for slipping through thick moist grasses and sedges. When attacked, it sometimes dives underwater and stays down by gripping the base of a reed until danger has passed. It is this slenderness that originally evoked the phrase, “thin as a rail.”

O.21-17  
cont.

Fluvius Innominatus Watershed shows Baxter Creek,  
which flows from the El Cerrito Hills  
to Richmond's South Shoreline



O.21-17  
cont.

Meeker Slough Ditch during heavy rains, traveling towards Richmond South Shoreline, October 2009



On October 13, 2009 a huge storm brought winds and heavy rain to the San Francisco Bay area. 4.2 inches of rain fell in the Richmond. Storm water runoff conveyed trash from the urban uplands of the Meeker Slough watershed. This photo shows a trash gyre at the confluence of Meeker Ditch and Meeker Tidal Creek, the two main tributaries of Meeker Slough, home of the endangered California clapper rail.



O.21-17  
cont.

Mouth of Baxter Creek



Marshes like these are precious habitat.



O.21-17  
cont.

## Letter O.21: Richmond Annex Neighborhood Council (4)

This letter comprises comments submitted by the Richmond Annex Neighborhood Council (RANC) in 2015 on the draft Specific Plan, and constitutes a re-submittal of these comments. Comments in this letter that address topics pertinent to the Draft EIR were, generally, submitted in other letters addressing the Draft EIR and/or Specific Plan authored by RANC; responses to these letters are presented in this Response to Comments document (responses to comments in letters O.2, O.3, and O.12). Individual responses are also provided below.

O.21-1 The comment addresses the Specific Plan, not the Draft EIR. The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.

O.21-2 See responses to Comment Letter O.2.

O.21-3 See Response to Comment O.2-2.

O.21-4 Compatibility of new land uses in proximity of the shoreline is addressed in Response to Comment O.3-4.

The comment suggests a requirement that the development of the Specific Plan cause “no net loss of ecological function” of the shoreline. Mitigation Measures BIO-1a.SP, BIO-1b.SP, BIO-1c.SP, BIO-1d.SP, BIO-1e.SP, BIO-1f.SP, BIO-2a.SP, BIO-2b.SP, BIO-3.SP, NOI-1a.SP, NOI-1b.SP, and NOI-4b.SP address mitigation of impacts to natural areas and wildlife habitats.

Impacts to wetlands are discussed under Impact BIO-3.SP (pages 57 to 60 of the Draft EIR) and Mitigation Measure BIO-3.SP, Wetland Protection. See also Response to Comment O.18-17 regarding wetland buffers.

O.21-5 See Response to Comment O.3-9.

O.21-6 The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.

O.21-7 The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.

O.21-8 Compatibility of new land uses in proximity of the shoreline is addressed in Response to Comment O.3-4.

Impacts on visual character are analyzed in Impact AES-2.SP (pages 4.1-33 to 34 of the Draft EIR). Development under the Specific Plan would capitalize on access and views at and toward the waterfront areas of the Plan Area and will incorporate gateways and interfaces between the Plan Area and the Richmond Field Station, as well as streetscapes, public space improvements, and other

“placemaking” features that will define the Richmond Bay area. Overall, inclusion of development standards and regulations that support the Specific Plan’s clearly articulated vision, will achieve a beneficial aesthetic effect on the visual character of the Plan Area (page 4.1-34 of the Draft EIR).

The comment incorrectly states that the Project would reduce private/common open space. As set forth in the Draft EIR, the Specific Plan would result in an increase in open space and recreational facilities, which would accommodate some of the potential increase in demand for recreational opportunities that would be generated by the new residents. The inclusion of approximately 32.7 acres of new open space proposed by the Specific Plan would nearly offset the acreage required for the increase in residential population: applying the ratio of 3.0 acres per 1,000 residents, at least 34.5 acres of parkland would be warranted for the projected 11,490 Plan Area residents in order to meet the City goal (page 4.12-14 of the Draft EIR). Residents within the Plan Area would also have the opportunity to access existing parks and open space, including the Bay Trail and extensive open space south of Sub-Area 4. Future, project-specific development in the Plan Area would be required to comply with Specific Plan requirements, as well as applicable parkland dedication or in-lieu fee requirements. Therefore, the impact would be less-than-significant (page 4.12-14 of the Draft EIR).

O.21-9            Compatibility of new land uses in proximity of the shoreline is addressed in Response to Comment O.3-4.

Impacts to wetlands are discussed under Impact BIO-3.SP in the Draft EIR (pages 57 to 60) and Mitigation Measure BIO-3.SP Wetland Protection. See also Response to Comment O.18-17 regarding wetland buffers.

O.21-10          See responses to comments O.3-3 and O.3-8.

O.21-11          See responses to comments O.3-3 and O.3-8.

O.21-12          The potential for avian collisions with buildings is addressed on pages 4.3-47 to 51 of the Draft EIR. Implementation of Mitigation Measure BIO-1d.SP, Building Design and Lighting Strategies to Address Biological Resources Impacts would avoid and minimize potential impacts on special-status and nesting and migratory birds by requiring design features such as patterned or fritted glass and decreasing reflectivity of surfaces to make buildings appear less transparent. The measure also calls for limiting night lighting, which would reduce the potential for disorientation.

O.21-13          The comment addresses the Specific Plan, not the Draft EIR. The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.

- O.21-14        The comment addresses the Specific Plan, not the Draft EIR. Refer to Section 4.6.4, Landscaping, and Recommended Street Tree Palette, in the Specific Plan. The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.
- O.21-15        The comment addresses the Specific Plan, not the Draft EIR. The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.
- O.21-16        The comment addresses the Specific Plan, not the Draft EIR. The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.
- O.21-17        The comment includes a slide presentation with photos showing the Plan Area, and background information related to the marsh and wetlands habitat, and species that occur within this habitat, in the Plan Area. All special-status species included in the comment are discussed in Section 4.3, *Biological Resources*, of the Draft EIR, and mitigation measures to address impacts to these species are identified as needed.



STATE OF CALIFORNIA  
GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



EDMUND G. BROWN JR.  
GOVERNOR

KEN ALEX  
DIRECTOR

October 27, 2016



Lina Velasco  
City of Richmond  
450 Civic Center Plaza, 2nd Floor  
Richmond, CA 94804

Subject: Richmond Bay Specific Plan  
SCH#: 2014092082

Dear Lina Velasco:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on October 17, 2016. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2014092082) when contacting this office.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

O.22-1



Department of Toxic Substances Control

Matthew Rodriguez  
Secretary for  
Environmental Protection

Barbara A. Lee, Director  
700 Heinz Avenue  
Berkeley, California 94710-2721

Edmund G. Brown Jr.  
Governor

*Late*  
*10/27/16 E*

October 24, 2016

Lina Velasco, Project Manager  
Planning and Building Services  
450 Civic Center Plaza  
P.O. Box 4046  
Richmond, CA 94804-1630  
rbsp@ci.richmond.ca.us

Governor's Office of Planning & Research  
OCT 27 2016  
STATE CLEARINGHOUSE

Dear Ms. Velasco:

Thank you for the opportunity to comment on the Draft Richmond Bay Specific Plan Environmental Impact Report [SCH No. 2014092082], dated September 2016. The Draft EIR analyzes the impacts of buildout under the Specific Plan and from the Sub-Area 4 Project. The Plan Area is approximately 430 acres and is located on the south side of I-580, between Marina Way South to the west, and the I-580 Bayview off-ramp to the east in Richmond, California. DTSC oversees the cleanup of sites where hazardous substances have been released pursuant to the California Health and Safety Code, Division 20, Chapter 6.8. DTSC is the environmental oversight agency for several sites located within the Plan Area. These includes sites that are under investigation, undergoing remediation, remediation has been completed (with and without land use covenants), and completed remediation with long term operation and maintenance requirements. Therefore, we are submitting the following comments.

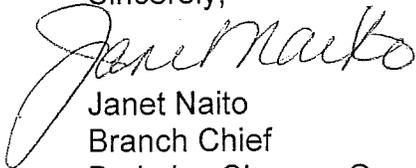
1. The proposed specific plan identifies uses in areas where contamination is known to be present, or may be discovered in the future to be present. In those cases, remedial actions may need to be taken to accommodate those uses. A variety of possible remedial actions might be identified that could be implemented to accommodate the various uses identified in the specific plan. DTSC approves a remedy under its authority provided in California Health and Safety Code, Division 20, Chapter 6.8. Under this statute, potential remedial alternatives are evaluated against the nine criteria found in the federal National Contingency Plan. The criteria includes: overall protection of human health and the environment; compliance with applicable or relevant and appropriate standards; long-term effectiveness, reduction in toxicity, mobility or volume; short-term effectiveness; implementability; cost; state acceptance; and community acceptance. And, DTSC will utilize the Specific Plan as

Ms. Lina Velasco  
October 24, 2016  
Page 3

- b. Second full paragraph: The DTSC document cited in this section (DTSC, 2000) is also not included in the list of references at the end of this section.
8. Section 4.8 Hydrology and Water Quality:
- a. If water removed as part of a dewatering process is determined to be a hazardous waste, the water will need to be handled and disposed in compliance with all applicable federal and state hazardous waste laws and regulations. In addition, if contaminated groundwater is known or suspected to be at or near the area to be dewatered, an evaluation needs to be conducted to ensure that dewatering will not interfere with any existing groundwater remedies or exacerbate the groundwater contamination.
  - b. This section indicates that grade be increased to 1 foot above base flood elevation at 3 feet of sea level rise. If a land use covenant requires that a cap be maintained on a property as part of a remedy, the appropriate agency(ies) should be contacted and approvals obtained if the cap will be disturbed to raise grade.

If you have any questions or would like to schedule a meeting, please contact me at (510) 540-3839 or [lynn.nakashima@dtsc.ca.gov](mailto:lynn.nakashima@dtsc.ca.gov).

Sincerely,



Janet Naito  
Branch Chief  
Berkeley Cleanup Operations Branch

cc: John Meerscheidt  
Office of Planning & Environmental Analysis  
Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, CA 94826-3200

Governor's Office of Planning and Research  
State Clearinghouse  
P.O. Box 3044  
Sacramento, CA 95812-3044

## **Letter O.22: Office of Planning and Research**

- O.22-1            The comment indicates that the comment letter submitted by the DTSC dated October 24, 2016 was received by the State Clearinghouse after the end of the public review period for the Draft EIR. The letter in question from DTSC was received by the City via email within the public review period, which was extended to October 24, as discussed in Response to Comment O.3-1. The DTSC letter is included in this Response to Comments document as Letter O.14, along with responses to specific comments. The comment does not raise any substantive environmental issues that require further response under CEQA.



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

October 24, 2016

Lina Velasco, Project Manager II  
City of Richmond Planning Department  
450 Civic Center Plaza, 2<sup>nd</sup> Floor  
Richmond, CA 94804

Subject: Richmond Bay Specific Plan Draft Environmental Impact Report (Draft EIR)

**ALAMEDA COUNTY**  
Tom Bates  
Scott Haggerty  
Rebecca Kaplan  
Nate Miley

**CONTRA COSTA COUNTY**  
John Gioia  
David E. Hudson  
(Secretary)  
Karen Mitchoff  
Mark Ross

**MARIN COUNTY**  
Katie Rice

**NAPA COUNTY**  
Brad Wagenknecht

**SAN FRANCISCO COUNTY**  
John Avalos  
Edwin M. Lee  
Eric Mar  
(Chair)

**SAN MATEO COUNTY**  
David J. Canepa  
Carole Groom  
Warren Slocum

**SANTA CLARA COUNTY**  
Cindy Chavez  
Liz Kniss  
(Vice-Chair)  
Jan Pepper  
Rod G. Sinks

**SOLANO COUNTY**  
James Spering  
Osby Davis

**SONOMA COUNTY**  
Teresa Barrett  
Shirlee Zane

Jack P. Broadbent  
EXECUTIVE OFFICER/APCO

Dear Ms. Velasco:

Bay Area Air Quality Management District (Air District) staff appreciates the opportunity to review the City of Richmond’s (City) Draft EIR prepared for the Richmond Bay Specific Plan (Plan). The Plan presents policies and specific regulations to guide the development of approximately 430 acres located in the City’s South Shoreline area through the year 2045. The Plan anticipates development of up to 5,700 residential units, 5.69 million square feet of research and development/business/service uses, and 190 thousand square feet of retail space.

Air District staff commends the City for including baseline Performance Measures within the Plan to reduce air pollution and greenhouse gas (GHG) emissions, such as a transportation demand management program, designated electric vehicle parking with charging capabilities, and bicycle infrastructure improvements, including bike share facilities. We also appreciate the opportunity to work with the City in developing the list of additional baseline Performance Measures, which are summarized in “Attachment A.” Successful implementation of these additional measures could further reduce the significant air quality and GHG impacts anticipated with buildout of the Plan. Based on discussions with City staff, we understand that these additional baseline Performance Measures will be included in the revised Plan, which will provide clarity and certainty to future project applicants by stipulating in the Plan the baseline emission reduction measures expected to be implemented by all projects in the Plan area.

O.23-1

O.23-2

October 24, 2016

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Air District staff is available to assist the City in the implementation of the baseline Performance Measures in the Plan and those identified in "Attachment A." If you have any questions, please contact Josh Pollak, Environmental Planner at 415-749-8435 or [jpollak@baaqmd.gov](mailto:jpollak@baaqmd.gov).

Sincerely,

*for* 

Jean Roggenkamp  
Deputy Executive Officer

**Attachment A:** Additional Baseline Performance Measures

cc: BAAQMD Secretary David E. Hudson  
BAAQMD Director John Gioia  
BAAQMD Director Karen Mitchoff  
BAAQMD Director Mark Ross

Attachment A: Additional Baseline Performance Measures

Recommended Performance Measure/Mitigation Measure Title	Measure Description <sup>1</sup>	Basis/Source of Measure <sup>2</sup>	Potential Location to Include in RBSP
<b>Construction</b>			
GHG Best Management Practices (BMPs) for Construction	All construction projects shall incorporate the most recent BMPs to reduce GHG emissions as indicated by the Air District. Construction projects shall also discourage the use of diesel-powered generators, and give preference to the use of grid power.	Richmond 2030 General Plan EIR	4.9 (Supplemental Standards)
Particulate Matter BMPs for Construction	All construction projects shall incorporate the most recent BMPs to reduce particulate matter emissions as indicated by the Air District.	Richmond Bay Specific Plan (RBSP) Draft EIR	4.9 (Supplemental Standards)
Construction and Demolition Air Quality Impacts	Consistent with the Richmond 2030 General Plan EIR, construction and demolition activities that take place within the Plan area shall reduce energy use and air quality-related impacts, with the goal of reducing such impacts by 75 percent.	Richmond 2030 General Plan EIR	4.9 (Supplemental Standards)
Require Tier 4 Engines on Construction Equipment	All construction equipment shall operate on Tier 4 engines, or Tier 2 or Tier 3 engines with verified diesel emissions control strategies (VDECS), for the duration of construction activities.	RBSP Draft EIR	4.9 (Supplemental Standards)
Require Construction Fleet to Use Renewable Diesel	All construction equipment shall operate on renewable diesel for the duration of construction activities to the extent commercially available. Renewable diesel is currently commercially available in Berkeley and Oakland.	RBSP Draft EIR	4.9 (Supplemental Standards)
<b>Buildings</b>			
Residential Green Building Standards	If feasible, all new residential development shall be required to be Zero Net Energy (ZNE) by 2020, in order to meet the projected CALGreen requirements described in the state’s New Residential Zero Net Energy Action Plan.	Richmond 2030 General Plan EIR; Draft Richmond Climate Action Plan	4.9.1 (Green Building Standards)
Commercial Green Building Standards	If feasible, all new commercial buildings shall be ZNE by 2030. Prior to 2030, all new commercial development with structures over 10,000 square feet in size shall meet LEED certification	Draft Richmond Climate Action Plan	4.9.1 (Green Building Standards)

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**Comment Letter O.23**

<b>Recommended Performance Measure/Mitigation Measure Title</b>	<b>Measure Description<sup>1</sup></b>	<b>Basis/Source of Measure<sup>2</sup></b>	<b>Potential Location to Include in RBSP</b>
	standards for building design and construction (BD+C).		
<b>Energy</b>			
Renewable Energy Generation	All new commercial development with structures over 10,000 square feet in size and new residential development with 10 or more dwelling units shall include installation of at least 1.5 kW of solar PV for each residence, or each 5,000 square feet of commercial structure. These requirements shall be waived or reduced, by the minimum extent necessary, where production of electric energy from solar panels is technically infeasible, for example due to lack of available and feasible unshaded areas, and/or for cases in which the City’s Design Review Board determines that an unacceptable aesthetic impact (an impact related to design or public views) would occur. The analysis and conclusions regarding the feasibility of project solar PV installations and the City’s review of these conclusions will ensure the projects are consistent with General Plan Policy EC-3.1.	Richmond 2030 General Plan EIR, Draft Richmond Climate Action Plan	5.6 (Electrical Power)
Renewable Energy Use	For utility-provided electricity (e.g., not generated on-site via solar PV), commercial and residential buildings shall receive the maximum amount available from renewable sources through participation in Marin Clean Energy’s “Deep Green” program, or equivalent.	Air District	5.6 (Electrical Power)
<b>Transportation/Land Use</b>			
Anti-idling Policy	Signage shall be posted along truck routes stating the State idling laws enforced by BAAQMD.	State Regulation	4.9 (Supplemental Standards)
Electrification of Loading Docks	All new loading docks for retail, light industrial or warehouse uses shall be electrified, and all delivery trucks with Transportation Refrigeration Units shall be required to use electrification hook-ups. Signage shall be posted adjacent to	RBSP Draft EIR	4.9 (Supplemental Standards)



O.23-2  
cont.

Recommended Performance Measure/Mitigation Measure Title	Measure Description <sup>1</sup>	Basis/Source of Measure <sup>2</sup>	Potential Location to Include in RBSP
	loading docks stating this requirement.		
Car Share	The City shall work with project applicants to identify a carshare provider, and identify locations to be reserved for use by carshare vehicles.	Richmond 2030 General Plan EIR	TMA Responsibility
Bike Share	The City shall work with the TMA to establish 4 bike share facilities within the Plan Area identified in the Bicycle Facility Network map.	Richmond 2030 General Plan EIR	TMA Responsibility
Transportation Demand Management	<p>In order to meet the TDM goals for the RBSP, in addition to the strategies already listed in the RBSP, the following measures will be included:</p> <ul style="list-style-type: none"> <li>• Build infrastructure to be EV plug-in station-ready. Include designated PEV parking spots with adequate space/infrastructure to accommodate future EV plug-in stations, which shall constitute approximately 17 percent of total spaces to match PEV proliferation goals set by the City;</li> <li>• Work towards reducing headways for AC transit currently serving the area by at least 10 percent in the short term (3 to 5 years), and at least 30 percent in the long term (longer than 5 years);</li> <li>• Work towards extending AC transit bus rapid transit service to the Plan Area;</li> <li>• Work towards a goal of providing half of the citywide goal of 400 daily commute trips through ferry service from residents and workers located within the South Richmond PDA;</li> <li>• Work towards ensuring that 75 percent of residents and employees are within half a mile of a carshare location;</li> <li>• Consider establishing a Neighborhood Electric Vehicle (NEV) network;</li> </ul>	RBSP Draft EIR, Draft Richmond Climate Action Plan, Air District	TMA Responsibility



O.23-2  
cont.

Recommended Performance Measure/Mitigation Measure Title	Measure Description <sup>1</sup>	Basis/Source of Measure <sup>2</sup>	Potential Location to Include in RBSP
	<ul style="list-style-type: none"> <li>• Work to increase bicycle commute trips to reach 10 percent of total trips taken within the Plan Area;</li> <li>• Work towards establishing employer-funded transit fare subsidies;</li> <li>• Work towards instituting workplace parking pricing; and</li> <li>• Increase transit accessibility.</li> </ul>		
Shuttle Network	To provide connectivity to a major transit hub, the Transportation Management Agency shall evaluate and adopt, as feasible, transit options connecting to BART and the Richmond ferry to support TDM plan goals, which may include a partnership opportunity with UC Berkeley.	Air District	TMA Responsibility
Require Use of Low VOC Coatings	Per Richmond Bay Specific Plan EIR Mitigation Measure AIR-3a.SP, future developer(s) of projects within the Plan Area shall require all residentially developed parcels to use low VOC coatings, which exceed the VOC limits in BAAQMD rules and regulations and meet “super-compliant” standards of VOC content (generally, but not exclusively, VOC content of less than 10 grams per liter), for maintenance of future interior spaces through CC&Rs and ground leases.	RBSP Draft EIR	4.7 (Standards for Specific Uses)
Promote the Use of Green Consumer Products	Per Richmond Bay Specific Plan EIR Mitigation Measure AIR-3b.SP, property managers shall provide electronic correspondence annually to residential and/or commercial tenants to encourage the purchase of commercial products that generate lower than typical VOC emissions.	RBSP Draft EIR	4.7 (Standards for Specific Uses)
Backup Generators (BUGs)	For development projects that propose or require backup diesel generators, the City shall encourage the use of fuel cell-based BUGs. If diesel BUGs are used, they shall be required to meet the lowest commercially available emission standards in addition to permitting requirements by the Air District.	RBSP Draft EIR/Air District	4.7 (Standards for Specific Uses)
Risk Reduction Plan for	Developers of projects proposed within the Plan Area that	RBSP Draft EIR	4.7 (Standards for Specific

O.23-2  
cont.

Recommended Performance Measure/Mitigation Measure Title	Measure Description <sup>1</sup>	Basis/Source of Measure <sup>2</sup>	Potential Location to Include in RBSP
Stationary Sources	include stationary sources shall submit an authority to construct and permit application to the Air District for approval consistent with Air District regulations.		Uses)
Toxic Air Contaminant and Particulate Matter Exposure for Sensitive Land Uses	Consistent with Richmond Bay Specific Plan EIR Mitigation Measure AIR-4a.SP, for development that includes sensitive land uses, project applicants shall prepare a project-specific Health Risk Assessment. If the HRA demonstrates that the cancer risk exposures for on-site receptors will be greater than BAAQMD project-level thresholds, then applicants shall prepare or include a mitigation plan to reduce risk below project-level thresholds.	RBSP Draft EIR	4.7 (Standards for Specific Uses)
<b>Waste</b>			
Waste Reduction/Zero Waste	Consistent with the City's Climate Action Plan (CAP) and as part of the City's ongoing efforts, projects developed within the Plan Area shall work to achieve a 75 percent solid waste diversion rate by 2020 and a 90 percent diversion rate by 2030 for all non-construction waste streams.	Richmond 2030 General Plan EIR, Draft Richmond Climate Action Plan	4.7 (Standards for Specific Uses)
Zero Waste from Construction	Consistent with the City's CAP, the City will explore the feasibility of diverting 90 percent of construction and demolition waste originating from within the Plan Area from landfills by 2030.	Draft Richmond Climate Action Plan	4.7 (Standards for Specific Uses)

Notes:

<sup>1</sup>The measure description may have been modified (in most cases) from the original policy or measure description as it existed in the source document to allow for implementation in the RBSP.

<sup>2</sup>The basis/source of measure is where the original policy and/or measure was derived from.



O.23-2  
cont.

## **Letter O.23: Bay Area Air Quality Management District**

- O.23-1            The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.
- O.23-2            The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.

LAW OFFICES OF PAUL M. MINAULT

475 GATE 5 ROAD, SUITE 324

SAUSALITO, CA 94965

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pminault@earthlink.net

October 28, 2016

BY EMAIL:

Members of the Planning Commission  
c/o Lina Velasco, Senior Planner  
450 Civic Center Plaza  
Richmond, California 94804

Re: Comments of Allied Propane on the Draft Richmond Bay Specific Plan

Dear Members of the Richmond Planning Commission:

This letter presents Allied Propane’s comments on the Draft Richmond Bay Specific Plan. All references are to the Plan unless otherwise noted.

Light Industrial Should be Included in the Two Open Transect Zones in the Land Use Table, Consistent with the Text of the Plan. The text at p. 3-6 regarding Principle 4: Encourage Flexibility, states that “within each block [in the Plan], there is adequate space for light industrial or R&D building footprints” (emphasis added). The text of the Plan at p. 4-6 describing the two transect zones states that “the open sub-zone provides the same building form but allows for a more diverse mix of uses including light industrial and R&D uses” (emphasis added). The description of the two transect zones in the Plan at pp. 4-12 – 4-14 states that “the open sub-zone provides the same building form but allows for a more diverse mix of uses including light industrial and R&D uses” (emphasis added). And the text at p. 4-99 regarding performance standards states that “the Specific Plan provides for mixed-use neighborhoods where residential, commercial and light industrial uses may occur in close proximity to one another” (emphasis added).

These descriptions are consistent with the policies of the General Plan and Specific Plan in regard to industry. The General Plan calls for the city to “encourage established employers to remain and expand in Richmond in order to retain employers in key industries including green business, high technology firms, food-related companies, port-related industries, medical services, manufacturing and distribution, and retail/entertainment. General Plan, Policy ED2.4, p. 1.20. Moreover, the policy of the Specific Plan is that “active industrial uses will remain in Richmond Bay,

O.24-1

and will be encouraged to remain with the potential for complimentary relationships with the RBC.” Plan p. 7-26.

Despite these policy statements and the repeated statements indicating that Light Industrial is a desired use in the two open transect zones, the Transect Zone Land Use Table on p. 4-11 of the Plan shows that only Limited Industrial-Light is permitted in these open transect zones, while Industrial-Business and Industrial-Light, the city’s two other light industrial use categories, are not even mentioned. Please revise the table to include the Industrial-Business and Industrial-Light categories as allowed uses in both open transect zones to make this table consistent with the the policies of the general plan and the policies and text of the Specific Plan. This change is also consistent with the Plan’s listing Outdoor Agriculture, Animal Husbandry, Major Auto Repair, and Recycling Collection Facilities as allowable uses in the open transect zones.

At our meeting on October 13, Lina Velasco stated that staff was interpreting the Light Industrial land use designation mentioned in the Plan to refer to the Limited Industrial zoning designation only, which is the most restrictive of the city’s three light industrial zoning categories. This draft also eliminates the General Industrial category, which was included in the previous draft of the Plan. Thus, this draft includes the wholesale elimination of three categories of industrial uses from the Plan, a change that was made without any notice or public consultation with the industrial community. This violates the mandate that the city council imposed on staff in to develop the specific plan “in collaboration with stakeholders” in the Plan Area. It also greatly reduces the flexibility of the Plan to address the uncertain pattern of development in the Plan area over time. For these reasons, we respectfully request that the two Light Industrial and the General Industrial categories be restored to the Plan and its Land Use Table.

The Non-Conforming Use Discussion Should be Completely Revised. The text of the Plan at page 4-100 should be revised as follows. (This section should also be added to the Table of Contents in the Plan.)

#### 4.7.2 NONCONFORMING USES AND STRUCTURES

##### **Purpose**

This section ~~establishes regulations for~~ addresses non-conforming uses and structures ~~that were legal prior to the adoption of this Plan but are no longer in compliance with its standards and requirements~~ as these are defined in the Richmond Zoning Ordinance at Section 15.04.606.020.A.

##### **Intent**

In accordance with Article Section 15.04.606.010 of the Richmond Zoning Ordinance, it is the intent of this Plan to distinguish between incompatible nonconformities that are detrimental to public health, safety, and general welfare and nonconformities that are economically productive and

O.24-1  
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O.24-2

compatible with surrounding development despite being inconsistent with the long-term future of ~~an~~ the Plan aArea, as expressed in this Plan.

~~Generally~~As stated in Section 15.04.606.020.B, any nonconforming use or structure as defined below shall be permitted has a right to continue to remain in existence except as otherwise provided in Article 15.04.606 of the Richmond Zoning Ordinance, although with certain restrictions designed to ensure that they do not significantly impede the orderly development of the RBSP vision.

[Delete all remaining text on page 4-100, since it simply references or quotes the zoning ordinance and confuses the reader as to whether the ordinance and the Plan perhaps differ in subtle ways. Insert the following text.]

The Plan Area encompasses dozens of commercial and industrial enterprises that together provide employment for an estimated 2,500-3,500 people and make a significant contribution to the city's economic vitality and fiscal well-being. Many of these enterprises will become non-conforming uses under the Plan.

The Plan presents significant challenges in the administration of the Nonconforming Use Provisions of Article 15.04.606 of the Zoning Ordinance for four reasons: 1) the Plan has an unusually long time horizon of 30 to 40 years [see pp. 3-7 , 3-51, 3-54, 4-113], 2) the City does not have access to the legal authorities and financial resources previously available through redevelopment that gave the city essentially complete control over the development process, 3) the Plan area is large and discontinuous, and 4) development within the four sub-areas is envisioned to occur in stages.

These challenges are compounded by the significant uncertainties that the realization of the Plan's vision will have to overcome. These uncertainties include 1) the future of the Richmond Bay Campus, 2) the ability of market forces to drive the Plan's development, 3) the ability of the city and its development partners to secure funding for the Plan's significant infrastructure improvements, 4) the interest and ability of the three railroads that use the Plan Area to relocate their facilities, 5) the time necessary for environmental cleanup of contaminated sites, 6) the ability of regional transportation infrastructure to support the level of development proposed, and 7) the extent of future sea level rise, storm surges and flooding.

The city has expressed the need for an inclusive approach to enterprises in the Plan Area in a number of different ways. In its meeting of March 9, 2010, the City Council voted unanimously to "implement a specific area plan for the South Shoreline that includes all stakeholders." Minutes of the Richmond City Council Meeting of March 9, 2010. The General Plan calls for the Specific Plan to "merge existing and proposed development." General Plan, Action ED8.A, p. 1.41; Action LU3.E, p. 3.61. And it calls for the city to "encourage established employers to remain and expand in Richmond in order to retain employers in key industries including green business, high technology firms, food-related companies, port-related industries, medical services, manufacturing and distribution, and retail/entertainment. General Plan, Policy ED2.4, p. 1.20. Moreover, the policy of

O.24-2  
cont.

this Plan is that “active industrial uses will remain in Richmond Bay, and will be encouraged to remain with the potential for complimentary relationships with the RBC.” Plan p. 7-26.

Consistent with this guidance, it is the intent of this Plan to ensure that the administration of the nonconforming use provisions of Article 15.04.606, particularly in the face of the challenges and uncertainties noted above, not cause needless hardship to existing commercial and industrial enterprises in the Plan Area or reduce their ability to provide continued employment opportunities to Richmond residents and economic and fiscal contributions to the city’s well-being. To this end:

1) The Plan specifically endorses the application of the Limited Exception provisions of Section 15.04.606.050 of the Zoning Ordinance within the Plan area;

2) The Plan specifically endorses the application of the Minor Nonconformities exemptions of Section 15.04.606.030(C). Moreover, within the Plan Area, “Minor Nonconformities” shall also include uses and structures that do not (or while they do not) impede the development of the new uses called for in the Specific Plan.

3) The Plan acknowledges that it may be necessary in the future for the City to adopt amendments to this Plan and/or to the provisions of Article 15.04.606, or to use other discretionary zoning procedures to accommodate existing uses in the Plan Area in a manner that allows them to continue to operate without unnecessary restriction until the Plan’s vision can be fully realized or, if necessary, appropriately revised; and,

4) This Plan shall ensure that no existing use in good standing becomes an unpermitted nonconforming use under the Plan prior to the stage of Plan development when it would be appropriate for the use to transition to new uses consistent with the Plan’s vision. Therefore, any use in good standing and existing at the time the Plan is adopted, and which the Plan would make an unpermitted nonconforming use, shall upon adoption of the Plan become a nonconforming conditional use until such time as the Zoning Administrator, following notice and a public hearing, determines that that the use is incompatible with new development that a) either has occurred pursuant to the Plan or b) is fully permitted and funded and is ready to be developed pursuant to the Plan, and that the nonconforming use therefore must either: a) obtain a conditional use permit in order to become compatible with such development, if possible, or b) revert to a nonconforming unpermitted use.

Required Findings. In terminating the non-conforming conditional use designation, the Zoning Administrator shall make one of the following two findings and all of the findings following finding 2:

1. The use is a public nuisance;
2. The use is a present and substantial impediment to the realization of the long-term goals and vision of the Plan, and:



O.24-2  
cont.

- a. The infrastructure necessary for the realization of the long-term goals of the Plan in the area adjacent to the use is in place, and;
- b. There is significant market demand to develop property(s) adjacent to the use in a manner consistent with the long-term goals of the Plan, and;
- c. The type of development for which there is substantial market demand adjacent to or near the use would i) create or augment a Complete Neighborhood and ii) would maintain or restore the jobs/housing balance within the Plan Area, and;
- d. There is a lack of other vacant or underutilized properties in the Plan Area to accommodate development which is consistent with the long-term goals of the Plan, and;
- e. The property(s) adjacent to the use could not serve as a land reserve for intensive uses in the long-term vision of the Plan, and;
- f. The development of the Plan sub-area in which the use is located is substantially complete and is contiguous or nearly so with the property on which the use is located, and;
- g. The economic and fiscal benefits to the city and its citizens from the type of new development for which there is market demand on property(s) adjacent to the use clearly outweigh the benefits of the existing use, and;
- h. The incompatibility of the nonconforming use with existing and proposed new development that is consistent with the Plan’s vision is clear, imminent and substantial.

O.24-2  
cont.

The Plan Needs to Include Specific Measures to Mitigate the Unintended Consequences of the Plan on Existing Businesses. Implementation of the Plan has the potential for negative consequences to existing businesses in the Plan Area, including causing them to relocate outside the Plan Area or outside the city altogether. The Plan therefore calls for the city to:

Establish a program to monitor and assess impacts of the Specific Plan regulations and new development on existing businesses within the Plan Area to ensure that there are not unintended negative impacts on existing businesses. The program should include an assessment of existing businesses in the Plan Area that details existing employment opportunities, revenue generation, and other metrics of economic benefit.

Implementing this program will be the responsibility of the Planning Department. Plan, Priority Implementing Action A1.1, p. 6-4. The time frame is “immediate.”

The negative impacts of Plan regulations and new development could include complaints from new residents about existing commercial and industrial activities, restrictions on existing uses imposed through the non-conforming use provisions of the zoning ordinance or through the conditional use permits necessary for businesses to become conforming, restrictions imposed by the revisions to the zoning ordinance, construction-related disruptions of many types, traffic congestion caused by new development, higher property taxes, increased demands on governmental services from new development, and other issues.

O.24-3

This proposed program is well-intentioned, but it contains no specifics other than the assessment of existing businesses and employment opportunities and their metrics of economic benefit. Also, the program will be developed after the Plan and EIR are approved and citizen input has been completed, so apparently there will be no stakeholder input on the nature and scope of the plan. And the plan description offers no assurance that any goals or policies will be developed, any enforceable standards will be proposed, or any effective actions will be taken. In short, this proposal lacks transparency and accountability. And of greater concern, it probably lacks funding.

This program needs to be revised to comply with CEQA and to be effective in protecting existing businesses in the Plan Area. We therefore urge that land use conflicts be identified as a likely significant impact of the Plan, one that could cause unintended and untimely relocation of existing businesses out of the Plan Area and threaten the achievement of the Plan's goals, and that this program be converted to one of a number of CEQA mitigation measures in the EIR to address the impacts of such conflicts on existing employers and the orderly transition of land uses in the Plan Area. In the process, goals, policies, actions and performance standards should be developed so that this program complies with CEQA requirements for after-the-fact mitigation programs and, if possible, is eligible for funding as an impact mitigation measure.

The program should include a goal to successfully resolve all land use incompatibility disputes. A key policy should be that the burden of proof lies on the complainant to show that the complained of conditions 1) did not exist at the time they occupied their premises, 2) violate a regulatory standard, 3) are not addressed in any applicable restrictive covenant for their property, and 4) that the premises occupied by the complainant comply with all construction standards for abatement of noise, light, air emissions and any other nuisance characteristics emanating from other properties which are the cause of the complaint.

The performance standards for the program should include: 1) the resolution will not result in a significant impairment of the lawful operations of existing businesses, 2) the resolution will not entail significant loss of income or significant new costs incurred by existing businesses as a result of their lawful operations, and 3) the dispute will be resolved in a timely manner—i.e. within 120 days, commencing with a hearing before the zoning administrator.

The second mitigation measure would be the requirement that, prior to issuance of any discretionary or building permit for a project, developers of projects adjacent or proximate to existing or potential new incompatible uses execute restrictive covenants that limit the ability of themselves and their purchasers and tenants to take legal or administrative actions against nearby land uses whose lawful activities comply with applicable regulatory requirements for noise, vibration, air emissions, light and glare, and so forth.

The third mitigation measure would be the requirement that new sensitive uses (which should be defined in both the EIR and the zoning ordinance) be buffered from existing potentially incompatible uses by at least a half block of non-sensitive uses, and by a full block when the uses are



O.24-3

highly sensitive, the incompatibility is significant, or hazards greater than simple nuisance characteristics are involved.

The time frame for this measure should also be changed from “immediate” to “immediate and on-going,” since the greatest impacts to existing businesses may not occur for decades, when development under the Plan becomes dense and the population of the Plan Area has greatly expanded.

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O.24-3  
cont.

The Plan Should Include an Effective Program for Maintaining the Jobs-Housing Balance.

The Plan calls for the city to “establish a program to monitor the jobs/housing balance within the project area to ensure that development patterns maintain adequate jobs for Richmond residents while also providing affordable housing options nearby.” Responsibility for this is assigned to the Planning Department, and the time frame is “short term.” Goal A.1, Action Item A1.2, p. 7-13.

This program is important to existing industries in the Plan Area because it ensures that the Plan Area does not become a bedroom community, which would be far more hostile to industrial uses than a mixed use neighborhood. It is also important in ensuring that the Plan’s goals are realized and in avoiding the negative impacts that would ensue from a failure to achieve a jobs/housing balance, namely an unwanted increase in vehicle miles travelled and greenhouse gases emitted.

Unfortunately, this program is also deficient. The time period should be “immediate and on-going,” since the imbalance is likely to be much more consequential towards the end of Plan buildout than at the beginning, when the likely focus will be on residential development necessary to support future commercial development.

O.24-4

This program should also incorporate the principles of accountability and transparency. The program description in the Plan should state that the Planning Department will post on the web an annual or biennial report backed up with data sheets showing the number of residential units and bedrooms and the square footage of commercial/industrial completed development, with a projection of the number of residents and employees related to each. It should also include a description of proposed projects, show where they are in the approvals/funding process, and explain how they will maintain the jobs/housing balance. There should also be performance standards defining “success” and a rationale explaining these standards.

Clarification is Needed Regarding Sub-Area 4. The Plan states that “additional study and analysis should be conducted to determine a range of alternatives for this portion of the site that balance economic development and shoreline access with shoreline protection and restoration.” P. 3-25. What “portion of the site” is being referred to: all of Sub Area 4, or the “Seaport Neighborhood”? Please revise the text to answer this question.

O.24-5

The Location of the Buffer in Sub-Area 4 Should Be Specified. The Plan states that “R&D/Business/Service uses can provide a buffer between the existing uses [in Harbor Front] and mixed-use development [on the Zeneca site] to the west.” P. 3-52. The Plan does not specify where such a buffer will be located. The appropriate location is between South 48<sup>th</sup> and 49<sup>th</sup> Streets, which separates the Zeneca site from the Harbor Front industrial area. The Plan should include the following sentence: “This buffer will be provided between South 48<sup>th</sup> and South 49<sup>th</sup> Streets. It will consist of mixed use buildings that will be commercial and industrial only until adjacent industrial uses in Harbor Front transition to other uses, after which the Buffer Zone may transition to mixed use.”

O.24-6

Thank you for taking action on these comments.

Sincerely yours,



Paul Minault  
Counsel for Allied Propane

Cc: Stan Teaderman, President, Allied Propane  
Katrinka Ruk, Council of Industries  
Amy Bull, Dreisbach Enterprises  
Garret Colli, Counsel for Safeway Bakery  
Rachel Sommovilla, Esq.

## **Letter O.24: Allied Propane (2; Law Offices of Paul M. Minault)**

- O.24-1 This comment addresses the Specific Plan, rather than the EIR, and notes several components of both the Specific Plan pertaining to industrial uses. The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.
- O.24-2 This comment addresses the Specific Plan, rather than the EIR. The comment is noted. Refer to Section 4.2.1, Master Response to Comments, Master Response to Comments About Non-Conforming Uses and Zoning).
- O.24-3 This comment addresses the Specific Plan, rather than the EIR. The comment is noted. Refer to Section 4.2.1, Master Response to Comments, Master Response to Comments About Non-Conforming Uses and Zoning). With regard to potential land use incompatibility between existing and new uses within the Plan Area, also refer to Response to Comment O.11-8.
- O.24-4 This comment addresses the Specific Plan, rather than the EIR. The comment is noted. With regard to information in the Draft EIR related to jobs-housing balance, refer to Response to Comment O.11-2.
- O.24-5 This comment addresses the Specific Plan, rather than the EIR. The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.
- O.24-6 This comment addresses the Specific Plan, rather than the EIR. The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.

## 4.2.4 Responses to Comments from Individuals

This section includes copies of comment letters from individual commenters received during the public review period for the Draft EIR, followed by responses to the comments contained in each letter.

---

**From:** Bill Marsh [<mailto:bmarsh@edgcomb-law.com>]  
**Sent:** Wednesday, September 21, 2016 3:57 PM  
**To:** Lina Velasco  
**Cc:** Elmendorf, Charles N; Sobelman, Donald ([dsobelman@downeybrand.com](mailto:dsobelman@downeybrand.com)); Lai, Stephanie@DTSC; Naito, Janet@DTSC; John Edgcomb; Andrew Romolo; Beatty, Jenifer; Nakashima, Lynn@DTSC  
**Subject:** Re: Campus Bay/Richmond - requested Figure

Lina – per your request, please see the attached figure with an overlay of the various Specific Plan land use designations with key features at Campus Bay, including the BAPB, slurry wall, and jurisdictional wetlands. As we discussed, the Specific Plan land use classifications appear to encroach upon areas designated by the Army Corps of Engineers as jurisdictional wetlands in Habitat Area 2 (HA2), including the lower lagoon, the “ponded area,” and the drainage ditch (all depicted in blue outline). The California State Water Resources Control Board and the California Department of Fish and Wildlife also have jurisdiction in these areas.

The Specific Plan classifications also appear to encroach upon other sensitive habitat areas and remedial features at Campus Bay, including:

- Per DTSC’s requirement, the Uplands FS/RAP proposed a 100-foot buffer between the BAPB and any development. The BAPB and the proposed buffer are depicted in the attached map to show the overlap with the Specific Plan boundaries.
- The slurry wall on the western boundary of Campus Bay should have an appropriate setback to allow sufficient space for maintenance and should not be built upon.
- As part of the HA2 FS/RAP remedial process, Zeneca will submit the HA2 Mitigation and Monitoring Plan (MMP) to the appropriate regulatory agencies, a required aspect of the 2008 Federal Compensatory Mitigation Rules under 33 CFR 332. The MMP will include measures for restoration and site protection to provide a 100-foot buffer (not shown in the attached figure) for the restored habitats from potential impacts of future development.

Accordingly, we request that the Specific Plan be revised so as to not allow development to encroach upon these sensitive areas and to clearly disallow development on the Campus Bay property within 100-feet of the remediated areas in HA2.

We look forward to continuing to work with the City on these matters.

Very truly yours,

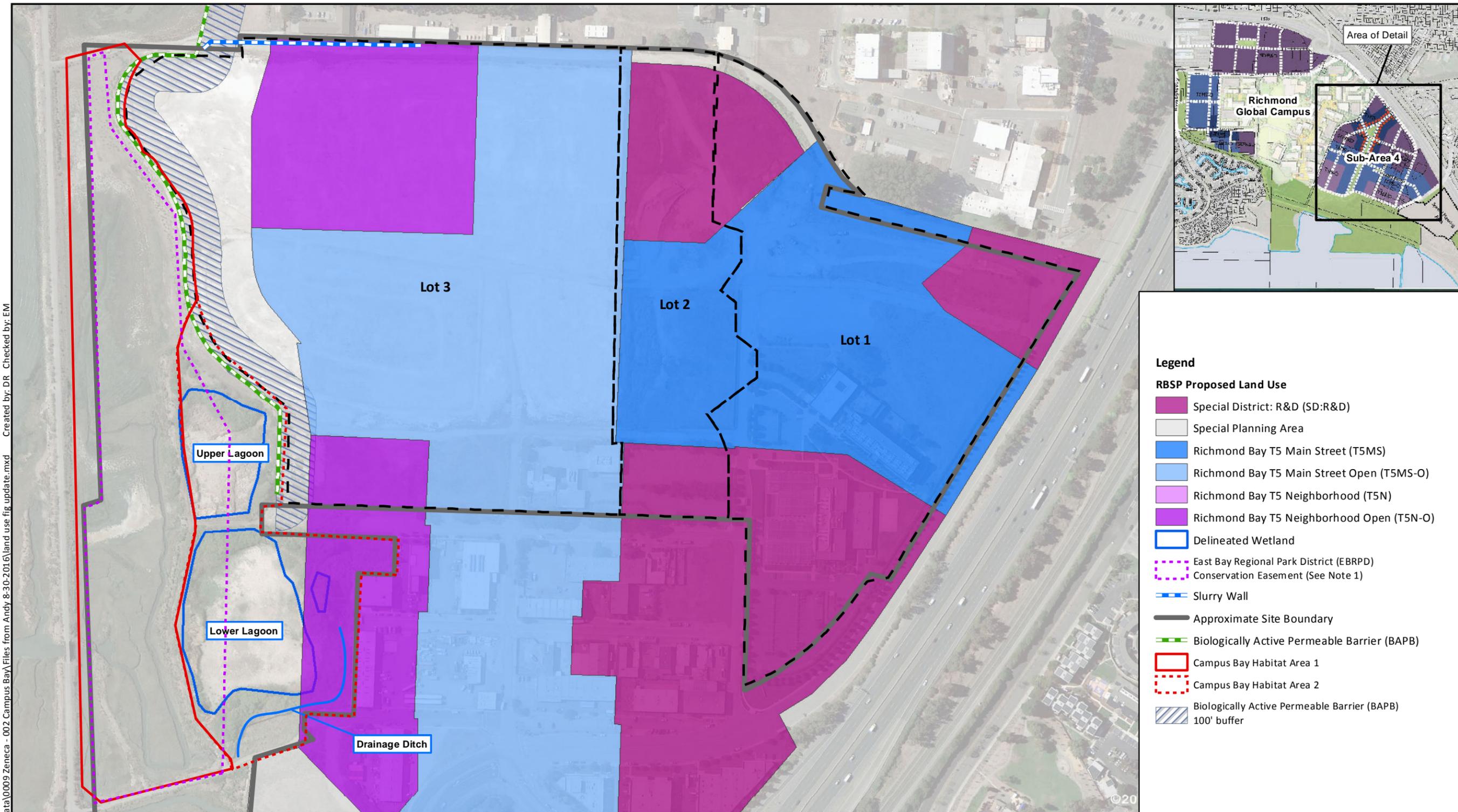
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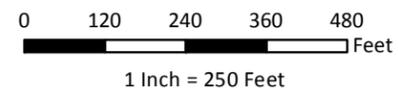
 Please consider the effects on the environment before printing this e-mail.

I.1-1



File: J:\GIS Backup\GIS Data\0009 Zeneca - 002 Campus Bay\Files from Andy 8-30-2016\land use fig update.mxd Created by: DR Checked by: EM

Aerial imagery captured on 10/1/2009 (Google, 2010)



<b>SAFETY FIRST</b>  	CLIENT:	Zeneca, Inc.	<b>Proposed Land Use</b>  <b>FIGURE 1</b>
	PROJECT:	Campus Bay Richmond, CA	
	PROJECT NUMBER:	0009.002.023	

## Letter I.1: William Marsh (Edgcomb Law Group)

- I.1-1            With regards to wetlands within the Plan Area, the Specific Plan Regulating Plan (page 4-7 of the Specific Plan) includes the T5N-O zone designation for parcels APN# 560022019 and #560023026, which do overlap with portions of Habitat Area 2 (HA2), which includes jurisdictional wetlands. HA2 is an active cleanup site under the jurisdiction of the state of California Department of Toxic Substances Control (DTSC). The process for determining a cleanup plan for HA2 has considered a variety of options for the remediation of the HA2 that would require permitting and consultation by the lead agencies. The Specific Plan contemplates that this consultation could result in an altered configuration of HA2, resulting in increased access to Sub-Area 4, improved habitat quality, and/or improved flood protection for low-lying properties. Should any standard imposed by the HA2 cleanup plan be more restrictive than the standards in the SP, the more restrictive standards will apply. Regardless, for any development proposal that could affect a jurisdictional wetland, the development sponsor would be required to obtain applicable permits from the U.S. Army Corps of Engineers and the California Department of Fish and Wildlife, and mitigate any impacts to wetlands. See also responses to comments O.18-18, O.18-19, and O.18-20.

## Comment Letter I.2

---

**From:** Cordell Hindler

**Sent:** Friday, September 30, 2016 8:14:49 PM (UTC-08:00) Pacific Time (US & Canada)

**To:** Richmond Bay Specific Plan

**Subject:**

hello Lina, i really like the project. and i have a couple of concerns as well

1. what type of housing will there out on the shoreline

I 1.2-1

2. how many jobs will this provide

I 1.2-2

Sincerely

Cordell

## Letter I.2: Cordell Hindler

- I.2-1            The Specific Plan has not yet been approved, and no specific development projects, for housing or otherwise, have been proposed under the Specific Plan. Details and information about the types of housing that could be developed within the Plan Area can be found in Section 4.3, *Building Type Standards*, of the Specific Plan. The comment does not raise any substantive environmental issues that require further response under CEQA.
- I.2-2            Information regarding jobs that would be generated from development under the Specific Plan and Sub-Area 4 Project is presented in Section 4.11, *Population, Housing, and Employment*, of the Draft EIR. As discussed in that section, businesses and community activities within the Plan Area and Sub-Area 4 Project site would support employment of approximately 12,800 jobs and 2,900 jobs, respectively, at full occupancy. The comment does not raise any substantive environmental issues that require further response under CEQA.

---

**From:** Mary Selva  
**Sent:** Tuesday, October 11, 2016 6:55:26 PM (UTC-08:00) Pacific Time (US & Canada)  
**To:** Richmond Bay Specific Plan; Lina Velasco  
**Subject:** Important Question about the RBSP

**Question:**

On page 2 of 2 of the Notice of Availability and Public Review of Draft Environmental Impact Report for the RBSP, there is a chart, titled: Maximum theoretical Buildout Under the Richmond Bay Specific Plan.

For Sub-Area 4, the chart shows 2,120 thousand SF of R&D; 320 thousand SF of retail; and 2,530 residential units.

The chart also shows a Sub-Area 4 Project, where the figures are different--i.e. 1,270 thousand SF of R&D; 190 thousand SF of retail; and 1,520 residential units.

Is Sub-Area 4 Project and actual project?

What is the difference between Sub-Area 4 and Sub-Area 4 Project, as indicated on this chart?

I.3-1

Thank you,  
Mary Selva

### **Letter I.3: Mary Selva**

- I.3-1            The Sub-Area 4 Project represents a likely future development scenario for redevelopment of a portion of the developable area of Sub-Area 4, consistent with the Specific Plan. Refer to Table 3-5, Sub-Area 4 Project Characteristics, in Section 3.10.2 of the Draft EIR (Chapter 3, Project Description), which explains that the Sub-Area 4 Project represents 60 percent of the foreseeable maximum theoretical buildout within Sub-Area 4. The comment does not raise any substantive environmental issues that require further response under CEQA.

# Comment Letter I.4

**From:** Patricia Eckman  
**Sent:** Friday, October 14, 2016 2:30:45 PM (UTC-08:00) Pacific Time (US & Canada)  
**To:** Richmond Bay Specific Plan; Tom Butt - external; Eduardo Martinez  
**Cc:** [kpruk@sbcglobal.net](mailto:kpruk@sbcglobal.net); [robertm@laner.com](mailto:robertm@laner.com); [sherryadgett@kraycablinginc.com](mailto:sherryadgett@kraycablinginc.com); [steve@smithandcompany.org](mailto:steve@smithandcompany.org); [Jeffrey.Leenhouts@cassidyurley.com](mailto:Jeffrey.Leenhouts@cassidyurley.com); [ryan@seaportstainless.com](mailto:ryan@seaportstainless.com); [david@oliverandco.net](mailto:david@oliverandco.net); [unimarbleinc@gmail.com](mailto:unimarbleinc@gmail.com); [sherrybp@pacbell.net](mailto:sherrybp@pacbell.net); [creativesignsr@aol.com](mailto:creativesignsr@aol.com); [tcalhoun@speedmob.com](mailto:tcalhoun@speedmob.com); [contactmedevices@aol.com](mailto:contactmedevices@aol.com); [eric@photonfilms.tv](mailto:eric@photonfilms.tv); [sandra\\_escalante@Laner.com](mailto:sandra_escalante@Laner.com); [buggied@aol.com](mailto:buggied@aol.com); [guy@unionstreetglass.com](mailto:guy@unionstreetglass.com); [normaborgeson@aol.com](mailto:normaborgeson@aol.com); [rfbrehmer@gmail.com](mailto:rfbrehmer@gmail.com); [ray@seaportstainless.com](mailto:ray@seaportstainless.com); [mannyjdiaz@yahoo.com](mailto:mannyjdiaz@yahoo.com); [jenjenat2019@yahoo.com](mailto:jenjenat2019@yahoo.com); [bmarsh@edgcomb-law.com](mailto:bmarsh@edgcomb-law.com); [jclark@ccareynkf.com](mailto:jclark@ccareynkf.com); [Mussi@aol.com](mailto:Mussi@aol.com); [tim@fenestrationconcepts.com](mailto:tim@fenestrationconcepts.com); [christel@suncoyote.com](mailto:christel@suncoyote.com); [Unimarmg@aol.com](mailto:Unimarmg@aol.com); [neilvg@gmail.com](mailto:neilvg@gmail.com); [scott@robinsonreal.com](mailto:scott@robinsonreal.com); [nick@carlenandco.com](mailto:nick@carlenandco.com); [laura@fenestrationconcepts.com](mailto:laura@fenestrationconcepts.com); [ori@advancedhomeenergy.com](mailto:ori@advancedhomeenergy.com); [contactstanly@aol.com](mailto:contactstanly@aol.com); [christine.firstenberg@am.jll.com](mailto:christine.firstenberg@am.jll.com); [jerry.yoshida@gmail.com](mailto:jerry.yoshida@gmail.com); [gellis@copper.net](mailto:gellis@copper.net)  
**Subject:** Comments on draft RBSP EIR

Dear Ms. Velasco:

My husband and I own the real property and business located at 1333 South 51st Street, Richmond, California (Harbor Front Lots 37 to 41 BLK 15). We also lease the building located directly behind us at 1324 South 50th Street. I have reviewed the RBSP, and it appears that both addresses will be located in the "Special District: R&D (SD:R&D)." Eckman Industries, Inc. is a machine shop which has been doing business in Richmond since 1981. I have reviewed the draft RBSP EIR, and would like to offer the following comments.

I.4-1

As you know, the area between South 51st Street, Montgomery Street and 46th Street has historically been zoned "M-3 or Heavy Industrial." I can appreciate the City's desire to rezone and/or improve certain areas. However, in view of the fact that the plans for the UC Berkeley Global Campus have been cancelled, there's no longer a need for the City to proceed with the draft RBSP. Rezoning this four block area from heavy industrial to "residential, mixed-use Main Street, R&D/business service" would make the majority of the existing businesses and buildings non-conforming.

I.4-2

Transect Zone SD:R&D allows for industrial buildings. However, on page 4-35 under building composition "Loading docks, overhead doors, and other service entries may not be located on street-facing facades." **If you drive along South 51st and South 49th, most of the building's overhead doors face the street. The lots are small, which doesn't allow for alleys. For this reason, semi trucks must enter from the street, and there isn't anywhere else to relocate the existing overhead doors and loading docks.**

I.4-3

Pursuant to page 4-11, "Limited Industrial" is permitted in SD:R&D. **This is too vague, what exactly does "limited" industrial mean?** Under 4.7.1 Performance Standards, states "The intent of the RBSP is to allow the range of existing and anticipated uses in the Plan Area to coexist and to ensure that the design and operation of some uses do not create negative impacts on others. **This broad statement is also cause for concern for existing businesses.**

I.4-4

Noise Limits under 4.7.1 states "...Land use groups are organized into four Noise Zones which when applied to mixed-use environments in the Plan Area allow for noise limits to be established on a lot-by-lot basis. When noise sources and affected properties fall within different noise zones, the noise standards of the affected property shall apply." **This proposed ordinance raises concerns because we operate a machine shop which consists of metal-cutting equipment. Since the RBSP proposes to rezone the lot immediately to the left of us (currently Seaport Stainless), and the buildings across the street to T5MS-O. This noise standard would immediately put us out of business. because the noise standard for the T5MS-O "affected facilities" will apply.**

I.4-5

As stated above, the draft RBSP will make all of the industrial businesses that have been operating in this area for decades "non-conforming." In light the fact that the plans for the Berkeley Global Campus have been scrapped, the City cannot afford to implement the proposed RBSP. This plan is unrealistic, and it will take decades for this area to become what the RBSP envisions. In the meantime, existing businesses will be forced move out because we won't be able to expand or improve due to restrictions. The draft RBSP is detrimental to the existing businesses, property owners, and the City. Thank you for your time and consideration in this matter.

I.4-6

Patricia Eckman  
Eckman Industries, Inc.  
(775)267-1005

## Letter I.4: Patricia Eckman

- I.4-1            The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.
- I.4-2            This comment addresses the Specific Plan, rather than the EIR. The comment is noted. Refer to Section 4.2.1, Master Response to Comments, Master Response to Comments About Non-Conforming Uses and Zoning). The Specific Plan has independent utility apart from development that may take place on the Richmond Field Station (Berkeley Global Campus) site (refer to Section 4.2.1, Master Response to Comments, Master Response to Comments About the Richmond Field Station [Berkeley Global Campus]).
- I.4-3            This comment addresses the Specific Plan, rather than the EIR. The comment is noted. Refer to Section 4.2.1, Master Response to Comments, Master Response to Comments About Non-Conforming Uses and Zoning.
- I.4-4            This comment addresses the Specific Plan, rather than the EIR. The comment is noted.
- I.4-5            This comment addresses the Specific Plan, rather than the EIR. The comment is noted.
- I.4-6            Refer to Section 4.2.1, Master Response to Comments, Master Response to Comments About Non-Conforming Uses and Zoning. As stated in the master response, the implementation of the Specific Plan would not cause any existing industrial uses currently operating within the Plan Area to become “non-conforming” uses. Some structures could become classified as non-conforming; owners of such structures could apply for an administrative permit (rather than a conditional use permit) to bring the buildings into conformance with applicable standards of the Specific Plan. The comment does not raise any substantive environmental issues that require further response under CEQA.

**From:** Scott Robinson

**Sent:** Friday, October 14, 2016 3:06:04 PM (UTC-08:00) Pacific Time (US & Canada)

**To:** Patricia Eckman; Richmond Bay Specific Plan; Tom Butt - external; Eduardo Martinez

**Cc:** kpruk@sbcglobal.net; robertm@laner.com; sherrypadgett@kraycablinginc.com; steve@smithandcompany.org; Jeffrey.Leenhouts@cassidyurley.com; ryan@seaportstainless.com; david@oliverandco.net; unimarbleinc@gmail.com; sherrybp@pacbell.net; creativesignsr@aol.com; tcalhoun@speedmob.com; contactmedevices@aol.com; eric@photonfilms.tv; sandra\_escalante@Laner.com; buggied@aol.com; guy@unionstreetglass.com; normaborgeson@aol.com; rfbrehmer@gmail.com; ray@seaportstainless.com; mannyjdiaz@yahoo.com; jenjenat2019@yahoo.com; bmarsh@edgcomb-law.com; jclark@ccareynkf.com; Mussi@aol.com; tim@fenestrationconcepts.com; christel@suncoyote.com; Unimarmg@aol.com; neilvg@gmail.com; nick@carlenandco.com; laura@fenestrationconcepts.com; ori@advancedhomeenergy.com; contactstanly@aol.com; christine.firstenberg@am.jll.com; jerry.yoshida@gmail.com; gellis@copper.net

**Subject:** Re: Comments on draft RBSP EIR

Thanks Patricia -

Being an Industrial Real Estate Broker for over 30 years in area and selling and leasing many many industrial buildings to my clients all along - I - 580 freeway from Central Ave to the Richmond San Rafael Bridge - over that time period - with many of those industrial companies still in existence today - the industrial companies need protection - I agree with Patricia - now that the Global Campus is dead - the industrial uses should be allowed to continue - as an "outright allowable use " and not as a "grandfather provision" and let the higher end uses and zoning - gentrifie over time and change to mixed use then eventually to residential over time with natural progression as is normal - not by zoning influence - But now this changing of roll up door placement - noise factors - defining types of tool use etc - rules and restrictions - is just another method to strangle hold the businesses and force industrial companies out of area - the very companies that have given Richmond it's strength to date - it reminds me of Emeryville -. Emeryville that constantly is trying to change land use - and try to restrict industrial use and noise decibels -they try to have facade design reviews for industrial -and so many regulations until industrial is pushed out - A few years back Emeryville tried to change 6 city blocks from industrial zoning and land use - along Hollis - E side - wanted to change to park land zoning - so they could sell to residential developers eventually - Myself along with 30 other industrial property owners sued Emeryville and it's council and city manager on that one - and we won - We had no choice - by radically rezoning the land use from industrial use - banks were going to start calling loans on those industrial buildings - potential industrial tenants in area - stopped wanting to rent in Emeryville - there we lots problems - infact many industrial companies that wanted Emeryville in that era - I placed in Oakland - Berkeley and Richmond - to the loss of Emeryville

Are we not also talking in the national elections right now - no matter who you vote for to bring manufacturing and warehousing back to the US - get our people jobs -

Why can't industrial uses stay in place and surrounding areas and if someone wants to build a mix use or live work etc in the industrial zone fine - but to shut down or constrict the current industrial uses in short order - Not good for industry or business - the very businesses that pays taxes to support infrastructure -and the City of Richmond -

I.5-1

# Comment Letter I.5

Please Mr Mayor and Council - really consider the next zoning and moves - now that the Global Campus is no more - it was a nice idea - but apparently - not the right economic time yet or would have gone through and moved forward - ↑ 1.5-1 cont.

Sincerely and Respectfully -

Scott Robinson

Scott Robinson  
Broker, Commercial  
BRE# 00969296

Robinson Real Estate  
1720 Shattuck Ave  
Berkeley, CA 94709

510-914-8785  
scott@robinsonreal.com  
www.robinsonreal.com

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

---

**From:** Patricia Eckman  
**Sent:** Friday, October 14, 2016 2:30 PM  
**To:** rbsp@ci.richmond.ca.us; tom.butt@intres.com; eduardo\_martinez@ci.richmond.ca.us  
**Cc:** kpruk@sbcglobal.net; robertm@laner.com; sherrypadgett@kraycablinginc.com; steve@smithandcompany.org; Jeffrey.Leenhouts@cassidyurley.com; ryan@seaportstainless.com; david@oliverandco.net; unimarbleinc@gmail.com; sherrybp@pacbell.net; creativesignsr@aol.com; tcalhoun@speedmob.com; contactmedevices@aol.com; eric@photonfilms.tv; sandra\_escalante@Laner.com; buggied@aol.com; guy@unionstreetglass.com; normaborgeson@aol.com; rfbrehmer@gmail.com; ray@seaportstainless.com; mannyjdiaz@yahoo.com; jenjenat2019@yahoo.com; bmarsh@edgcomb-law.com; jclark@ccareynkf.com; Mussi@aol.com; tim@fenestrationconcepts.com; christel@suncoyote.com; Unimarmg@aol.com; neilvg@gmail.com; Scott Robinson; nick@carlenandco.com; laura@fenestrationconcepts.com; ori@advancedhomeenergy.com; contactstanly@aol.com; christine.firstenberg@am.jll.com; jerry.yoshida@gmail.com; gellis@copper.net  
**Subject:** Comments on draft RBSP EIR

Dear Ms. Velasco:

My husband and I own the real property and business located at 1333 South 51st Street, Richmond, California (Harbor Front Lots 37 to 41 BLK 15). We also lease the building located directly behind us at 1324 South 50th Street. I have reviewed the RBSP, and it appears that both addresses will be located in the "Special District: R&D (SD:R&D)." Eckman Industries, Inc. is a machine shop which has been doing business in Richmond since 1981. I have reviewed the draft RBSP EIR, and would like to offer the following comments.

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Transect Zone SD:R&D allows for industrial buildings. However, on page 4-35 under building composition "Loading docks, overhead doors, and other service entries may not be located on street-facing facades." **If you drive**

## Comment Letter I.5

along South 51st and South 49th, most of the building's overhead doors face the street. The lots are small, which doesn't allow for alleys. For this reason, semi trucks must enter from the street, and there isn't anywhere else to relocate the existing overhead doors and loading docks.

Pursuant to page 4-11, "Limited Industrial" is permitted in SD:R&D. **This is too vague, what exactly does "limited" industrial mean?** Under 4.7.1 Performance Standards, states "The intent of the RBSP is to allow the range of existing and anticipated uses in the Plan Area to coexist and to ensure that the design and operation of some uses do not create negative impacts on others. **This broad statement is also cause for concern for existing businesses.**

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As stated above, the draft RBSP will make all of the industrial businesses that have been operating in this area for decades "non-conforming." In light the fact that the plans for the Berkeley Global Campus have been scrapped, the City cannot afford to implement the proposed RBSP. This plan is unrealistic, and it will take decades for this area to become what the RBSP envisions. In the meantime, existing businesses will be forced move out because we won't be able to expand or improve due to restrictions. The draft RBSP is detrimental to the existing businesses, property owners, and the City. Thank you for your time and consideration in this matter.

Patricia Eckman  
Eckman Industries, Inc.  
(775)267-1005

## **Letter I.5: Scott Robinson**

- I.5-1            Refer to Response to Comment I.4-6, and Section 4.2.1, Master Response to Comments, Master Response to Comments About Non-Conforming Uses and Zoning. The comment does not raise any substantive environmental issues that require further response under CEQA.

# Comment Letter I.6

---

From: Steve Smith

Sent: Friday, October 14, 2016 3:25:20 PM (UTC-08:00) Pacific Time (US & Canada)

To: Richmond Bay Specific Plan; Tom Butt - external; Eduardo Martinez

Cc: kpruk@sbcglobal.net; robertm@laner.com; sherrypadgett@kraycablinginc.com; steve@smithandcompany.org; Jeffrey.Leenhouts@cassidyurley.com; ryan@seaportstainless.com; david@oliverandco.net; unimarbleinc@gmail.com; sherrybp@pacbell.net; creativesignsr@aol.com; tcalhoun@speedmob.com; contactmedevices@aol.com; eric@photonfilms.tv; sandra\_escalante@Laner.com; buggied@aol.com; guy@unionstreetglass.com; normaborgeson@aol.com; rfbrehmer@gmail.com; ray@seaportstainless.com; mannyjdiaz@yahoo.com; jenjenat2019@yahoo.com; bmarsh@edgcomb-law.com; jclark@ccareynkf.com; Mussi@aol.com; tim@fenestrationconcepts.com; christel@suncoyote.com; Unimarmg@aol.com; neilvg@gmail.com; scott@robinsonreal.com; nick@carlenandco.com; laura@fenestrationconcepts.com; ori@advancedhomeenergy.com; contactstanly@aol.com; christine.firstenberg@am.jll.com; jerry.yoshida@gmail.com; gellis@copper.net

Subject: Fwd: Comments on draft RBSP EIR

All,

I agree entirely with Patricia Eckman's well-stated analysis.

This is a classic case of the City bending-over-backwards to seduce the University to come in, and now that the University has canceled, continuing to push an agenda-now-dead for no useful reason except perhaps to justify the City having spent, now wasted, a lot of money in a failed seduction.

I would not want to think any of this continued-effort towards a now-defunct goal was politically-driven posturing-for-the-voters.

Giving the well-intentioned RBSP a decent burial would be in the best interests of all concerned.

To continue on this course would create only destructive results, is suppressive of local business as was clearly stated below, would have no redeeming social value whatsoever, and would open-up the City to suits from affected businesses who were otherwise faced with irreparable damage for no present or future valid reason.

Please withdraw this RBSP.

Sincerely

Steve Smith  
Smith & co.

I.6-1

# Comment Letter I.6

This is a forwarded message

From: Patricia Eckman <pateckman@aol.com>

To: rbsp@ci.richmond.ca.us, tom.butt@intres.com, eduardo\_martinez@ci.richmond.ca.us

Date: Friday, October 14, 2016, 2:30:45 PM

Subject: Comments on draft RBSP EIR

====8<=====Original message text=====

Dear Ms. Velasco:

My husband and I own the real property and business located at 1333 South 51st Street, Richmond, California (Harbor Front Lots 37 to 41 BLK 15). We also lease the building located directly behind us at 1324 South 50th Street. I have reviewed the RBSP, and it appears that both addresses will be located in the "Special District: R&D(SD:R&D)." Eckman Industries, Inc. is a machine shop which has been doing business in Richmond since 1981. I have reviewed the draft RBSP EIR, and would like to offer the following comments.

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Transect Zone SD:R&D allows for industrial buildings. However, on page 4-35 under building composition "Loading docks, overhead doors, and other service entries may not be located on street-facing facades." If you drive along South 51st and South 49th, most of the building's overhead doors face the street. The lots are small, which doesn't allow for alleys. For this reason, semi trucks must enter from the street, and there isn't anywhere else to relocate the existing overhead doors and loading docks.

Pursuant to page 4-11, "Limited Industrial" is permitted in SD:R&D. This is too vague, what exactly does "limited" industrial mean? Under 4.7.1 Performance Standards, states "The intent of the RBSP is to allow the range of existing and anticipated uses in the Plan Area to coexist and to ensure that the design and operation of some uses do not create negative impacts on others. This broad statement is also cause for concern for existing businesses.

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## Comment Letter I.6

Patricia Eckman  
Eckman Industries, Inc.  
(775)267-1005

===8<=====End of original message text=====

--

Best regards,

Steve Smith <steve@smithandcompany.org>

If the label says Smith, you know it's GENUINE (sm)

[www.woodrestoration.com](http://www.woodrestoration.com) [www.fiveyearclear.com](http://www.fiveyearclear.com)  
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<http://www.pickensplan.com/>

Note to NSA: This is not the droid you're looking for.  
Move along, move along.

## **Letter I.6: Steve Smith**

- I.6-1            Refer to Response to Comment I.4-6, and Section 4.2.1, Master Response to Comments, Master Response to Comments About Non-Conforming Uses and Zoning. Refer also to Section 4.2.1, Master Response to Comments, Master Response to Comments About the Richmond Field Station (Berkeley Global Campus). The comment does not raise any substantive environmental issues that require further response under CEQA.

---

**From:** Norma Borgeson  
**Sent:** Friday, October 14, 2016 5:03:36 PM (UTC-08:00) Pacific Time (US & Canada)  
**To:** Richmond Bay Specific Plan  
**Subject:** Fwd: Comments on draft RBSP EIR

Sent from my iPad

Begin forwarded message:

**From:** Norma Borgeson <[normaborgeson@aol.com](mailto:normaborgeson@aol.com)>  
**Date:** October 14, 2016 at 5:00:29 PM PDT  
**To:** [steve@smithandcompany.org](mailto:steve@smithandcompany.org), Pat Eckman <[pateckman@aol.com](mailto:pateckman@aol.com)>  
**Subject:** Fwd: Comments on draft RBSP EIR

I totally agree with Pat Eckman on this issue as I own three property's on 50th street.  
How can we fix this problem. I am hopefull the city will reconsider.

Norma Borgeson. - [normaborgeson@aol.com](mailto:normaborgeson@aol.com)

Sent from my iPad

I 1.7-1

Begin forwarded message:

**From:** Steve Smith <[steve@smithandcompany.org](mailto:steve@smithandcompany.org)>  
**Date:** October 14, 2016 at 3:25:20 PM PDT  
**To:** [rbsp@ci.richmond.ca.us](mailto:rbsp@ci.richmond.ca.us),  
[tom.butt@intres.com](mailto:tom.butt@intres.com), <[eduardo\\_martinez@ci.richmond.ca.us](mailto:eduardo_martinez@ci.richmond.ca.us)>  
**Cc:** [kpruk@sbcglobal.net](mailto:kpruk@sbcglobal.net), [robertm@laner.com](mailto:robertm@laner.com),  
[sherrypadgett@kraycablinginc.com](mailto:sherrypadgett@kraycablinginc.com), <[steve@smithandcompany.org](mailto:steve@smithandcompany.org)>,  
<[Jeffrey.Leenhouts@cassidyurley.com](mailto:Jeffrey.Leenhouts@cassidyurley.com)>, <[ryan@seaportstainless.com](mailto:ryan@seaportstainless.com)>,  
<[david@oliverandco.net](mailto:david@oliverandco.net)>,  
<[unimarbleinc@gmail.com](mailto:unimarbleinc@gmail.com)>, <[sherrybp@pacbell.net](mailto:sherrybp@pacbell.net)>,  
<[creativesignsr@aol.com](mailto:creativesignsr@aol.com)>,  
<[tcalhoun@speedmob.com](mailto:tcalhoun@speedmob.com)>, <[contactmedevices@aol.com](mailto:contactmedevices@aol.com)>,  
<[eric@photonfilms.tv](mailto:eric@photonfilms.tv)>, <[sandra\\_escalante@Laner.com](mailto:sandra_escalante@Laner.com)>, <[buggied@aol.com](mailto:buggied@aol.com)>,  
<[guy@unionstreetglass.com](mailto:guy@unionstreetglass.com)>,  
<[normaborgeson@aol.com](mailto:normaborgeson@aol.com)>, <[rfbrehmer@gmail.com](mailto:rfbrehmer@gmail.com)>,  
<[ray@seaportstainless.com](mailto:ray@seaportstainless.com)>,  
<[mannyjdiaz@yahoo.com](mailto:mannyjdiaz@yahoo.com)>, <[jenjenat2019@yahoo.com](mailto:jenjenat2019@yahoo.com)>, <[4-407](mailto:bmarsh@edgcomb-</a></p></div><div data-bbox=)

## Comment Letter I.7

[law.com](mailto:law.com)>, <[jlark@ccareynkf.com](mailto:jlark@ccareynkf.com)>, <[Mussi@aol.com](mailto:Mussi@aol.com)>,  
<[tim@fenestrationconcepts.com](mailto:tim@fenestrationconcepts.com)>,  
<[christel@suncoyote.com](mailto:christel@suncoyote.com)>, <[Unimarmg@aol.com](mailto:Unimarmg@aol.com)>, <[neilvg@gmail.com](mailto:neilvg@gmail.com)>,  
<[scott@robinsonreal.com](mailto:scott@robinsonreal.com)>, <[nick@carlenandco.com](mailto:nick@carlenandco.com)>,  
<[laura@fenestrationconcepts.com](mailto:laura@fenestrationconcepts.com)>, <[ori@advancedhomeenergy.com](mailto:ori@advancedhomeenergy.com)>,  
<[contactstanly@aol.com](mailto:contactstanly@aol.com)>, <[christine.firstenberg@am.jll.com](mailto:christine.firstenberg@am.jll.com)>,  
<[jerry.yoshida@gmail.com](mailto:jerry.yoshida@gmail.com)>, <[gellis@copper.net](mailto:gellis@copper.net)>

**Subject: Fwd: Comments on draft RBSP EIR**

**Reply-To:** Steve Smith <[steve@smithandcompany.org](mailto:steve@smithandcompany.org)>

All,

I agree entirely with Patricia Eckman's well-stated analysis.

This is a classic case of the City bending-over-backwards to seduce the University to come in, and now that the University has canceled, continuing to push an agenda-now-dead for no useful reason except perhaps to justify the City having spent, now wasted, a lot of money in a failed seduction.

I would not want to think any of this continued-effort towards a now-defunct goal was politically-driven posturing-for-the-voters.

Giving the well-intentioned RBSP a decent burial would be in the best interests of all concerned.

To continue on this course would create only destructive results, is suppressive of local business as was clearly stated below, would have no redeeming social value whatsoever, and would open-up the City to suits from affected businesses who were otherwise faced with irreparable damage for no present or future valid reason.

Please withdraw this RBSP.

Sincerely

Steve Smith  
Smith & co.

This is a forwarded message  
From: Patricia Eckman <[pateckman@aol.com](mailto:pateckman@aol.com)>  
To: [rbsp@ci.richmond.ca.us](mailto:rbsp@ci.richmond.ca.us),  
[tom.butt@intres.com](mailto:tom.butt@intres.com), [eduardo\\_martinez@ci.richmond.ca.us](mailto:eduardo_martinez@ci.richmond.ca.us)  
Date: Friday, October 14, 2016, 2:30:45 PM  
Subject: Comments on draft RBSP EIR

===8<=====Original message text=====

Dear Ms. Velasco:

## Comment Letter I.7

My husband and I own the real property and business located at 1333 South 51st Street, Richmond, California (Harbor Front Lots 37 to 41 BLK 15). We also lease the building located directly behind us at 1324 South 50th Street. I have reviewed the RBSP, and it appears that both addresses will be located in the "Special District: R&D (SD:R&D)." Eckman Industries, [Inc.is](#) a machine shop which has been doing business in Richmond since 1981. I have reviewed the draft RBSP EIR, and would like to offer the following comments.

As you know, the area between South 51st Street, Montgomery Street and 46th Street has historically been zoned "M-3 or Heavy Industrial." I can appreciate the City's desire to rezone and/or improve certain areas. However, in view of the fact that the plans for the UC Berkeley Global Campus have been cancelled, there's no longer a need for the City to proceed with the draft RBSP. Rezoning this four block area from heavy industrial to "residential, mixed-use Main Street, R&D/business service" would make the majority of the existing businesses and buildings non-conforming.

Transect Zone SD:R&D allows for industrial buildings. However, on page 4-35 under building composition "Loading docks, overhead doors, and other service entries may not be located on street-facing facades." If you drive along South 51st and South 49th, most of the building's overhead doors face the street. The lots are small, which doesn't allow for alleys. For this reason, semi trucks must enter from the street, and there isn't anywhere else to relocate the existing overhead doors and loading docks.

Pursuant to page 4-11, "Limited Industrial" is permitted in SD:R&D. This is too vague, what exactly does "limited" industrial mean? Under 4.7.1 Performance Standards, states "The intent of the RBSP is to allow the range of existing and anticipated uses in the Plan Area to coexist and to ensure that the design and operation of some uses do not create negative impacts on others. This broad statement is also cause for concern for existing businesses.

Noise Limits under 4.7.1 states "...Land use groups are organized into four Noise Zones which when applied to mixed-use environments in the Plan Area allow for noise limits to be established on a lot-by-lot basis. When noise sources and affected properties fall within different noise zones, the noise standards of the affected property shall apply." This proposed ordinance raises concerns because we operate a machine shop which consists of metal-cutting equipment. Since the RBSP proposes to rezone the lot immediately to the left of us (currently Seaport Stainless), and the buildings across the street to T5MS-O. This noise standard would immediately put us out of business. because the noise standard for the T5MS-O "affected facilities" will apply.

As stated above, the draft RBSP will make all of the industrial businesses that have been operating in this area for decades "non-conforming." In light of the fact that the plans for the Berkeley Global Campus have been scrapped, the City cannot afford to implement the proposed RBSP. This plan is unrealistic, and it will take decades for this area to become what the RBSP envisions. In the meantime, existing businesses will be forced to move out because we won't be able

## Comment Letter I.7

to expand or improve due to restrictions. The draft RBSP is detrimental to the existing businesses, property owners, and the City. Thank you for your time and consideration in this matter.

Patricia Eckman  
Eckman Industries, Inc.  
(775)267-1005

====8<====End of original message text=====

--

Best regards,

Steve Smith <[steve@smithandcompany.org](mailto:steve@smithandcompany.org)>

If the label says Smith, you know it's GENUINE (sm)

[www.woodrestoration.com](http://www.woodrestoration.com) [www.fiveyearclear.com](http://www.fiveyearclear.com)  
[www.smithandcompany.org](http://www.smithandcompany.org), and especially [www.smithandcompany.org/mwp/](http://www.smithandcompany.org/mwp/)  
[http://www.lignu.com/lignu/tech\\_info/tech\\_info.php](http://www.lignu.com/lignu/tech_info/tech_info.php)  
[www.consultingscientist.us](http://www.consultingscientist.us)

Subscribe to the Smith & Co. discussion list at:  
<http://nine.pairlist.net/mailman/listinfo/smith-co-carousel>

<http://www.pickensplan.com/>

Note to NSA: This is not the droid you're looking for.  
Move along, move along.

## **Letter I.7: Norma Borgeson (1)**

- I.7-1            Refer to Response to Comment I.4-6, and Section 4.2.1, Master Response to Comments, Master Response to Comments About Non-Conforming Uses and Zoning. The comment does not raise any substantive environmental issues that require further response under CEQA.

---

**From:** Norma Borgeson  
**Sent:** Sunday, October 16, 2016 5:04:04 PM (UTC-08:00) Pacific Time (US & Canada)  
**To:** Richmond Bay Specific Plan  
**Subject:** Fwd: Comments on draft RBSP EIR

Dear Ms. Velasca,

I fully agree with the letter from Mrs. Eckman regarding real property business and rental Buildings in the area of 50th Street, Richmond.

I also own Buildings there and have had those business for years.

Please reconsider leaving that area as is.

Thank you for your time.

I.8-1

Norma Borgeson

Sent from my iPa

Begin forwarded message:

**From:** Patricia Eckman <[pateckman@aol.com](mailto:pateckman@aol.com)>  
**Date:** October 14, 2016 at 2:30:45 PM PDT  
**To:** [rbsp@ci.richmond.ca.us](mailto:rbsp@ci.richmond.ca.us), [tom.butt@intres.com](mailto:tom.butt@intres.com), [eduardo\\_martinez@ci.richmond.ca.us](mailto:eduardo_martinez@ci.richmond.ca.us)  
**Cc:** [kpruk@sbcglobal.net](mailto:kpruk@sbcglobal.net), [robertm@laner.com](mailto:robertm@laner.com),  
[sherrypadgett@kraycablinginc.com](mailto:sherrypadgett@kraycablinginc.com), [steve@smithandcompany.org](mailto:steve@smithandcompany.org),  
[Jeffrey.Leenhouts@cassidyurley.com](mailto:Jeffrey.Leenhouts@cassidyurley.com), [ryan@seaportstainless.com](mailto:ryan@seaportstainless.com),  
[david@oliverandco.net](mailto:david@oliverandco.net), [unimarbleinc@gmail.com](mailto:unimarbleinc@gmail.com), [sherrybp@pacbell.net](mailto:sherrybp@pacbell.net),  
[creativesignsr@aol.com](mailto:creativesignsr@aol.com), [tcalhoun@speedmob.com](mailto:tcalhoun@speedmob.com), [contactmedevices@aol.com](mailto:contactmedevices@aol.com),  
[eric@photonfilms.tv](mailto:eric@photonfilms.tv), [sandra\\_escalante@Laner.com](mailto:sandra_escalante@Laner.com),  
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[rfbrehmer@gmail.com](mailto:rfbrehmer@gmail.com), [ray@seaportstainless.com](mailto:ray@seaportstainless.com),  
[mannyjdiaz@yahoo.com](mailto:mannyjdiaz@yahoo.com), [jenjenat2019@yahoo.com](mailto:jenjenat2019@yahoo.com), [bmarsh@edgcomb-law.com](mailto:bmarsh@edgcomb-law.com),  
[jclark@ccareynkf.com](mailto:jclark@ccareynkf.com), [Mussi@aol.com](mailto:Mussi@aol.com), [tim@fenestrationconcepts.com](mailto:tim@fenestrationconcepts.com),  
[christel@suncoyote.com](mailto:christel@suncoyote.com), [Unimarmg@aol.com](mailto:Unimarmg@aol.com), [neilvg@gmail.com](mailto:neilvg@gmail.com),  
[scott@robinsonreal.com](mailto:scott@robinsonreal.com), [nick@carlenandco.com](mailto:nick@carlenandco.com),  
[laura@fenestrationconcepts.com](mailto:laura@fenestrationconcepts.com), [ori@advancedhomeenergy.com](mailto:ori@advancedhomeenergy.com),  
[contactstanly@aol.com](mailto:contactstanly@aol.com), [christine.firstenberg@am.jll.com](mailto:christine.firstenberg@am.jll.com),  
[jerry.yoshida@gmail.com](mailto:jerry.yoshida@gmail.com), [gellis@copper.net](mailto:gellis@copper.net)  
**Subject: Comments on draft RBSP EIR**

# Comment Letter I.8

Dear Ms. Velasco:

My husband and I own the real property and business located at 1333 South 51st Street, Richmond, California (Harbor Front Lots 37 to 41 BLK 15). We also lease the building located directly behind us at 1324 South 50th Street. I have reviewed the RBSP, and it appears that both addresses will be located in the "Special District: R&D (SD:R&D)." Eckman Industries, Inc. is a machine shop which has been doing business in Richmond since 1981. I have reviewed the draft RBSP EIR, and would like to offer the following comments.

As you know, the area between South 51st Street, Montgomery Street and 46th Street has historically been zoned "M-3 or Heavy Industrial." I can appreciate the City's desire to rezone and/or improve certain areas. However, in view of the fact that the plans for the UC Berkeley Global Campus have been cancelled, there's no longer a need for the City to proceed with the draft RBSP. Rezoning this four block area from heavy industrial to "residential, mixed-use Main Street, R&D/business service" would make the majority of the existing businesses and buildings non-conforming.

Transect Zone SD:R&D allows for industrial buildings. However, on page 4-35 under building composition "Loading docks, overhead doors, and other service entries may not be located on street-facing facades." **If you drive along South 51st and South 49th, most of the building's overhead doors face the street. The lots are small, which doesn't allow for alleys. For this reason, semi trucks must enter from the street, and there isn't anywhere else to relocate the existing overhead doors and loading docks.**

Pursuant to page 4-11, "Limited Industrial" is permitted in SD:R&D. **This is too vague, what exactly does "limited" industrial mean?** Under 4.7.1 Performance Standards, states "The intent of the RBSP is to allow the range of existing and anticipated uses in the Plan Area to coexist and to ensure that the design and operation of some uses do not create negative impacts on others. **This broad statement is also cause for concern for existing businesses.**

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As stated above, the draft RBSP will make all of the industrial businesses that have been operating in this area for decades "non-conforming." In light the fact that the plans for the Berkeley Global Campus have been scrapped, the City cannot afford to implement the proposed RBSP. This plan is unrealistic, and it will take decades for this area to become what the RBSP envisions. In the meantime, existing businesses will be forced move out because we won't be able to expand or improve due to restrictions. The draft RBSP is detrimental to the existing businesses, property owners, and the City. Thank you for your time and consideration in this matter.

Patricia Eckman  
Eckman Industries, Inc.  
(775)267-1005

## **Letter I.8: Norma Borgeson (2)**

- I.8-1            Refer to Response to Comment I.4-6, and Section 4.2.1, Master Response to Comments, Master Response to Comments About Non-Conforming Uses and Zoning. The comment does not raise any substantive environmental issues that require further response under CEQA.

## **CHAPTER 5**

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# **Responses to Comments Received at the Public Hearing on the Draft EIR**

The City of Richmond Planning Commission held a public hearing on the Draft Environmental Impact Report (Draft EIR) on October 6, 2016. The following is a summary of comments received at the public hearing that raised potentially substantive environmental issues or commented on the general adequacy of the Draft EIR, followed by responses. Some of the topics raised have been previously responded to in Chapter 4 of this Response to Comments document, as indicated below.

### **5.1 Environmental Topics Raised and Responses to Comments from October 6, 2016 Hearing**

The following comments were made at the Planning Commission public hearing on the Draft EIR on October 6, 2016. The transcript of this hearing, with comments demarcated, is presented in Appendix C of this document.

#### **PH.Hindler: Cordell Hindler**

**PH.Hindler-1**      The comment states support for the Specific Plan and for hotel development. The comment is noted. The comment does not raise any substantive environmental issues that require further response under CEQA.

#### **PH.Minault: Paul Minault**

**PH.Minault-1**      See Response to Comment O.11-1, in Chapter 4 of this Response to Comments document. Also refer to Section 4.11 Population, Housing and Employment, subsection 4.11.2, Environmental Setting of the Draft EIR for a description of the baseline setting.

**PH.Minault-2**      See Response to Comment O.11-1, in Chapter 4 of this Response to Comments document. As stated in that response, CEQA, as an environmental statute, specifically excludes economic and/or social effects from analysis, except to the extent that economic or social effects may lead to environmental impacts.

## **PH.Ellis: Garland Ellis**

- PH.Ellis-1** At the public hearing, in response to this comment, Director Mitchell addressed the City's process of approval and clarified that the Specific Plan has not yet been adopted.
- PH.Ellis-2** The comment states opposition to hotel development next to Hoffman Marsh (within the Special Planning Area designated in the Specific Plan) and states the area is designated as open space under the General Plan. Refer page 3-37 of the Specific Plan which discuss the Special Planning Area. At the public hearing, in response to this comment, Director Mitchell clarified that, as part of the Specific Plan process, the City Council directed the Commission to recommend a land use designation for the Special Planning Area. The area in question is a study area. See also Response to Comment O.2-2 in Chapter 4 of this Response to Comments document.
- PH.Ellis-3** The Draft EIR identifies Mitigation Measure TRF-3.SP and Mitigation Measure TRF-4.SP to address impacts that would occur at the Regatta Interchange due to development that would occur under the Specific Plan. As discussed in the Draft EIR, these and other traffic improvements that would be required for Specific Plan implementation would be funded through a combination of sources, including via a Traffic Mitigation Fee Program that receives funding from fair share contributions.

## **PH.CBaer: Commissioner Baer**

- PH.CBaer-1** Refer to responses to comment PH.Minault-1 and PH.Minault-2, above.
- PH.CBaer-2** Refer to Response to Comment PH.Ellis-1, above.
- PH.CBaer-3** The comment does not raise any substantive environmental issues that require further response under CEQA. For informational purposes, at the public hearing, Director Mitchell addressed this comment, stating that traffic impacts are analyzed according to the maximum build-out scenario based on existing and projected conditions, and that future transportation modes may create a different traffic and transportation scenario as technologies change. As discussed in Response to Comment O.12-6 in Chapter 4 of this Response to Comments document, City decision-makers will consider the significant and unavoidable impacts identified in the EIR, including traffic impacts, when reviewing the Specific Plan and considering whether to adopt it. The comment does not raise any substantive environmental issues that require further response under CEQA.

## PH.CButt: Commissioner Butt

- PH.CButt-1** The comment does not raise any substantive environmental issues that require further response, or comment on the general adequacy of the EIR.
- PH.CButt-2** See also Response to Comment O.2-2 in Chapter 4 of this Response to Comments document.
- PH.CButt-3** In response to this comment, Director Mitchell clarified that once the Specific Plan is and Final EIR are adopted, the existence of these documents does not automatically exempt a project proposed for development within the Plan Area in the future from undergoing the CEQA process. The EIR provides a base to support supplemental environmental review, should it be required.
- PH.CButt-4** This comment indicates concern about existing highway and railway pollution and how it may impact housing in the Plan Area. CEQA requires analysis of a project's impact on the physical environment, not vice versa. The Draft EIR includes information about existing conditions related to such topics as noise, air quality, and exposure to toxic air contaminants as a form of disclosure. See also Response to Comment O.16-1 in Chapter 4 of this Response to Comments document.
- PH.CButt-5** In response to this comment, Director Mitchell clarified that the Specific Plan is a flexible document that can respond to changes in anticipated development that may occur. Refer also to Section 4.2.1, Master Response to Comments, Master Response to Comments About the Richmond Field Station (Berkeley Global Campus).

## PH.CLanglois: Vice Chair Langlois

- PH.CLanglois-1** The Draft EIR determined that projected greenhouse gas emissions and air quality impacts that would be generated for both construction and operation of development within the Plan Area and for the Sub-Area 4 Project would be significant and unavoidable with regard to State policies and programs and Bay Area Air Quality Management District thresholds. Information related to significant and unavoidable impacts for air quality, greenhouse gas emissions, and traffic and transportation in the Plan Area and Sub-Area 4 Project site are summarized in Chapter 2 of the Draft EIR, and Chapter 6 of this Response to Comments document.
- PH.CLanglois-2** Operational impacts to air quality and greenhouse gas emissions would be largely due to a projected increase in vehicle emissions from traffic associated with development within the Plan Area and Sub-Area 4 Project site.

**PH.CLanglois-3** As discussed in Section 4.2, *Air Quality*, of the Draft EIR, many aspects of the Specific Plan, including increased access to transit, would decrease the number of vehicle trips taken within the Plan Area, and therefore reduce air quality and greenhouse gas emission impacts. The Draft EIR includes an analysis of existing and planned programs for public transportation and transit, and factors these programs into the analysis of traffic and transportation, air quality, and greenhouse gas emissions impacts.

**PH.CLanglois-4** Section 4.7, *Hazards and Hazardous Materials*, of the Draft EIR discusses impacts related to existing hazardous waste cleanup sites within the Plan Area, and includes mitigation measures to be implemented or monitored by the City of Richmond whereby development would be overseen by the applicable agency responsible for ensuring cleanup to health-based goals is achieved as appropriate for the proposed new use.

## **PH.CLoy: Commissioner Loy**

**PH.CLoy-1** The comment does not raise any substantive environmental issues that require further response under CEQA.

# CHAPTER 6

## Mitigation Monitoring and Reporting Program

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### 6.1 Introduction

When approving projects with EIRs that identify significant impacts, the California Environmental Quality Act (CEQA) requires public agencies to adopt monitoring and reporting programs or conditions of project approval to mitigate or avoid the identified significant effects (Public Resources Code Section 21081.6(a)(1)). A public agency adopting measures to mitigate or avoid the significant impacts of a proposed project is required to ensure that the measures are fully enforceable, through permit conditions, agreements, or other means (Public Resources Code Section 21081.6(b)). The mitigation measures required by a public agency to reduce or avoid significant project impacts not incorporated into the design or program for the project may be made conditions of project approval as set forth in a Mitigation Monitoring and Reporting Program (MMRP). The resulting MMRP must be designed to ensure project compliance with mitigation measures during project implementation.

The MMRP for the Specific Plan and Sub-Area 4 Project is presented in this chapter. The MMRP includes the mitigation measures identified in the EIR required to address the significant impacts associated with the Specific Plan or Sub-Area 4 Project. The required mitigation measures are summarized in this program; the full text of the impact analysis, project design features, and mitigation measures are presented in the Draft EIR in Chapter 2, *Summary*, except as revised in this Final EIR.

### 6.2 Format

The MMRP is organized in a table format (see **Table 6-1**), keyed to each significant impact and each EIR mitigation measure. Only mitigation measures adopted to address significant impacts are included in this program. Each mitigation measure is set out in full, followed by a tabular summary of monitoring requirements. The column headings in the tables are defined as follows:

- **Mitigation Measures:** This column presents the mitigation measure identified in the EIR.
- **Site(s) Affected:** The mitigation measures are, in some cases, site specific. This column identifies which specific sites would need to adhere to the mitigation measure, or if the feature/measure addresses all sites.
- **Implementation Procedures:** This column identifies the procedures associated with implementation of the mitigation measure.

- **Monitoring Responsibility:** This column contains an assignment of responsibility for the monitoring and reporting tasks.
- **Monitoring and Reporting Action:** This column refers the outcome from implementing the mitigation measure.
- **Schedule:** This column provides the general schedule for conducting each mitigation task, identifying where appropriate both the timing and the frequency of the action.
- **Verification of Compliance:** This column may be used by the lead agency to document the person who verified the implementation of the mitigation measure and the date on which this verification occurred.

## 6.3 Enforcement

If the Specific Plan is approved, the MMRP would be incorporated as a condition of such approval. Therefore, all mitigation measures for significant impacts must be carried out in order to fulfill the requirements of approval. A number of the mitigation measures would be implemented during the course of the development review process. These measures would be checked on plans, in reports, and in the field prior to construction. Most of the remaining mitigation measures would be implemented during the construction or project implementation phase.

**TABLE 6-1  
MITIGATION MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.1 Aesthetics</b>							
None required.							
<b>4.2 Air Quality</b>							
<p><b>Mitigation Measure AIR-2a.SP: Best Management Practices for Controlling Particulate Emissions.</b> All applicants proposing the development of projects within the Plan Area shall ensure the implementation of the following BAAQMD Best Management Practices for particulate control for all project construction activities. These measures will reduce particulate emissions primarily during soil movement, grading and demolition activities but also during vehicle and equipment movement on unpaved project sites</p> <ol style="list-style-type: none"> <li>All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</li> <li>All haul trucks transporting soil, sand, or other loose material off-site shall be covered.</li> <li>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.</li> <li>All vehicle speeds on unpaved roads shall be limited to 15 mph.</li> <li>All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</li> <li>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, § 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</li> </ol>	X	X	Applicants of Individual Projects / Project Contractors, BAAQMD, and City of Richmond Building Division and Engineering Department	BAAQMD and City of Richmond Building Division and Engineering Department	<p>Engineering Department to verify inclusion of BAAQMD BMPs in applicable construction plans and specifications submitted for building permits.</p> <p>City of Richmond Building Division to inspect site during construction to ensure compliance with project construction plans.</p>	<p>Prior to issuance of building permit.</p> <p>Field inspections during construction.</p>	<p><i>Verified by:</i></p> <p><i>Date:</i></p>

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.2 Air Quality (cont.)</b>							
<p>7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</p> <p><b>Mitigation Measure AIR-2b.SP: Require Tier 4 engines on Construction Equipment.</b> All applicants proposing development of projects within the Plan Area shall require their contractors, as a condition of contract, to further reduce construction-related exhaust emissions by ensuring that all off-road equipment greater than 25 horsepower (hp) and operating for more than 20 total hours over the entire duration of construction activities shall operate on a USEPA-approved Tier 4 engine. Construction equipment with Tier 4 engines currently comprise 22 percent of the statewide construction equipment fleet and CARB Regulations will result in the percentage increasing over the next several years. Alternatively, future project sponsors could have a construction air quality assessment performed which, if the results warrant and the City approves, would obviate the need for implementation of Mitigation Measure AIR-2b.SP.</p> <p><b>Mitigation Measure AIR-2c.SP: Require Construction Fleet to Use Renewable Diesel.</b> All applicants proposing development of projects within the Plan Area shall require their contractors, as a condition of contract, to reduce construction-related exhaust emissions by ensuring that all off-road equipment greater than 25 horsepower (hp) and operating for more than 20 total hours over the entire duration of construction activities shall operate on renewable diesel (such as Diesel HPR). Renewable diesel is currently commercially available in Berkeley and Oakland. Alternatively, future project sponsors could have a construction air quality assessment performed which, if the results warrant and the City approves, would obviate the need for implementation of Mitigation Measure AIR-2c.SP.</p>							

**TABLE 6-1 (Continued)**  
**MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.2 Air Quality (cont.)</b>							
<p><b>Mitigation Measure AIR-3a.SP: Use Super-compliant VOC Architectural Coatings in Maintaining Buildings through CC&amp;Rs and Ground Leases.</b> Future developer(s) of projects within the Plan Area shall require all residentially developed parcels to include within their CC&amp;R's and/or ground leases requirements for all future interior spaces to be repainted only with "Super-Compliant" Architectural Coatings (<a href="http://www.aqmd.gov/home/regulations/compliance/architectural-coatings/super-compliant-coatings">http://www.aqmd.gov/home/regulations/compliance/architectural-coatings/super-compliant-coatings</a>). While Regulation 8 Rule 3 of the BAAQMD places limits on the VOC content of paint and other architectural coatings, use of lower VOC coatings available to consumers can further reduce operational ROG emissions.</p> <p><b>Mitigation Measure AIR-3b.SP: Promote use of Green Consumer Products.</b> To reduce ROG, NOx and PM10 emissions associated with projects developed within the Plan Area, developer(s) of such projects shall provide education for residential and commercial tenants concerning green consumer products. Prior to receipt of any certificate of final occupancy and every five years thereafter, the project sponsors shall work with the City of Richmond to develop electronic correspondence to be distributed by email annually to residential and/or commercial tenants of each building on the project site that encourages the purchase of consumer products that generate lower than typical VOC emissions. The correspondence shall encourage environmentally preferable purchasing and shall include contact information and links to vendors of low VOC consumer products.</p> <p><b>Mitigation Measure AIR-3c.SP: Electrification of Loading Docks.</b> For all projects developed within the Plan Area, developer(s) shall ensure that loading docks for retail, light industrial or warehouse uses that will receive deliveries from refrigerated transport trucks incorporate electrification hook-ups for transportation refrigeration units to avoid emissions generated by idling refrigerated transport trucks.</p>	X	X	Applicants of Individual Projects / Project Engineer	City of Richmond Planning Division	Inclusion of VOC architectural coatings and green consumer products to be verified during Planning Division review of individual projects. Planning Division review also will verify electrification of loading docks, and deny permits for wood burning fireplaces. Additionally verify, Diesel Backup Generator Specifications.	Prior to issuance of building permit.	<i>Verified by:</i>  <i>Date:</i>

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.2 Air Quality (cont.)</b>							
<p><b>Mitigation Measure AIR-3d.SP: Prohibit Wood Burning Fireplaces.</b> For all projects developed within the Plan Area, developer(s) shall ensure that building specifications for residential units preclude fireplaces, whether wood-burning or natural gas-fired. Compliance with this measure shall be verified upon plan review and prior to occupancy by the City of Richmond Building Department.</p> <p><b>Mitigation Measure AIR-3e.SP: Diesel Backup Generator Specifications.</b> For all projects developed within the Plan Area, and to reduce NOx emissions associated with operation of stationary sources, the project sponsors shall implement the following actions:</p> <ol style="list-style-type: none"> <li>1. Any new diesel backup generators shall:               <ol style="list-style-type: none"> <li>a. Have engines that meet or exceed CARB Tier 4 off-road emission standards which have the lowest NOx emissions of commercially available generators, and</li> <li>b. Be fueled with renewable diesel, if commercially available, which has been demonstrated to reduce NOx emissions by approximately 10 percent.</li> </ol> </li> <li>2. All new diesel backup generators shall have an annual maintenance testing limit of 50 hours, if feasible, and up to a maximum of 50 hours per engine, subject to any further restrictions as may be imposed by the Bay Area Air Quality Management District (BAAQMD) in its permitting process.</li> </ol>							

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.2 Air Quality (cont.)</b>							
<p><b>Mitigation Measure AIR-4a.SP: Health Risk Assessment of Future Projects Under the Specific Plan.</b> Prior to issuance of a building permit for development within the Plan Area that includes sensitive land uses (e.g., residential uses, schools, daycares), except the Sub-Area 4 Project, the City shall review and approve, as appropriate, a health risk assessment and mitigation plan documenting that exposure of sensitive land uses to concentrations of Toxic Air Contaminants (TACs), including diesel particulate matter, meet or are less than (i.e., are as protective as) health-based thresholds established by BAAQMD. The health risk assessment and mitigation plan shall become an enforcement element of the building permit. At a minimum, the project-specific health risk assessment and mitigation plan shall:</p> <ul style="list-style-type: none"> <li>• Use up-to-date, project-specific sensitive receptor location information and a detailed assessment of risks associated with I-580 and any permitted stationary sources at that time;</li> <li>• Include an analysis of the health risks associated with each individual source, as well as an analysis of cumulative health risk impacts, and</li> <li>• Demonstrate a less than significant exposure risk for future uses based on then-current BAAQMD thresholds using one or more of the following (or comparable) measures to reduce TAC exposure: 1) Install and ensure the operation in good working order of indoor air filtration systems; and/or 2) Integrate building design features (e.g., strategic placement of HVAC air intakes, use of vegetative or structural screening, appropriate building set-back) to limit exposure from sources of TAC concentrations.</li> </ul> <p><b>Mitigation Measure AIR-4b.SP: Risk Reduction Plan for Backup Generators or New Permitted Stationary Sources.</b> Applicants for projects that would include backup generators shall prepare and submit to the City a Risk Reduction Plan for City review and approval. The</p>	X	X (except for Mitigation Measure AIR-4a.SP)	Applicants of Individual Projects / Project Engineer shall hire a qualified air quality consultant to prepare and HRA	City of Richmond Building Division and Engineering Department	Approve air quality consultant selection. Review verification from air quality consultant. Verify inclusion of indoor air filtration systems and verify health risk assessment is completed.  Verify a project specific HRA is completed. Verify and review the risk and reduction plan for backup generators.	Approve consultant selection, and review verification from air consultant, prior to approval of individual development permit.  Verify inclusion of approved measures.	

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.2 Air Quality (cont.)</b>							
<p>applicant shall implement the approved Risk Reduction Plan. The Risk Reduction Plan shall reduce cumulative localized cancer risks to the maximum feasible extent. The Risk Reduction Plan may contain, but is not limited to the following strategies:</p> <ol style="list-style-type: none"> <li>1. Demonstration using screening analysis or a health risk assessment that project sources, when combined with local cancer risks from cumulative sources with 1,000 feet would be less than 100 in one million.</li> <li>2. Installation of non-diesel fueled generators.</li> <li>3. Installation of diesel generators with an EPA-certified Tier 4 engine or engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy.</li> </ol>							
<p><b>Mitigation Measure AIR-2.SA4:</b> Implement BAAQMD Basic Construction Mitigation Measures. The Sub-Area 4 Project applicant shall require construction contractors to implement the following applicable BAAQMD Basic Construction Mitigation Measures to reduce emissions of fugitive dust and equipment exhaust:</p> <ul style="list-style-type: none"> <li>• All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</li> <li>• All haul trucks transporting soil, sand, or other loose material off-site shall be covered.</li> <li>• 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.</li> <li>• All vehicle speeds on unpaved roads shall be limited to 15 mph.</li> <li>• All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</li> </ul>		X	Sub-Area 4 applicant, BAAQMD, and City of Richmond Building Division and Engineering Department	BAAQMD, City of Richmond Building Division and Engineering Department, and Sub-Area 4 applicant	<p>Engineering Department to verify inclusion of BAAQMD BMPs in applicable construction plans and specifications submitted for building permits.</p> <p>City of Richmond Building Division to inspect site during construction to ensure compliance with project construction plans.</p>	<p>Prior to issuance of grading or building permit, whichever is first.</p> <p>Field inspections during construction.</p>	<p><i>Verified by:</i></p> <p><i>Date:</i></p>

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.2 Air Quality (cont.)</b>							
<ul style="list-style-type: none"> <li>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 California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</li> <li>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.</li> <li>Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.</li> </ul>							
<p><b>Mitigation Measure AIR-4a.SA4:</b> As an alternative to Mitigation Measures AIR-2b.SP and AIR-2c.SP, the Sub-Area 4 Project construction contractor/s shall use other measures, or in combination with use of Tier 4 equipment, to minimize diesel particulate matter emissions during the construction period, provided such measures reduce the predicted cancer risk below the threshold of (a) an incremental cancer risk level greater than 10 in one million, (b) a noncancerous risk (chronic or acute) hazard index greater than 1.0, or (c) an increase of annual average PM2.5 of greater than 0.3 micrograms per cubic meter (µg/m3) and are approved by the City. Any diesel-powered off-road and portable equipment shall meet or exceed emission standards for Tier 2 engines. For example, the construction contractor(s) may use other measures such as the use of alternative powered equipment (e.g., LPG-powered or electric lifts), alternative fuels (e.g., biofuels), added exhaust devices, or a combination of measures.</p>		X	Sub-Area 4 Applicant/Site Developer, Contractors, BAAQMD, and City of Richmond Building Division and Engineering Department	Sub-Area 4 applicant/ Site Developer	<p>For AIR-4a.SA4 the City of Richmond Building Division to inspect site during construction to ensure compliance with project construction plans.</p> <p>For AIR-4b.SA4, the HRA will be prepared by a qualified air quality consultant, and reviewed by a second independent air quality consultant.</p>	<p>Field inspections during construction.</p> <p>Approve consultant selection, and review verification from air consultant, prior to approval of individual development permit.</p> <p>Verify inclusion of approved measures.</p>	<p><i>Verified by:</i></p> <p><i>Date:</i></p>

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.2 Air Quality (cont.)</b>							
<p><b>Mitigation Measure AIR-4b.SA4:</b> The Sub-Area 4 Project applicant/s may choose to reassess the potential off-site cancer risk and PM2.5 concentration exposures to off-site residential receptors later in the design phase, but prior to the start of construction, and prepare a revised HRA using updated receptor location information and more detailed construction plans and equipment list and submit to the City for review. If the revised HRA demonstrates, to the satisfaction of the City, that the cancer risk and exposure to PM2.5 for all potentially exposed off-site receptors will be less than BAAQMD project-level threshold of (a) an incremental cancer risk level greater than 10 in one million, (b) a noncancerous risk (chronic or acute) hazard index greater than 1.0, or (c) an increase of annual average PM2.5 of greater than 0.3 micrograms per cubic meter (µg/m3), then Mitigation Measure AIR-4a is unnecessary. If the revised HRA demonstrates, to the satisfaction of the City, that the cancer risk or exposure to PM2.5 for off-site sensitive receptors will be less than presented in this analysis but still over BAAQMD thresholds, then the mitigation effort may be proportionately adjusted.</p>							
<b>4.3 Biological Resources</b>							
<p><b>Mitigation Measure BIO-1a.SP: Avoidance and Minimization Measures for Western Pond Turtle.</b> For any project proposed for development adjacent to the existing Upper Lagoon and/or Lower Lagoon, or in the area of Meeker Slough and Meeker Creek, project applicants shall determine the presence or absence of western pond turtle by conducting a preconstruction survey in areas of suitable habitat. If western pond turtle is present, the following measures shall be implemented:</p> <p>a) A qualified biologist shall supervise the installation of exclusion fencing along the boundaries of the work area adjacent to occupied and/or suitable habitat, as the biologist deems necessary to prevent western pond turtles from entering the work area. The construction contractor shall install species exclusion fencing, with a minimum height of 3 feet above</p>	X	X	Applicants of Individual Projects / Project Contractors shall prepare construction plans that incorporate pre-construction surveys and buffer zones. If required shall also implement avoidance procedures.	City of Richmond Building Division, and Biologist	<p>Review and approve a qualified biologist per requirements of measure.</p> <p>Biologist to review pre-construction survey reports.</p> <p>If the western pond turtle is found, inspect construction site to confirm buffer zones, and verify inclusion of condition on construction plans to the extent of the measure.</p>	<p>Prior to issuance of grading or building permit, whichever is sooner.</p> <p>Inspect site during construction to ensure compliance with project construction plans.</p>	<p><i>Verified by:</i></p> <p><i>Date:</i></p>

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.3 Biological Resources (cont.)</b>							
<p>ground surface and with an additional 4 to 6 inches of fence material buried such that species cannot crawl under the fence.</p> <p>b) A qualified biologist shall survey the project site within 48 hours before the onset of initial ground-disturbing activities and shall be present during initial vegetation clearing and ground-disturbing activities. (A qualified biologist is an individual who shall have a minimum of five years of academic training and professional experience in biological sciences and related resource management activities with a minimum of two years conducting surveys for each species that may be present within the project site.) The biological monitor shall monitor the exclusion fencing weekly to confirm proper maintenance and inspect for turtles. If western pond turtles are found, the City shall halt activities in the vicinity that pose a threat to the individual turtle or turtles as determined by the qualified biologist. If possible, the turtle or turtles shall be allowed to move out of the project site of their own volition (e.g., if it is near the exclusion fence that can be temporarily removed to let it pass). The qualified biologist shall relocate turtles to the nearest suitable habitat should they not leave the work area of their own accord. Construction shall resume after the turtles are out of harm's way. If western pond turtles occur repeatedly onsite after the exclusion fencing has been installed, a qualified biologist shall initiate preconstruction sweeps of the project site for this species prior to start of construction on a daily basis and thereafter throughout the duration of the project.</p> <p>c) During project construction or other ground-disturbing activities, excavations deeper than 6 inches shall have a sloping escape ramp of earth or a wooden plank installed at a 3:1 rise; openings, such as pipes, where western pond turtles might seek refuge shall be covered when not in use; and all trash that may attract predators or hide western</p>			<p>Applicants of Individual Projects / Project Contractors shall hire a qualified biologist and the site developer's contractor(s) shall engage the qualified biologist to conduct pre-construction surveys as described.</p>				

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.3 Biological Resources (cont.)</b>							
pond turtles shall be properly contained each day, removed from the worksite, and disposed of regularly. Following the completion of activities, the construction contractor shall remove all trash and construction debris from the work areas.							
<p><b>Mitigation Measure BIO-1b.SP: Worker Environmental Awareness Program Training.</b> For any project proposed for development within the area of the Specific Plan, a project-specific Worker Environmental Awareness Program (WEAP) training shall be developed and implemented by a qualified biologist and attended by all project personnel prior to beginning work onsite. The WEAP training shall generally include but not be limited to education about the following:</p> <ul style="list-style-type: none"> <li>• Applicable state and federal laws, environmental regulations, Specific Plan permit conditions, and penalties for non-compliance;</li> <li>• Special-status plant and animal species with potential to occur at or in the vicinity of the project site, avoidance measures, and a protocol for encountering such species including a communication chain;</li> <li>• Preconstruction surveys and biological monitoring requirements associated with each phase of work and at each project site as biological resources and protection measures will vary depending on the land managers;</li> <li>• Known sensitive resource areas in the project vicinity that are to be avoided and/or protected as well as approved project work areas, access roads, and staging areas; and</li> <li>• Best management practices (BMPs) and their location at various project sites for erosion control, species exclusion, in addition to general housekeeping requirements.</li> </ul>	X	X	Applicants of Individual Projects / Project Contractors shall hire a qualified biologist to develop and implement the WEAP training	City of Richmond Building Division	Verify attendance and training by all project personnel prior to beginning work onsite	Prior to construction commencement	Verified by:  Date:

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.3 Biological Resources (cont.)</b>							
<p><b>Mitigation Measure BIO-1c.SP: Preconstruction Nesting Bird Surveys.</b> For any project proposed for development within the Plan Area, the City shall require the project applicant to conduct preconstruction nesting bird surveys in areas containing, or likely to contain, habitat for nesting birds as a condition of approval for any development-related permit. Specific measures to avoid and minimize impacts on nesting birds include, but are not limited to, those described below.</p> <ul style="list-style-type: none"> <li>To the extent practicable, construction activities including building demolition, vegetation and tree removal, and new site construction shall be performed between September 1 and January 31 in order to avoid the avian nesting season.</li> <li>If construction activities cannot be completed between September 1 and January 31, a preconstruction survey for nesting birds shall be conducted by a qualified biologist. During the avian nesting season (February 1 through August 31), a qualified biologist shall survey construction areas within and in the vicinity of the Plan Area for nesting raptors and passerine birds not more than 30 days prior to any ground-disturbing activity or vegetation removal. All accessible potential nesting habitat, including bare ground, in the Plan Area and within a 500 feet (for raptors) and 250 feet (for all other species) around any construction activity will be surveyed.</li> <li>If active nests are found either within the project site or within the 500-foot survey buffer surrounding the project site, "no-work" buffer zones shall be established around the nests by a qualified biologist in coordination with CDFW as necessary depending on the specific species encountered. No demolition, vegetation removal, or ground-disturbing activities shall occur within the no-work buffer zone until young have fledged or the nest is otherwise abandoned as determined by the qualified biologist. If work during the nesting season stops for 14 days or more and then resumes, then nesting bird surveys shall be</li> </ul>	X	X	<p>Applicants of Individual Projects / Project Contractors shall prepare construction plans that incorporate pre-construction surveys and buffer zones. If required, avoidance procedures shall be implemented.</p> <p>Applicants of Individual Projects / Project Contractors shall hire a qualified biologist and the site developer's contractor(s) shall engage the qualified biologist to conduct pre-construction surveys as described.</p>	<p>Site developer City of Richmond Planning and Building Division Biologist</p>	<p>Review and approve a qualified biologist.</p> <p>Review pre-construction survey reports.</p> <p>If active nests are found, inspect construction site to confirm buffer zones.</p>	<p>No more than 14 days before start or restart of construction during the months of February through August.</p>	<p><i>Verified by:</i> <i>Date:</i></p>

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.3 Biological Resources (cont.)</b>							
<p>repeated, to ensure that no new birds have begun nesting in the area.</p> <ul style="list-style-type: none"> <li>Typically, the size of individual buffers ranges from a minimum of 250 feet for raptors to a minimum of 50 feet for other birds but can be adjusted based on an evaluation of the site by a qualified biologist in cooperation with the USFWS and/or CDFW as necessary (i.e., in the case of protected species). Buffer distances may also be modified if obstacles such as buildings or trees obscure the construction area from active bird nests, or existing disturbances create an ambient background disturbance similar to the proposed disturbance.</li> <li>Birds that establish nests after construction starts are assumed to be habituated to and tolerant of the indirect impacts resulting from construction noise and human activity. However, direct take of nests, eggs, and nestlings is still prohibited and a buffer must be established to avoid nest destruction.</li> <li>Results of the surveys shall be forwarded to CDFW (if required by state law based on the species observed) and avoidance procedures shall be adopted, if necessary, on a case-by-case basis. These may include construction buffer areas (up to several hundred feet in the case of raptors) or seasonal avoidance.</li> <li>A construction lighting plan for each project under the Specific Plan shall be prepared detailing measures to minimize light spillover outside of each project site.</li> </ul> <p><b>Burrowing Owls:</b> The following measures shall be implemented to address construction or other ground-disturbing activities that could take place within burrowing owl nesting habitat in Sub-Area 4. All accessible potential nesting habitat, including bare ground, in the project site that could be affected by construction activity will be surveyed per guidance provided in Appendix C of the Staff Report on Burrowing Owl Mitigation (CDFG, 2012). These guidelines shall determine timing and survey</p>							

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.3 Biological Resources (cont.)</b>							
<p>methodology, and reporting requirements. Preconstruction surveys to determine absence or presence of active burrowing owl nesting sites within the project site shall generally be completed as follows, or as modified by any subsequent approved protocol:</p> <p>a) Two surveys shall occur no more than 30 days prior to ground disturbing activity: one no less than 14 days prior to ground disturbing activity, and one within 24 hours prior to ground disturbing activity. Habitat assessments shall be conducted per guidelines provided in Appendix C of the Staff Report on Burrowing Owl Mitigation (CDFG, 2012). If no burrows are observed during the first survey, the second survey is not required.</p> <p>b) Conduct the survey/s between morning civil twilight and 10:00 AM and two hours before sunset until evening civil twilight to provide the highest detection probabilities.</p> <p>c) A survey for burrows and owls shall be conducted by walking through suitable habitat in the project site and in areas within 150 meters (approximately 500 feet) of the project site. This 150-meter buffer zone is included to account for adjacent burrows and foraging habitat outside the project site and impacts from factors such as noise and vibration due to heavy equipment which could impact resources outside the project site.</p> <p>d) Pedestrian survey transects shall be spaced to allow 100 percent visual coverage of the ground surface. The distance between transect center lines should be no more than 30 meters (approximately 100 feet), and should be reduced to account for differences in terrain, vegetation density, and ground surface visibility. To efficiently survey projects larger than 100 acres, it is recommended that two or more surveyors conduct concurrent surveys. Surveyors should maintain a minimum distance of 50 meters (approximately 160 feet) from any owls or occupied burrows. It is important to minimize disturbance near occupied burrows during all seasons.</p>							

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.3 Biological Resources (cont.)</b>							
A report of the burrow survey stating absence or presence of burrows shall be prepared and submitted to the City and, if results are positive for birds, CDFW.							
<p><b>Mitigation Measure BIO-1d.SP: Building Design and Lighting Strategies to Address Biological Resources Impacts.</b> For any project proposed for development within the area of the Specific Plan, and prior to the issuance of the first building permit for each new building, the City of Richmond (City) shall require that the project applicant retain a qualified biologist experienced with bird strike issues to review and approve the design of the building windows and lighting to ensure that it sufficiently minimizes the potential for bird strikes. The City may also consult with applicable resource agencies with jurisdiction such as CDFW, USFWS, or others, as it determines to be appropriate during this review.</p> <p><b>Building Design.</b> Prior to issuance of a building permit, The project applicant shall provide documentation to the satisfaction of the Planning Director identifying the measures and features of the building design that are intended to reduce potential impacts on birds. The building design may include, but is not limited to, some of the following measures:</p> <ul style="list-style-type: none"> <li>• Employ design techniques that create “visual noise” via cladding or other design features that make it easy for birds to identify buildings as such and not mistake buildings for open sky or trees;</li> <li>• Decrease continuity of reflective surfaces using “visual marker” design techniques, which may include:                             <ul style="list-style-type: none"> <li>a) Patterned or fritted glass, with patterns at most 28 centimeters apart;</li> <li>b) One-way films installed on glass, with any picture or pattern or arrangement that can be seen from the outside by birds but appear transparent from the inside;</li> </ul> </li> </ul>	X	X	Applicants of Individual Projects / Project Contractors	City of Richmond Planning and Building Services Division	Verify inclusion of minimizing design and lighting measures in applicable construction plans and specifications. City of Richmond Building Division to inspect site during construction to ensure compliance with project construction plans.  Verify inclusion of educational materials to building tenants, occupants and residents.	Prior to issuance of building permit.	Verified by:  Date:

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.3 Biological Resources (cont.)</b>							
<ul style="list-style-type: none"> <li>c) Geometric fenestration patterns that effectively divide a window into smaller panes of at most 28 centimeters; and/or</li> <li>d) Decals with patterned or abstract designs, with the maximum clear spaces at most 28 centimeters square.</li> <li>• Up to 60 feet high on building facades facing the shoreline, decrease reflectivity of glass, using design techniques such as plastic or metal screens, light-colored blinds or curtains, frosting of glass, angling glass towards the ground, UV-A glass, or awnings and overhangs;</li> <li>• Eliminate the use of clear glass on opposing or immediately adjacent faces of the building without intervening interior obstacles such that a bird could perceive its flight path through the glass to be unobstructed;</li> <li>• Mute reflections in glass using strategies such as angled glass, shades, internal screens, and overhangs; and</li> <li>• Place new vegetation sufficiently away from glazed building facades so that no reflection occurs. Alternatively, if planting of landscapes near a glazed building façade is desirable, situate trees and shrubs immediately adjacent to the exterior</li> <li>• glass walls, at a distance of less than 3 feet from the glass. Such close proximity will obscure habitat reflections and will minimize fatal collisions by reducing birds' flight momentum.</li> <li>• A construction lighting plan for each project under the Specific Plan shall be prepared detailing measures to minimize light spillover outside of each project site.</li> </ul>							

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.3 Biological Resources (cont.)</b>							
<p><b>Lighting Design.</b> The project applicant shall ensure that the design and specifications for buildings implement design elements to reduce lighting usage, change light direction, and confine light exposure. These may include, but are not limited to, the following general considerations that should be applied wherever feasible throughout the proposed project to reduce night lighting impacts on fish, marine mammals, and avian species:</p> <ul style="list-style-type: none"> <li>a) Avoid installation of lighting in areas where not required for public safety;</li> <li>b) Examine and adopt alternatives to bright, all-night, floor-wide lighting when interior lights would be visible from the exterior or exterior lights must be left on at night, including:                             <ul style="list-style-type: none"> <li>i. Installing motion-sensitive lighting;</li> <li>ii. Installing task lighting;</li> <li>iii. Installing programmable timers; and,</li> <li>iv. Installing fixtures that use lower-wattage, sodium, and yellow-red spectrum lighting; and,</li> </ul> </li> <li>c) Where exterior lights are to be left on at night, install fully shielded lights to contain and direct light away from the sky.</li> </ul> <p><b>Educating Residents and Occupants.</b> The City shall ensure, as a condition of approval for every building permit, that the project applicant agrees to provide educational materials to building tenants, occupants, and residents encouraging them to minimize light transmission from windows, especially during peak spring and fall migratory periods, by turning off unnecessary lighting and/or closing window coverings at night. The City Planning and Building Services Division shall administratively review and approve the educational materials prior to building occupancy.</p>							

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.3 Biological Resources (cont.)</b>							
<p><b>Documentation.</b> The City shall document undertaking the activities described in this mitigation measure and maintain records that include, among others, the written descriptions provided by the building developer of the measures and features of the design for each building that are intended to address potential impacts on birds, and the recommendations and memoranda prepared by the qualified biologist experienced with bird strikes who reviews and approves the design of any proposed projects to ensure that they sufficiently minimize the potential for bird strikes.</p>							
<p><b>Mitigation Measure BIO-1e.SP: Salt Marsh Harvest Mouse and Salt Marsh Wandering Shrew Measures.</b> The following measures shall be implemented within occupied, or presumed-occupied, salt marsh harvest mouse and/or salt marsh wandering shrew habitat to avoid, minimize, and mitigate impacts to these species and their habitat.</p> <p>1. A qualified, CDFW and/or USFWS-approved biological monitor will be present during all project-related activities within habitat determined suitable for salt marsh harvest mouse and/or salt marsh wandering shrew, or within 100 feet of such habitat. The biological monitor will present supplemental Worker Environmental Awareness Program information as needed for construction personnel to provide guidance about listed species and their habitats. The biological monitor will monitor all activities to ensure that no salt marsh harvest mouse or salt marsh wandering shrew is harassed, killed, or injured, and to ensure that the project conforms to the conservation measures outlined in the EIR. The biological monitor will notify the construction management lead when any aspect of the project might result in unauthorized take of special-status wildlife.</p>	X	X	Applicants of Individual Projects / Project Contractors shall hire a qualified biologist (per requirements of the measures) and the site developer's contractor(s) shall engage the qualified biologist to monitor during all project-related activities within the habitat determined suitable for salt marsh harvest mouse and or salt marsh wandering shrew	City of Richmond Planning and Services Building Division / CDFW and/or USFWS Biologists	Review and approve a qualified biologist.  Verify inclusion of condition on construction plans. If habitat must be removed, review and approve qualified biologist, WEAP, and construction plan that includes salt marsh harvest mouse/wandering shrew avoidance.	During construction	Verified by:  Date:

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.3 Biological Resources (cont.)</b>							
<p>2. Vegetation within 100 feet of potential salt marsh harvest mouse and salt marsh wandering shrew habitat shall be removed using hand-tools prior to the installation of the exclusion fencing under the supervision of the qualified biological monitor. If animals of either species are observed within the work area, a biologist, with the appropriate federal and state permits, will remove and relocate the species to the nearest appropriate habitat.</p> <p>3. To avoid potential impacts to salt marsh harvest mouse and salt marsh wandering shrew, exclusion fencing shall be installed by hand in all locations containing pickleweed, fat hen, and alkali heath vegetation or suitable foraging or nesting habitat and all natural/undeveloped uplands within a minimum of 100 feet of these habitats to prevent these species from entering the active work area, to protect habitat from earthmoving activities or accidental spills, and to exclude workers from sensitive habitat. The fence shall be made of a heavy plastic sheeting material that does not allow salt marsh harvest mouse and salt marsh wandering shrew to pass through or climb, and the bottom shall be buried to a depth of at least four inches so that the mouse and shrew cannot crawl under the fence. Fence height shall be at least 12 inches higher than the highest adjacent vegetation with a maximum height of four feet. All supports for the exclusion fencing shall be placed on the inside of the work area. A two-foot buffer will be maintained clear of vegetation along the outside of the exclusion fencing. Exclusion fencing shall be installed above the maximum high tide to prevent trapping animals between the fencing and rising tide waters. The fencing shall be installed under the supervision of the qualified biological monitor. Installation shall not occur during winter high tides, as determined by the biological monitor, when marsh habitats are submerged and these species are pushed to upland habitats.</p>							

**TABLE 6-1 (Continued)**  
**MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.3 Biological Resources (cont.)</b>							
<p><b>Mitigation Measure BIO-1f.SP: Special-Status Bat Protection Measure.</b> For any project proposed for development within the area of the Specific Plan that would involve the removal of trees or buildings or the renovation of buildings, a preconstruction survey for special-status bats shall be conducted by a qualified biologist in advance of tree and structure removal to characterize potential bat habitat and identify active roost sites. Should the preconstruction survey find no bat habitat or bat roosting sites, then no further action is required. Should potential roosting habitat or active bat roosts be found in trees and/or structures to be removed under the project, the following measures shall be implemented:</p> <p>a) Removal of trees and structures shall be initiated when bats are active, approximately between the periods of March 1 to April 15 and August 15 to October 15; outside of bat maternity roosting season (approximately April 15 – August 31) and outside of months of winter torpor (approximately October 15 – February 28), to the extent feasible.</p> <p>b) If removal of trees and structures during the periods when bats are active is not feasible and active bat roosts being used for maternity or hibernation purposes are found on or in the immediate vicinity of the project site where tree and structure removal is planned, a no disturbance buffer of 100 feet shall be established around these roost sites until they are determined to be no longer active by the qualified biologist. The extent of this buffer may be modified by the qualified biologist depending on existing screening around the roost site (such as dense vegetation or a building) as well as the type of construction activity which would occur around the roost site.</p>	X	X	<p>Applicants of Individual Projects / Project Contractors shall prepare construction plans that incorporate pre-construction surveys and buffer zones. If required, avoidance procedures shall be implemented.</p> <p>Applicants of Individual Projects / Project Contractors shall hire a qualified biologist and the site developer's contractor(s) shall engage the qualified biologist to conduct pre-construction surveys as described.</p>	<p>Site developer City of Richmond Planning and Building Services Division/ Biologist</p>	<p>Verify inclusion of condition on construction plans. If large trees are to be removed or if vacant buildings are to be demolished, review and approve qualified biologist, pre-construction survey reports, and a construction plan that includes bat avoidance.</p> <p>Inspect construction site to confirm buffer zones, if required.</p>	<p>Prior to issuance of grading or building permit, whichever is sooner.</p> <p>Inspect site during construction to ensure compliance with project construction plans.</p>	<p><i>Verified by:</i>  <i>Date:</i></p>

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.3 Biological Resources (cont.)</b>							
<p>c) The qualified biologist shall be present during tree and structure removal if potential bat roosting habitat or active bat roosts are present. Trees and structures with active roosts shall be removed only when no rain is occurring or is forecast to occur for 3 days and when daytime temperatures are at least 50°F.</p> <p>d) Removal of trees with potential bat roosting habitat or active bat roost sites shall follow a two-step removal process:</p> <ul style="list-style-type: none"> <li>i. On the first day of tree removal and under supervision of the qualified biologist, branches and limbs not containing cavities or fissures in which bats could roost, shall be cut only using chainsaws.</li> <li>ii. On the following day and under the supervision of the qualified biologist, the remainder of the tree may be removed, either using chainsaws or other equipment (e.g. excavator or backhoe).</li> </ul> <p>Removal of structures containing or suspected to contain potential bat roosting habitat or active bat roosts shall be dismantled under the supervision of the qualified biologist in the evening and after bats have emerged from the roost to forage. Structures shall be partially dismantled to significantly change the roost conditions, causing bats to abandon and not return to the roost. Removal of structures shall occur within the allowed construction hours detailed under the City's Municipal Code (Section 9.52.110) weekdays between 7:00 a.m. to 7:00 p.m. and between 9:00 a.m. to 8:00 p.m. on weekends and holidays. If demolition/removal activities are expected to occur outside of the City's allowed construction hours, the applicant shall apply for a conditional use permit from the City of Richmond Planning and Building Division. All demolition/removal activities shall implement all feasible measures outline in <b>Mitigation Measure NOI-1a.SP</b> in Chapter 4.10, Noise, of this EIR.</p>							

**TABLE 6-1 (Continued)**  
**MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.3 Biological Resources (cont.)</b>							
<p><b>Mitigation Measure BIO-2a.SP: Restoration of Northern Coastal Saltmarsh, Riparian, and Wetlands.</b>  For any project proposed for development within the area of the Specific Plan that may remove the habitat functions and services of northern coastal saltmarsh, riparian habitat, or freshwater emergent wetlands, these habitats shall be restored in-place to pre-project conditions, if possible, or an equivalent area of these habitats shall be established (ratio of 1:1) at suitable off-site locations along the Richmond shoreline. A habitat-specific Restoration and Monitoring Plan shall be prepared by the project applicant for each development project that removes the respective habitat, and shall contain the same principles as the existing Berkeley Global Campus Wetland Restoration Monitoring Plan for affected areas, subject to approval by the appropriate regulatory agencies, and shall generally include, but not be limited, to the following:</p> <ol style="list-style-type: none"> <li>1. A final grading plan for the affected northern coastal saltmarsh, riparian habitat, and/or wetlands, which would restore the topography of the affected habitat areas to pre-project conditions, or to conditions that will achieve long-term stability, and will support site-appropriate habitat;</li> <li>2. A planting plan, composed of native plant species appropriate to the target restored habitat;</li> <li>3. A management plan, including provisions for weed control to prevent the spread of invasive non-native plant species in the restoration area;</li> <li>4. Performance criteria for the revegetated areas that establish success thresholds over a specific amount of time (typically five years) as determined by the regulatory agencies with jurisdiction over the affected areas;</li> <li>5. A monitoring and reporting program under which progress of the revegetated areas shall be tracked to ensure survival of the mitigation plantings. The program shall document overall health and vigor of</li> </ol>	X	X	Applicants of Individual Projects / Project Contractors shall prepare construction plans that identify wetlands and buffer zones. If required, avoidance and/or protection measures shall be implemented.	City of Richmond Planning and Building Services Division / Biologists	<p>Review and approve project specifications and grading and construction plans for inclusion of this measure in specifications.</p> <p>Inspect site during construction to ensure compliance with project construction plans.</p>	<p>Prior to issuance of building permit.</p> <p>Field inspections during construction.</p>	<p><i>Verified by:</i></p> <p><i>Date:</i></p>

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.3 Biological Resources (cont.)</b>							
<p>mitigation plantings throughout the monitoring period and provide recommendations for adaptive management as needed to ensure the site is successful, according to the established performance criteria. An annual report documenting monitoring results and providing recommendations for improvement throughout the year shall be provided to the regulatory agencies; and</p> <p>6. A best management practices element describing erosion control measures to be installed around the affected areas following mitigation planting in order to avoid sediment runoff into adjacent waters.</p>							
<p><b>Mitigation Measure BIO-2b.SP: Restoration of Coastal Terrace Prairie.</b> For the Lark Avenue Variant, road construction within the coastal prairie that removes this sensitive plant community shall be restored according to UC Berkeley's Coastal Terrace Prairie Management Plan (Stromberg, 2014). To facilitate construction of the Lark Avenue Variant on UC land, the City would enter into a Memorandum of Understanding (MOU) with UC, and would adopt and implement the Coastal Terrace Prairie Management Plan, which would result in net ecological benefit for the prairie community. Implementation of the Plan in conjunction with UC would include the following (adapted from the LRDP FEIR):</p> <ul style="list-style-type: none"> <li>UC shall commence initial phase implementation of the 2014 Richmond Bay Campus Coastal Terrace Prairie Management Plan (Appendix G of the LRDP FEIR) that addresses exotic plant removal, tree and coyote brush removal, weed management, and programs for native plant stock preservation to aid in preservation and enhancement of the grassland portion of the Natural Open Space area.</li> <li>When the Lark Avenue Variant is constructed, proactive (not passive) measures to improve the quality of the native grasslands in the Natural Open Space area shall be funded and undertaken. This</li> </ul>	X	X	Applicants of Individual Projects / Project Contractors, and UC Berkeley	Applicants of Individual Projects / Project Contractors  City of Richmond Planning and Building Services Division	Verify inclusion and execution of UC Berkeley's Coastal Terrace Prairie Management Plan. Review and approve project specifications and construction plans for inclusion of this measure in specifications.	Prior to issuance of building permits.	<i>Verified by:</i>  <i>Date:</i>

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.3 Biological Resources (cont.)</b>							
<p>may take the form of support for research and education into effective restoration. Possible fund sources would be established as part of the MOU between the City and UC.</p> <ul style="list-style-type: none"> <li>Once the Lark Avenue Variant is constructed, UC shall update its Coastal Terrace Prairie Management Plan to guide conservation and enhancement efforts, as well as the siting of boardwalks and minor access roads and structures in a resource-sensitive manner. The plan shall include weed management actions, annual monitoring and reporting, and adaptive management sufficient to maintain or improve the quality of the grasslands preserved in the designated Natural Open Space. The effectiveness of the plan shall be continually evaluated and the plan adjusted as needed.</li> </ul> <p>Prior to the commencement of the construction of the Lark Creek Variant in high, medium, or low quality grasslands outside of the Natural Open Space land use zone, UC shall conduct a site-specific native plant survey. All survey results would be published to the UC environmental website for the Berkeley Global Campus/Richmond Field Station. UC would apply the results of such surveys to implement a program that would use the native plant stock from such area to aid enhancement and restoration in Natural Open Space grassland areas, and to develop or restore meadow acreage elsewhere. Possible locations include formal landscaped open areas of the Richmond Field Station, rooftops of buildings at the Richmond Field Station, demonstration meadows at UC Berkeley or in the city of Richmond that help explain the former extent of regional coastal terrace prairie grasslands.</p>							

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.3 Biological Resources (cont.)</b>							
<p><b>Mitigation Measure BIO-3.SP: Wetland Protection.</b> For any project proposing development within or adjacent to wetlands within the area of the Specific Plan, wetland protection measures shall be applied to protect identified state and federal jurisdictional wetlands. These measures shall include the following:</p> <p>a) To the extent feasible, construction projects that might affect jurisdictional drainages or wetlands shall be scheduled for dry-weather months. Avoiding ground-disturbing activities during the rainy season would further decrease the potential risk of construction-related discharges to jurisdictional waters;</p> <p>b) A protective barrier shall be erected around any wetland feature designated for complete avoidance in project construction plans and regulatory permits to isolate it from construction or other ground-disturbing activities;</p> <p>c) Signage shall be installed on the fencing to identify sensitive habitat areas and restrict construction activities;</p> <p>d) No equipment mobilization, grading, clearing, or storage of vehicles, equipment or machinery, or similar activity shall occur at each project site until a City representative has inspected and approved the wetland protection fencing; and</p> <p>e) The City shall ensure that the temporary fencing is continuously maintained until all construction or other ground-disturbing activities are completed.</p> <p>A fencing material meeting the requirements of both water quality protection and wildlife exclusion may be used, such as heavy plastic sheeting material. Fences must be properly installed with final approval by a City representative, including adequate supports or wire backing for use in windy sites, and with the lower edge keyed in to the soil to ensure a proper barrier.</p>	X	X	Applicants of Individual Projects / Project Contractors shall prepare construction plans that identify wetlands and buffer zones. If required, avoidance and/or protection measures shall be implemented.	Applicants of Individual Projects / Project Contractors / City of Richmond Planning and Building Services Division	Review and approve project specifications and grading and construction plans for inclusion of this measure in specifications.  Inspect site during construction to ensure compliance with project construction plans.	Prior to issuance of grading or building permit, whichever is first.  Field inspections during construction.	Verified by:  Date:

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.4 Cultural and Paleontological Resources</b>							
<p><b>Mitigation Measure CUL-1: Historic Resources Evaluation.</b> During the preliminary design for each project proposed for development within the Plan Area, and prior to submittal of a project application to the City of Richmond Planning Division, the project applicant shall undertake the following:</p> <p><b>1. Historic Resources Survey.</b> The historic resources survey shall include, at a minimum:</p> <ul style="list-style-type: none"> <li>a. An updated records search at the Northwest Information Center;</li> <li>b. An intensive historical resources survey, documenting and evaluating resources within the project footprint (area of ground disturbance) and located on adjacent parcels within 200 feet of the project footprint, that are 45 years or older for listing in the California Register and local Richmond Historic Inventory;</li> <li>c. Recommendations for any additional measures that are required to resolve adverse impacts to recorded historical resources; and</li> <li>d. A report documenting the results of this research and recommendations, for submittal to the City.</li> </ul> <p>The survey shall be carried out by a qualified historian or architectural historian meeting the Secretary of the Interior's Standards for Architectural History. Site-specific surveys and evaluations that are more than 5 years old shall be updated to account for changes which may have occurred over time.</p> <p>For all historic resources identified as a result of site-specific surveys and evaluations, the project applicant shall undertake the following:</p> <p><b>2. Historic Resources Treatment Plan.</b> The historic resources treatment plan shall be prepared by a qualified historian or architectural historian, and shall discuss, but not be limited to, the following options for the resource:</p>	X	X	Applicants of Individual Projects / Project Contractors, and historian or architectural historian	City of Richmond Planning and Building Services Division, and historian or architectural historian	Review and approval of archaeologist. Review and approval of the construction plan that includes archaeological mitigation.  Inspect site during construction.	Prior to issuance of building permit.  Field inspections during construction.	Verified by:  Date:

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.4 Cultural and Paleontological Resources</b>							
<p>a. <i>Avoidance.</i> The City shall ensure, where feasible, that all future development activities allowable under the Specific Plan, including demolition, alteration, and new construction, would avoid historical resources (i.e., those listed on federal, state, and local registers).</p> <p>b. <i>Adaptive Reuse.</i> If avoidance is not feasible, adaptive reuse and rehabilitation of historical resources shall occur in accordance with the Secretary of Interior's Standards for the Treatment of Historic Properties.</p> <p>c. <i>Appropriate Relocation.</i> If avoidance or adaptive reuse in situ is not feasible, the project applicant shall make a good faith effort to relocate the affected building(s) to a site acceptable to the City. Projects that relocate the affected historical property to a location consistent with its historic or architectural character could reduce the impact less than significant, unless the property's location is an integral part of its significance, e.g., a contributor to a historic district.</p> <p>For all historic resources identified as a result of site-specific surveys and evaluations which cannot be feasibly avoided (and including resources that would be adaptively reused, or appropriately relocated) the project applicant shall undertake the following:</p> <p><b>3. Recordation and Public Interpretation.</b> A qualified historian or architectural historian shall evaluate the feasibility and appropriateness of recordation and public interpretation of identified resources prior to any construction activities which would directly affect them. Should City staff decide recordation and or public interpretation is required, the following activities would be performed:</p> <ul style="list-style-type: none"> <li><i>Recordation.</i> Recordation shall follow the standards provided in the National Park Service's Historic American Building Survey (HABS)</li> </ul>							

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.4 Cultural and Paleontological Resources</b>							
<p>program, which requires photo-documentation of historic structures, a written report, and/or measured drawings (or photo reproduction of original plans if available). The photographs and report would be archived at the Richmond Planning Department and local repositories, such as public libraries, historical societies, and/or the Northwest Information Center at Sonoma State University. The recordation efforts shall occur prior to demolition, alteration, or relocation of any historic resources identified in the Plan Area. Additional recordation could include (as appropriate) oral history interviews or other documentation (e.g., video) of the resource.</p> <p><i>Public Interpretation.</i> A public interpretation or art program shall be developed by a qualified historic consultant or local artist in consultation with City staff, based on a City-approved scope of work and submitted to the City for review and approval. The program could take the form of plaques, commemorative markers, or artistic or interpretive displays which explain the historical significance of the properties to the general public. Such displays would be incorporated into project plans as they are being developed, and would typically be located in a publicly accessible location on or near the site of the former historical resource(s). Public interpretation displays shall be installed prior to completion of any construction projects in the Plan Area.</p> <p>Photographic recordation and public interpretation of historically significant properties does not typically mitigate the loss of resources to a less-than-significant level (CEQA <i>Guidelines</i> Section 15126.4[b][2]).</p>							

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.4 Cultural and Paleontological Resources (cont.)</b>							
<p><b>Mitigation Measure CUL-2a.SP: Archaeological Resources Evaluation.</b> During the preliminary design for each project proposed for development within the Plan Area and the Lark Drive Variant, and prior to submittal of a building permit application to the City of Richmond Planning Division as needed, the project applicant (or City, in the case of the Lark Drive Variant) shall undertake the following:</p> <p><b>1. Archeological Resources Survey.</b> The archeological resources survey shall be completed by a qualified archeologist, and shall include, at a minimum:</p> <ol style="list-style-type: none"> <li>a. An updated records search at the Northwest Information Center (per Mitigation Measure CUL-1.SP);</li> <li>b. A cultural resources survey of the project site that meets industry standards, including subsurface presence/absence studies;</li> <li>c. Recommendations for any additional measures that are required to resolve potential adverse impacts to recorded and/or undiscovered archaeological resources, with a preference for preservation in place for historical resources of an archaeological nature, where feasible; and</li> <li>d. A report documenting the results of this research and recommendations, for submittal to the City.</li> </ol> <p>If the results of the initial survey indicate the presence of or high likelihood for archaeological resources, the City shall require additional measures as outlined below.</p> <p>If the archeologist determines that a significant archaeological resource that could be adversely impacted by a project is present at the site, the project applicant shall undertake the following:</p>	X	X	Applicants of Individual Projects / Project Contractors	Contractor, City of Richmond Planning and Building Services Division, and Archeologist	Review and approval of archaeologist. Review and approval of the construction plan that includes archaeological mitigation.  Inspect site during construction.	Prior to issuance of grading permit.  Field inspections during construction.	Verified by:  Date:

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.4 Cultural and Paleontological Resources (cont.)</b>							
<p><b>2. Preservation in Place.</b> If the find is determined to be potentially significant, a qualified archaeologist, in consultation with the Planning Director or designee at the City of Richmond, the project applicant, and the appropriate Native American representative, where applicable, shall determine whether preservation in place is feasible. Consistent with CEQA <i>Guidelines</i> Section 15126.4(b)(3), this may be accomplished through: planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement.</p> <p>If the archeologist determines that preservation in place is not feasible for the resource and another type of mitigation would better serve the interests protected by CEQA, mitigation shall include data recovery through archaeological investigations and the project applicant shall undertake the following:</p> <p><b>Archaeological Research Design and Treatment Plan (ARDTP).</b> If avoidance/preservation in place is not feasible for the identified resource, the project applicant (or City, in the case of the Lark Drive Variant) shall hire a Secretary of the Interior-qualified archaeological consultant who shall prepare a detailed ARDTP that shall be submitted to the City for review and approval. The ARDTP shall identify a proposed data recovery program, and how the data recovery program would preserve the significant information the archaeological resource is expected to contain. Treatment of unique archaeological resources shall follow the applicable requirements of Public Resources Code Section 21083.2. Treatment for most resources would consist of (but would not be not limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim of targeting the recovery of important scientific data contained in the portion(s) of the significant resource to be impacted by the project. The ARDTP shall include provisions for analysis of data in a regional context;</p>							

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.4 Cultural and Paleontological Resources (cont.)</b>							
<p>reporting of results within a timely manner and subject to review and comments by the appropriate Native American representative, where applicable, before being finalized; curation of artifacts and data at a local facility acceptable to the City and appropriate Native American representative, if applicable; and dissemination of final confidential reports to the appropriate Native American representative, if applicable, the Northwest Information Center of the California Historical Resources Information System and the City.</p> <p><b>Mitigation Measure CUL-2b.SP:</b> Inadvertent Discovery of Archaeological Resources. During construction of each project proposed for development within the Plan Area and/or the Lark Drive Variant, if prehistoric or historic-era cultural materials are encountered, all construction activities within 100 feet shall halt and the City shall be notified. Prehistoric archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil (“midden”) containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse.</p> <p>The project applicant (or City, in the case of the Lark Drive Variant) shall ensure that a Secretary of the Interior-qualified archaeologist shall inspect the find within 24 hours of discovery. If the find is determined to be potentially significant, the archaeologist, shall follow the guidelines provided in Mitigation Measure CUL-2a.SP above.</p>							

**TABLE 6-1 (Continued)**  
**MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.4 Cultural and Paleontological Resources (cont.)</b>							
<p><b>Mitigation Measure CUL-3.SP: Inadvertent Discovery of Human Remains.</b> Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California, and for each project-level development proposal submitted to the City of Richmond for approval (and for construction of the Lark Drive Variant), the project applicant (or City, in the case of the Lark Drive Variant) shall ensure the following:</p> <ol style="list-style-type: none"> <li>In the event of the discovery of human remains during construction, work shall stop in that area and within 100 feet of the find. The Contra Costa County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to their authority, they shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the project applicant shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further ground disturbance.</li> <li>Project construction personnel shall be informed of the potential of encountering human remains during construction, and the proper procedures to follow as described above under 1., in the event of the discovery of human remains during construction.</li> </ol>	X	X	Applicants of Individual Projects / Project Contractors	City of Richmond Planning and Building Services Division	<p>Verify mitigation measure on construction plans.</p> <p>Inspect site during construction to ensure compliance with project construction plans.</p>	<p>Prior to issuance of a building permit.</p> <p>Field inspections during construction</p>	<p><i>Verified by:</i></p> <p><i>Date:</i></p>
<p><b>Mitigation Measure CUL-4.SP: Paleontological Resources Mitigation Program.</b> For each project-level development proposal submitted to the City of Richmond for approval and the Lark Drive Variant, and prior to initial ground disturbance, the project applicant (or City, in the case of the Lark Drive Variant) will retain a qualified paleontologist or a California Registered Professional Geologist (California RPG) with appropriate paleontological expertise to carry out all mitigation measures related to paleontological</p>	X	X	Applicants of Individual Projects / Project Contractors	<p>Project Applicant / Contractor</p> <p>City of Richmond Planning and Building Services Division</p>	<p>If resources are encountered, Contractor to verify work is suspended as required, review and approve paleontologist and paleontologist's recommendations.</p> <p>City to inspect site during construction to ensure compliance with project construction plans.</p>	<p>During construction</p>	<p><i>Verified by:</i></p> <p><i>Date:</i></p>

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.4 Cultural and Paleontological Resources (cont.)</b>							
<p>resources. The qualified paleontologist or geologist will be available on-call to the project applicant (or City) throughout the duration of ground-disturbing activities. The project applicant (or City) will also ensure the following measures are undertaken:</p> <ol style="list-style-type: none"> <li>1. All construction forepersons and field supervisors conducting or overseeing subsurface excavations will be trained in the recognition of potential fossil materials prior to ground disturbing activities. A pre-construction training on paleontological resources will also be provided to all other construction workers, but may include videotape of the initial training and/or the use of written materials rather than in-person training by the qualified paleontologist/California RPG. In addition to fossil recognition, the training will convey procedures to follow in the event of a potential fossil discovery.</li> </ol> <p>If potential fossils are discovered during construction, all earthwork or other types of ground disturbance within 100 feet of the find will stop until the qualified paleontologist/California RPG can assess the nature and importance of the find. Based on the scientific value or uniqueness of the find, the paleontologist/California RPG may record the find and allow work to continue, or recommend salvage and recovery of the fossil. If treatment and salvage is required, recommendations will be consistent with current professional standards. If required, treatment for fossil remains may include preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection.</p> <ol style="list-style-type: none"> <li>2. If found to be warranted based on experience during construction, the qualified paleontologist/California RPG, or paleontological monitor working under the supervision of the qualified paleontologist/California RPG, will monitor ground-disturbing activities. This monitoring will consist of periodically inspecting disturbed, graded, and excavated surfaces, as well as soil stockpiles and disposal sites. The frequency of monitoring will be</li> </ol>							

**TABLE 6-1 (Continued)**  
**MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.4 Cultural and Paleontological Resources (cont.)</b>							
determined by the qualified paleontologist/California RPG. If the monitor encounters a paleontological resource, it will be assessed and recorded or salvaged it as described above.							
<b>4.5 Geology, Soils, and Minerals</b>							
None required.							
<b>4.6 Climate Change and Greenhouse Gases</b>							
<b>Mitigation Measure GHG-1.SP: GHG Prevention and Control.</b> The City will continue to work proactively with the Bay Area Air Quality Management District, the California Air Resources Board, and the United States Environmental Protection Agency to help these agencies implement and enforce GHG prevention and control mandates within the City, and will work with the community to identify and advocate for GHG measures that are within the jurisdiction of these agencies and can and should be implemented to further reduce GHG emissions from the Richmond Bay Specific Plan and Sub-Area 4 Project.	X	X	Applicants of Individual Projects / Project Contractors	City of Richmond Planning and Building Services Division	Verify mitigation measure on construction plans.	Prior to issuance of a building permit.	<i>Verified by:</i> <i>Date:</i>
<b>4.7 Hazards and Hazardous Materials</b>							
<b>Mitigation Measure HAZ-1a.SP: Protection of Human Health From Environmental Contamination.</b> Prior to issuance of a building permit for any new project proposed within the Plan Area at a location where previous hazardous materials releases have occurred or resulted in environmental impacts, the City shall ensure the project will be developed under the supervision of the environmental agency(ies) of applicable jurisdiction (e.g., Department of Toxic Substances Control, Regional Water Quality Control Board, Contra Costa County Department of Human Health Services) such that health-based goals appropriate for the proposed new use are achieved, and soil management plans and/or environmental land use covenants are observed. The City shall not issue a building, use, or other permit for a new use that is inconsistent with any applicable land use covenant(s).	X	X	Individual Project Applicants/ Contractors	Contra Costa Health Services Regional Water Quality Control Board (RWQCB) City of Richmond Building Division and Engineering Department	Contra Costa Health Services to confirm receipt of hazardous material assessment. RWQCB to verify approved measures on construction plans. Engineering Division to receive and review soil vapor assessment as well as confirmation that the site remedial action plan has been revised as necessary, and approved by the RWQCB, to address the construction of housing and other infrastructure (i.e., water utilities) in areas of the site not otherwise contemplated	Prior to issuance of building permit. Field inspections during construction.	<i>Verified by:</i> <i>Date:</i>

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.7 Hazards and Hazardous Materials (cont.)</b>							
<p>Measures to protect environmental health shall include one or more of the following strategies and approaches: removal of environmental contaminants from the subject area (e.g., excavation and off-site disposal, use of soil vapor extraction equipment); separation of site users from contamination (e.g., engineering or institutional controls), or treatment of environmental contamination (e.g., in situ chemical oxidation). Prior to issuance of a certificate of occupancy or similar operating permit for such new project, the project proponent shall provide evidence to the City of successful implementation of protective measures through a certificate of completion, finding of suitability for the project's intended use or similar documentation issued by the environmental agency having jurisdiction over the project.</p> <p><b>Mitigation Measure HAZ-1b.SP: Health and Safety Plan.</b> Prior to issuance of a building or grading permit for a new project proposed within the Plan Area at a location where previous hazardous materials releases have occurred, the City shall document that a Health and Safety Plan (HASP) has been prepared and will be implemented for the protection of workers, the public and the environment. Such HASP shall be prepared by a California licensed professional of applicable expertise (e.g., certified industrial hygienist, professional engineer). The HASP shall include measures consistent with customary protocols and applicable regulations (including, but not limited to Title 8 of the California Code of Regulations) for the protection of workers, site users, the public, and the environment (e.g., management of impacted soil; use of personal protective equipment; management, use and or treatment of water associated with construction activities; dust mitigation) and to address the discovery of any suspect soils (e.g., petroleum odor and/or discoloration) during construction activities, including notification of appropriate oversight agencies and investigation, removal, and disposal of soils as appropriate under agency directives and local, state, and Federal regulations).</p>					<p>for housing or infrastructure in the 2005 Updated Proposed Remedial Action Plan, and that all remedial actions required to be completed per the revised remedial action plan prior to project construction have been approved as complete, and documented as such, by the RWQCB.</p> <p>Building Division to inspect site during construction to ensure compliance with project construction plans.</p>		

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.7 Hazards and Hazardous Materials (cont.)</b>							
<p>Prior to the issuance of a certificate of occupancy or similar operating permit for activities covered by the grading or building permit, a completion report documenting the implementation of the HASP and any deviations shall be submitted to and approved by the City.</p> <p><b>Mitigation Measure HAZ-1c.SP: Hazardous Building Material Assessment (ACM, LBP, PCBs, other hazardous building materials).</b> For any project proposed for development within the Plan Area (or in the area of the Lark Drive Variant) that would require building demolition, and prior to issuance of any demolition permit, the project applicant (or, in the case of the Lark Drive Variant, the City) shall submit to the City and/or the Contra Costa Health Services Department, according to relevant jurisdiction, a hazardous building material assessment prepared by qualified licensed contractors for any structure intended for demolition indicating whether asbestos containing materials (ACM), lead-based paint (LBP) or lead-based coatings, polychlorinated biphenyl (PCB)-containing equipment, and/or other hazardous building materials are present.</p> <p><b>Mitigation Measure HAZ-1d.SP: Hazardous Building Materials Removal Plan (ACM, LBP, PCBs).</b> For any project proposed for development within the Plan Area (or in the area of the Lark Drive Variant), if the assessment required by Mitigation Measure HAZ-1c indicates the presence of ACM, LBP, PCBs, or other hazardous building materials, prior to issuance of any demolition permit the project applicant (or, in the case of the Lark Drive Variant, the City) shall submit and implement a hazardous building materials removal plan in accordance with local, state, and federal requirements to protect demolition and construction workers and the public from risks associated with such hazardous materials during demolition or renovation of affected structures.</p>							

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.7 Hazards and Hazardous Materials (cont.)</b>							
<p><b>Mitigation Measure HAZ-2a.SP: Safety Management Techniques and Practices.</b> The City shall make an additional finding for any use permit for any facility within the Plan Area that may pose a risk to human health or safety to the public due to the potential for an accidental release of hazardous substances, as follows: the applicant has demonstrated to the satisfaction of the City of Richmond Fire Department that risk of accidental release and any off-site consequences to the public have been minimized to the extent feasible using best safety management techniques and practices and will not result in any unacceptable risk to human health or safety to the public, as determined by the City of Richmond Fire Department based on accepted industry standards. Such safety management techniques and practices may include among others: training; emergency notification systems; substitution to equipment subject to less risk of upset condition; substitution of chemicals that pose less risk to members of the public; equipment (e.g., safety shutoff valves, secondary containment) or practices to contain or lessen the off-site effect of any release.</p> <p><b>Mitigation Measure HAZ-2b.SP: Review of New Sensitive Uses.</b> Prior to issuance of a use permit, design review approval, or issuance of a building permit for new construction of, major renovation of, expansion of, or addition to a project within the Plan Area that includes sensitive land uses, the applicant shall demonstrate to the satisfaction of the City of Richmond Fire Department that the risk to: (1) on-site sensitive land uses (e.g., residential, schools, daycare) from an off-site accidental release of hazardous substances will not result in any unacceptable risk to human health or safety to the public once mitigated (e.g., evacuation and shelter-in-place procedures), as determined by the City of Richmond Fire Department based on accepted industry standards; and (2) off-site members of the public from an on-site release of hazardous substances will not result in any unacceptable risk to human health or safety to the public once mitigated, (e.g., best safety management techniques and practices, as described above), as determined by the City of Richmond Fire Department based on accepted industry standards.</p>	X	X	Applicants of Individual Projects / Project Contractors	City of Richmond Planning and Building Services Division	Verify approved measures on construction plans.	Prior to issuance of building permit.	<p><i>Verified by:</i></p> <p><i>Date:</i></p>

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.7 Hazards and Hazardous Materials (cont.)</b>							
<p><b>Mitigation Measure HAZ-4.SP: O&amp;M Plan.</b> Prior to issuance of a certificate of occupancy or similar operating permit for any project within the area of the Specific Plan at a location where a cleanup plan is being implemented, as provided under HAZ-1a.SP, where an operation and maintenance (O&amp;M) plan is required by an agency of applicable jurisdiction, the applicant shall demonstrate that an O&amp;M plan has been approved by the agency and will be implemented to ensure the long-term protection of environmental health of site users. The O&amp;M plan shall ensure the maintenance of health-based goals by periodic inspection of the remedy and taking such actions (e.g., repairing any deficiencies in durable covers that cap residual environmental contamination, performing maintenance on remedial equipment). Evidence of such an O&amp;M plan and its implementation may be demonstrated by a document issued by an agency of applicable jurisdiction.</p>							
<b>4.8 Hydrology and Water Quality</b>							
<p><b>Mitigation Measure HYD-1.SP: Water Quality Best Management Practices for All Construction Activities.</b> All applicants for projects proposed for development within the area of the Specific Plan shall ensure that best management practices consistent with the most recent version of the California Stormwater Quality Association (CASQA) Construction BMP Handbook are included in the Stormwater Pollution Prevention Plan (SWPPP) prepared in accordance with the NPDES Construction General Stormwater Permit. BMPs may include without limitation:</p> <p>1. The Straw bales, wattles, fiber rolls, gravel bags, or equivalent devices shall be installed around the perimeter of stockpiled materials and construction sites adjacent to water bodies (i.e., Meeker Channel and Slough, Baxter Creek, and Stege Marsh), to prevent debris from being transported to any receiving waters or open channel via runoff;</p>	X	X	Project Applicant / Contractor	San Francisco Bay Regional Water Quality Control Board (RWQCB)  City of Richmond Building Division and Engineering Services Department/ Water Resource Recovery Department	The San Francisco Bay RWQCB to review and approve the project applicant prepared MMDP.  City of Richmond Water Resource Recovery Department to monitor implementation of project BMPs.	Review and approval of the MMDP prior to issuance of building permit.  Field inspections during construction.	Verified by:  Date:

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.8 Hydrology and Water Quality (cont.)</b>							
<p>2. The use of hazardous materials during construction shall be minimized to the extent practical, and the amount of hazardous materials stored adjacent to waterbodies shall be limited to what is needed to immediately support construction activities. Hazardous materials shall be centrally stored safely and securely in approved containers, under cover or in an approved storage shed, and in adequate secondary containment. Fueling of generators and other equipment shall be conducted in a central location with secondary containment, and adequate spill cleanup materials shall be provided during all fueling operations;</p> <p>3. Well-maintained equipment shall be used to perform the construction work, and, except in the case of a failure or breakdown, equipment maintenance shall be performed off site. Equipment shall be inspected daily by the operator for leaks or spills. If leaks or spills are encountered, the source of the leak shall be identified, leaked material will be cleaned up, and the cleaning materials shall be collected and properly disposed;</p> <p>4. Inactive material stock piles must be covered at all times;</p> <p>5. Construction material shall be covered in anticipation of any rainfall event;</p> <p>6. Active debris boxes shall be covered during rain events to prevent contact with rainwater;</p> <p>7. Non-stormwater discharges to the Bay shall be prohibited unless specified in the SWPPP and approved by the City; and</p> <p>8. A Materials Management and Disposal Plan (MMDP) shall be prepared to prevent any debris from falling into waterbodies in the Plan Area during construction to the maximum extent practicable and also ensure the appropriate disposal of all construction-related materials. The MMDP shall be submitted to the</p>							

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.8 Hydrology and Water Quality (cont.)</b>							
<p>San Francisco Bay Regional Water Quality Control Board for review and approval. The measures identified in the MMDP shall be based on Best Available Technology, and will include, but not be limited to, the following:</p> <ul style="list-style-type: none"> <li>- During construction, in the event that debris does reach the Bay or a tributary, personnel within the work area shall immediately retrieve the debris for proper handling and disposal. All debris shall be disposed of at an authorized upland disposal site;</li> <li>- Construction waste shall be collected and transported to an authorized upland disposal area, per federal, State, and local laws and regulations; and,</li> <li>- All construction material, wastes, debris, sediment, rubbish, trash, fencing, etc., shall be removed from the project site once project construction is completed, and transported offsite in compliance with applicable federal, State, and local laws and regulations.</li> </ul>							
<p><b>Mitigation Measure HYD-7a.SP: Sea Level Rise Measures.</b> All applicants for projects proposed for development within the area of the Specific Plan will ensure that the project design includes the installation of appropriate stormwater inlet infrastructure, and/or the installation of back flow prevention devices on storm drain lines, and/or the design of the stormwater infrastructure to accommodate the future installation of back flow prevention devices on an as-needed basis. Stormwater infrastructure shall be designed to address up to 3 feet of sea level rise, as well as include capacity to adapt to up to 5.5 feet of sea level rise.</p> <p><b>Mitigation Measure HYD-7b.SP: Sea Level Rise Adaptation.</b> Prior to issuance of building permits, all projects proposed for development within areas of the Plan Area shown on Figure 4.8-2 of the EIR to be affected by greater than 3 feet of sea level rise,</p>	X	X	Project Applicant	City of Richmond Planning and Building Services Division and Engineering Department	Building Division to ensure mitigation language is provided in the projects Covenants, Conditions, and Restrictions.  Engineering Department to receive and review Plan.	Prior to certification of occupancy.	<i>Verified by:</i>  <i>Date:</i>

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.8 Hydrology and Water Quality (cont.)</b>							
including the 100-year flood event and wave overtopping, shall submit an Adaptive Flood Risk Management Plan to the City for approval. The City shall require implementation of such plan as a condition of approval for entitlement approvals and/or building permits as applicable. The Adaptive Flood Risk Management Plan shall be consistent with City efforts to plan for sea level rise under General Plan Action Item EC6.g and Specific Plan Action Item A1.8, and shall include an Adaptive Flood Risk Management Strategy to address 100-year flood impacts associated with a rise in sea level of greater than 3 feet including the 100-year flood event and wave overtopping. Adaptive flood risk management strategies may include development setbacks, regrading, construction of raised berms or a wall, or other measure to protect future development from a rise in sea level above 3 feet. Consistent with General Plan Action Item EC6.g, the Adaptive Flood Risk Management Plan shall include discussion of financing mechanisms for sea level rise adaptations.							
<p><b>Mitigation Measure HYD-3.SA4:</b> Pre-project stormflow levels. Prior to issuance of a grading permit, project applicants shall demonstrate, to the satisfaction of the City of Richmond Director of the Public Works Department, one of the following:</p> <ol style="list-style-type: none"> <li>1. Upon completion of construction activities, there will be sufficient detention capacity on the Project site to detain the incremental increase in stormflow volume that occurs during the 24-hour, 10-year design storm, which incremental increase is due to the increase in impervious surface above pre-project levels. This standard could be met with one or more detention vaults, tanks or other facilities, or through other means;</li> <li>2. Upon completion of such construction, the total square footage of impervious surface area throughout the Project site will remain at or below pre-project levels; or</li> </ol>		X	Project Applicant	City of Richmond Planning and Building Services Division / Engineering Services Department	Director of the City of Richmond Engineering Department to review and approve project stormwater plans.	Prior to issuance of building permit.	<i>Verified by:</i> <i>Date:</i>

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.8 Hydrology and Water Quality (cont.)</b>							
3. The proposed development has met the requirements of Provision C.3.g by demonstrating through compliance of CCCWP that any increases in stormwater flows are unlikely to cause downstream erosion or off-site siltation.							
<b>4.9 Land Use and Planning</b>							
None required.							
<b>4.10 Noise</b>							
<p><b>Mitigation Measure NOI-1a.SP: Construction Noise Control Measures and Noise Control Plan.</b> For any project proposed for development within the area of the Specific Plan, the applicant shall employ site-specific noise attenuation measures during project construction to reduce the generation of construction noise, including pile-driving noise. These measures shall be included in a Noise Control Plan that shall be submitted for review and approval by the City of Richmond Planning and Building Services Department to ensure that construction noise is consistent with the standards set forth in the City's Noise ordinance and other standards as appropriate. Measures specified in the Noise Control Plan and implemented during project construction shall include, at a minimum, the following noise control strategies:</p> <ul style="list-style-type: none"> <li>Equipment and trucks used for construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds); Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to approximately 10 dBA. External jackets on the</li> </ul>	X	X	Individual Project Applicants / Contractor	City of Richmond Planning and Building Services Division and Engineering Department	<p>Engineering Department to review and approve project specifications and grading and construction plans for inclusion of this measure into specifications.</p> <p>Building Division to inspect site during construction to ensure compliance with project construction plans.</p>	<p>Prior to issuance of building permit.</p> <p>Field inspections during construction</p>	<p><i>Verified by:</i></p> <p><i>Date:</i></p>

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.10 Noise (cont.)</b>							
<p>tools themselves shall be used where feasible; this could achieve a reduction of 5 dBA. Quieter procedures, such as use of drills rather than impact tools, shall be used;</p> <ul style="list-style-type: none"> <li>Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or include other measures; and</li> <li>Noise-reducing pile-driving techniques shall be performed as specified in Mitigation Measure NOI-1b.</li> </ul> <p><b>Mitigation Measure NOI-1b.SP: Pile Driving Noise-Reducing Techniques and Muffling Devices.</b> For any project proposed for development within the area of the Specific Plan that would require pile-driving during construction, noise-reducing pile-driving techniques shall be employed. These techniques shall include:</p> <ul style="list-style-type: none"> <li>Limiting pile driving or other impact-related noise-generating activity to 9:00 AM to 5:00 PM, Monday through Friday. No pile driving or other extreme noise-generating activity is permitted on Saturdays, Sundays, and holidays;</li> <li>Installing intake and exhaust mufflers on pile-driving equipment;</li> <li>Vibrating piles into place when feasible;</li> <li>Installing shrouds around the pile-driving hammer where possible;</li> <li>Implementing “quiet” pile-driving technology (such as drill and cast-in-place methods), where possible, in consideration of geotechnical and structural requirements and conditions;</li> <li>Implementing the use of more than one pile driver to shorten the total pile driving duration, where possible;</li> </ul>							

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.10 Noise (cont.)</b>							
<ul style="list-style-type: none"> <li>Using cushion blocks to dampen impact noise, if feasible based on soil conditions. Cushion blocks are blocks of material that are used with impact hammer pile drivers, and placed atop a piling during installation to minimize noise generated when driving the pile. Materials typically used for cushion blocks include wood, nylon and micarta (a composite material); and</li> <li>At least 48 hours prior to pile-driving activities, the applicant shall notify building owners and occupants within a minimum of 600 feet of the project site of the dates, hours, and expected duration of such activities.</li> </ul>							
<p><b>Mitigation Measure NOI-2.SP: Construction Vibration.</b> For any project proposed for development within the area of the Specific Plan, and prior to the issuance of any building permit for each phase of project development, the project applicant shall conduct a historic survey of the project site, and a 200-foot buffer extending around the project site, to determine the locations of historic structures. If historic structures are identified, the project applicant shall develop a Vibration Reduction Plan (Plan) in coordination with an acoustical consultant, geotechnical engineer, and construction contractor, and submit the Plan to the City Chief Building Official for approval. The Plan shall include measures and/or controls to ensure that buildings within 200 feet of the project site will be exposed to less than 80 VdB and 83 VdB where people sleep and work, respectively, and less than 0.25 PPV for historic buildings to prevent building damage. Measures and controls shall be identified based on project-specific final design plans, and may include, but are not limited to, either or both of the following:</p> <ol style="list-style-type: none"> <li>Implementation of buffers and the use of specific types of equipment to minimize vibration impacts during construction at nearby receptors in order to meet the specified standards.</li> </ol>	X	X	Individual Project Applicants / Contractor	City of Richmond Planning and Building Services Division and Engineering Department	Engineering Department to review and approve project specifications and grading and construction plans for inclusion of this measure into specifications.  Building Division to inspect site during construction to ensure compliance with project construction plans.	Prior to issuance of building permit.  Field inspections during construction	Verified by:  Date:

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.10 Noise (cont.)</b>							
<p>2. Implementation of a vibration, crack, and line and grade monitoring program for identified historic buildings located within 50 feet of construction activities, in coordination with a geotechnical engineer and qualified architectural historian. The following elements shall be included in this program:</p> <p>a) Prior to construction, a qualified architectural historian shall conduct a thorough survey of identified historic resources to identify, measure the dimensions of, and document (photographs and text) any existing cracks in the historic buildings.</p> <p>b) During construction activities:</p> <p>i. The construction contractor shall identify, and regularly inspect and photograph, crack gauges and include records of these inspections in construction reporting. Gauges shall be inspected every two weeks, or more frequently during periods of construction activity in close proximity to identified crack gauges.</p> <p>ii. The construction contractor shall collect vibration data from receptors and report vibration levels to the City Chief Building Official on a monthly basis. The reports shall include annotations regarding project activities as necessary to explain changes in vibration levels, along with proposed corrective actions to avoid vibration levels approaching or exceeding the established threshold.</p> <p>iii. With regards to historic buildings, if vibration levels exceed the threshold and monitoring or inspection indicates that the project may damage or is damaging the building, the building shall be provided additional protection or stabilization. If necessary and with approval by the City Chief Building</p>							

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.10 Noise (cont.)</b>							
<p>Official, the construction contractor shall install temporary shoring or stabilization to help avoid permanent impacts. Stabilization may involve structural reinforcement or corrections for deterioration that would minimize or avoid potential structural failures or avoid accelerating damage to the historic structure. Stabilization shall be conducted following the Secretary of Interior Standards Treatment of Preservation. This treatment shall ensure retention of the historic building's character-defining features. Stabilization may temporarily impair the historic integrity of the building's design, material, or setting, and as such, the stabilization must be conducted in a manner that will not permanently impair a building's ability to convey its significance. Measures to shore or stabilize the building shall be installed in a manner that when they are removed, the historic integrity of the building remains, including integrity of material.</p> <p>Post-construction:</p> <p>i. The applicant (and its construction contractor) shall provide a report to the City Chief Building Official regarding crack and vibration monitoring conducted during demolition and construction. In addition to a narrative summary of the monitoring activities and their findings, this report shall include photographs illustrating the post-construction state of cracks and material conditions that were presented in the pre-construction assessment report, along with images of other relevant conditions showing the impact, or lack of impact, of project activities. The photographs shall sufficiently illustrate damage, if any, caused by the project and/or show how the project did not cause physical damage to the historic and non-historic</p>							

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.10 Noise (cont.)</b>							
<p>buildings. The report shall include annotated analysis of vibration data related to project activities, as well as summarize efforts undertaken to avoid vibration impacts. Finally, a post-construction line and grade survey shall also be included in this report.</p> <p>The project applicant (and its construction contractor) shall be responsible for repairs from damage to historic and non-historic buildings if damage is caused by vibration or movement during demolition and/or construction activities. Repairs may be necessary to address, for example, cracks that expanded as a result of the project, physical damage visible in post-construction assessment, or holes or connection points that were needed for shoring or stabilization. Repairs shall be directly related to project impacts and will not apply to general rehabilitation or restoration activities of the buildings. If necessary for historic structures, repairs shall be conducted in compliance with the Secretary of Interior Standards Treatment of Preservation. The project applicant shall provide the City Chief Building Official and City Preservation Officer for review and comment both a work plan for the repairs and a completion report to ensure compliance with the Secretary of Interior Standards.</p> <p><b>Mitigation Measure NOI-2b.SP: Exposure to Rail Vibration.</b> For any project proposed for development within the area of the Specific Plan that involves new residential buildings or new dwelling units located adjacent to or within 200 feet of an active rail line, and prior to the approval of a construction-related permit, the project applicant shall submit a Vibration Reduction Plan (Plan) prepared by a qualified acoustical consultant for City review and approval that contains vibration reduction measures to reduce groundborne vibration to acceptable levels per Federal Transit Administration guidance (Federal Transit Administration, 2006, Transit Noise and Vibration Impact Assessment, May 2006). The applicant shall implement the approved Plan during construction. Potential vibration reduction measures include isolation of</p>							

**TABLE 6-1 (Continued)**  
**MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.10 Noise (cont.)</b>							
foundation and footings using resilient elements such as rubber bearing pads or springs, such as a “spring isolation” system that consists of resilient spring supports that can support the podium or residential foundations. The specific system shall be selected so that it can properly support the structural loads, and provide adequate filtering of groundborne vibration to the residences above.							
<b>Improvement Measure NOI-3.SP: Project-Specific Noise Study.</b> For any project proposed for development within the Plan Area, applicants shall conduct a project-specific noise study to determine compatibility of the proposed use with the existing noise environment based on land use/noise compatibility guidelines in the City’s General Plan. If the noise environment is found to be “conditionally acceptable” or “normally unacceptable” for the proposed use, a detailed acoustical analysis shall be conducted to specify the noise insulation measures needed to reduce noise exposure to “normally acceptable” levels, and these measures will be implemented. Measures may include, but are not limited to, appropriate site design to achieve maximum sound attenuation, use of enhanced noise insulation features in the form of appropriate sound-rated assemblies and/or other features/measures to reduce interior noise levels to meet Title 24 requirements.	X	X	Individual Project Applicants / Contractor	City of Richmond Planning and Building Services Division and Engineering Department	Engineering Department to review and approve project specifications and grading and construction plans for inclusion of this measure into specifications.  Building Division to inspect site during construction to ensure compliance with project construction plans.	Prior to issuance of building permit.  Field inspections during construction	<i>Verified by:</i>  <i>Date:</i>
<b>4.11 Population and Housing</b>							
None required.							
<b>4.12 Public Services and Recreation</b>							
<b>Mitigation Measure PUB-1.SP: Fire Protection Services and Facilities.</b> Not later than achieving 20 percent implementation of the foreseeable maximum theoretical buildout of the Specific Plan, the City of Richmond shall document the scope of additional fire protection services and facilities necessary to maintain a six minute response time required at the complete buildout of the Specific Plan. The City shall issue no	X	X	Individual Project Applicants / Contractor	City of Richmond Public Safety Department	City of Richmond Public Safety Department to document the implementation of fire services and facilities necessary	During project construction at 50% buildout	<i>Verified by:</i>  <i>Date:</i>

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.12 Public Services and Recreation (cont.)</b>							
<p>building permits for new or expanded projects after 20 percent implementation of the foreseeable maximum theoretical buildout has been achieved unless an analysis with conclusions regarding the scope of these additional fire protection services and facilities has been prepared and approved by the City of Richmond Fire Department. The City shall also identify a fair share funding mechanism to support the cost of completing the identified improvements, and shall establish a program to collect funds and guarantee they are used for these improvements.</p> <p>Not later than achieving 50 percent implementation of the foreseeable maximum theoretical buildout of the Specific Plan, the City shall document the implementation of fire protection services and facilities necessary to maintain a six minute response time. The City shall issue no building permits for new or expanded projects after 50 percent implementation of the foreseeable maximum theoretical buildout has been achieved unless such implementation has been certified by the City of Richmond Fire Department.</p>							
<b>4.13 Transportation and Traffic</b>							
<p><b>Mitigation Measure TRF-1.SP: Wright Avenue/Harbour Way South Intersection Signalization and Channelization Improvements.</b> All applicants proposing the development of projects within the Plan Area and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvements:</p> <p>a) Signalize intersection and provide warning lights and gates for the at-grade railroad crossing.</p> <p>b) Restripe the southbound Harbour Way South approach to provide an exclusive left-turn lane and a shared right/through lane within the current right-of-way.</p>	X		Applicants of Individual Projects / Project Contractors shall contribute fair-share funds for traffic impact fees or construct the improvement.	Applicants of Individual Projects / Project Contractors  City of Richmond Planning and Building Services Division	Develop the funding mechanism, the calculation of, and receipt of payment.	Prior to granting certificate of occupancy.	<i>Verified by:</i>  <i>Date:</i>

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.13 Transportation and Traffic (cont.)</b>							
<p>Signalization of the intersection is consistent with the mitigation measure proposed at this intersection by the Richmond Ferry Terminal Project Initial Study/Mitigated Negative Declaration (May 2014). If this improvement is implemented prior to the trigger identified in this mitigation measure, then it would not be required as a mitigation measure for the Specific Plan.</p> <p>The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.</p> <p>It is estimated that the mitigation measure at this intersection would be required when approximately 55 percent of the Foreseeable Maximum Theoretical Buildout is developed (which corresponds to 50 percent of Specific Plan development excluding the Sub-Area 4 Project). Foreseeable Maximum Theoretical Buildout). At that time, the City shall either fully fund or cause the mitigation measure to be implemented. Alternatively, the City may implement this mitigation measure prior the time the 55 percent buildout trigger occurs. In such case, the City may continue to collect fair-share contributions from the projects in the Plan Area to support implementation, in accordance with the requirements of this Mitigation Measure.</p>							

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.13 Transportation and Traffic (cont.)</b>							
After implementation of this measure, the intersection would improve to LOS A during the AM peak hour and LOS B during the PM peak hour and reduce the impact to a less-than -significant level. No secondary significant impacts would result from implementation of this measure.							
<p><b>Mitigation Measure TRF-2.SP: Wright Avenue/Marina Way South Intersection Improvements.</b> All applicants proposing the development of projects within the Plan Area and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvement:</p> <p>a) Restripe the westbound Wright Avenue approach to provide an exclusive right-turn lane and a shared left/through lane within the current right-of-way.</p> <p>The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.</p>	X		Applicants of Individual Projects / Project Contractors shall contribute fair-share funds for traffic impact fees or construct the improvement.	Applicants of Individual Projects / Project Contractors  City of Richmond Planning and Building Services Division	Develop the funding mechanism, the calculation of, and receipt of payment.	Prior to granting certificate of occupancy.	Verified by:  Date:

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.13 Transportation and Traffic (cont.)</b>							
<p>It is estimated that the mitigation measure at this intersection would be required when approximately 40 percent of the Foreseeable Maximum Theoretical Buildout is developed (which corresponds to 40 percent of Specific Plan development excluding the Sub-Area 4 Project). Foreseeable Maximum Theoretical Buildout). At that time, the City shall either fully fund or cause the mitigation measure to be implemented. Alternatively, the City may implement this mitigation measure prior the time the 40 percent buildout trigger occurs. In such case, the City may continue to collect fair-share contributions from the projects in the Plan Area to support implementation, in accordance with the requirements of this Mitigation Measure.</p> <p>After implementation of this measure, the intersection would improve to LOS C during the AM peak hour and LOS D during the PM peak hour and reduce the impact to a less-than -significant level. No secondary significant impacts would result from implementation of this measure.</p>							
<p><b>Mitigation Measure TRF-3.SP: Westbound I-580 Ramps/Juliga Woods Street Intersection Signalization.</b> All applicants proposing the development of projects within the Plan Area and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvement:</p> <p>a) Install an actuated signal at the intersection with protected phasing on all approaches.</p> <p>The proposed signalization of this intersection is consistent with the mitigation measure proposed at this intersection by the Richmond Bay Campus Long Range Development Plan Draft EIR (November 2013). If this improvement is implemented prior to the trigger identified in this mitigation measure, then it would not be required as a mitigation measure for the Specific Plan.</p> <p>The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that</p>	X		Applicants of Individual Projects / Project Contractors shall contribute fair-share funds for traffic impact fees or construct the improvement.	Applicants of Individual Projects / Project Contractors  City of Richmond Planning and Building Services Division	Develop the funding mechanism, the calculation of, and receipt of payment.	Prior to granting certificate of occupancy.	Verified by:  Date:

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.13 Transportation and Traffic (cont.)</b>							
<p>are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.</p> <p>It is estimated that the mitigation measure at this intersection would be required when approximately 45 percent of the Foreseeable Maximum Theoretical Buildout is developed (which corresponds to 35 percent of Specific Plan development excluding the Sub-Area 4 Project). Foreseeable Maximum Theoretical Buildout). At that time, the City shall either fully fund or cause the mitigation measure to be implemented. Alternatively, the City may implement this mitigation measure prior the time the 45 percent buildout trigger occurs. In such case, the City may continue to collect fair-share contributions from the projects in the Plan Area to support implementation, in accordance with the requirements of this Mitigation Measure.</p> <p>After implementation of this measure, the intersection would improve to LOS C during both AM and PM peak hours and reduce the impact to a less-than-significant level. It is not certain that this mitigation measure could be implemented because the intersection is under the jurisdiction of Caltrans. The City of Richmond, as lead agency, does not have jurisdiction to implement Measure TRF-3.SP and the mitigation would need to be approved and implemented by Caltrans. Therefore, the impact is conservatively considered significant and unavoidable because the City cannot ensure its implementation. No secondary significant impacts would result from implementation of this measure.</p>							

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.13 Transportation and Traffic (cont.)</b>							
<p><b>Mitigation Measure TRF-4.SP: Meade Street/Regatta Boulevard/Eastbound I-580 Ramps Intersection Improvements.</b> All applicants proposing the development of projects within the Plan Area and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvements:</p> <p>a) Restripe westbound Meade Street to provide one exclusive right-turn lane and a shared left/through lane.</p> <p>b) Upgrade signal to actuated operations, convert the phasing for the east and west intersection approaches from protected phasing to split-phasing, and coordinate signal timings with the adjacent Regatta Boulevard/Meade Street intersection and the at-grade railroad crossing.</p> <p>The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.</p>	X		Applicants of Individual Projects / Project Contractors shall contribute fair-share funds for traffic impact fees or construct the improvement.	Applicants of Individual Projects / Project Contractors  City of Richmond Planning and Building Services Division	Develop the funding mechanism, the calculation of, and receipt of payment.	Prior to granting certificate of occupancy.	Verified by:  Date:

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.13 Transportation and Traffic (cont.)</b>							
<p>It is estimated that the mitigation measure at this intersection would be required when approximately 25 percent of the Foreseeable Maximum Theoretical Buildout is developed (which corresponds to 20 percent of Specific Plan development excluding the Sub-Area 4 Project). Foreseeable Maximum Theoretical Buildout). At that time, the City shall either fully fund or cause the mitigation measure to be implemented. Alternatively, the City may implement this mitigation measure prior the time the 25 percent buildout trigger occurs. In such case, the City may continue to collect fair-share contributions from the projects in the Plan Area to support implementation, in accordance with the requirements of this Mitigation Measure.</p> <p>The implementation of this measure would improve conditions at the intersection; however, the intersection would continue to operate at LOS F during both AM and PM peak hours. Traffic operations at the intersection can be further improved by providing additional automobile travel lanes, such as a second left-turn lane on the southbound Regatta Boulevard approach and a second through lane on the northbound Regatta Boulevard approach. However, these modifications cannot be accommodated within the available automobile right-of-way and would require additional right-of-way, and/or loss of planned bicycle and/or pedestrian facilities, and are considered to be infeasible because they would be in conflict with the Specific Plan and General Plan goals to promote pedestrian, bicycle, and transit trips. Therefore, the impact would remain significant and unavoidable. Furthermore, it is not certain that this mitigation measure could be implemented because the intersection is under the jurisdiction of Caltrans. The City of Richmond, as lead agency, does not have jurisdiction to implement Measure TRF-4.SP and the mitigation would need to be approved and implemented by Caltrans. No other secondary significant impacts would result from implementation of this measure.</p>							

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.13 Transportation and Traffic (cont.)</b>							
<p><b>Mitigation Measure TRF-5.SP: Regatta Boulevard/Meade Street Intersection</b> Signalization. All applicants proposing the development of projects within the Plan Area and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvement:</p> <p>a) Install an actuated signal at the intersection with protected phasing on all approaches. Coordinate signal timings with the adjacent Meade Street/Regatta Boulevard/ Eastbound I-580 Ramps intersection and the at-grade railroad crossing.</p> <p>The proposed improvements at this intersection are consistent with the mitigation measure proposed at this intersection by the Richmond Bay Campus Long Range Development Plan Draft EIR (November 2013). If this improvement is implemented prior to the trigger identified in this mitigation measure, then it would not be required by the Specific Plan developments.</p> <p>The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.</p>	X		Applicants of Individual Projects / Project Contractors shall contribute fair-share funds for traffic impact fees or construct the improvement.	Applicants of Individual Projects / Project Contractors  City of Richmond Planning and Building Services Division	Develop the funding mechanism, the calculation of, and receipt of payment.	Prior to granting certificate of occupancy.	Verified by:  Date:

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.13 Transportation and Traffic (cont.)</b>							
<p>It is estimated that the mitigation measure at this intersection would be required when approximately 425 percent of the Foreseeable Maximum Theoretical Buildout is developed (which corresponds to 15 percent of Specific Plan development excluding the Sub-Area 4 Project). Foreseeable Maximum Theoretical Buildout). At that time, the City shall either fully fund or cause the mitigation measure to be implemented. Alternatively, the City may implement this mitigation measure prior the time the 15 percent buildout trigger occurs. In such case, the City may continue to collect fair-share contributions from the projects in the Plan Area to support implementation, in accordance with the requirements of this Mitigation Measure.</p> <p>After implementation of this measure, the intersection would improve to LOS C during the AM peak hour and LOS D during PM peak hour and reduce the impact to a less-than -significant level. No secondary significant impacts would result from implementation of this measure.</p>							
<p><b>Mitigation Measure TRF-6.SP: Bayview Avenue/51st Street/Seaport Avenue/Eastbound I-580 Ramps Intersection Signalization and Channelization Improvements.</b> All applicants proposing the development of projects within the Plan Area and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvements:</p> <p>a) Install an actuated signal at the intersection with protected left-turn phasing on all approaches.</p> <p>b) Restripe southbound 51st Street to provide two left-turn lanes and a shared right/ through lane.</p> <p>The proposed improvements at this intersection are consistent with the mitigation measure proposed at this intersection by the Richmond Bay Campus Long Range Development Plan Draft EIR (November 2013). If this improvement is implemented prior to the trigger identified in this mitigation measure, then it would not be required as a mitigation measure for the Specific Plan.</p>	X		Applicants of Individual Projects / Project Contractors shall contribute fair-share funds for traffic impact fees or construct the improvement.	Applicants of Individual Projects / Project Contractors  City of Richmond Planning and Building Services Division	Develop the funding mechanism, the calculation of, and receipt of payment.	Prior to granting certificate of occupancy.	Verified by:  Date:

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.13 Transportation and Traffic (cont.)</b>							
<p>The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.</p> <p>It is estimated that the mitigation measure at this intersection may be required when about 35 percent of the Sub-Area 4 is developed. At that time, the development project that triggers the impact shall either fully fund or implement the mitigation measure. Alternatively, the City of Richmond may implement this mitigation measure prior to or at the time the 35 percent buildout trigger occurs, the mitigation measure would not be required to be implemented by an individual project and the City may collect fair-share contributions from the projects in the Plan Area to support implementation.</p> <p>After implementation of this measure, the intersection would improve to LOS D during the AM peak hour and operate at LOS E during the PM peak hour. Traffic operations at the intersection can be further improved by providing additional automobile travel lanes, such as an additional through lane on the northbound Bayview Avenue and southbound 51st Street approaches. However, these modifications cannot be accommodated within the available automobile right-of-way and would</p>							

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.13 Transportation and Traffic (cont.)</b>							
require additional right-of-way, and/or loss of planned bicycle and/or pedestrian facilities, and are considered to be infeasible because they would be in conflict with the Specific Plan and General Plan goals to promote pedestrian, bicycle, and transit trips. Furthermore, it is not certain that this mitigation measure could be implemented because the intersection is under the jurisdiction of Caltrans. The City of Richmond, as lead agency, does not have jurisdiction to implement Measure TRF-6.SP and the mitigation would need to be approved and implemented by Caltrans. No other secondary significant impacts would result from implementation of this measure.							
<p><b>Mitigation Measure TRF-7.SP: Central Avenue/Eastbound I-580 Ramps Intersection Signalization.</b> All applicants proposing the development of projects within the Plan Area and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvement:</p> <p>a) Install a signal at the intersection.</p> <p>The proposed improvement at this intersection is consistent with the planned and funded project to signalize the I-580/Central Avenue ramp intersections. If this improvement is implemented prior to the trigger identified in this mitigation measure, then it would not be required as a mitigation measure for the Specific Plan.</p> <p>The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a "nexus" study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established</p>	X		Applicants of Individual Projects / Project Contractors shall contribute fair-share funds for traffic impact fees or construct the improvement.	Applicants of Individual Projects / Project Contractors  City of Richmond Planning and Building Services Division	Develop the funding mechanism, the calculation of, and receipt of payment.	Prior to granting certificate of occupancy.	<i>Verified by:</i>  <i>Date:</i>

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.13 Transportation and Traffic (cont.)</b>							
<p>procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.</p> <p>It is estimated that the mitigation measure at this intersection may be required when about 40 percent of the Plan Area is developed (which corresponds to 20 percent of Specific Plan development excluding the Sub-Area 4 Project). At that time, the development project that triggers the impact shall either fully fund or implement the mitigation measure. Alternatively, the City of Richmond may implement this mitigation measure prior to or at the time the 40 percent buildout trigger occurs, the mitigation measure would not be required to be implemented by an individual project and the City may collect fair-share contributions from the projects in the Plan Area to support implementation.</p> <p>After implementation of this measure, the intersection would improve to LOS B during the AM peak hour and LOS A during the PM peak hour and reduce the impact to a less-than-significant level. It is not certain that this mitigation measure could be implemented because the intersection is under the jurisdiction of Caltrans. The City of Richmond, as lead agency, does not have jurisdiction to implement Measure TRF-7.SP and the mitigation would need to be approved and implemented by Caltrans. Therefore, the impact is conservatively considered significant and unavoidable because the City cannot ensure its implementation. No secondary significant impacts would result from implementation of this measure.</p>							

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.13 Transportation and Traffic (cont.)</b>							
<p><b>Mitigation Measure TRF-8: Central Avenue/ Westbound I-580 Ramps Intersection Signalization.</b> All applicants proposing the development of projects within the Plan Area and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvement:</p> <p>a) Install a signal at the intersection.</p> <p>The proposed improvement at this intersection is consistent with the planned and funded project to signalize the I-580/Central Avenue ramp intersections. If this improvement is implemented prior to the trigger identified in this mitigation measure, then it would not be required as a mitigation measure for the Specific Plan.</p> <p>The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a "nexus" study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a "reasonable relationship" or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a "fair share" contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.</p> <p>It is estimated that the mitigation measure at this intersection may be required when about 40 percent of the Plan Area is developed (which corresponds to 20 percent of Specific Plan development excluding the Sub-Area 4 Project). At that time, the development project that triggers the impact shall either fully fund or</p>	X		Applicants of Individual Projects / Project Contractors shall contribute fair-share funds for traffic impact fees or construct the improvement.	Applicants of Individual Projects / Project Contractors  City of Richmond Planning and Building Services Division	Develop the funding mechanism, the calculation of, and receipt of payment.	Prior to granting certificate of occupancy.	Verified by:  Date:

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.13 Transportation and Traffic (cont.)</b>							
<p>implement the mitigation measure. Alternatively, the City of Richmond may implement this mitigation measure prior to or at the time the 40 percent buildout trigger occurs, the mitigation measure would not be required to be implemented by an individual project and the City may collect fair-share contributions from the projects in the Plan Area to support implementation.</p> <p>After implementation of this measure, the intersection would improve to LOS B during both AM and PM peak hours and reduce the impact to a less-than-significant level. It is not certain that this mitigation measure could be implemented because the intersection is under the jurisdiction of Caltrans. The City of Richmond, as lead agency, does not have jurisdiction to implement Measure TRF-8.SP and the mitigation would need to be approved and implemented by Caltrans. Therefore, the impact is conservatively considered significant and unavoidable because the City cannot ensure its implementation. No secondary significant impacts would result from implementation of this measure.</p>							
<p><b>Mitigation Measure TRF-9.SP: Cutting Boulevard/Harbour Way South Intersection Improvements.</b> All applicants proposing the development of projects within the Plan Area and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvements:</p> <p>a) The multi-modal improvement projects as outlined in the SRTCP and detailed on page 4.13-75, which would reduce the overall automobile trip generation and reduce the project contribution at this intersection. Specifically, the Cutting Boulevard improvement would eliminate one through lane along both directions of both Cutting Boulevard and Harbour Way South to provide enhanced bicycle facilities.</p> <p>b) Convert the signal phasing for the north and south intersection approaches from split-phasing to protected phasing and coordinate signal timings with adjacent signals along Cutting Boulevard.</p>	X		Applicants of Individual Projects / Project Contractors shall contribute fair-share funds for traffic impact fees or construct the improvement.	Applicants of Individual Projects / Project Contractors  City of Richmond Planning and Building Services Division	Develop the funding mechanism, the calculation of, and receipt of payment.	Prior to granting certificate of occupancy.	Verified by:  Date:

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.13 Transportation and Traffic (cont.)</b>							
<p>The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.</p> <p>It is estimated that the mitigation measure at this intersection may be required when about 40 percent of the Specific Plan area is developed. At that time, the development project that triggers the impact shall either fully fund or implement the mitigation measure. Alternatively, the City of Richmond may implement this mitigation measure prior to or at the time the 40 percent buildout trigger occurs, the mitigation measure would not be required to be implemented by an individual project and the City may collect fair-share contributions from the projects in the Plan Area to support implementation.</p> <p>After implementation of this measure, the intersection would continue to operate at LOS E during the AM peak hour and LOS F during the PM peak hour. Traffic operations at the intersection can be further improved by providing additional automobile travel lanes, such as a second through lane on eastbound and westbound Cutting Boulevard. However, these modifications cannot</p>							

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.13 Transportation and Traffic (cont.)</b>							
be accommodated within the available automobile right-of-way and would require additional right-of-way, and/or loss of planned bicycle and/or pedestrian facilities, and are considered to be infeasible because they would be in conflict with the Specific Plan and General Plan goals to promote pedestrian, bicycle, and transit trips. Therefore, the impact would remain significant and unavoidable. No other secondary significant impacts would result from implementation of this measure.							
<p><b>Mitigation Measure TRF-10.SP: Wright Avenue/Harbour Way South Intersection Signalization, Channelization, and Safety Improvements.</b> All applicants proposing the development of projects within the Plan Area and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvements:</p> <p>a) The multi-modal improvement projects as outlined in the SRTCP and detailed on page 4.13-75, which would reduce the overall automobile trip generation and reduce the project contribution at this intersection. Specifically at this intersection, the Harbour Way South/Wright Avenue intersection improvement would signalize intersection and provide warning lights and gates for the at-grade railroad crossing.</p> <p>b) Mitigation Measure TRF-1.SP, which would consist of signalizing intersection and restriping the southbound Harbour Way South approach to provide an exclusive left-turn lane and a shared right/through lane within the current right-of-way.</p> <p>After implementation of this measure, the intersection would improve to LOS C during the AM peak hour and LOS D during the PM peak hour and reduce the impact to a less-than -significant level. No secondary significant impacts would result from implementation of this measure.</p>	X		Applicants of Individual Projects / Project Contractors shall contribute fair-share funds for traffic impact fees or construct the improvement.	Applicants of Individual Projects / Project Contractors  City of Richmond Planning and Building Services Division	Develop the funding mechanism, the calculation of, and receipt of payment.	Prior to granting certificate of occupancy.	Verified by:  Date:

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.13 Transportation and Traffic (cont.)</b>							
<p><b>Mitigation Measure TRF-11: Wright Avenue/Marina Way South Intersection Improvements.</b> All applicants proposing the development of projects within the Plan Area and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvements:</p> <p>a) The multi-modal improvement projects as outlined in the SRTCP and detailed on page 4.13-75, which would reduce the overall automobile trip generation and reduce the project contribution at this intersection. Specifically, the Marina Way South between Cutting Boulevard and Hall Avenue improvement would eliminate one through traffic lane along both directions of Marina Way South to provide enhanced bicycle facilities.</p> <p>b) Mitigation Measure TRF-2.SP, which would consist of restriping the westbound Wright Avenue approach to provide an exclusive right-turn lane and a shared left/through lane within the current right-of-way.</p> <p>After implementation of this measure, the intersection would improve to LOS C during the AM peak hour and LOS D during the PM peak hour and reduce the impact to a less-than -significant level. No secondary significant impacts would result from implementation of this measure.</p>			Applicants of Individual Projects / Project Contractors shall contribute fair-share funds for traffic impact fees or construct the improvement.	Applicants of Individual Projects / Project Contractors  City of Richmond Planning and Building Services Division	Develop the funding mechanism, the calculation of, and receipt of payment.	Prior to granting certificate of occupancy.	Verified by:  Date:
<p><b>Mitigation Measure TRF-12.SP: Cutting Boulevard/23rd Street Intersection Improvements.</b> All applicants proposing the development of projects within the Plan Area and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvements:</p> <p>a) The multi-modal improvement projects as outlined in the SRTCP and detailed on page 4.13-75, which would reduce the overall automobile trip generation and reduce the project contribution at this intersection. Specifically the Cutting Boulevard improvement would eliminate one through traffic lane along both directions of Cutting Boulevard to provide enhanced bicycle facilities.</p>	X		Applicants of Individual Projects / Project Contractors shall contribute fair-share funds for traffic impact fees or construct the improvement.	Applicants of Individual Projects / Project Contractors  City of Richmond Planning and Building Services Division	Develop the funding mechanism, the calculation of, and receipt of payment.	Prior to granting certificate of occupancy.	Verified by:  Date:

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.13 Transportation and Traffic (cont.)</b>							
<p>b) Update signal to actuated-coordinated operations and coordinate signal timings with adjacent intersection along Cutting Boulevard.</p> <p>The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.</p> <p>It is estimated that the mitigation measure at this intersection may be required when about 45 percent of the Plan Area is developed. At that time, the development project that triggers the impact shall either fully fund or implement the mitigation measure. Alternatively, the City of Richmond may implement this mitigation measure prior to or at the time the 45 percent buildout trigger occurs, the mitigation measure would not be required to be implemented by an individual project and the City may collect fair-share contributions from the projects in the Plan Area to support implementation.</p> <p>After implementation of this measure, the intersection would improve to LOS E during the AM peak hour and continue to operate at LOS F during the PM peak</p>							

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.13 Transportation and Traffic (cont.)</b>							
hour. Traffic operations at the intersection can be further improved by providing additional automobile travel lanes, such as a second through lane on eastbound and westbound Cutting Boulevard. However, these modifications cannot be accommodated within the available automobile right-of-way and would require additional right-of-way, and/or loss of planned bicycle and/or pedestrian facilities, and are considered to be infeasible because they would be in conflict with the Specific Plan and General Plan goals to promote pedestrian, bicycle, and transit trips. Therefore, the impact would remain significant and unavoidable. No other secondary significant impacts would result from implementation of this measure.							
<p><b>Mitigation Measure TRF-13.SP: Meeker Avenue/Marina Bay Parkway Intersection Signal and Channelization Improvements.</b> All applicants proposing the development of projects within the Plan Area and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvements:</p> <p>a) The multi-modal improvement projects as outlined in the SRTCP and detailed on page 4.13-75, which would reduce the overall automobile trip generation and reduce the project contribution at this intersection. The SRTCP would not make any specific modifications at this intersection.</p> <p>b) Restripe the eastbound Meeker Avenue approach to provide an exclusive left-turn lane and a shared right/through lane within the current right-of-way.</p> <p>c) Update signal to actuated-coordinated operations and convert the phasing for the east and west intersection approaches from split-phasing to protected phasing. Coordinate signal timings with adjacent signal timings along Marina Bay Parkway.</p>	X		Applicants of Individual Projects / Project Contractors shall contribute fair-share funds for traffic impact fees or construct the improvement.	Applicants of Individual Projects / Project Contractors  City of Richmond Planning and Building Services Division	Develop the funding mechanism, the calculation of, and receipt of payment.	Prior to granting certificate of occupancy.	Verified by:  Date:

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.13 Transportation and Traffic (cont.)</b>							
<p>The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.</p> <p>It is estimated that the mitigation measure at this intersection may be required when about 20 percent of the Specific Plan area is developed. At that time, the development project that triggers the impact shall either fully fund or implement the mitigation measure. Alternatively, the City of Richmond may implement this mitigation measure prior to or at the time the 20 percent buildout trigger occurs, the mitigation measure would not be required to be implemented by an individual project and the City may collect fair-share contributions from the projects in the Plan Area to support implementation.</p> <p>After implementation of this measure, the intersection would improve to LOS D during both AM and PM peak hours and reduce the impact to a less-than-significant level. No secondary significant impacts would result from implementation of this measure.</p>							

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.13 Transportation and Traffic (cont.)</b>							
<p><b>Mitigation Measure TRF-14.SP: Westbound I-580 Ramps/Juliga Woods Street Intersection Signalization.</b> All applicants proposing the development of projects within the Plan Area shall be responsible for implementing the following improvements:</p> <p>a) The multi-modal improvement projects as outlined in the SRTCP and detailed on page 4.13-75, which would reduce the overall automobile trip generation and reduce the project contribution at this intersection. The SRTCP would not make any specific modifications at this intersection.</p> <p>b) Mitigation Measure TRF-3.SP, which would consist of installing an actuated signal at the intersection with protected phasing on all approaches.</p> <p>After implementation of this measure, the intersection would improve to LOS D during the AM peak hour and LOS C during the PM peak hour and reduce the impact to a less-than -significant level. It is not certain that this mitigation measure could be implemented because the intersection is under the jurisdiction of Caltrans. City of Richmond, as lead agency, does not have jurisdiction to implement Measure TRF-14.SP and the mitigation would need to be approved and implemented by Caltrans. Therefore, the impact is conservatively considered significant and unavoidable because the City cannot ensure its implementation. No secondary significant impacts would result from implementation of this measure.</p>	X		Applicants of Individual Projects / Project Contractors shall contribute fair-share funds for traffic impact fees or construct the improvement.	Applicants of Individual Projects / Project Contractors  City of Richmond Planning and Building Services Division	Develop the funding mechanism, the calculation of, and receipt of payment.	Prior to granting certificate of occupancy.	Verified by:  Date:
<p><b>Mitigation Measure TRF-15.SP: Meade Street/Regatta Boulevard/Eastbound I-580 Ramps Intersection Signal and Channelization Improvements.</b> All applicants proposing the development of projects within the Plan Area shall be responsible for implementing the following improvements:</p> <p>a) The multi-modal improvement projects as outlined in the SRTCP and detailed on page 4.13-75, which would reduce the overall automobile trip generation and reduce the project contribution at this intersection. The SRTCP would not make any specific modifications at this intersection.</p>	X		Applicants of Individual Projects / Project Contractors shall contribute fair-share funds for traffic impact fees or construct the improvement.	Applicants of Individual Projects / Project Contractors  City of Richmond Planning and Building Services Division	Develop the funding mechanism, the calculation of, and receipt of payment.	Prior to granting certificate of occupancy.	Verified by:  Date:

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.13 Transportation and Traffic (cont.)</b>							
<p>b) Mitigation Measure TRF-4.SP, which would consist of restriping westbound Meade Street to provide one exclusive right-turn lane and a shared left/through lane, upgrading the signal to actuated operations, changing the signal phasing for the east and west intersection approaches from protected phasing to split-phasing, and coordinating signal timings with the adjacent Regatta Boulevard/ Meade Street intersection and the at-grade railroad crossing.</p> <p>After implementation of this measure, the intersection would continue to operate at LOS F during both AM and PM peak hours. Therefore, the impact would remain significant and unavoidable. No other secondary significant impacts would result from implementation of this measure.</p>							
<p><b>Mitigation Measure TRF-16.SP: Regatta Boulevard/Meade Street Intersection Signalization.</b> All applicants proposing the development of projects within the Plan Area shall be responsible for implementing the following improvements:</p> <p>a) The multi-modal improvement projects as outlined in the SRTCP and detailed on page 4.13-75, which would reduce the overall automobile trip generation and reduce the project contribution at this intersection. The SRTCP would not make any specific modifications at this intersection.</p> <p>b) Mitigation Measure TRF-5.SP, which would consist of installing an actuated signal at the intersection with protected phasing on all approaches, and coordinating signal timings with the adjacent Meade Street/Regatta Boulevard/Eastbound I-580 Ramps intersection and the at-grade railroad crossing.</p> <p>After implementation of this measure, the intersection would improve to LOS D during both AM and PM peak hours and reduce the impact to a less-than-significant level. No secondary significant impacts would result from implementation of this measure.</p>	X		Applicants of Individual Projects / Project Contractors shall contribute fair-share funds for traffic impact fees or construct the improvement.	Applicants of Individual Projects / Project Contractors  City of Richmond Planning and Building Services Division	Develop the funding mechanism, the calculation of, and receipt of payment.	Prior to granting certificate of occupancy.	Verified by:  Date:

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.13 Transportation and Traffic (cont.)</b>							
<p><b>Mitigation Measure TRF-17.SP: Bayview Avenue/ 51st Street/Seaport Avenue/Eastbound I-580 Ramps intersection Signalization and Channelization Improvements.</b> All applicants proposing the development of projects within the Plan Area shall be responsible for implementing the following improvements:</p> <p>a) The multi-modal improvement projects as outlined in the SRTCP and detailed on page 4.13-75, which would reduce the overall automobile trip generation and reduce the project contribution at this intersection. The SRTCP would not make any specific modifications at this intersection.</p> <p>b) Mitigation Measure TRF-6.SP, which would consist of installing an actuated signal at the intersection with protected signal phasing (i.e., vehicles turning left do not have to yield to oncoming traffic) on all approaches, and restriping southbound 51st Street to provide two left-turn lanes and a shared right/through lane.</p> <p>After implementation of this measure, the intersection would continue to operate at LOS E during the AM peak hour and LOS F during the PM peak hour. Therefore, the impact would remain significant and unavoidable. No other secondary significant impacts would result from implementation of this measure.</p>	X		Applicants of Individual Projects / Project Contractors shall contribute fair-share funds for traffic impact fees or construct the improvement.	Applicants of Individual Projects / Project Contractors  City of Richmond Planning and Building Services Division	Develop the funding mechanism, the calculation of, and receipt of payment.	Prior to granting certificate of occupancy.	Verified by:  Date:
<p><b>Mitigation Measure TRF-18.SP: Bayview Avenue/Carlson Boulevard intersection Signal and Channelization Improvements.</b> All applicants proposing the development of projects within the Plan Area and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvements:</p> <p>The multi-modal improvement projects as outlined in the SRTCP and detailed on page 4.13-75, which would reduce the overall automobile trip generation and reduce the project contribution at this intersection. Specifically the Carlson Boulevard between Broadway</p>	X		Applicants of Individual Projects / Project Contractors shall contribute fair-share funds for traffic impact fees or construct the improvement.	Applicants of Individual Projects / Project Contractors  City of Richmond Planning and Building Services Division	Develop the funding mechanism, the calculation of, and receipt of payment.	Prior to granting certificate of occupancy.	Verified by:  Date:

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.13 Transportation and Traffic (cont.)</b>							
<p>and Tehama Avenue and Bayview Avenue Overcrossing I-580 improvements would eliminate one through traffic lane along both directions of both Bayview Avenue and Carlson Boulevard to provide enhanced bicycle facilities, provide marked pedestrian crossings across all intersection approaches, and replace the northbound slip right-turn with a dedicated right-turn lane.</p> <p>a) Convert the signal phasing for the east and west intersection approaches from split-phasing to protected phasing and provide an overlap phase for the northbound right-turn movement.</p> <p>The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.</p> <p>It is estimated that the mitigation measure at this intersection may be required when about 30 percent of the Specific Plan area is developed. At that time, the development project that triggers the impact shall either fully fund or implement the mitigation measure. Alternatively, the City of Richmond may implement this</p>							

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.13 Transportation and Traffic (cont.)</b>							
<p>mitigation measure prior to or at the time the 30 percent buildout trigger occurs, the mitigation measure would not be required to be implemented by an individual project and the City may collect fair-share contributions from the projects in the Plan Area to support implementation.</p> <p>After implementation of this measure, the intersection would continue to operate at LOS E during the AM peak hour and improve to LOS D during the PM peak hour. Traffic operations at the intersection can be further improved by providing additional automobile travel lanes, such as a second through lane on eastbound and westbound Carlson Boulevard. However, these modifications cannot be accommodated within the available automobile right-of-way and would require additional right-of-way, and/or loss of planned bicycle and/or pedestrian facilities, and are considered to be infeasible because they would be in conflict with the Specific Plan and General Plan goals to promote pedestrian, bicycle, and transit trips. Therefore, the impact would remain significant and unavoidable. No other secondary significant impacts would result from implementation of this measure.</p>							
<p><b>Mitigation Measure TRF-19.SP: Carlson Boulevard/Westbound I-80 Ramps Intersection Widening and Channelization Improvements.</b> All applicants proposing the development of projects within the Plan Area and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvements:</p> <p>a) The multi-modal improvement projects as outlined in the SRTCP and detailed on page 4.13-75, which would reduce the overall automobile trip generation and reduce the project contribution at this intersection. Specifically, the Carlson Boulevard between Broadway and Tehama Avenue improvement would eliminate one through lane along both directions of Carlson Boulevard to provide enhanced bicycle facilities.</p>	X		Applicants of Individual Projects / Project Contractors shall contribute fair-share funds for traffic impact fees or construct the improvement.	Applicants of Individual Projects / Project Contractors  City of Richmond Planning and Building Services Division	Develop the funding mechanism, the calculation of, and receipt of payment.	Prior to granting certificate of occupancy.	<i>Verified by:</i>  <i>Date:</i>

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.13 Transportation and Traffic (cont.)</b>							
<p>b) Widen the southbound Westbound I-80 Off-Ramp to provide one right-turn lane and one shared through/left turn lane.</p> <p>The proposed improvement (item b) at this intersection is consistent with the mitigation measure proposed at this intersection by the Richmond Bay Campus Long Range Development Plan Draft EIR (November 2013).</p> <p>The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a "nexus" study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a "reasonable relationship" or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a "fair share" contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.</p> <p>It is estimated that the mitigation measure at this intersection may be required when about 60 percent of the Specific Plan area is developed. At that time, the development project that triggers the impact shall either fully fund or implement the mitigation measure. Alternatively, the City of Richmond may implement this mitigation measure prior to or at the time the 60 percent buildout trigger occurs, the mitigation measure would not be required to be implemented by an individual project and the City may collect fair-share contributions from the projects in the Plan Area to support implementation.</p>							

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.13 Transportation and Traffic (cont.)</b>							
<p>After implementation of this measure, the intersection would continue to operate at LOS F during both AM and PM peak hours. Traffic operations at the intersection can be further improved by providing additional automobile travel lanes, such as second through lanes on eastbound and westbound Carlson Boulevard. However, these modifications cannot be accommodated within the available automobile right-of-way and would require additional right-of-way, and/or loss of planned bicycle and/or pedestrian facilities, and are considered to be infeasible because they would be in conflict with the Specific Plan and General Plan goals to promote pedestrian, bicycle, and transit trips. Furthermore, it is not certain that this mitigation measure could be implemented because the intersection is under the jurisdiction of Caltrans. City of Richmond, as lead agency, does not have jurisdiction to implement Measure TRF-19.SP and the mitigation would need to be approved and implemented by Caltrans. Therefore, the impact would remain significant and unavoidable. No other secondary significant impacts would result from implementation of this measure.</p>							
<p><b>Mitigation Measure TRF-20.SP: Carlson Boulevard/Eastbound I-80 Ramps Intersection Improvements.</b> All applicants proposing the development of projects within the Plan Area and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvement:</p> <p>The multi-modal improvement projects as outlined in the SRTCP and detailed on page 4.13-75, which would reduce the overall automobile trip generation and reduce the project contribution at this intersection. Specifically, the Carlson Boulevard between Broadway and Tehama Avenue improvement would eliminate one through lane along both directions of Carlson Boulevard to provide enhanced bicycle facilities.</p>	X		Applicants of Individual Projects / Project Contractors shall contribute fair-share funds for traffic impact fees or construct the improvement.	Applicants of Individual Projects / Project Contractors  City of Richmond Planning and Building Services Division	Develop the funding mechanism, the calculation of, and receipt of payment.	Prior to granting certificate of occupancy.	<i>Verified by:</i>  <i>Date:</i>

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.13 Transportation and Traffic (cont.)</b>							
<p>The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.</p> <p>It is estimated that the mitigation measure at this intersection may be required when about 40 percent of the Specific Plan area is developed. At that time, the development project that triggers the impact shall either fully fund or implement the mitigation measure. Alternatively, the City of Richmond may implement this mitigation measure prior to or at the time the 40 percent buildout trigger occurs, the mitigation measure would not be required to be implemented by an individual project and the City may collect fair-share contributions from the projects in the Plan Area to support implementation.</p> <p>After implementation of this measure, the intersection would continue to operate at LOS F during the PM peak hour. Traffic operations at the intersection can be further improved by providing additional automobile travel lanes, such as second through lanes on eastbound and westbound Carlson Boulevard. However, these modifications cannot be accommodated within the</p>							

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.13 Transportation and Traffic (cont.)</b>							
available automobile right-of-way and would require additional right-of-way, and/or loss of planned bicycle and/or pedestrian facilities, and are considered to be infeasible because they would be in conflict with the Specific Plan and General Plan goals to promote pedestrian, bicycle, and transit trips. Therefore, the impact would remain significant and unavoidable. Furthermore, it is not certain that this mitigation measure could be implemented because the intersection is under the jurisdiction of Caltrans. City of Richmond, as lead agency, does not have jurisdiction to implement Measure TRF-6.SP and the mitigation would need to be approved and implemented by Caltrans. No other secondary significant impacts would result from implementation of this measure.							
<p><b>Mitigation Measure TRF-21.SP: MacDonald Way/Harbour Way Intersection Signal and Channelization Improvements.</b> All applicants proposing the development of projects within the Plan Area and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvements:</p> <p>a) The multi-modal improvement projects as outlined in the SRTCP and detailed on page 4.13-75, which would reduce the overall automobile trip generation and reduce the project contribution at this intersection. The SRTCP would not make any specific modifications at this intersection.</p> <p>b) Restripe the southbound Harbour Way approach to provide an exclusive left-turn lane and a shared right/through lane within the current right-of-way.</p> <p>c) Upgrade intersection signal equipment to convert the signal phasing for the north and south intersection approaches from split-phasing to protected phasing.</p> <p>The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements,</p>	X		Applicants of Individual Projects / Project Contractors shall contribute fair-share funds for traffic impact fees or construct the improvement.	Applicants of Individual Projects / Project Contractors  City of Richmond Planning and Building Services Division	Develop the funding mechanism, the calculation of, and receipt of payment.	Prior to granting certificate of occupancy.	Verified by:  Date:

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.13 Transportation and Traffic (cont.)</b>							
<p>including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.</p> <p>It is estimated that the mitigation measure at this intersection may be required when about 50 percent of the Plan Area is developed. At that time, the development project that triggers the impact shall either fully fund or implement the mitigation measure. Alternatively, the City of Richmond may implement this mitigation measure prior to or at the time the 50 percent buildout trigger occurs, the mitigation measure would not be required to be implemented by an individual project and the City may collect fair-share contributions from the projects in the Plan Area to support implementation.</p> <p>After implementation of this measure, the intersection would improve to LOS D during both AM and PM peak hours and reduce the impact to a less-than-significant level. No secondary significant impacts would result from implementation of this measure.</p>							

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.13 Transportation and Traffic (cont.)</b>							
<p><b>Mitigation Measure TRF-1.SA4: Bayview Avenue/51st Street/Seaport Avenue/Eastbound I-580 Ramps Intersection Signalization and Channelization Improvements.</b> All applicants proposing the development of projects within Sub-Area 4 and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvement:</p> <p>a) Mitigation Measure TRF-6.SP, which would consist of installing an actuated signal at the intersection with protected phasing on all approaches, and restriping southbound 51st Street to provide two left-turn lanes and a shared right/through lane.</p> <p>The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.</p> <p>It is estimated that the mitigation measure at this intersection may be required when about 60 percent of the Sub-Area 4 Project is developed. At that time, if the improvement has not already been implemented, the individual Sub-Area 4 Project development project that triggers the impact shall either fully fund or implement the mitigation measure. Alternatively, the City of</p>	X	Applicants of Individual Projects / Project Contractors shall contribute fair-share funds for traffic impact fees or construct the improvement.	Applicants of Individual Projects / Project Contractors  City of Richmond Planning and Building Services Division	Develop the funding mechanism, the calculation of, and receipt of payment.	Prior to granting certificate of occupancy.	<p><i>Verified by:</i></p> <p><i>Date:</i></p>	

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.13 Transportation and Traffic (cont.)</b>							
<p>Richmond may implement this mitigation measure prior to or at the time the 60 percent buildout trigger occurs, the mitigation measure would not be required to be implemented by an individual project and the City may collect fair-share contributions from the projects in Sub-Area 4 to support implementation.</p> <p>After implementation of this measure, the intersection would improve to LOS D during the AM peak hour and LOS E during the PM peak hour. Traffic operations at the intersection can be further improved by providing additional automobile travel lanes, such as an additional through lane on the northbound Bayview Avenue and southbound 51<sup>st</sup> Street approaches. However, these modifications cannot be accommodated within the available automobile right-of-way and would require additional right-of-way, and/or loss of planned bicycle and/or pedestrian facilities, and are considered to be infeasible because they would be in conflict with the Specific Plan and General Plan goals to promote pedestrian, bicycle, and transit trips. Furthermore, it is not certain that this mitigation measure could be implemented because the intersection is under the jurisdiction of Caltrans. The City of Richmond, as lead agency, does not have jurisdiction to implement Mitigation Measure TRF-1.SA4 and the mitigation would need to be approved and implemented by Caltrans. No other secondary significant impacts would result from implementation of this measure.</p>							
<p><b>Mitigation Measure TRF-2.SA4: Cutting Boulevard/23rd Street Intersection Signal Improvements.</b> All applicants proposing the development of projects within Sub-Area 4 and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvement:</p> <p>a) Mitigation Measure TRF-12.SP, item b, which would update the signal to actuated-coordinated operations and coordinate signal timings with adjacent intersection along Cutting Boulevard.</p>		X	Applicants of Individual Projects / Project Contractors shall contribute fair-share funds for traffic impact fees or construct the improvement.	Applicants of Individual Projects / Project Contractors  City of Richmond Planning and Building Services Division	Develop the funding mechanism, the calculation of, and receipt of payment.	Prior to granting certificate of occupancy.	<i>Verified by:</i>  <i>Date:</i>

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.13 Transportation and Traffic (cont.)</b>							
<p>The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.</p> <p>It is estimated that the mitigation measure at this intersection may be required when about 90 percent of the Sub-Area 4 Project is developed. At that time, the development project that triggers the impact shall either fully fund or implement the mitigation measure. Alternatively, the City of Richmond may implement this mitigation measure prior to or at the time the 90 percent buildout trigger occurs, the mitigation measure would not be required to be implemented by an individual project and the City may collect fair-share contributions from the projects in Sub-Area 4 to support implementation.</p> <p>After implementation of this measure, the intersection would improve to LOS E during the AM peak hour and continue to operate at LOS F during the PM peak hour with less delay than under 2040 No Sub-Area 4 Project conditions. The mitigation measure would reduce the impact to a less-than-significant level. No secondary significant impacts would result from implementation of this measure.</p>							

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.13 Transportation and Traffic (cont.)</b>							
<p><b>Mitigation Measure TRF-3.SA4: Meeker Avenue/Marina Bay Parkway Intersection Signal and Channelization Improvements.</b> All applicants proposing the development of projects within Sub-Area 4 and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvements:</p> <p>a) Mitigation Measure TRF-12.SP, items b and c, which would restripe the eastbound Meeker Avenue approach to provide an exclusive left-turn lane and a shared right/through lane within the current right-of-way, update the signal to actuated-coordinated operations, convert the phasing for the east and west intersection approaches from split-phasing to protected phasing, and coordinate signal timings with adjacent signal timings along Marina Bay Parkway.</p> <p>The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.</p>		X	Applicants of Individual Projects / Project Contractors shall contribute fair-share funds for traffic impact fees or construct the improvement.	Applicants of Individual Projects / Project Contractors  City of Richmond Planning and Building Services Division	Develop the funding mechanism, the calculation of, and receipt of payment.	Prior to granting certificate of occupancy.	Verified by:  Date:

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.13 Transportation and Traffic (cont.)</b>							
<p>It is estimated that the mitigation measure at this intersection may be required when about 90 percent of the Sub-Area 4 Project is developed. At that time, the development project that triggers the impact shall either fully fund or implement the mitigation measure. Alternatively, the City of Richmond may implement this mitigation measure prior to or at the time the 90 percent buildout trigger occurs, the mitigation measure would not be required to be implemented by an individual project and the City may collect fair-share contributions from the projects in Sub-Area 4 to support implementation.</p> <p>After implementation of this measure, the intersection would improve to LOS E during the AM peak hour and continue to operate at LOS F during the PM peak hour with less delay than under 2040 No Sub-Area 4 Project conditions. The mitigation measure would reduce the impact to a less-than-significant level. No secondary significant impacts would result from implementation of this measure.</p>							
<p><b>Mitigation Measure TRF-4.SA4: Westbound I-580 Ramps/Juliga Woods Street Intersection Signalization.</b> All applicants proposing the development of projects within Sub-Area 4 and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvement:</p> <p>a) Mitigation Measure TRF-3.SP, which would install an actuated signal at the intersection with protected phasing on all approaches.</p> <p>The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a "nexus" study that will serve as the basis for requiring development impact fees under</p>		X	Applicants of Individual Projects / Project Contractors shall contribute fair-share funds for traffic impact fees or construct the improvement.	Applicants of Individual Projects / Project Contractors  City of Richmond Planning and Building Services Division	Develop the funding mechanism, the calculation of, and receipt of payment.	Prior to granting certificate of occupancy.	<i>Verified by:</i>  <i>Date:</i>

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.13 Transportation and Traffic (cont.)</b>							
<p>AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.</p> <p>It is estimated that the mitigation measure at this intersection may be required when about 10 percent of the Sub-Area 4 Project is developed. At that time, the development project that triggers the impact shall either fully fund or implement the mitigation measure. Alternatively, the City of Richmond may implement this mitigation measure prior to or at the time the 10 percent buildout trigger occurs, the mitigation measure would not be required to be implemented by an individual project and the City may collect fair-share contributions from the projects in Sub-Area 4 to support implementation.</p> <p>After implementation of this measure, the intersection would continue to operate at LOS F during the AM peak hour with less delay than under 2040 No Sub-Area 4 Project conditions, and would improve to LOS E during the AM peak hour. The mitigation measure would reduce the impact to a less-than-significant level. However, the City cannot ensure implementation of this mitigation measure because the intersection is under the jurisdiction of Caltrans. The City of Richmond, as lead agency, does not have jurisdiction to implement Measure TRF-4.SA4 and the mitigation would need to be approved and implemented by Caltrans. Therefore, the impact is conservatively considered significant and unavoidable because the City cannot ensure its implementation. No secondary significant impacts would result from implementation of this measure.</p>							

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.13 Transportation and Traffic (cont.)</b>							
<p><b>Mitigation Measure TRF-5.SA4: Meade Street/Regatta Boulevard/Eastbound I-580 Ramps Intersection Signal and Channelization Improvements.</b> All applicants proposing the development of projects within Sub-Area 4 and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvement:</p> <p>a) Mitigation Measure TRF-4.SP, which would restripe westbound Meade Street to provide one exclusive right-turn lane and a shared left/through lane, upgrade the signal to actuated operations, convert the signal phasing for east and west intersection approaches from protected phasing to split-phasing, and coordinate signal timings with the adjacent Regatta Boulevard/Meade Street intersection and the at-grade railroad crossing.</p> <p>The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.</p>		X	Applicants of Individual Projects / Project Contractors shall contribute fair-share funds for traffic impact fees or construct the improvement.	Applicants of Individual Projects / Project Contractors  City of Richmond Planning and Building Services Division	Develop the funding mechanism, the calculation of, and receipt of payment.	Prior to granting certificate of occupancy.	Verified by:  Date:

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.13 Transportation and Traffic (cont.)</b>							
<p>It is estimated that the mitigation measure at this intersection may be required when about 75 percent of the Sub-Area 4 Project is developed. At that time, the development project that triggers the impact shall either fully fund or implement the mitigation measure. Alternatively, the City of Richmond may implement this mitigation measure prior to or at the time the 75 percent buildout trigger occurs, the mitigation measure would not be required to be implemented by an individual project and the City may collect fair-share contributions from the projects in Sub-Area 4 to support implementation.</p> <p>After implementation of this measure, the intersection would continue to operate at LOS F during both AM and PM peak hour with less delay than under 2040 No Sub-Area 4 Project conditions. The mitigation measure would reduce the impact to a less-than-significant level. However, the City cannot ensure implementation of this mitigation measure because the intersection is under the jurisdiction of Caltrans. The City of Richmond, as lead agency, does not have jurisdiction to implement Measure TRF-5.SA4 and the mitigation would need to be approved and implemented by Caltrans. Therefore, the impact is conservatively considered significant and unavoidable because the City cannot ensure its implementation. No secondary significant impacts would result from implementation of this measure.</p>							
<p><b>Mitigation Measure TRF-6.SA4: Regatta Boulevard/ Meade Street Intersection Signalization.</b> All applicants proposing the development of projects within Sub-Area 4 and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvement:</p> <p>a) Mitigation Measure TRF-5.SP, which would install an actuated signal at the intersection with protected phasing on all approaches, and coordinate signal timings with the adjacent Meade Street/Regatta Boulevard/Eastbound I-580 Ramps intersection and the at-grade railroad crossing.</p>		X	Applicants of Individual Projects / Project Contractors shall contribute fair-share funds for traffic impact fees or construct the improvement.	Applicants of Individual Projects / Project Contractors  City of Richmond Planning and Building Services Division	Develop the funding mechanism, the calculation of, and receipt of payment.	Prior to granting certificate of occupancy.	Verified by:  Date:

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.13 Transportation and Traffic (cont.)</b>							
<p>The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.</p> <p>It is estimated that the mitigation measure at this intersection may be required when about 85 percent of the Sub-Area 4 Project is developed. At that time, the development project that triggers the impact shall either fully fund or implement the mitigation measure. Alternatively, the City of Richmond may implement this mitigation measure prior to or at the time the 85 percent buildout trigger occurs, the mitigation measure would not be required to be implemented by an individual project and the City may collect fair-share contributions from the projects in Sub-Area 4 to support implementation.</p> <p>After implementation of this measure, the intersection would continue to operate at LOS F during both AM and PM peak hour with less delay than under 2040 No Sub-Area 4 Project conditions. The mitigation measure would reduce the impact to a less-than-significant level. No secondary significant impacts would result from implementation of this measure.</p>							

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.13 Transportation and Traffic (cont.)</b>							
<p><b>Mitigation Measure TRF-7.SA4: Bayview Avenue/ 51st Street/Seaport Avenue/Eastbound I-580 Ramps Intersection Signalization and Channelization Improvements.</b> All applicants proposing the development of projects within Sub-Area 4 shall be responsible for implementing the following improvements:</p> <p>a) Mitigation Measure TRF-6.SP, which would install an actuated signal at the intersection with protected signal phasing on all approaches, and restripe southbound 51st Street to provide two left-turn lanes and a shared right/through lane.</p> <p>After implementation of this measure, the intersection would continue to operate at LOS F during both AM and PM peak hours. Therefore, the impact would remain significant and unavoidable. No other secondary significant impacts would result from implementation of this measure.</p>		X	Applicants of Individual Projects / Project Contractors shall contribute fair-share funds for traffic impact fees or construct the improvement.	Applicants of Individual Projects / Project Contractors  City of Richmond Planning and Building Services Division	Develop the funding mechanism, the calculation of, and receipt of payment.	Prior to granting certificate of occupancy.	<i>Verified by:</i>  <i>Date:</i>
<p><b>Mitigation Measure TRF-8.SA4: Bayview Avenue/ Carlson Boulevard Intersection Signal Improvements.</b> All applicants proposing the development of projects within Sub-Area 4 and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvements:</p> <p>a) Mitigation Measure TRF-18.SP, item b, which would convert the signal phasing for the east and west intersection approaches from split-phasing to protected phasing and provide an overlap phase for the northbound right-turn movement.</p> <p>The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a "nexus" study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code</p>		X	Applicants of Individual Projects / Project Contractors shall contribute fair-share funds for traffic impact fees or construct the improvement.	Applicants of Individual Projects / Project Contractors  City of Richmond Planning and Building Services Division	Develop the funding mechanism, the calculation of, and receipt of payment.	Prior to granting certificate of occupancy.	<i>Verified by:</i>  <i>Date:</i>

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.13 Transportation and Traffic (cont.)</b>							
<p>Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a "reasonable relationship" or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a "fair share" contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.</p> <p>It is estimated that the mitigation measure at this intersection may be required when about 30 percent of the Sub-Area 4 Project is developed. At that time, the development project that triggers the impact shall either fully fund or implement the mitigation measure. Alternatively, the City of Richmond may implement this mitigation measure prior to or at the time the 30 percent buildout trigger occurs, the mitigation measure would not be required to be implemented by an individual project and the City may collect fair-share contributions from the projects in Sub-Area 4 to support implementation.</p> <p>After implementation of this measure, the intersection would continue to operate at LOS F during the AM peak hour and improve to LOS D during the PM peak hour. Traffic operations at the intersection can be further improved by providing additional automobile travel lanes, such as a third through lane on eastbound or westbound Carlson Boulevard. However, these modifications cannot be accommodated within the available automobile right-of-way and would require additional right-of-way, and/or loss of planned bicycle and/or pedestrian facilities, and are considered to be infeasible because they would be in conflict with the Specific Plan and General Plan goals to promote pedestrian, bicycle, and transit trips. Therefore, the impact would remain significant and unavoidable. No other secondary significant impacts would result from implementation of this measure.</p>							

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.13 Transportation and Traffic (cont.)</b>							
<p><b>Mitigation Measure TRF-9.SA4: Carlson Boulevard/ Westbound I-80 Ramps Intersection Widening.</b> All applicants proposing the development of projects within Sub Area 4 and meeting the trigger and funding criteria specified below shall be responsible for implementing the following improvement:</p> <p>a) Mitigation Measure TRF-19.SP, item b, which would widen the southbound Westbound I-80 Off-Ramp to provide one right-turn lane and one shared through/left turn lane.</p> <p>The City shall commit to preparing and implementing a Traffic Mitigation Fee Program to guarantee funding for roadway and related traffic infrastructure improvements, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Traffic Mitigation Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the traffic improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.</p> <p>It is estimated that the mitigation measure at this intersection may be required when about 80 percent of the Sub-Area 4 Project is developed. At that time, the development project that triggers the impact shall either fully fund or implement the mitigation measure. Alternatively, the City of Richmond may implement this mitigation measure prior to or at the time the 80 percent buildout trigger occurs, the mitigation measure would</p>		X	Applicants of Individual Projects / Project Contractors shall contribute fair-share funds for traffic impact fees or construct the improvement.	Applicants of Individual Projects / Project Contractors  City of Richmond Planning and Building Services Division	Develop the funding mechanism, the calculation of, and receipt of payment.	Prior to granting certificate of occupancy.	Verified by:  Date:

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.13 Transportation and Traffic (cont.)</b>							
<p>not be required to be implemented by an individual project and the City may collect fair-share contributions from the projects in Sub-Area 4 to support implementation.</p> <p>After implementation of this measure, the intersection would continue to operate at LOS F during both AM and PM peak hours. Traffic operations at the intersection can be further improved by providing additional automobile travel lanes, such as second through lanes on eastbound and westbound Carlson Boulevard. However, these modifications cannot be accommodated within the available automobile right-of-way and would require additional right-of-way, and/or loss of planned bicycle and/or pedestrian facilities, and are considered to be infeasible because they would be in conflict with the Specific Plan and General Plan goals to promote pedestrian, bicycle, and transit trips. Furthermore, it is not certain that this mitigation measure could be implemented because the intersection is under the jurisdiction of Caltrans. The City of Richmond, as lead agency, does not have jurisdiction to implement Measure TRF-9.SA4 and the mitigation would need to be approved and implemented by Caltrans. Therefore, the impact would remain significant and unavoidable. No other secondary significant impacts would result from implementation of this measure.</p>							
<b>4.14 Utilities and Service Systems</b>							
<p><b>Mitigation Measure UTL-3a.SP: Confirmation of Sanitary Sewer System Capacity.</b> For each project developed within the Plan Area, the project applicant shall ensure that a qualified civil engineer confirm the capacity of the surrounding sanitary sewer system to accommodate the proposed project, prior to the issuance of final certificate of occupancy or equivalent permit to operate or occupy. As part of project plan review, the project applicant shall provide a plan to the City that shows how any necessary stormwater and sanitary sewer infrastructure improvements would be implemented to accommodate the proposed project,</p>	X	X	Individual project applicants shall hire a qualified civil engineer	City of Richmond Engineering Department/ Planning and Building Services Division	<p>A qualified civil engineer will verify the capacity of the sewer system.</p> <p>City Planning and Building Division to review the sanitary sewer system capacity study and confirm needed improvements to the WPCP.</p>	Prior to issuance of final occupancy or equivalent permit to operate or occupy	<p><i>Verified by:</i></p> <p><i>Date:</i></p>

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.14 Utilities and Service Systems (cont.)</b>							
<p>and commit to funding improvements that are not otherwise funded through City programs, and/or to implementing the improvements, which may include onsite treatment of stormwater to reduce demand on the sanitary sewer system due to Infiltration/Inflow.</p> <p><b>Mitigation Measure UTL-3b.SP: Determine Upgrades to Water Pollution Control Plant.</b> For each project developed within the Plan Area, the City Planning and Building Division shall review the sanitary sewer system capacity study prepared per Mitigation Measure UTL-3a.SP, and additionally confirm whether improvements planned for the Water Pollution Control Plant (WPCP) in the most current Wastewater Treatment Plant Facility Plan are required to be operational prior to project operation, and shall ensure that any required improvements are completed prior to issuance of a building permit for the project.</p> <p>The City shall also commit to preparing and implementing a Water Pollution Control Plant Improvement Fee Program to guarantee funding for upgrades to the WPCP, including implementation of this mitigation measure, that are necessary to mitigate impacts from development projects in the Plan Area. As part of the preparation of the Water Pollution Control Plant Improvement Fee Program, the City shall also commit to preparing a “nexus” study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq., to support implementation of the Program. The established procedures under AB 1600 require that a “reasonable relationship” or nexus exist between the amount of the fees charged to each development project and the cost of the WPCP improvements attributable to each development project on which the fees are being imposed (i.e. it must be a “fair share” contribution). The City shall ensure that fees collected pursuant to this mitigation measure are directed towards funding implementation of the measure.</p>							

**TABLE 6-1 (Continued)  
MITIGATION AND FEATURES MONITORING AND REPORTING PROGRAM**

Project Design Features and Mitigation Measures	Applicable To		Implemented By	Monitored By	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
	Specific Plan Area	Sub-Area 4 Project					
<b>4.14 Utilities and Service Systems (cont.)</b>							
<p><b>Mitigation Measure UTL-4.SP: ICI Pump Station Upgrades.</b> For any development proposed within the Plan Area, prior to the recordation of a Final Map, the issuance of a grading permit, the issuance of a building permit, or utility extension approval, whichever is sooner, the project developer shall submit written verification from the City's Utility Planning Division (or Engineer) that the ICI Pump Station is adequately improved to provide service to the proposed development. Alternatively, project applicants may construct equivalent improvements to ensure the facility's function to the satisfaction of the City Public Works Department.</p>	X	X	Individual project applicants	City of Richmond Engineering Department	Verify the ICI Pump Station is adequately improved	Prior to issuance of permits	<p><i>Verified by:</i></p> <p><i>Date:</i></p>

# Appendices

- A. Richmond Bay Specific Plan  
Water Supply Assessment  
(October 2016)
- B. Cultural Resources Information  
(DPR Forms)
- C. Public Hearing Transcript  
(October 6, 2016)





**Appendix A**  
Richmond Bay Specific Plan  
Water Supply Assessment  
(October, 2016)







October 11, 2016

Lina Velasco, Project Manager II  
City of Richmond  
Planning and Building Services Department  
450 Civic Center Plaza  
Richmond, CA 94804

Re: Water Supply Assessment – Richmond Bay Specific Plan (formerly known as the South Shoreline Specific Plan)

Dear Ms. Velasco:

This letter is in response to your request dated August 5, 2016, for water agency consultation (Enclosure 1) concerning the Water Supply Assessment (WSA) for the Richmond Bay Specific Plan (Project), formerly known as the South Shoreline Specific Plan, located in the City of Richmond (City), which is within East Bay Municipal Utility District's (EBMUD's) Ultimate Service Boundary. EBMUD appreciates the opportunity to provide this response.

On March 17, 2014, EBMUD received a request from the City for a WSA for the South Shoreline Specific Plan. Pursuant to Sections 10910-10915 of the California Water Code (SB610), EBMUD's Board of Directors approved the WSA and provided the City a written response on May 27, 2014 (see Enclosure 1). In the approved 2014 WSA, the estimated demand for the South Shoreline Specific Plan (consisting of 4,070 dwelling units, 720,000 square feet of retail space, and 5,690,000 square feet of commercial space) was approximately 1,580,000 gallons per day (gpd). Due to the flexibility in the land uses in the Project area, the City is currently evaluating a development program that adds 1,630 more residential units than was previously analyzed in the 2014 WSA. Pursuant to Sections 10910-10915 of the California Water Code, this number of additional proposed residential units itself meets the threshold requirement for an assessment of water supply availability based on the amount of water required, a mixed-use project that would demand an amount of water equivalent to or greater than the amount of water required by a 500-dwelling-unit project. Thus, a second WSA accounting for the increase in residential units is required for the Project.

Please note that this WSA addresses the issue of water supply only and is not a guarantee of service, and future water service is subject to the rates and regulations in effect at that time.

### **Project Demand**

The water demand for the Project is accounted for in EBMUD's water demand projections as published in EBMUD's Urban Water Management Plan (UWMP) 2015 (Enclosure 2).

EBMUD’s water demand projections account for anticipated future water demands within EBMUD’s service boundaries and for variations in demand-attributed changes in development patterns. The historical water use in the Project area is approximately 220,000 gpd. The projected water demand is estimated to be approximately 1,930,600 gpd at build-out.

EBMUD’s demand projections indicate both densification and land use changes in a few existing land use classifications, including commercial and residential land use areas. These changes increase EBMUD’s overall demand. EBMUD’s UWMP 2015 projects water demands over time, accounting for estimated variations in demand usage less conservation and recycled supply sources as noted in UWMP 2015 Table 4-1, Mid-Cycle Demand Projections (Table 1). Typically, EBMUD prepares a full demand study every ten years; the most recent version, the 2040 Demand Study, was completed in 2009. For planning purposes, water demands are estimated in five-year increments, but it is recognized that actual incremental amounts may occur stepwise in shorter time increments. An increase in usage by one customer in a particular customer class does not require a strict gallon-for-gallon increase in conservation by other customers in that class as, in actuality, the amount of potable demand, conservation and recycled water use EBMUD-wide will vary somewhat. In 2014, EBMUD prepared the Mid-Cycle Demand Assessment (MCDA) in order to assess any significant effects on metered water consumption caused by the 2008-2010 drought and the economic downturn that affected growth in the Bay Area. As part of the MCDA, recently updated city and county general plans were reviewed for significant changes since the 2040 Demand Study was completed, and meetings were also held with representatives from the cities of Alameda, Oakland, Richmond, and San Ramon. The MCDA concluded that, while the cities and counties might reach their build-out goals later than originally anticipated, they would still reach these goals by 2040. Accordingly, the MCDA validated the 2040 Demand Study, as the demands are expected to gradually increase back to 2040 projected demand levels as development and water use return to pre-drought and pre-recession conditions. EBMUD plans to complete another full demand study in 2019 looking out at a long-term horizon of 2050. As part of the demand study, EBMUD will be reaching out to each city and county in the service area to ask about projected development and future land use changes. The study results will be incorporated into the 2020 UWMP.

**Table 1**  
**Mid-Cycle Demand Projections (UWMP 2015, Table 4-1)**

TABLE 4-1	MID-CYCLE DEMAND PROJECTIONS					
	AVERAGE ANNUAL DEMAND (MGD)	2015	2020	2025	2030	2035
PROJECTED TOTAL DEMAND	232	267	276	290	304	312
CONSERVATION <sup>1</sup>	-33	-39	-44	-51	-57	-62
NON-POTABLE WATER <sup>1,2</sup>	-9	-11	-14	-17	-18	-20
PLANNING LEVEL OF DEMAND	190	217	218	222	229	230

<sup>1</sup> See Chapters 6 and 7 for more discussion of water recycling and conservation, respectively.  
<sup>2</sup> Non-potable water includes recycled water and raw water projects.

### Project Area

The Project area is bounded to the north and east by Interstate Highway 580 and to the south and west by the Richmond Inner Harbor, encompassing portions of the Marina Bay neighborhood.

The Project area consists of approximately 500 acres: 355 acres of residential, retail/commercial and manufacturing space and 145 acres of open space. At build-out, the Project area will consist of 5,700 dwelling units, 720,000 square feet of retail space, and 5,690,000 square feet of commercial space.

### **EBMUD Water Demand Projections**

Since the 1970s, water demand within EBMUD's service area has ranged from 200 to 220 million gallons per day (mgd) in non-drought years. The 2040 water demand forecast of 312 mgd for EBMUD's service area can be reduced to 230 mgd with the successful implementation of water recycling and conservation programs, as outlined in the UWMP 2015. Current demand is lower than estimated in the MCDA as a result of the recent multi-year drought. This is because the planning level of demand may differ from the actual demand in any given year due to water use reductions that typically occur during droughts. After droughts, a rebound effect is expected wherein demand rises back to projected levels. Thus, the MCDA still reflects a reasonable expectation for growth over the long term for demand in year 2040, as the demands are expected to gradually increase back to 2040 projected demand levels as development and water use return to pre-drought and pre-recession conditions. The proposed Project's future development and operations will not change EBMUD's 2040 demand projection.

### **EBMUD Water Supply and Water Rights**

EBMUD has water right permits and licenses that allow for delivery of up to a maximum of 325 mgd from the Mokelumne River, subject to the availability of Mokelumne River runoff and the senior water rights of other users. EBMUD's position in the hierarchy of Mokelumne River water users is determined by a variety of agreements between Mokelumne River water right holders and the terms of the appropriative water right permits and licenses.

Conditions that could, depending on hydrology, restrict EBMUD's ability to receive its full entitlement include:

- Upstream water use by senior water rights holders.
- Downstream water use by riparian and senior appropriators and other downstream obligations, including protection of public trust resources.
- Variability in precipitation and runoff.

During prolonged droughts, the Mokelumne River supply cannot meet EBMUD's projected customer demands. To address this, EBMUD has completed construction of the Freeport Regional Water Facility and the Bayside Groundwater Facility, which are discussed below in the Supplemental Water Supply and Demand Management section of this assessment. EBMUD has obtained and continues to seek supplemental supplies.

### **EBMUD's UWMP**

The UWMP 2015, adopted on June 28, 2016 by EBMUD's Board of Directors under Resolution No. 34092-16, is a long-range planning document used to assess current and projected water

usage, water supply planning along with conservation and recycling efforts. A summary of EBMUD's demand and supply projections, in five-year increments, for a 25-year planning horizon is provided in UWMP 2015 Table 4-5, Preliminary EBMUD Baseline Supply and Demand Analysis (Table 2).

EBMUD's evaluation of water supply availability accounts for the diversions of both upstream and downstream water right holders and fishery releases on the Mokelumne River. Fishery releases are based on the requirements of a 1998 Joint Settlement Agreement (JSA) between EBMUD, United States (U.S.) Fish and Wildlife Service, and the California Department of Fish and Game. The JSA requires EBMUD to make minimum flow releases from its reservoirs to the lower Mokelumne River to protect and enhance the fishery resources and ecosystem of the river. As this water is released downriver, it is, therefore, not available for use by EBMUD's customers.

**Table 2**  
**Preliminary EBMUD Baseline Supply and Demand Analysis (UWMP 2015, Table 4-5)**

**TABLE 4-5 PRELIMINARY EBMUD BASELINE SUPPLY & DEMAND ANALYSIS**

SUPPLY AND DEMAND COMPARISON - NORMAL YEAR (MGD)		2015	2020	2025	2030	2035	2040
MOKELUMNE SYSTEM		>190	>217	>218	>222	>229	>230
DEMAND TOTALS		190	217	218	222	229	230
DIFFERENCE		0	0	0	0	0	0
DRY YEAR RESULTS FROM EBMUDSIM (MGD)		2015	2020	2025	2030	2035	2040
SINGLE DRY YEAR OR FIRST YEAR OF MULTI-YEAR DROUGHT	MOKELUMNE SYSTEM	145	169	170	173	179	179
	CVP SUPPLIES <sup>2</sup>	36	35	35	35	35	35
	BAYSIDE <sup>3</sup>	0	0	0	0	0	0
	SUPPLY TOTALS	181	204	205	209	214	215
	PLANNING LEVEL DEMAND <sup>1</sup>	190	217	218	222	229	230
	RATIONING <sup>4</sup>	5%	6%	6%	6%	7%	7%
	DEMAND TOTALS	180	203	204	208	213	214
	NEED FOR WATER (TAP) <sup>5</sup>	0	0	0	0	0	0
SECOND YEAR	MOKELUMNE SYSTEM	81	103	103	107	112	113
	CVP SUPPLIES <sup>2</sup>	71	71	71	71	71	71
	BAYSIDE <sup>3</sup>	0	0	0	0	0	0
	SUPPLY TOTALS	152	174	174	178	183	184
	PLANNING LEVEL DEMAND <sup>1</sup>	190	217	218	222	229	230
	RATIONING <sup>4</sup>	20%	20%	20%	20%	20%	20%
	DEMAND TOTALS	152	174	175	178	184	185
	NEED FOR WATER (TAP) <sup>5</sup>	0	0	0	0	0	0
THIRD YEAR	MOKELUMNE SYSTEM	111	132	132	125	120	104
	CVP SUPPLIES <sup>2</sup>	40	40	40	40	40	40
	BAYSIDE <sup>3</sup>	1	1	1	1	1	1
	SUPPLY TOTALS	152	174	173	166	162	145
	PLANNING LEVEL DEMAND <sup>1</sup>	190	217	218	222	229	230
	RATIONING <sup>4</sup>	20%	20%	20%	20%	20%	20%
	DEMAND TOTALS	152	174	174	178	183	184
	NEED FOR WATER (TAP) <sup>5</sup>	0	0	2	13	24	48

1. Planning Level of Demand accounts for projected savings from water recycling and conservation programs as discussed in Chapters 6 and 7 respectively. Customer demand values are based on the Mid Cycle Demand Assessment, October 2014.  
 2. Projected available CVP supplies are taken according to the Drought Management Program Guidelines discussed in Chapter 3.  
 3. For the purposes of this modeling effort, it is assumed that the Bayside Groundwater Project would be brought online in the third year of a drought.  
 4. Rationing reduction goals are determined according to projected system storage levels in the Drought Management Program Guidelines discussed in Chapter 3.  
 5. Need for Water includes unmet customer demand as well as shortages on the Lower Mokelumne River.

The available supply and demand shown in Table 2 was derived from EBMUD's baseline hydrologic model with the following assumptions:

- Customer demand values are based on the MCDA, and planning level demands account for projected savings from water recycling and conservation programs.
- EBMUD Drought Planning Sequence assumes water year 1976, 1977 and a modified 1978 hydrology.
- Total system storage is depleted by the end of the third year of the drought.
- EBMUD will implement its Drought Management Program (DMP) when necessary.

- The diversions by Amador and Calaveras Counties upstream of Pardee Reservoir will increase over time, eventually reaching the full extent of their senior rights.
- Releases are made to meet the requirements of senior downstream water right holders and fishery releases, as required by the JSA.
- EBMUD allocation of Central Valley Project (CVP) supply is available the first year of a drought, and subsequent drought years, according to the U.S. Bureau of Reclamation's Municipal and Industrial Shortage Policy.
- The Bayside Groundwater Project Phase 1 is available and brought online in the third year of a drought.

The UWMP 2015 concludes that EBMUD has, and will have, adequate water supplies to serve existing and projected demand within the Ultimate Service Boundary during normal and wet years but that deficits are projected for multi-year droughts. During multi-year droughts, EBMUD may require significant customer water use reductions and may also need to acquire supplemental supplies to meet customer demand.

As discussed under the DMP Guidelines section in Chapter 3 of the UWMP 2015, EBMUD's system storage generally allows EBMUD to continue serving its customers during dry-year events. EBMUD typically imposes water use restrictions based on the projected storage available at the end of September, and based on recent changes to its DMP Guidelines (summarized below), may also implement water use restrictions in response to a State of California mandate. By imposing water use restrictions in the first dry year of potential drought periods, EBMUD attempts to minimize water use restrictions in subsequent years if a drought persists. Throughout dry periods, EBMUD must continue to meet its current and subsequent-year fishery flow release requirements and obligations to downstream agencies.

The UWMP 2015 includes DMP Guidelines that establish the level of water use restrictions EBMUD may implement under varying conditions. Under the new DMP Guidelines, water use restrictions may be determined based upon either projected end-of-September Total System Storage (TSS) or water use restriction mandates from the State Water Resources Control Board. When state-mandated water use restrictions exceed the reductions that would otherwise be called for based upon end-of-September TSS, EBMUD's water use reduction requirements may be guided by the applicable state mandates. Under either scenario, while EBMUD strives to keep water use reductions at or below 15 percent, if the drought is severe, mandatory water use reductions could exceed 15 percent.

Despite water savings from EBMUD's aggressive conservation and recycling programs and water use restrictions called for in the DMP Guidelines, supplemental supplies are still needed in significant, severe, and critical droughts. The proposed Project will be subject to the same drought restrictions that apply to all EBMUD customers. In addition, the proposed Project will be subject to EBMUD's regulations aimed at encouraging efficient water use, such as Sections 29 and 31 of EBMUD's Regulations Governing Water Service. Section 29, "Prohibiting Wasteful Use of Water," promotes efficient water use by EBMUD customers and includes additional restrictions on wasteful uses of potable water. Section 31, "Water Efficiency Requirements," identifies the types of water efficiency requirements (i.e., maximum flow rates for flow control devices) for water service.

## **Supplemental Water Supply and Demand Management**

The goals of meeting projected water needs and increased water reliability rely on supplemental supplies, improving reliability of existing water supply facilities, water conservation and recycled water programs.

By 2011, EBMUD completed construction of the Freeport Regional Water Facility and the Bayside Groundwater Project Phase 1 Facility to augment its water supply during drought periods. However, additional supplemental supplies beyond those provided through these facilities will still be needed, as noted above. Chapter 5 of the UWMP 2015 describes potential supplemental water supply projects that could be implemented to meet projected long-term water demands during multi-year drought periods.

The Freeport Regional Water Facility became operational in February 2011. EBMUD's ability to take delivery of CVP water through the Freeport facility is based on its Long-Term Renewal Contract (LTRC) with the U.S. Bureau of Reclamation. The LTRC provides for up to 133,000 acre feet of CVP supply in a single dry year, not to exceed a total of 165,000 acre feet in three consecutive dry years. Under the LTRC, the CVP supply is available to EBMUD only in dry years when EBMUD's total stored water supply is forecast to be below 500,000 total acre feet on September 30 of each year.

Construction of the Bayside Groundwater Project Phase 1 Facility was completed in 2010. A permit from the California Department of Public Health is required before the groundwater can be extracted and treated for municipal use. The Bayside Groundwater Project can supply EBMUD a total of up to one mgd per year. Chapter 5 of the UWMP 2015 also lists other potential supplemental water projects, including northern California water transfers, Bayside Groundwater Project Expansion, Expansion of Contra Costa Water District's Los Vaqueros Reservoir, and others that could be implemented to meet the projected long-term water supplemental need during multi-year drought periods. The UWMP 2015 identifies a broad mix of projects, with inherent scalability and the ability to adjust implementation schedules for particular components. This will allow EBMUD to pursue the necessary supplemental supplies, while minimizing the risks associated with future uncertainties such as project implementation challenges and global climate change. The Environmental Impact Report that EBMUD certified for the Water Supply Management Program 2040 examined the impacts of pursuing these supplemental supply projects at a program level. Separate project-level environmental documentation will be prepared, as appropriate, for specific components as they are developed in further detail and implemented in accordance with EBMUD's water supply needs.

In addition to pursuing supplemental water supply sources, EBMUD also maximizes resources through continuous improvements in the delivery and transmission of available water supplies and investments in ensuring the safety of its existing water supply facilities. These programs, along with emergency interties and planned water recycling and conservation efforts, would ensure a reliable water supply to meet projected demands for current and future EBMUD customers within the current service area.

### **Water Conservation and Recycled Water Considerations**

The proposed Project presents opportunities to incorporate water conservation measures. Conditions of approval for the implementation of the proposed Project should require that the Project comply with the California Model Water Efficient Landscape Ordinance (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). EBMUD staff would appreciate the opportunity to meet with the City to discuss conservation measures. This meeting will explore early opportunities to expand water conservation via EBMUD's conservation programs and best management practices applicable to the Project.

Conservation strategies will be required to achieve water use reduction goals and restrictions, including compliance with Sections 29 and 31, described above, of EBMUD's Regulations Governing Water Service, and the Water Conservation Act of 2009. The Water Conservation Act of 2009 sets an overall goal of reducing per capita urban water use by 20 percent by December 31, 2020.

The Project is located approximately 1.5 miles from an existing recycled water transmission pipeline with some parcels being 3 to 5 miles away. The size and nature of the proposed development, along with the thousands of people that will be employed within the Project area, will present several opportunities for the use of recycled water for landscape irrigation, commercial and industrial processes, toilet and urinal flushing in non-residential buildings, and cooling towers. As part of the long-term water supply planning, EBMUD may investigate expanding the existing recycled water infrastructure or construct a localized satellite facility that utilizes onsite waste and rainwater treatment to provide recycled water to the Project. EBMUD recommends that the City and their developers maintain continued coordination and consultation with EBMUD regarding the feasibility of providing recycled water for appropriate non-potable uses as they plan and implement the various projects.

The Project sponsor should contact Jennifer L. McGregor, Senior Civil Engineer, at (510) 287-1030 for further information.

Sincerely,



David J. Rehnstrom  
Manager of Water Distribution Planning Division

DJR:CW:dks  
sb16\_181g-Letter to City of Richmond

- Enclosures: 1. Letter of Request for Water Supply Assessment dated August 5, 2016  
2. EBMUD Urban Water Management Plan 2015

cc: Board of Directors w/o Enclosure 2

PLANNING DEPARTMENT



August 5, 2016

**VIA EMAIL AND U.S. MAIL**

Mr. David Rehnstrom, Senior Civil Engineer  
East Bay Municipal Utilities District  
Water Distribution Planning Division, Mail Stop 701  
Oakland, CA 94607

Re: Water Supply Assessment for the Richmond Bay Specific Plan (formerly known as the South Shoreline Specific Plan)

Dear Mr. Rehnstrom:

We are seeking a determination as to whether an amendment to the attached Water Supply Assessment (WSA), submitted by East Bay Municipal Water District (EBMUD) to the City of Richmond on May 27, 2014 for the Richmond Bay Specific Plan project (formerly known as the South Shoreline Specific Plan) ("Specific Plan") is required due to changes in the project. A copy of the 2014 water supply assessment (the 2014 WSA) is attached for reference.

The 2014 WSA concluded that the Specific Plan triggered the statutory obligation for preparation of a WSA because the 1,580,150 million gallons per day (MGD) increase in water needed was an amount of water equivalent to or greater than the amount of water required by a 500 dwelling unit project. The 2014 WSA concluded that the increased demand caused by the Specific Plan would not change EBMUD's water demand projections for 2040, and was therefore consistent with EBMUD's Urban Water Management Plan.

Due to the flexibility in the land uses contemplated in the Specific Plan, the City is evaluating a development program that has 1,630 more residential units than was previously analyzed in the 2014 WSA. This increase in units would result in a corresponding increase in water demand representing approximately 8% of the total project demand.<sup>1</sup> Water Code Section 10910(h), states that an additional WSA would not be required for a project that has been the subject of a WSA unless 1) changes in the project result in a substantial increase in water demand for the project; 2) changes in the circumstances or conditions substantially affecting the ability of the public water system to provide sufficient supply of water for the project; and 3) significant new information becomes available which was not known and could have not been known at the time when the WSA was prepared.

Please advise if the above noted change would result in the need to complete a new or amended WSA for the Specific Plan. The revised land use table is provided below:

<sup>1</sup>  $1,630 \times 215 \text{ GPD/unit} = 350,450 \text{ GPD} - 220,000 \text{ GPD (current water usage)} = 130,450/1,580,150 = .0825$

<b>Foreseeable Maximum Theoretical Buildout</b>				
<b>Sub-Area</b>	<b>R&amp;D/Business/ Service (Thousand Square Feet)</b>	<b>Retail (Thousand Square Feet)</b>	<b>Residential (Dwelling Units)</b>	<b>Open Space (acres)</b>
Sub-Area 1	1,870	270	1,840	12.8
Sub-Area 2	140	130	1,330	12.4
Sub-Area 3	1,560	0	0	1.4
Sub-Area 4	2,120	320	2,530	7.6
<b>Total</b>	<b>5,690</b>	<b>720</b>	<b>5,700</b>	<b>145</b>

We are hoping to receive this information within 14 days of this request. The information provided will be included in the Draft EIR and used to support findings by the City. Please advise of your anticipated response date. If you have any questions or need additional information, please feel free to contact me at (510) 620-6841 or via email at [Lina\\_Velasco@ci.richmond.ca.us](mailto:Lina_Velasco@ci.richmond.ca.us).

Sincerely,

Lina Velasco  
Project Manager II

Enclosures



May 27, 2014

Hector Rojas, Senior Planner  
City of Richmond  
Planning and Building Services Department  
450 Civic Center Plaza  
Richmond, CA 94804

Re: Water Supply Assessment – Richmond South Shoreline Specific Plan

Dear Mr. Rojas:

This letter responds to the City of Richmond's (City) request on March 17, 2014 for water agency consultation concerning the Richmond South Shoreline Specific Plan (Enclosure 1) located in Richmond, which is within the East Bay Municipal Utility District's (EBMUD) Ultimate Service Boundary. EBMUD appreciates the opportunity to provide this response.

Pursuant to Sections 10910-10915 (SB-610) of the California Water Code, the project meets the threshold requirement for an assessment of water supply availability based on the amount of water this project would require, a mixed-use project that would demand an amount of water equivalent to or greater than the amount of water required by a 500 dwelling unit project.

Please note that this assessment addresses the issue of water supply only and is not a guarantee of service, and future water service is subject to rates and regulations in effect at the time.

### **Project Demand**

The water demand for the Richmond South Shoreline Specific Plan is accounted for in EBMUD's water demand projections as published in EBMUD's 2010 Urban Water Management Plan (UWMP/Enclosure 2). EBMUD's water demand projections account for anticipated future water demands within EBMUD's service boundaries and for variations in demand-attributed changes in development patterns. The historical water use is approximately 220,000 gallons per day (gpd). The projected water demand is estimated to increase up to 1,580,000 gpd at build out.

EBMUD's demand projections indicate both densification and land use changes in a few existing land use classifications, including commercial and residential land use areas, thus increasing EBMUD's overall demand. EBMUD's 2010 UWMP projects water demands over time, accounting for estimated variations in demand usage less conservation and recycled supply sources as noted in Table 4-1, Water Demand Projections for Each Water Use Sector, of the 2010 UWMP. EBMUD's water demand projections are based on the 2040 Demand Study (Demand Study), which was completed in 2009. For planning purposes, the demands are estimated in five year increments, but it is recognized that actual incremental amounts may occur

Hector Rojas, Senior Planner

May 27, 2014

Page 2

stepwise in shorter time increments. An increase in usage by one customer in a particular customer class does not require a strict gallon-for-gallon increase in conservation by other customers in that class as, in actuality, the amount of potable demand, conservation and recycled water use EBMUD-wide will vary somewhat. Future versions of the UWMP, which is updated every five years, will include an updated assessment of customer demand and water supply.

### **Project Area**

The Richmond South Shoreline Specific Plan is bounded by I-580 to the north and east, Regatta Boulevard, Richmond Inner Harbor to the south, and Marina Way South to the west. The project area consists of approximately 525 acres. The Richmond South Shoreline Specific Plan consists of 4,070 multi-family residential units, 720,000 square feet of retail space, and 5,690,000 square feet of light industrial/commercial space.

### **EBMUD Water Demand Projections**

Since the 1970s, water demand within EBMUD's service area has ranged from 200 to 220 million gallons per day (mgd) in non-drought years. The 2040 water demand forecast of 312 mgd for EBMUD's service area can be reduced to 230 mgd with the successful implementation of water recycling and conservation programs, as outlined in the 2010 UWMP. Although current demand is lower than estimated in the Demand Study, as a result of the recent multi-year drought and the downturn in the economy, the Demand Study still reflects a reasonable expectation for growth over the long term for demand in year 2040. **The Richmond South Specific Plan will not change EBMUD's 2040 demand projection.**

### **EBMUD Water Supply and Water Rights**

EBMUD has water rights permits and licenses that allow for delivery of up to a maximum of 325 mgd from the Mokelumne River, subject to the availability of Mokelumne River runoff and the senior water rights of other users. EBMUD's position in the hierarchy of Mokelumne River water users is determined by a variety of agreements between Mokelumne River water right holders, and the terms of the appropriate water rights permits and licenses, which have been issued by the State, pre-1914 rights, and riparian rights.

Conditions that could, depending on hydrology, restrict EBMUD's ability to receive its full entitlement include:

- Upstream water use by prior right holders.
- Downstream water use by riparian and senior appropriators and other downstream obligations, including protection of public trust resources.
- Variability in rainfall and runoff.

During prolonged droughts, the Mokelumne River supply cannot meet EBMUD's projected customer demands. To address this, EBMUD has completed construction of the Freeport Regional Water Facility and the Bayside Groundwater Facility, which are discussed below in the Supplemental Water Supply and Demand Management section of this assessment. EBMUD has obtained and continues to seek supplemental supplies.

### **EBMUD UWMP**

The 2010 UWMP, adopted on June 28, 2011, by EBMUD's Board of Directors by Resolution No. 33832-11, is a long-range planning document used to assess current and projected water usage, water supply planning and conservation and recycling efforts. A summary of EBMUD's demand and supply projections, in 5-year increments for a 25-year planning horizon is provided in Table 4-3, EBMUD Demand and Supply Projections of the 2010 UWMP (Enclosure 3).

EBMUD's evaluation of water supply availability accounts for the diversions of both upstream and downstream water right holders and fishery releases on the Mokelumne River. Fishery releases are based on the requirements of a 1998 Joint Settlement Agreement (JSA) between EBMUD, United States (U.S.) Fish and Wildlife Service, and the California Department of Fish and Game. The JSA requires EBMUD to make minimum flow releases from its reservoirs to the lower Mokelumne River to protect and enhance the fishery resources and ecosystem of the river. As this water is released downriver, it is, therefore, not available for use by EBMUD's customers.

The available supply shown in the attached table (Enclosure 3) was derived from EBMUD's hydrologic model with the following assumptions:

- EBMUD Drought Planning Sequence is used for 1976, 1977 and 1978;
- Total system storage is depleted by the end of the third year of the drought;
- EBMUD will implement its Drought Management Program when necessary;
- The diversions by Amador and Calaveras Counties upstream of Pardee Reservoir will increase over time, eventually reaching the full extent of their senior rights;
- Releases are made to meet the requirements of senior downstream water right holders and fishery releases are made according to the JSA;
- Dry-year supply of Central Valley Project (CVP) water, through the Freeport Regional Water Facility, is available; and
- Bayside Groundwater Project, Phase 1, is available.

As discussed under the Drought Management Program section in Chapter 3 of the 2010 UWMP, EBMUD's system storage generally allows it to continue serving its customers during dry-year events. EBMUD imposes rationing based on the projected storage available at the end of September. By imposing rationing in the first dry year of potential drought periods, EBMUD attempts to minimize rationing in subsequent years if a drought persists while continuing to meet its current and subsequent-year fishery flow release requirements and obligations to downstream

agencies. Table 3-2, Long-Term Drought Management Program Guidelines, in the 2010 UWMP summarizes the Drought Management Program guidelines for consumer water reduction goals based on projected system storage.

In Table 4-3, EBMUD Demand and Supply Projections (Enclosure 3), "Single Dry Water Year" (or Year 1 of "Multiple Dry Water Years") is determined to be a year that EBMUD would implement Drought Management Program elements at the "moderate" stage with the goal of achieving a reduction between 0 to 10 percent in customer demand. Year 2 of "Multiple Dry Years" is determined to be a year that EBMUD would implement Drought Management Program elements at the "severe" stage with the goal of achieving between 10 to 15 percent reduction in customer demand. Year 3 of "Multiple Dry Years" is a year in which EBMUD would implement Drought Management Program elements at the "critical" stage. Despite water savings from EBMUD's aggressive conservation and recycling programs and rationing of up to 15 percent, additional supplemental supplies beyond those provided through the Freeport Regional Water Facility and the Bayside Groundwater Facility will be needed during Years 2 and 3 of a three-year drought. Therefore, supplemental supplies are needed in multiple-year drought periods while continuing to meet the requirements of senior downstream water right holders and the provisions of the 1998 JSA.

### **Supplemental Water Supply and Demand Management**

The goals of meeting projected water needs and increased water reliability rely on supplemental supplies, improving reliability of existing water supply facilities, water conservation and recycled water programs.

By 2011, EBMUD completed construction of the Freeport Regional Water Facility and the Bayside Groundwater Facility to augment its water supply during drought periods. However, additional supplemental supplies beyond those provided through these facilities will still be needed, as noted above. Chapter 2 of the 2010 UWMP describes potential supplemental water supply projects that could be implemented to meet projected long-term water demands during multi-year drought periods.

The Freeport Regional Water Facility became operational in February 2011. EBMUD's ability to take delivery of water through the Freeport facility is based on its Long Term Renewal Contract (LTRC) with the U.S. Bureau of Reclamation. The LTRC provides for up to 133,000 acre feet in a single dry-year, not to exceed a total of 165,000 acre feet in three consecutive dry years. Under the LTRC, the CVP supply is available to EBMUD only in dry years when EBMUD's total stored water supply is forecast to be below 500 total acre feet on September 30 of each year.

Construction of the Bayside Groundwater Project, Phase 1, was completed in 2010. A permit from the Department of Public Health, which is pending, is required before the groundwater can be extracted and treated for municipal use. The project is designed to yield 2 mgd over a 6-month period, resulting in an average annual production capacity of 1 mgd per year.

Chapter 2 of the 2010 UWMP also lists other potential supplemental water projects, including northern California water transfers, Bayside Groundwater Project Expansion, Los Vaqueros Expansion and others that could be implemented as necessary to meet the projected long-term water supplemental need during multi-year drought periods. The 2010 UWMP identifies a broad mix of projects, with inherent scalability and the ability to adjust implementation schedules for a particular component, so that EBMUD will be able to continue to pursue the additional supplemental supplies that are projected to be necessary, while also minimizing the risks associated with future uncertainties such as project implementation challenges and global climate change. The Environmental Impact Report that EBMUD certified for the Water Supply Management Program 2040 examined the impacts of pursuing these supplemental supply projects at a program level. Separate project-level environmental documentation will be prepared, as appropriate, for specific components as they are developed in further detail and implemented in accordance with EBMUD's water supply needs.

In addition to pursuing supplemental water supply sources, EBMUD also maximizes resources through continuous improvements in the delivery and transmission of available water supplies, and investments in ensuring the safety of its existing water supply facilities. These programs, along with emergency interties and planned water recycling and conservation efforts, would ensure a reliable water supply to meet projected demands for current and future EBMUD customers within the current service area.

Individual developments within the project area present opportunities to incorporate water conservation measures. EBMUD requests that the City include in its conditions of approval a requirement that the project sponsors comply with the California Model Water Efficient Landscape Ordinance (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). EBMUD staff would appreciate the opportunity to meet with the project sponsor to discuss water conservation programs and best management practices applicable to the integrated projects. A key objective of this discussion will be to explore timely opportunities to expand water conservation via early consideration of EBMUD's conservation programs and best management practices applicable to the project.

The Richmond South Shoreline Specific Plan is located approximately 1.5 miles from an existing recycled water transmission pipeline with some parcels being 3 to 5 miles away. The size and nature of the proposed development along with the thousands of people that will be employed within the project area and the proposed University of California campus will present several opportunities for the use of recycled water for landscape irrigation, commercial and industrial processes, toilet and urinal flushing in non-residential buildings, and cooling towers. As part of the long term water supply planning, the District may investigate expanding the existing recycled water infrastructure or construct a localized satellite facility that utilizes onsite waste and rain water treatment to provide recycled water to the project. The District recommends that the City, the University of California, and their developers maintain continued coordination and

Hector Rojas, Senior Planner  
May 27, 2014  
Page 6

consultation with the District as they plan and implement the various projects regarding the feasibility of providing recycled water for appropriate non-potable uses.

The project sponsor should contact David J. Rehnstrom, Senior Civil Engineer, at (510) 287-1365 for further information.

Sincerely,

*Bill Maggi for WRK*

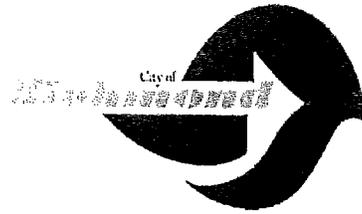
William R. Kirkpatrick  
Manager of Water Distribution Planning Division

WRK:TRM:sb  
sb14\_080.docx

Enclosures: 1. Letter of Request for Water Supply Assessment dated March 17, 2014  
2. EBMUD 2010 Urban Water Management Plan  
3. EBMUD Demand and Supply Projections Table

cc: Board of Directors w/o Enclosure 2

PLANNING AND BUILDING SERVICES DEPARTMENT  
Planning Division



March 17, 2014

Mr. David Rehnstrom  
East Bay Municipal Utilities District  
Water Distribution Planning Division  
375 11<sup>th</sup> Street  
Oakland, California 94607

Subject: Request for Water Supply Assessment for Richmond South Shoreline Specific Plan

Dear Mr. Rehnstrom:

Per amendments to Section 10912 of the Water Code implemented by Senate Bill 610, the City of Richmond ("City") is submitting this request to the East Bay Municipal Utilities District ("EBMUD") to prepare a Water Supply Assessment (WSA). The assessment is required in order to determine whether adequate water supply is available to meet the projected water demand of the proposed project. The City, as lead agency, is currently preparing a Specific Plan and Program Environmental Impact Report (SP/PEIR) for the proposed project. The City respectfully requests that EBMUD immediately prepare a water supply assessment for the proposed project as described.

The Richmond South Shoreline Specific Plan (RSSSP) will include general plan and zoning amendments, along with detailed strategies and programs to encourage projects, site design and development standards, as well as funding implementation strategies to carry out the policies of the plan. The proposed project encompasses an area totaling approximately 525 acres (Project Area). The site is bounded by I-580 to the north and east, Regatta Boulevard, Meeker Creek and San Francisco Bay to the south and west, and Marina Way to the west. The Project Area closely represents Richmond General Plan 2030 Change Areas 15 (Regatta/Marina Bay) and 16 (Southern Gateway). Per the General Plan, the central and eastern portions of the Project Area are comprised of commercial and light industrial businesses with the western portion of the Project Area between Marina Way South and Marina Bay Parkway comprised of medium intensity mixed-use with a commercial emphasis. A single residential development, 'The Anchorage at Marina Bay', consisting of approximately 100 townhomes lies just west of Marina Bay Parkway on Jetty Drive. The Project Area has been identified as a Priority Development Area (PDA) due to its existing transportation infrastructure (Rail, Port & Freeway) and the potential for sustainable mixed-use infill development.

The University of California (UC) owns properties at 1301 South 46th Street and 3300 Regatta Boulevard (known as the Richmond Field Station and the Regatta Property) at the center of the Project Area totaling approximately 195 acres. The Richmond Field Station (RFS) is managed by UC Berkeley and has been identified as the preferred site for the second Lawrence Berkeley National Laboratory (LBNL) campus, also known as the Richmond Bay Campus, which when completed may include up to 5.4 million square feet (sf) of research and development facilities with the potential to spin off additional supporting developments. The RSSSP will capitalize on and complement the Long Range Development Plan (LRDP) being developed for the Richmond Bay Campus by UC Berkeley and LBNL.

The RSSSP proposes several preferred development alternatives, including the "Long Term: Employment + Housing" growth scenario which is shown on the attached exhibit. This alternative assumes development of: 4,070 new housing units; 720,000 square feet (SF) of retail space; and 5,690,000 SF of light

450 CIVIC CENTER PLAZA, RICHMOND, CA 94804

Telephone: (510) 620-6706  
Fax: (510) 620-6858  
Website: [www.ci.richmond.ca.us/planning](http://www.ci.richmond.ca.us/planning)

industrial/commercial space. This would result in an estimated average daily water use of approximately 1,580,150 gallons/day (GPD). A table providing a breakdown of this estimated use is shown below.

Land Use Classification	Total Size/No. of Units	Water Demand Factor (1)	Total GPD
Residential	4,070 Units	215 GPD/Unit	875,050
Retail	720,000 SF	0.11 GPD/SF	79,200
Light Industrial/Commercial	5,690,000 SF	0.11 GPD/SF	625,900
Total			1,580,150

1. Based on Contra Costa County Sanitation District Average Base Wastewater Flow Unit Factors plus 10%.

The City has identified East Bay Municipal Utilities District (EBMUD) as the water purveyor for the proposed project. As such, pursuant to the requirements of SB 610, the City respectfully requests a WSA be prepared and adopted by East Bay Municipal Utilities District (EBMUD) in 90 days or less.

The City is in the process of preparing the SP/PEIR for the proposed project. The results and conclusion of the WSA will be included in the Utilities section of the SP/PEIR.

Please contact me if you have any questions or need additional information. I can be reached at (510) 620-6662 or by email at [hector.rojas@ci.richmond.ca.us](mailto:hector.rojas@ci.richmond.ca.us)

Sincerely,



Hector Rojas  
Senior Planner

**EAST BAY MUNICIPAL UTILITY DISTRICT DEMAND AND SUPPLY PROJECTION**  
(Reference: Table 4-3, UWMP 2010 – EBMUD)

	2010	2015	2020	2025	2030	2035 <sup>1</sup>	2040
<b>PROJECTED DEMAND (MGD)</b>							
CUSTOMER DEMAND <sup>2</sup>	251	266	280	291	304	308	312
ADJUSTED FOR CUMULATIVE CONSERVATION <sup>3</sup>	(26)	(32)	(43)	(49)	(56)	(59)	(62)
ADJUSTED FOR RECYCLED WATER <sup>4</sup>	(9)	(11)	(16)	(18)	(19)	(20)	(20)
PLANNING LEVEL OF DEMAND	216	223	221	224	229	229	230
<b>PROJECTED AVAILABLE SUPPLY AND NEED FOR SUPPLEMENTAL SUPPLY (MGD)<sup>5</sup></b>							
NORMAL YEAR	>216	>223	>221	>224	>229	>229	>230
SUPPLEMENTAL SUPPLY NEED	0	0	0	0	0	0	0
<b>SINGLE DRY YEAR (MULTIPLE DRY YEARS – YEAR 1)</b>							
AVAILABLE SUPPLY	211	217	215	218	223	222	222
CUSTOMER RATIONING <sup>6</sup>	2%	3%	3%	3%	3%	3%	4%
SUPPLEMENTAL SUPPLY NEED <sup>7</sup>	5	6	6	7	7	8	8
<b>MULTIPLE DRY YEARS – YEAR 2</b>							
AVAILABLE SUPPLY	183	189	188	190	194	194	195
CUSTOMER RATIONING <sup>6</sup>	15%	15%	15%	15%	15%	15%	15%
SUPPLEMENTAL SUPPLY NEED <sup>7</sup>	21	21	21	21	22	22	22
<b>MULTIPLE DRY YEARS – YEAR 3</b>							
AVAILABLE SUPPLY	183	189	188	190	183	164	144
CUSTOMER RATIONING <sup>6</sup>	15%	15%	15%	15%	15%	15%	15%
SUPPLEMENTAL SUPPLY NEED <sup>7</sup>	21	21	21	21	33	53	73
<b>THREE-YEAR DROUGHT</b>							
TOTAL SUPPLEMENTAL SUPPLY NEED (TAF) <sup>7</sup>	53	54	54	55	69	93	115

<sup>1</sup> Projected demand for 2035 is interpolated.

<sup>2</sup> Customer demand values are based on the demand projections from the "2040 Demand Study," Feb 2009. These projected water demands are based on land use in EBMUD's ultimate service area and is unadjusted for conservation and non-potable water. The values are also unadjusted for the current suppressed demand due to the 2007-2010 rationing period and the economic downturn.

<sup>3</sup> Existing conservation saving from the "1994 Water Conservation Master Plan" and planned conservation program savings based on the "2011 Water Conservation Master Plan".

<sup>4</sup> Existing recycled water achieved per the "1993 Water Supply Management Program" and planned recycled water program savings as outlined in Chapter 5 of the UWMP 2010.

<sup>5</sup> Projected available supply data includes dry year supply deliveries from the Freeport Regional Water Project (FRWP) and Bayside Groundwater Project, Phase 1. Delivery rules for the FRWP follow the rules as developed in the Freeport EIR, 2003.

<sup>6</sup> Rationing reduction goals are determined according to projected system storage levels in the Long-Term Drought Management Program guidelines per Table 3-2 in Chapter 3 of the UWMP 2010.

<sup>7</sup> The supplemental supply need is based on EBMUDSIM modeling studies. It is the amount of water needed based on EBMUD's updated demand projections, the provisions of the 1998 Joint Settlement Agreement and the rationing policy stated in Table 3-2, Chapter 3 of the UWMP 2010. The actual need will be dependent on antecedent conditions and the severity of actual drought conditions. Supplemental supply stored during the initial year of the drought could be later released, diminishing supplemental supply needs. During the drought that continued into 2010, the combined effects of water rationing and an economic downturn suppressed demand below the planning level of demand to maintain a sufficient water supply and deferred the need for supplemental water. However, if the drought had continued into its second year, most likely supplemental supplies would have been obtained from the Freeport Regional Water Facility as anticipated in the Interim Drought Management Program Guidelines discussed in Appendix G-2.



**Appendix B**  
Cultural Resources  
Supporting Information (DPR  
Forms)



State of California — The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
**PRIMARY RECORD**

Primary #  
HRI #  
Trinomial  
NRHP Status Code

Other Listings  
Review Code

Reviewer

Date

Page 1 of 2

\*Resource Name or #: 1336 S 49th St

**P1. Other Identifier:** 1336 S 49th St

**\*P2. Location:**  Not for Publication  Unrestricted

**\*a. County:** Contra Costa

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

**\*b. USGS 7.5' Quad:** Richmond

**Date:** 1980 T ; R ; ¼ of ¼ of Sec ; M.D. **B.M.**

c. Address: 1336 S 49th St

City: Richmond

Zip: 94804

d. UTM: Zone: 10 ; mE/ mN (G.P.S.)

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate) Elevation:

APN 5600320278

**\*P3a. Description:** (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries) 1336 S 49th Street consists of a single-story industrial/ office building in an industrial neighborhood. The building has a rectangular footprint, and consists of concrete block cladding and a flat roof. The building is divided into five office/ industrial spaces with similar layouts and ornamentation. Fenestration on each unit consists of modern metal roll-up garage doors and a flush metal primary entrance asymmetrically flanked by large, single pane shop windows. Concrete pilasters divide each bay of windows and doors. A modern corrugated metal warehouse addition provides additional storage on the northern elevation.

**\*P3b. Resource Attributes:** HP8. Industrial building

**\*P4. Resources Present:**  Building  Structure  Object  Site  District  Element of District  Other (Isolates, etc.)

P5a. Photo or Drawing



**\*P5b. Description of Photo:** view facing northeast

**\*P6. Date Constructed/Age and Sources:** 1970  Historic  Prehistoric  Both

**\*P7. Owner and Address:**  
Mary Peckham  
2640 Fox Cir  
Walnut Creek, CA 94596

**\*P8. Recorded by:**  
Katherine Anderson | ESA  
2600 Capitol Ave, Ste 200  
Sacramento CA 95816

**\*P9. Date Recorded:** 12/ 12/ 15

**\*P10. Survey Type:** Intensive

**\*P11. Report Citation:** ESA, Richmond South Shoreline Specific Plan Environmental Impact Report, December 2015.

**\*Attachments:**  NONE  Location Map  Sketch Map  Continuation Sheet  Building, Structure, and Object Record  Archaeological Record  District Record  Linear Feature Record  Milling Station Record  Rock Art Record  Artifact Record  Photograph Record  Other (List):

**BUILDING, STRUCTURE, AND OBJECT RECORD**

\*Resource Name or # 1336 S 49<sup>th</sup> St

- B1. Historic Name: none
- B2. Common Name: none
- B3. Original Use: office/ industrial
- B4. Present Use: office/ industrial

\*B5. Architectural Style: Modern

\*B6. Construction History:

1970 original warehouse construction  
ca 1997 building renovation and northern addition

\*B7. Moved? No Yes Unknown Date: Original Location:

\*B8. Related Features:  
none

B9a. Architect: unknown

b. Builder: unknown

\*B10. Significance: Theme: n/ a

Area: n/ a

Period of Significance: n/ a

Property Type: n/ a

Applicable Criteria: n/ a

Since its inception, the City of Richmond has been a terminal port where its growing network of national railroads met deep water channels to the sea. The arrival of the Southern Pacific Railroad in 1878 primed western Contra Costa County for an industrial and economic boom. The arrival of the Santa Fe railroad (1899–1900), the startup of Standard Oil and its industrial waterfront (1901–1902), and the founding of the municipality of Richmond (1905) were also pivotal developments in the Richmond waterfront. Review of historic topographic maps indicate that the immediate vicinity has been subject to development, resulting from the presence of the Southern Pacific Railroad and the Stauffer Chemical Company which opened in 1897. Significant development associated with the SCC occurred around 1915, with a railroad spur paralleling 47<sup>th</sup> Avenue promoting industrial development. In 1950, the University of California at Berkeley opened its Engineering Field Station to the west of the project site. County assessor data indicates that the building at 1336 S 49<sup>th</sup> St was constructed as an industrial office building in 1970. Review of historic aerial maps determined that the southern office addition was constructed circa 1997.

Archival review indicates that 1336 S 49<sup>th</sup> St dates to the mid/ late-twentieth century growth and industrial development of the City of Richmond, although this association does not rise to a level of significance required for listing in the state or national registers (Criterion A/ 1). Research did not identify any direct or unique associations between the buildings and important individuals (Criterion B/ 2). The industrial office building does not reflect distinctive characteristics of a type, period, region or method of construction, and would not be considered exemplary of the Modern architectural style (Criterion C/ 3). The industrial office building consisted of a concrete block, flat roof structure that underwent exterior modifications during a 1997 renovation and addition. Finally, the building does not appear to possess the potential to yield, information important to the prehistory or history (Criterion D/ 4). Visual inspection of the building indicate that significant modern alterations of the structure have occurred, resulting in the loss of the building's physical integrity. The property does not retain sufficient physical integrity of materials, workmanship, design, or setting to convey its historically significant associations with the mid- twentieth industrial development in Richmond. As such, the building does not possess the significance necessary to meet the criteria for listing in the NRHP or CRHR.

B11. Additional Resource Attributes:

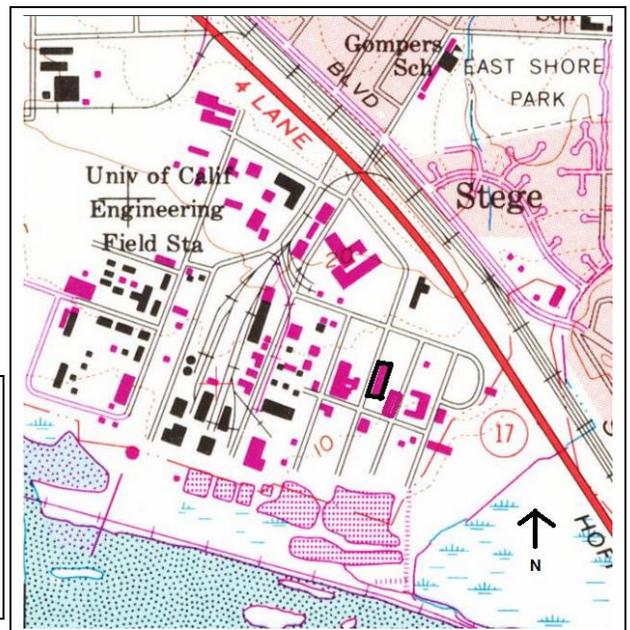
\*B12. References:

B13. Remarks:

\*B14. Evaluator: Katherine Anderson | ESA

\*Date of Evaluation: 12/ 22/ 15

(This space reserved for official comments.)



State of California — The Resources Agency  
 DEPARTMENT OF PARKS AND RECREATION  
**PRIMARY RECORD**

Primary #  
 HRI #  
 Trinomial  
 NRHP Status Code

Other Listings  
 Review Code

Reviewer

Date

Page 1 of 2

\*Resource Name or #: 1376 S 50th St

**P1. Other Identifier:** 1376 S 50th St

**\*P2. Location:**  Not for Publication  Unrestricted

**\*a. County:** Contra Costa

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

**\*b. USGS 7.5' Quad:** Richmond

**Date:** 1980 T ; R ; ¼ of ¼ of Sec ; M.D. **B.M.**

c. Address: 1376 S 50th St

City: Richmond

Zip: 94804

d. UTM: Zone: 10 ; mE/ mN (G.P.S.)

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate) Elevation:

APN 5600330483

**\*P3a. Description:** (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)  
 1376 S 50th St consists of a two-story industrial/ office building in an industrial neighborhood. The building has an irregular footprint, and consists of concrete block cladding and a flat roof. The building is divided into two office/ industrial spaces with similar ornamentation. Fenestration on each unit consists of modern metal roll-up garage doors and a flush metal primary entrance, with small square block windows arranged along the first and second floors. A metal awning lines tops the second story roofline on the primary elevation.

**\*P3b. Resource Attributes:** HP8. Industrial building

**\*P4. Resources Present:**  Building  Structure  Object  Site  District  Element of District  Other (Isolates, etc.)

P5a. Photo or Drawing



**\*P5b. Description of Photo:** view facing northwest

**\*P6. Date Constructed/Age and Sources:** 1970  Historic  Prehistoric  Both

**\*P7. Owner and Address:**  
 Oliver & Co  
 1376 S 50th St  
 Richmond, CA 94804

**\*P8. Recorded by:**  
 Katherine Anderson | ESA  
 2600 Capitol Ave, Ste 200  
 Sacramento CA 95816

**\*P9. Date Recorded:** 12/ 12/ 15

**\*P10. Survey Type:** Intensive

**\*P11. Report Citation:** ESA, Richmond South Shoreline Specific Plan Environmental Impact Report, December 2015.

**\*Attachments:**  NONE  Location Map  Sketch Map  Continuation Sheet  Building, Structure, and Object Record  Archaeological Record  District Record  Linear Feature Record  Milling Station Record  Rock Art Record  Artifact Record  Photograph Record  Other (List):

**BUILDING, STRUCTURE, AND OBJECT RECORD**

\*Resource Name or # 1376 S 50<sup>th</sup> St

- B1. Historic Name: none
- B2. Common Name: none
- B3. Original Use: office/ industrial
- B4. Present Use: office/ industrial

\*B5. Architectural Style: Modern

\*B6. Construction History:

- 1970 original construction
- 2010 building renovation and addition

\*B7. Moved? No Yes Unknown Date: Original Location:

\*B8. Related Features:  
none

B9a. Architect: unknown

b. Builder: unknown

\*B10. Significance: Theme: n/ a

Area: n/ a

Period of Significance: n/ a

Property Type: n/ a

Applicable Criteria: n/ a

Since its inception, the City of Richmond has been a terminal port where its growing network of national railroads met deep water channels to the sea. The arrival of the Southern Pacific Railroad in 1878 primed western Contra Costa County for an industrial and economic boom. The arrival of the Santa Fe railroad (1899–1900), the startup of Standard Oil and its industrial waterfront (1901–1902), and the founding of the municipality of Richmond (1905) were also pivotal developments in the Richmond waterfront. Review of historic topographic maps indicate that the immediate vicinity has been subject to development, resulting from the presence of the Southern Pacific Railroad and the Stauffer Chemical Company which opened in 1897. Significant development associated with the SCC occurred around 1915, with a railroad spur paralleling 47<sup>th</sup> Avenue promoting industrial development. In 1950, the University of California at Berkeley opened its Engineering Field Station to the west of the project site. County assessor data indicates that the building at 1376 S 50<sup>th</sup> St was constructed as an industrial building in 1970. Review of historic aerial maps and City records determined that the the building was renovated extensively in 2010.

Archival review indicates that 1376 S 50<sup>th</sup> St dates to the mid/ late-twentieth century growth and industrial development of the City of Richmond, although this association does not rise to a level of significance required for listing in the state or national registers (Criterion A/ 1). Research did not identify any direct or unique associations between the buildings and important individuals (Criterion B/ 2). The industrial office building does not reflect distinctive characteristics of a type, period, region or method of construction, and would not be considered exemplary of the Modern architectural style (Criterion C/ 3). The industrial office building consisted of a two story concrete block, flat roof structure that underwent exterior modifications and an addition during a 2010 renovation. Finally, the building does not appear to possess the potential to yield, information important to the prehistory or history (Criterion D/ 4). Visual inspection of the building indicate that significant modern alterations of the structure have occurred, resulting in the loss of the building’s physical integrity. The property does not retain sufficient physical integrity of materials, workmanship, design, or setting to convey its historically significant associations with the mid- twentieth industrial development in Richmond. As such, the building does not possess the significance necessary to meet the criteria for listing in the NRHP or CRHR.

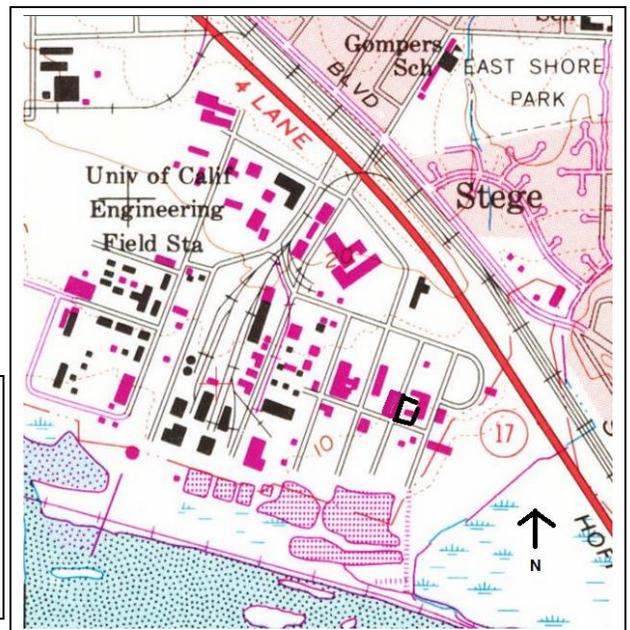
B11. Additional Resource Attributes: (List attributes and codes) HP8. Industrial Building

\*B12. References:

B13. Remarks:

\*B14. Evaluator: Katherine Anderson | ESA

(This space reserved for official comments.)



State of California — The Resources Agency  
 DEPARTMENT OF PARKS AND RECREATION  
**PRIMARY RECORD**

Primary #  
 HRI #  
 Trinomial  
 NRHP Status Code

Other Listings  
 Review Code

Reviewer

Date

Page 1 of 2

\*Resource Name or #: 4925 Seaport Ave

**P1. Other Identifier:** 4925 Seaport Ave

**\*P2. Location:**  Not for Publication  Unrestricted

**\*a. County:** Contra Costa

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

**\*b. USGS 7.5' Quad:** Richmond

**Date:** 1980 T ; R ; ¼ of ¼ of Sec ; M.D. **B.M.**

c. Address: 4925 Seaport Ave

City: Richmond

Zip: 94804

d. UTM: Zone: 10 ; mE/ mN (G.P.S.)

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate) Elevation:

APN 5600320211

**\*P3a. Description:** (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries) 4925 Seaport Avenue consists of a three-story combination warehouse and office building in an industrial neighborhood. The office component of the building encompasses the southwestern end of the building, and consists of concrete block cladding and a flat roof. Fenestration consists of modern metal and glass panel doors, multi-pane industrial sash windows, and smaller fixed four light windows on the second and third floors. A metal exterior stairway flanks the western side of the building. The northern warehouse component of the building has a gable roof and corrugated metal cladding on the exterior walls and roof. Oversize sliding warehouse doors are located on the north and south ends of the western and eastern elevations of the warehouse.

**\*P3b. Resource Attributes:** HP6. 1-3 story commercial building ; HP8. Industrial building

**\*P4. Resources Present:**  Building  Structure  Object  Site  District  Element of District  Other (Isolates, etc.)

P5a. Photo or Drawing



**P5b. Description of Photo:** view facing northwest

**\*P6. Date Constructed/Age and Sources:** 1957  Historic  Prehistoric  Both

**\*P7. Owner and Address:**  
 Larry Pyle  
 4925 Seaport Ave  
 Richmond CA

**\*P8. Recorded by:**  
 Katherine Anderson | ESA  
 2600 Capitol Ave, Ste 200  
 Sacramento CA 95816

**\*P9. Date Recorded:** 12/ 12/ 15

**\*P10. Survey Type:** Intensive

**\*P11. Report Citation:** ESA, Richmond South Shoreline Specific Plan Environmental Impact Report, December 2015.

**\*Attachments:**  NONE  Location Map  Sketch Map  Continuation Sheet  Building, Structure, and Object Record  Archaeological Record  District Record  Linear Feature Record  Milling Station Record  Rock Art Record  Artifact Record  Photograph Record  Other (List):

**BUILDING, STRUCTURE, AND OBJECT RECORD**

\*Resource Name or # 4925 Seaport Ave

B1. Historic Name: none

B2. Common Name: none

B3. Original Use: warehouse

B4. Present Use: office/ warehouse

\*B5. Architectural Style: Modern

\*B6. Construction History:

1957 original warehouse construction

c. 1980 southern office addition

\*B7. Moved? No Yes Unknown Date:

Original Location:

\*B8. Related Features:

none

B9a. Architect: unknown

b. Builder: unknown

\*B10. Significance: Theme: n/ a

Area: n/ a

Period of Significance: n/ a

Property Type: n/ a

Applicable Criteria: n/ a

Since its inception, the City of Richmond has been a terminal port where its growing network of national railroads met deep water channels to the sea. The arrival of the Southern Pacific Railroad in 1878 primed western Contra Costa County for an industrial and economic boom. The arrival of the Santa Fe railroad (1899–1900), the startup of Standard Oil and its industrial waterfront (1901–1902), and the founding of the municipality of Richmond (1905) were also pivotal developments in the Richmond waterfront. Review of historic topographic maps indicate that the immediate vicinity has been subject to development, resulting from the presence of the Southern Pacific Railroad and the Stauffer Chemical Company which opened in 1897. Significant development associated with the SCC occurred around 1915, with a railroad spur paralleling 47<sup>th</sup> Avenue promoting industrial development. In 1950, the University of California at Berkeley opened its Engineering Field Station to the west of the project site. County assessor data indicates that the building at 4925 Seaport Ave was constructed as an industrial warehouse in 1957. Review of historic aerial maps determined that the southern office addition was constructed in c. 1980.

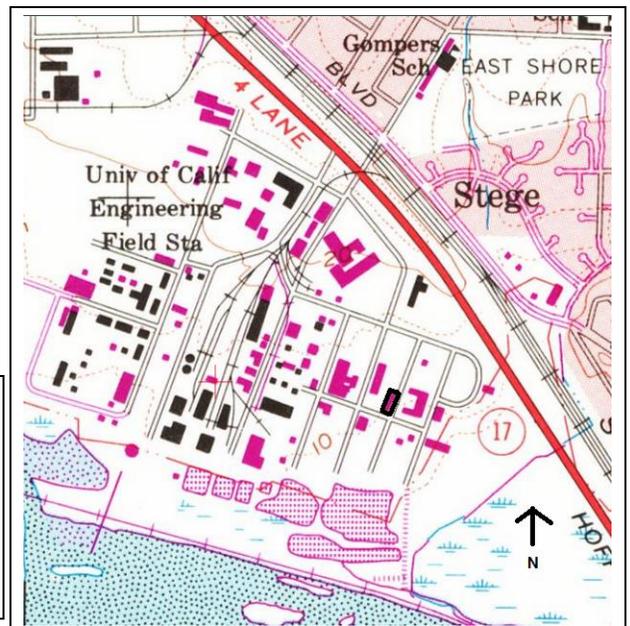
Archival review indicates that 4925 Seaport Ave dates to the mid-twentieth century growth and industrial development of the City of Richmond, although this association does not rise to a level of significance required for listing in the state or national registers (Criterion A/ 1). Research did not identify any direct or unique associations between the buildings and important individuals (Criterion B/ 2). The industrial building does not reflect distinctive characteristics of a type, period, region or method of construction, and would not be considered exemplary of the Modern architectural style (Criterion C/ 3). The warehouse building consisted of a corrugated metal clad, gable roof structure. The 1980s office addition provided significant alteration to the original structure. Finally, the building does not appear to possess the potential to yield, information important to the prehistory or history (Criterion D/ 4). Visual inspection of the building indicate that significant modern alterations of the structure have occurred, including the office addition, resulting in the loss of the building's physical integrity. The property does not retain sufficient physical integrity of materials, workmanship, design, or setting to convey its historically significant associations with the mid- twentieth industrial development in Richmond. As such, the building does not possess the significance necessary to meet the criteria for listing in the NRHP or CRHR.

B11. Additional Resource Attributes: (List attributes and codes) HP8.  
Industrial Building

\*B12. References:

B13. Remarks:

(This space reserved for official comments.)



State of California — The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
**PRIMARY RECORD**

Primary #  
HRI #  
Trinomial  
NRHP Status Code

Other Listings  
Review Code

Reviewer

Date

Page 1 of 2

\*Resource Name or #: 5000 Seaport Ave

**P1. Other Identifier:** 5000 Seaport Ave

\***P2. Location:**  Not for Publication  Unrestricted

\***a. County:** Contra Costa

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

\***b. USGS 7.5' Quad:** Richmond

**Date:** 1980 T ; R ; ¼ of ¼ of Sec ; M.D. **B.M.**

c. Address: 5000 Seaport Ave

City: Richmond

Zip: 94804

d. UTM: Zone: 10 ; mE/ mN (G.P.S.)

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate) Elevation:

APN 5600230287

\***P3a. Description:** (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries) 5000 Seaport Avenue consists of a single-story office building and industrial warehouse in an industrial neighborhood. The office component of the building sits on the northeast corner of an industrial lot, and consists of brick and corrugated vinyl cladding and a shallow gable roof. Fenestration consists of aluminum and glass panel doors, large aluminum frame shop windows, and aluminum frame sliding windows. The warehouse component of the building sits on the southern end of the parcel, with a rectangular footprint, corrugated vinyl siding and a shallow gable roof with a vinyl pediment. Fenestration on the warehouse includes glass/ metal panel doors, steel roll up garage doors (6), and similar aluminum frame sliding windows as on the office building.

\***P3b. Resource Attributes:** HP6. 1-3 story commercial building; HP8. Industrial Building

\***P4. Resources Present:**  Building  Structure  Object  Site  District  Element of District  Other (Isolates, etc.)

P5a. Photo or Drawing



**P5b. Description of Photo:** view facing northwest

\***P6. Date Constructed/Age and Sources:** 1968  Historic  Prehistoric  Both

\***P7. Owner and Address:**  
Allied Propane Service  
5000 Seaport Ave  
Richmond CA

\***P8. Recorded by:**  
Katherine Anderson | ESA  
2600 Capitol Ave, Ste 200  
Sacramento CA 95816

\***P9. Date Recorded:** 12/ 12/ 15

\***P10. Survey Type:** Intensive

\***P11. Report Citation:** ESA, Richmond South Shoreline Specific Plan Environmental Impact Report, December 2015.

\***Attachments:**  NONE  Location Map  Sketch Map  Continuation Sheet  Building, Structure, and Object Record  Archaeological Record  District Record  Linear Feature Record  Milling Station Record  Rock Art Record  Artifact Record  Photograph Record  Other (List):

**BUILDING, STRUCTURE, AND OBJECT RECORD**

\*Resource Name or # 5000 Seaport Ave

B1. Historic Name: none  
B2. Common Name: none  
B3. Original Use: office

B4. Present Use: office/ warehouse

\*B5. Architectural Style: Modern

\*B6. Construction History:

1968 original construction  
c. 1985 warehouse addition

\*B7. Moved? No Yes Unknown Date:

Original Location:

\*B8. Related Features:  
none

B9a. Architect: unknown

b. Builder: unknown

\*B10. Significance: Theme: n/ a

Area: n/ a

Period of Significance: n/ a

Property Type: n/ a

Applicable Criteria: n/ a

Since its inception, the City of Richmond has been a terminal port where its growing network of national railroads met deep water channels to the sea. The arrival of the Southern Pacific Railroad in 1878 primed western Contra Costa County for an industrial and economic boom. The arrival of the Santa Fe railroad (1899–1900), the startup of Standard Oil and its industrial waterfront (1901–1902), and the founding of the municipality of Richmond (1905) were also pivotal developments in the Richmond waterfront. Review of historic topographic maps indicate that the immediate vicinity has been subject to development, resulting from the presence of the Southern Pacific Railroad and the Stauffer Chemical Company which opened in 1897. Significant development associated with the SCC occurred around 1915, with a railroad spur paralleling 47<sup>th</sup> Avenue promoting industrial development. In 1950, the University of California at Berkeley opened its Engineering Field Station to the west of the project site. County assessor data indicates that the building at 5000 Seaport Ave was constructed as an industrial office building in 1968. Review of historic aerial maps determined that the southern warehouse was added c. 1985.

Archival review indicates that 5000 Seaport Ave dates to the mid-twentieth century growth and industrial development of the City of Richmond, although this association does not rise to a level of significance required for listing in the state or national registers (Criterion A/ 1). Research did not identify any direct or unique associations between the buildings and important individuals (Criterion B/ 2). The industrial building does not reflect distinctive characteristics of a type, period, region or method of construction, and would not be considered exemplary of the Modern architectural style (Criterion C/ 3). Finally, the building does not appear to possess the potential to yield, information important to the prehistory or history (Criterion D/ 4). The warehouse addition in c. 1985 greatly reduced the building's physical integrity. The property does not retain sufficient physical integrity of materials, workmanship, design, or setting to convey its historically significant associations with the mid- twentieth industrial development in Richmond. As such, the building does not possess the significance necessary to meet the criteria for listing in the NRHP or CRHR.

B11. Additional Resource Attributes: (List attributes and codes) HP8.  
Industrial Building

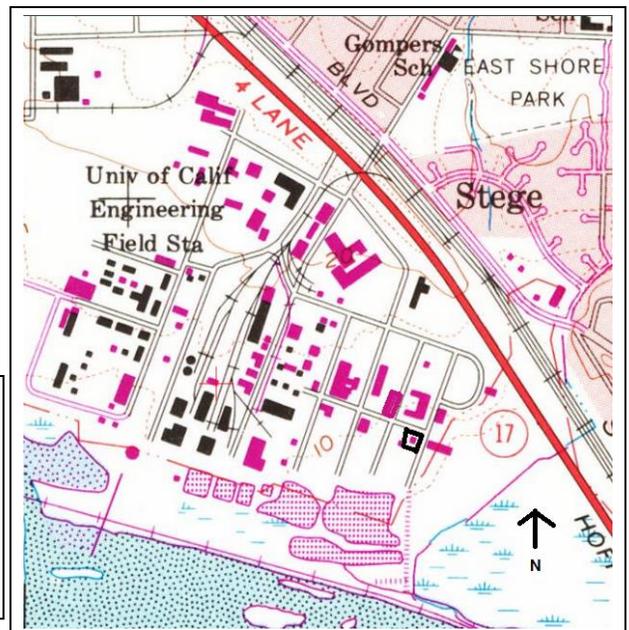
\*B12. References:

B13. Remarks:

\*B14. Evaluator: Katherine Anderson | ESA

\*Date of Evaluation: 12/ 22/ 15

(This space reserved for official comments.)



State of California — The Resources Agency  
 DEPARTMENT OF PARKS AND RECREATION  
**PRIMARY RECORD**

Primary #  
 HRI #  
 Trinomial  
 NRHP Status Code

Other Listings  
 Review Code

Reviewer

Date

Page 1 of 2

\*Resource Name or #: 5021 Seaport Ave

**P1. Other Identifier:** 5021 Seaport Ave

\***P2. Location:**  Not for Publication  Unrestricted

\***a. County:** Contra Costa

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

\***b. USGS 7.5' Quad:** Richmond

**Date:** 1980 T ; R ; ¼ of ¼ of Sec ; M.D. **B.M.**

c. Address: 5021 Seaport Ave

City: Richmond

Zip: 94804

d. UTM: Zone: 10 ; mE/ mN (G.P.S.)

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate) Elevation:

APN 5600330285

\***P3a. Description:** (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries) 5021 Seaport Avenue consists of a single-story office building and industrial warehouse in an industrial neighborhood. The building has a rectangular plan, and consists of concrete block construction with a flat roof and metal awnings which project from the southeast corner. Fenestration consists of metal and glass panel doors, metal roll up garage doors on the eastern and southern elevations, and small aluminum frame sliding windows.

\***P3b. Resource Attributes:** HP8. Industrial Building

\***P4. Resources Present:**  Building  Structure  Object  Site  District  Element of District  Other (Isolates, etc.)

P5a. Photo or Drawing



**P5b. Description of Photo:** view facing northwest

\***P6. Date Constructed/Age and Sources:** 1965  Historic  Prehistoric  Both

\***P7. Owner and Address:**  
 Christian Doving  
 11 Marina Way  
 San Rafael CA

\***P8. Recorded by:**  
 Katherine Anderson | ESA  
 2600 Capitol Ave, Ste 200  
 Sacramento CA 95816

\***P9. Date Recorded:** 12/ 12/ 15

\***P10. Survey Type:** Intensive

\***P11. Report Citation:** ESA, Richmond South Shoreline Specific Plan Environmental Impact Report, December 2015.

\***Attachments:**  NONE  Location Map  Sketch Map  Continuation Sheet  Building, Structure, and Object Record  Archaeological Record  District Record  Linear Feature Record  Milling Station Record  Rock Art Record  Artifact Record  Photograph Record  Other (List):

**BUILDING, STRUCTURE, AND OBJECT RECORD**

\*Resource Name or # 5021 Seaport Ave

B1. Historic Name: none  
B2. Common Name: none  
B3. Original Use: office

B4. Present Use: office/ warehouse

\*B5. Architectural Style: Modern

\*B6. Construction History:  
1965 original construction

\*B7. Moved? No Yes Unknown Date:

Original Location:

\*B8. Related Features:  
none

B9a. Architect: unknown

b. Builder: unknown

\*B10. Significance: Theme: n/ a  
Period of Significance: n/ a

Area: n/ a

Property Type: n/ a

Applicable Criteria: n/ a

Since its inception, the City of Richmond has been a terminal port where its growing network of national railroads met deep water channels to the sea. The arrival of the Southern Pacific Railroad in 1878 primed western Contra Costa County for an industrial and economic boom. The arrival of the Santa Fe railroad (1899–1900), the startup of Standard Oil and its industrial waterfront (1901–1902), and the founding of the municipality of Richmond (1905) were also pivotal developments in the Richmond waterfront. Review of historic topographic maps indicate that the immediate vicinity has been subject to development, resulting from the presence of the Southern Pacific Railroad and the Stauffer Chemical Company which opened in 1897. Significant development associated with the SCC occurred around 1915, with a railroad spur paralleling 47<sup>th</sup> Avenue promoting industrial development. In 1950, the University of California at Berkeley opened its Engineering Field Station to the west of the project site. County assessor data indicates that the building at 5021 Seaport Ave was constructed as an industrial office building in 1965.

Archival review indicates that 5021 Seaport Ave dates to the mid-twentieth century growth and industrial development of the City of Richmond, although this association does not rise to a level of significance required for listing in the state or national registers (Criterion A/ 1). Research did not identify any direct or unique associations between the buildings and important individuals (Criterion B/ 2). The industrial building does not reflect distinctive characteristics of a type, period, region or method of construction, nor would it be considered exemplary of the Modern architectural style (Criterion C/ 3). Finally, the building does not appear to possess the potential to yield, information important to the prehistory or history (Criterion D/ 4). Visual inspection of the building indicates some alterations to the structure, including modern doors and windows infilled with brick, resulting in some reduction in the building's physical integrity. The property does not retain sufficient physical integrity of materials, workmanship, design, or setting to convey its historically significant associations with the mid- twentieth industrial development in Richmond. As such, the building does not possess the significance necessary to meet the criteria for listing in the NRHP or CRHR.

B11. Additional Resource Attributes: (List attributes and codes) HP8.  
Industrial Building

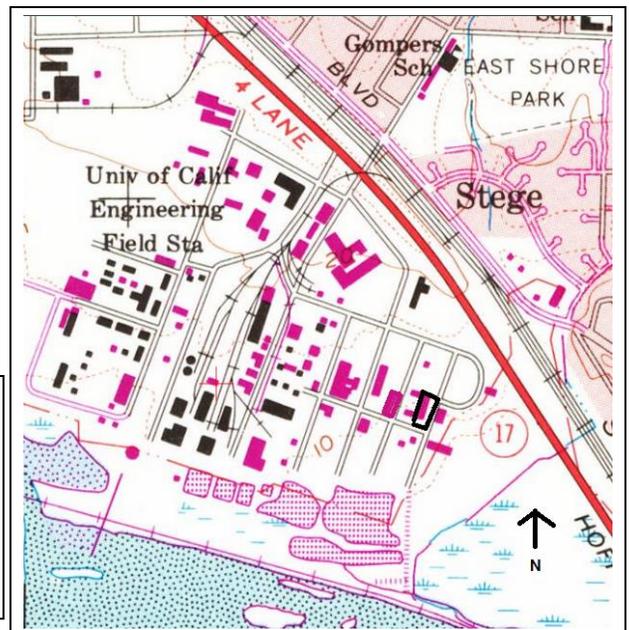
\*B12. References:

B13. Remarks:

\*B14. Evaluator: Katherine Anderson | ESA

\*Date of Evaluation: 12/ 22/ 15

(This space reserved for official comments.)



# Appendix C

Public Hearing and Comments  
on the Draft Environmental  
Impact Report





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CITY OF RICHMOND  
CITY PLANNING COMMISSION  
  
PUBLIC HEARING AND COMMENTS ON THE  
DRAFT ENVIRONMENTAL IMPACT REPORT  
RICHMOND BAY SPECIFIC PLAN - PLN13-108

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Thursday, October 6, 2016  
Council Chambers, Richmond City Hall  
440 Civic Center Plaza  
Richmond, California

REPORTED BY: DEBORAH FUQUA, CSR #12948

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A P P E A R A N C E S

RICHMOND PLANNING COMMISSION:

- SHERYL E. LANE, Chair
- MARILYN LANGLOIS, Vice Chair
- ANDREW BUTT, Commissioner
- NANCY BAER, Commissioner
- JEN LOY, Commissioner

RICHMOND PLANNING COMMISSION STAFF:

- JONATHAN MALAGON: Senior Planner
- JONELYN WHALES: Planner II

- RICHARD MITCHELL, Planning & Building Services Director
- JAMES ATENCIO, Assistant City Attorney

CONSULTANT ESA:

- CHRISTY HERRON, AICP, Senior Managing Associate
- DANIELLE DOWLER, Associate Environmental Planner

OPTICOS DESIGN:

- STEFAN PELLEGRINI, Principal, Opticos Design

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PUBLIC COMMENTS

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---o0o---

1 Thursday, October 6, 2016 7:06 o'clock p.m.

2 ---o0o---

3 P R O C E E D I N G S

4 (Presentation by Stefan Pellegrini and  
5 Christy Herron was given)

6 CHAIR LANE: Thank you. So I know  
7 Commissioners may have questions as well as comments,  
8 but let's go the public speakers first.

9 JONATHAN MALAGON: We have three speakers,  
10 Cordell Hindler, followed by Paul Menault and Garland  
11 Ellis.

12 Cordell Hindler.

13 CORDELL HINDLER: Chair Lane, Commissioners,  
14 Cordell Hindler. I'm board member for Cutting Watch  
15 Association.

16 I really enjoyed the presentation, and as I  
17 stated at the top of the meeting that I've always been  
18 an advocate for hotels. I figured this sounds like an  
19 excellent opportunity. So I have my -- you've got my  
20 support for this, for the project.

21 So all in all, I think we need to have more  
22 use for that structure. So I'm thinking this is a good  
23 idea. So I guess that's it.

24 JONATHAN MALAGON: Paul Minault.

25 PAUL MINAULT: Good evening. I am Paul

PH.CHindler-1

1 Minault, counsel for Allied Propane.

2 I just want to speak on one issue tonight, and  
3 it's both sort of a technical CEQA issue, but I brought  
4 it to the Commission because I think it's also an  
5 important social issue.

6 This concerns the DEIR. And right now, it  
7 does not have an adequate description of the existing  
8 employment conditions in the plan area. And CEQA  
9 requires an accurate what they call a baseline, which  
10 means the existing conditions because obviously any  
11 analysis you're going to make of impacts has to start  
12 with whatever the conditions are now, whether it's  
13 traffic or what have you. And you're going to add to  
14 that with your project.

15 So in the plan area, there may be -- I don't  
16 think anybody knows. There may be a couple thousand  
17 employment opportunities there. And one effect of the  
18 plan will be to erase many of these employment  
19 opportunities.

20 In fact, in one of the four subareas,  
21 Subarea 3, the plan explicitly contemplates that all  
22 the existing employment in there will be removed  
23 because in that area you now have Dreisbach's, Safeway,  
24 and Blue Apron with something like, I think, 1,000  
25 employees if I'm not mistaken. Somebody can correct me

PH.PMinault-1

1 if they know better.

2 All those jobs are meant to be eliminated, and  
3 that area is targeted for R and D. So the technical  
4 CEQA issue is that we don't have a good baseline there  
5 because, if Christy is estimating the maximum  
6 theoretical build-out and the maximum theoretical  
7 number of new employees, theoretically, there's the  
8 total number of new employees minus the total number of  
9 old employees who are displaced; you end up with a net  
10 number. So that's the technical end of it.

11 The social end of it is that this plan could  
12 result in the elimination of -- who knows? Certainly  
13 at least we know for sure at least 1,000 jobs, all of  
14 those and one fourth of one of the four subareas and  
15 perhaps many in the others.

16 And so CEQA generally doesn't look at social  
17 impacts, but social impacts often have indirect impacts  
18 on the physical environment. If you take a city the  
19 size of Richmond and you get rid of 1- or 2,000 jobs,  
20 you're going to see -- I don't need to tell you folks.  
21 You're going to see some physical impacts in the City.

22 And obviously there will be social impacts  
23 that you're well aware of. And I think on this issue  
24 in particular, this is -- I think it's an important  
25 issue for Richmond. I think the figures need to be

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(cont.)

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1 really well generated, well thought out, and well  
2 disclosed. Thank you.

3 JONATHAN MALAGON: Garland Ellis.

4 GARLAND ELLIS: My name is Garland Ellis. I'm  
5 Vice President of Richmond Annex Neighborhood Council.  
6 I'm also on the RNCC board.

7 There are several concerns that we have with  
8 the EIR. First off, why was it a given prior to  
9 okaying this plan? Is it because you didn't want  
10 people to know what the real evidence was for this  
11 entire area that they might use to have this plan  
12 changed?

13 It's very poor planning to put an EIR out  
14 after you already okayed something because the EIR  
15 shows whether it's proper or improper to do what you're  
16 doing there.

17 When the General Plan was arranged, the  
18 concept for this area was to go up to the Bayview  
19 overpass, just up to the edge of it. That's it.

20 And so at that time, the area on the other  
21 side of the Bayview overpass going towards the Hoffman  
22 Marsh was considered to be open space. It was voted to  
23 be open space.

24 Since that time, the railroad gun range  
25 property has been cleaned up. They've come forward and

PH.GEllis-1

PH.GEllis-2

PH.GEllis-2  
(cont.)

1 said, "We've spent all this money to clean up the  
2 property. We want to develop it. We want to put a  
3 high rise hotel in it."

4 We're in opposition to this. First, it's  
5 right next to the Hoffman Marsh. It was voted to be  
6 open space by not only the Planning Commission, the  
7 City Council. We have other examples within the City  
8 where this process has occurred, and it's held the  
9 line. And so we feel it's unreasonable for someone to  
10 come in after the fact, after it's gone through all the  
11 review process, and now want to change it.

12 Yes, they did spend money cleaning up the  
13 property. But that's their obligation. They own the  
14 property. They are the ones who polluted it. They  
15 allowed other police agencies to come in and shoot  
16 there. They could have collected fees, if they wanted  
17 to, to use that to mitigate the property. That was  
18 their choice. Just because they spent money to do the  
19 right thing doesn't mean that we should give them a  
20 license to develop the property.

21 Also within the EIR we see that the City,  
22 because this is a large area, will now be responsible  
23 for the state highway system for that area. That means  
24 if there's any expansion of I-580, which is a good  
25 possibility if the off-ramps have changed, the City of

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(cont.)

1 Richmond will be responsible for putting a major  
2 portion of money in for that.

3 CHAIR LANE: That's time.

4 GARLAND ELLIS: That wasn't considered in the  
5 EIR.

6 CHAIR LANE: Thank you.

7 So that was all of our public speakers.

8 Thanks all of you for coming out and providing public  
9 comment.

10 I'll next come up to the Commissioners and ask  
11 if there's comments and/or questions.

12 Commissioner Baer?

13 COMMISSIONER BAER: I'd first like  
14 Director Mitchell to comment on the jobs issue that was  
15 raised and also the statement by Mr. Ellis that the  
16 plan has already been adopted.

17 Can you comment factual -- on the facts of the  
18 matter, please?

19 DIRECTOR MITCHELL: On the Union Pacific  
20 parcel specifically?

21 COMMISSIONER BAER: You know, on what the --  
22 what the parcel --

23 DIRECTOR MITCHELL: Right. So --

24 COMMISSIONER BUTT: If I may?

25 DIRECTOR MITCHELL: Yes, go ahead. I'm sorry.

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PH.CBaer-2

PH.CBaer-2  
(cont.)

1           COMMISSIONER BUTT:  There was a comment that  
2 the Specific Plan had been adopted prior to the EIR.  
3 That was what she was --

4           COMMISSIONER BAER:  It has not, right?

5           DIRECTOR MITCHELL:  It has not been adopted.

6           COMMISSIONER BAER:  And then the other  
7 gentleman from Allied Propane commented on the jobs  
8 loss issue.  Do you have anything to add to that?

9           DIRECTOR MITCHELL:  No, I think that the  
10 baseline in the EIR accurately reflects the employment  
11 activity that is there.  And so I'm not -- I'm kind of  
12 at a loss that it's not reflected.  And I think the  
13 description they've used in the current area are  
14 included in the document.

15           So, again, I don't think that is accurate  
16 either.

17           COMMISSIONER BAER:  Thank you.

18           CHAIR LANE:  Other Commissioners?  
19 Commissioner Butt?

20           COMMISSIONER BUTT:  I don't have a lot.

21           First of all, thank you, everyone that  
22 participated in this.  It's quite a document.  There  
23 was a lot of information in there, and hopefully some  
24 of it will be compelled to be completed.  I know  
25 there's a lot of buildings there that probably won't be

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(cont.)

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(cont.)

1 going anywhere anytime soon, like, you know, Blue  
2 Apron. There's an article about them recently. I  
3 think they've got 1,000 employees. They seem to be  
4 doing gang busters. PG&E's got a huge facility that's  
5 probably not going anywhere in the next 25 years or  
6 more.

7 But I think it's a good plan. I think it sets  
8 a good precedent for the area.

9 So thanks to the people who put it together;  
10 thanks for the staff who have been involved; and thanks  
11 to those who have commented tonight and otherwise.

12 Couple things. So one, Mr. Mitchell, you had  
13 mentioned, although it wasn't asked, about the --  
14 what's designated as a Special Plan area that was owned  
15 by the railroad. And my understanding was that was  
16 kind of being addressed where, you know, there would be  
17 some light development out there, may be a little hotel  
18 or something like that. But what I'm seeing is in  
19 fact, you know, it's being addressed similar to an R  
20 and D, which does allow very high towers and things  
21 like that.

22 DIRECTOR MITCHELL: What's left is -- I  
23 remember Council debated this during the adoption of  
24 the General Plan. The property owner at that time was  
25 asking for a designation change. We explained why the

PH.CButt-2

1 designation was showing on the General Plan as it was.  
2 They agreed. The council asked us to engage in or to  
3 undertake a Specific Plan process and to come back with  
4 a recommendation for that area.

5 So it's being left as a study area, which is,  
6 we believe, consistent with Council direction at that  
7 time. So they said for the purposes of adopting the  
8 General Plan, we'll leave it as it was designated at  
9 that time. But they did specifically direct us to  
10 engage in a Specific Plan in that area, and then that  
11 designation remains open for future review.

12 I think that's how we got to where we are on  
13 that site.

14 COMMISSIONER BUTT: So would you say it's fair  
15 to say that that effective zoning for that has not  
16 really been finalized, or --

17 DIRECTOR MITCHELL: No, it -- essentially, it  
18 remains open for future review. They did not say --  
19 the door hasn't been closed and said it's going to be  
20 open space forever. The space has been reserved as a  
21 plan area -- yeah, as a plan area.

22 So that means there is an opportunity for  
23 further discussion for a use for that site.

24 COMMISSIONER BUTT: Okay. Yeah, I guess what  
25 I'm saying to that is that that tells me that it's open

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(cont.)

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(cont.)

PH.CButt-2  
(cont.)

1 to complete ambiguity, which, you know, as we talked  
2 recently about this morning, yesterday, and things like  
3 that, doesn't necessarily work well when you've got a  
4 developer who comes in and wants to do something ASAP,  
5 and you say, "Well, not really. It's a study area.  
6 We're not sure what you can do there."

7 So it would be nice to see, maybe when these  
8 things are finalized -- ideally that we maybe do spend  
9 some time as staff and as consultants and as a  
10 Commission to try to figure out some way to really dial  
11 that in a little more maybe in a way that works with  
12 what we envision for that area.

13 Secondly, I have a question -- not sure who to  
14 address it to but just kind of a general question for  
15 the public to understand and for us Commissioners to  
16 understand better. Once this -- both of these  
17 documents are finalized, what does that do to the  
18 process of entitlement?

PH.CButt-3

19 My understanding is that, to some degree at  
20 least, that it very much minimizes the effort that an  
21 individual project would have to go through vis-a-vis  
22 CEP, CEQA -- particularly CEQA, that as long as it's in  
23 line with what's in this document, that they really  
24 have achieved their CEQA responsibilities.

25 DIRECTOR MITCHELL: It gives you a blanket.

PH.CButt-3  
cont.

1 It gives you certainly a base from which to tier  
2 because the specific projects that come in -- we'll  
3 have to make a determination as to whether those  
4 projects generate impacts over and above what's been  
5 covered in this.

6 So it doesn't automatically exempt anyone from  
7 CEQA, but it creates the basis for any supplemental  
8 environmental review or other steps you might take.  
9 There's no automatic review. It's certainly now we  
10 have a framework that makes it easier to get to any  
11 outcome to that's consistent with what's in here.

12 COMMISSIONER BUTT: It gives them a good head  
13 start?

14 DIRECTOR MITCHELL: Yes.

15 COMMISSIONER BUTT: And then one final thing,  
16 and this is somewhat general as well. We, a while  
17 back, maybe a year ago or so -- I think it was the Bay  
18 Walk project. And there was quite a bit of discussion  
19 about the freeway there and the trains that come  
20 through this area and how that might impact housing in  
21 particular in that area.

22 I -- I don't know how that's been addressed,  
23 but I guess my question is more -- my understanding is  
24 that with CEQA laws that's evolved there's been rulings  
25 that the evaluation is on the project and its potential

PH.CButt-4

1 impacts on the environment rather than the existing  
2 environment and its impact on the potential project.

3 So is that correct? Do I have that  
4 understanding correct? And if so, does this deal at  
5 all, or how does it, with significant amount of trains  
6 and vehicles going through there and the pollution  
7 that's related?

8 CHRISTY HERRON: That's true. There have been  
9 recent developments clarifying that CEQA is supposed to  
10 require the analysis of impacts of the project on the  
11 environment and not vice versa.

12 So if you think of -- I think the example that  
13 usually we deal with is a health risk analysis  
14 associated with vehicle emissions that would be -- that  
15 residents of the project would be exposed to, so an  
16 existing volume of vehicles moving past a project site,  
17 for example.

18 Having said that, it's -- there's still some  
19 uncertainty. And what we did for the EIR is include  
20 information about those types of impacts basically for  
21 disclosure. So we have that information in the EIR.

22 And I don't think I could sort of recite  
23 exactly what the results were that we found, but I know  
24 that we looked at things like noise and air quality,  
25 specifically, exposure to toxic air contaminants, for

PH.CButt-4  
(cont.)

1 example, vibration impacts, those sorts of things.

2 COMMISSIONER BUTT: So you sort of covered it  
3 just in case?

4 CHRISTY HERRON: Covered it just in case,  
5 yeah, and that's -- there's no really agreed-upon way  
6 yet, quite, to sort of absorb this -- it's not really  
7 new information. It's been sort of rolling around for  
8 some time now. There's no standard practice for  
9 dealing with this as practitioners of CEQA.

10 But that's often the case is to sort of cover  
11 you bases and include it as information disclosure.

12 COMMISSIONER BUTT: Okay. Thank you.

13 I've got one final question. And that is --  
14 and there was some -- I didn't get this until late, so  
15 I haven't even read through all of it -- not the  
16 document but the letter from the Council of Industries.  
17 And they had mentioned and now there's mention of  
18 obviously kind of the elephant in the room is, you  
19 know, this whole plan that Berkeley had for that area  
20 is now kind of dead, or at least it's going to change  
21 potentially significantly.

PH.CButt-5

22 And obviously that's, to a large degree, part  
23 of the emphasis in doing this Specific Plan. It  
24 certainly impacts greatly how the plan was developed.  
25 So I know there was mention that there was a previous

1 plan prior to any specific plans for the UC property  
2 and that -- I'm just trying to gauge whether things  
3 need to change significantly, or if you guys feel -- it  
4 sounds like you do -- like really it's not that big of  
5 a deal and that this document doesn't necessarily need  
6 to be adjusted significantly to address that change.

7 DIRECTOR MITCHELL: I'll take the first crack  
8 at it and say that -- well, I'll just start by saying  
9 there are essentially two enduring institutions in this  
10 conversation. One is the City of Richmond. It's  
11 likely to be here for a long time. The other is the  
12 University of California.

13 We know that the University of California has  
14 to grow. They've said that. The State legislature's  
15 said that. They've run out of space in their current  
16 campus. And there's a great deal of development  
17 pressure to build, expand, whatever.

18 It's not unusual for the definition of the  
19 development to change, especially when you're dealing  
20 with an academic institution. It's not a business.  
21 It's a different kind of situation.

22 So we don't feel that the changes and the sort  
23 of fits and starts that university's going through have  
24 any impact on the long-term planning for that area  
25 except to say that what's likely to happen may be even

1 more intense than we can anticipate. And that would be  
2 based on just looking at what happened in Mission Bay,  
3 what happened in Emeryville, what happened to the  
4 ballpark.

5 Those projects -- we've forgotten because it's  
6 been so long. We've kind of forgotten what it's like  
7 before those projects existed, what kinds of fits and  
8 starts they went through before they actually took off.  
9 And the projects as they exist today are in fact far  
10 more intense than the original visions were of them.

11 So I'm pretty comfortable that what we have  
12 here is a plan that will be flexible enough to respond  
13 to whatever happens on that campus. But it's not  
14 likely to be less than what they were anticipating as  
15 time goes on. That's just my thought.

16 COMMISSIONER BUTT: Thank you. I appreciate  
17 it. That's all I have.

18 CHAIR LANE: Vice Chairman Langlois.

19 VICE CHAIR LANGLOIS: Thank you very much for  
20 the presentation.

21 One question I have that I heard in your  
22 presentation is you were talking about the Subarea 4  
23 project. And that it would have significant  
24 unavoidable impacts in the area of air quality,  
25 greenhouse gasses, and I believe transportation. Could

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↓



1 you clarify that, please, what the cause of those  
2 unavoidable significant impacts would be?

3 CHRISTY HERRON: Yes, and I'm going to have to  
4 dive into the EIR that I brought with me just to look  
5 at the summary table.

6 I can tell you offhand that the -- in relation  
7 to the greenhouse gas impacts. So part of the analysis  
8 was to come up with an estimate of those emissions for  
9 both construction and operation for the Specific Plan,  
10 which is a large area, and for the project, the  
11 Subarea 4 project site, which is also technically a  
12 large area.

13 So those emissions -- we looked at the impacts  
14 of those emissions according to existing thresholds and  
15 standards for the Air District. And for one standard  
16 it was over the limit, and for another it was under  
17 limit, we found.

18 And then we also looked at the emissions and  
19 the project and the Specific Plan as a whole in terms  
20 of overall consistency with adopted plans and programs,  
21 largely the existing General Plan policies in the  
22 General Plan, and found that on a policy level, on a  
23 programmatic level, the plan and the project were  
24 consistent.

25 However, we identified those impacts as

1 significant and unavoidable because of some of the  
2 uncertainties inherent in some of the assumptions that  
3 we made, which have to do with State policy and  
4 programs and regulations which are not under control of  
5 the City.

6 So it was a way of -- we talk about it as sort  
7 of conservatively identifying the impact of significant  
8 and unavoidable. So that was the greenhouse gasses.

9 Actually, the air quality emissions, it's a  
10 similar kind of story, although I think for that one,  
11 and I'll just refer to the EIR here. But I think for  
12 air quality, we identified that -- and again it's  
13 looking at the total emissions for construction and  
14 operations and comparing it to the Bay Area Air Quality  
15 Management District thresholds for those levels.

16 VICE CHAIR LANGLOIS: Could I just ask you,  
17 are you referring to the air quality and greenhouse gas  
18 emissions and transportation impacts during the  
19 construction phase only, or also for the -- in the long  
20 run, the operation of the -- whatever facilities are  
21 developed at that sight?

22 CHRISTY HERRON: Both construction and  
23 operation.

24 VICE CHAIR LANGLOIS: So what is the nature of  
25 the operations? I mean, I can sort of see the

PH.VCLanglois-2



1 construction could have some impacts.

2           What is the nature of the foreseen operations  
3 that would bring about impacts in air quality, GHG, and  
4 transportation that we don't see in any of the other  
5 areas?

6           CHRISTY HERRON: Well, that, under that  
7 heading of "Operations" is really captured the increase  
8 in vehicle emissions. That's the primary component.  
9 It's all the new cars that would be associated with  
10 the --

11           VICE CHAIR LANGLOIS: Okay, okay. I got it.  
12 Thank you.

13           So that's helpful to know. Perhaps if we  
14 could get more public transportation, we could reduce  
15 that. But is that something you considered?

16           CHRISTY HERRON: We looked at existing and  
17 planned programs for public transportation and transit.

18           VICE CHAIR LANGLOIS: Okay. The other -- and  
19 this is really my main question and my main concern.  
20 It's about health impacts and hazardous materials and  
21 contamination.

22           I note that Subareas 1, 2, and 4 all include  
23 residential. And -- let's see. And in terms of the  
24 hazardous waste, all three of those areas also  
25 include -- have had toxicity from hazardous waste so

1 that, once housing is constructed on any of those  
2 sites, unless they are fully mitigated to the highest  
3 standards for residential, there will be health impacts  
4 on people who live there as a result of constructing  
5 those residential units.

6 So I'd just like to know if, under the  
7 mitigation requirements, it includes for Areas 1 and  
8 3 -- 1 and 4. It looks like there are some certified  
9 sites.

10 In particular, I'm concerned with the Zeneca  
11 site at Site 4, which is under the State Department of  
12 Toxic Substance Control, which is highly, highly  
13 contaminated. And then under Area 2, we have the  
14 Bio-Rad site, which has not yet been fully  
15 characterized.

16 So my question is for all three of those  
17 areas, planned areas, you know, 1, 2, and -- I'm sorry,  
18 1, 3, and 4, I think it is. 1, 3, and 4 right? Or 1,  
19 2, and 4? Which is the one that has no housing? 1, 2,  
20 and 4? Thank you. I don't want to flip around so  
21 much.

22 So for Areas 1, 2, and 4 that, before any  
23 residential can be planned or constructed, that those  
24 sites would have to be -- follow -- have to work with  
25 whatever agency's responsible to fully clean them up,

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(cont.)

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1 the maximum amount, to full residential standards.

2 CHRISTY HERRON: That's right. And that's --  
3 actually, there's a discussion of that under the first  
4 impact in the hazards section, where we identify that  
5 as definitely a potential impact.

6 And we have a couple of mitigation measures.  
7 The first mitigation measure does stipulate that  
8 essentially, you know, this is a process that is  
9 addressed under the oversight of, like you said, the  
10 Department of Toxic Substances Control, the Regional  
11 Water Quality Control Board, other agencies that have  
12 jurisdiction over active cleanup sites or over any site  
13 where that kind of situation that you described could  
14 happen.

15 So we have language in that mitigation measure  
16 to say that the -- I'll try to sort of shorten it here.  
17 But the City is basically on the hook to ensure that  
18 any project would be developed under the supervision of  
19 that applicable agency such that the health-based goals  
20 appropriate for the proposed new use are achieved  
21 before occupancy.

22 VICE CHAIR LANGLOIS: Okay. Thank you.

23 CHAIR LANE: Commissioner Baer?

↓

24 COMMISSIONER BAER: As I read through this, I  
25 became very concerned about the number of measures that

1 were significant and unavoidable.

2 I'm concerned about the number of items in the  
3 EIR that are significant and unavoidable. The most  
4 seemed to be in traffic. And even after mitigation,  
5 they're still significant and unavoidable.

6 So what does that -- does that make this  
7 project untenable? I guess I'm just wondering what the  
8 impact of that is.

9 DIRECTOR MITCHELL: Well, what CEQA does is to  
10 simply advise us of the impacts of the maximum  
11 build-out. And what it tells us is what we generally  
12 know, that, when you have a successful highly intense  
13 development environment, you will have traffic impacts.  
14 So you kind of -- it gives the decision makers an  
15 opportunity to say, "Well, we want to have nice quiet  
16 streets, so we're not going to let anybody be out  
17 there," or, "We're going to step up and join the rest  
18 of the Bay Area and participate in a vibrant economy  
19 and deal with the consequences."

20 One of the consequences is that people are  
21 coming there. And that, in the current environment,  
22 means there will be traffic. That doesn't mean there  
23 will be traffic ten years from now because right now  
24 we're in the midst of the transportation revolution.

25 We don't know exactly where it's going to end,

1 but when we get into what's happening in terms of  
2 technology with automobiles, what we're looking at is,  
3 if all things remain equal, if this area becomes  
4 something other than what it is, there will be more  
5 traffic.

6 What we don't know is to what extent  
7 driverless cars and all these alternative  
8 transportation systems and people living there and  
9 having to commute there from 30 miles away, what that's  
10 going to mean. We're just saying that, given what we  
11 know about the level of development intensity,  
12 employment intensity, that there is a traffic impact.  
13 And the decision maker has the information and can make  
14 a decision knowing that.

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(cont.)

15 COMMISSIONER BAER: And accompanying air  
16 quality impacts.

17 DIRECTOR MITCHELL: Assuming that people  
18 aren't all driving Teslas. See what happens, there's a  
19 revolution in technology as well. So to automatically  
20 assume that everybody's going to be driving an  
21 internal-combustion-powered automobile --

22 COMMISSIONER BAER: Right.

23 DIRECTOR MITCHELL: The changes that are  
24 happening are pretty radical. We don't know.

25 COMMISSIONER BAER: Right, right. The -- I

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(cont.)

1 guess the additional thing that I noticed had to do  
2 with the length of some of the delays. And that would  
3 be changed by electric cars or alternative -- well, it  
4 might be changed by alternative transportation.

5 In one case, if I interpret it right, it's an  
6 hour and a half delay? I mean, just doesn't make any  
7 sense. I can't remember what intersection it was.

8 But anyway, so I'm concerned that, you know,  
9 it puts pressure. That puts pressure on the project  
10 and on the City to, as you say, become part of the 21st  
11 Century and the transportation revolution. So that's  
12 all.

13 COMMISSIONER LOY: I just have a quick  
14 comment. I'd also like to thank everyone involved in  
15 putting the plan together, in particular, all the  
16 community members that aren't here tonight and probably  
17 aren't necessarily watching.

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18 But I know there has been a robust effort to  
19 get a lot of community input, and I've seen that those  
20 plans have evolved over time. I really, really  
21 appreciate that.

22 I also appreciate Commissioner Langlois  
23 bringing up the Zeneca site, which I know is very  
24 important to many community members, and  
25 Commissioner Butt for bringing up the halting

1 indefinitely of the Berkeley Global Campus.

2 And thank you, Mr. Mitchell, for explaining  
3 your perspective and the City's perspective that these  
4 two institutions aren't going anywhere, one of which is  
5 my day job. So I'm glad this isn't going anywhere.

6 And I think that, hopefully, anyone that's  
7 paying attention to this process will feel more  
8 relieved that there will be development. We just don't  
9 know when it's going to happen in that area.

10 So thank you. Thank you, fellow  
11 Commissioners.

12 CHAIR LANE: So with that, looks like that's  
13 all of our public comment. I'm not going to add  
14 anything this evening.

15 So with that, the next steps in the process  
16 are October 18th is the close of comment period for the  
17 Draft EIR. And then in November, that's when it will  
18 come back to us or it should come back to us. And then  
19 December, it's supposed to go to the City Council.

20 Thank you.

21 (Whereupon, the matter concluded  
22 at 7:39 p.m.)

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1 STATE OF CALIFORNIA )  
2 COUNTY OF MARIN ) ss.

3 I, DEBORAH FUQUA, a Certified Shorthand  
4 Reporter of the State of California, do hereby certify  
5 that the foregoing proceedings were reported by me, a  
6 disinterested person, and thereafter transcribed under  
7 my direction into typewriting and is a true and correct  
8 transcription of said proceedings.

9 I further certify that I am not of counsel or  
10 attorney for either or any of the parties in the  
11 foregoing proceeding and caption named, nor in any way  
12 interested in the outcome of the cause named in said  
13 caption.

14 Dated the 13th day of October, 2016.

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17 DEBORAH FUQUA

18 CSR NO. 12948

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