FINAL
Environmental Impact Report
Bottoms Property Residential Project
City of Richmond, Contra Costa County, California

State Clearinghouse No. 2013102024

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Date: November 13, 2014
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SECTION 1: INTRODUCTION

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Richmond has evaluated the comments received on the Bottoms Property Residential Project Recirculated Draft Environmental Impact Report (Recirculated Draft EIR). The responses to the comments and errata, which are included in this document, comprise the Final EIR for use by the City of Richmond in its review.

This document is organized into three sections:

- **Section 1 – Introduction.**

- **Section 2 – Responses to Written Comments:** Provides a list of the agencies, organizations, and individuals that commented on the Recirculated Draft EIR. Copies of all of the letters received regarding the Recirculated Draft EIR and responses thereto are included in this section.

- **Section 3 – Errata:** Includes an addendum listing refinements and clarifications on the Recirculated Draft EIR, which have been incorporated.
SECTION 2: RESPONSES TO WRITTEN COMMENTS

2.1 - List of Commenters

A list of public agencies, organizations, and individuals that provided comments on the Bottoms Property Recirculated Draft EIR (RDEIR) is presented below. Each comment has been assigned a code. Individual comments within each communication have been numbered so comments can be cross-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

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2.2 - Responses to Comments

2.2.1 - Introduction

On March 27, 2014, the City of Richmond circulated a Draft EIR evaluating the Bottoms Property Residential Project (project), which includes 60 units of market-rate condominiums. Nine buildings would be developed as part of the project. The Draft EIR concluded that the proposed project would not result in significant adverse effects after the implementation of feasible mitigation measures.

Various comments were submitted during the public review period relative to the March 27, 2014 Draft EIR. General comments to the Draft EIR were related to overall approval of the project, including the suitability of the project site and visual impacts; the project’s impacts to views from private properties/residences, and the potential resulting impact to real estate values due to loss of views; the project’s consistency with the General Plan with regard to density and the existing zoning of the project site; the adequacy of parking that will be provided for the proposed project; as well as approval of the General Plan Amendment and zoning resulting in impermissible “spot zoning” and that the City should not allow this upon developer request.

Partially in response to public comments received on the project and accompanying EIR, the City revised and recirculated the Bottoms Property Draft EIR to address certain comments and provide clarification as outlined below. The revisions to the Draft EIR do not increase or alter the project’s development type or intensity. The revisions are meant to provide further clarity to information in the Draft EIR that, in turn, addresses expressed concerns regarding the document. Although numerous comments were received on the Draft EIR, the City did not prepare a Response to Comments/Final EIR document, and the project was not considered for approval at a public hearing.

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15088.5 (f)(1), where an entire EIR is recirculated prior to certification, the lead agency is not required to provide written responses to prior comments that were received during the prior public review period. In such cases, the lead agency is only required to respond to those comments submitted in response to the recirculated, revised EIR.

In the case of the Bottoms Property Recirculated DEIR (RDEIR), the comments submitted on the March 27, 2014 Draft EIR were taken into consideration when preparing this RDEIR, and information has been added and the document has been substantially revised to address issues during the public comment period. As discussed above, the document includes new information to address issues, including but not limited to potential impacts to public views; analysis of potential project alternatives designed to reduce or avoid potential impacts; information related to biological and cultural resources, including outreach to tribal entities; information related to transportation including cut-through traffic, and traffic safety along Seacliff Drive; and information related to stormwater and hydrology.

In accordance with the CEQA Guidelines Section 15088, the City of Richmond, as the lead agency, evaluated the comments received on the RDEIR (State Clearinghouse No. 2013102024) for the project, and has prepared the following responses to the comments received. This Response to
Comments document becomes part of the Final EIR for the project in accordance with CEQA Guidelines Section 15132.

The purpose of the public review period is to evaluate the adequacy of the environmental analysis in terms of compliance with CEQA. Section 15151 of the CEQA Guidelines states the following regarding standards from which adequacy is judged:

An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information, which enables them to make a decision, which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts. The courts have not looked for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

The purpose of each response to a comment on a RDEIR is to address the significant environmental issue(s) raised by each comment. This typically requires clarification of points contained in the document. Section 15088(c) of the CEQA Guidelines describes the evaluation that CEQA requires in the response to comments:

The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the lead agency’s position is at variance with recommendations and objections raised in the comments must be addressed in detail, giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.

Section 15204(a) (Focus of Review) of the CEQA Guidelines helps the public and public agencies to focus their review of environmental documents and their comments to lead agencies. Case law has held that the lead agency is not obligated to undertake every suggestion, provided that the agency responds to significant environmental issues and makes a good faith effort at disclosure. Section 15204(a) of the CEQA Guidelines clarifies this for reviewers:

In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the
project. CEQA does not require a lead agency to conduct every test or perform all research, study and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good-faith effort at full disclosure is made in the EIR.

The CEQA Guidelines encourage reviewers to examine the sufficiency of the environmental document, particularly with regard to significant effects, and to suggest specific mitigation measures and project alternatives. Because an effect is not considered significant in the absence of substantial evidence, Guidelines Section 15204(c) advises reviewers that comments should be accompanied by factual support:

Reviewers should explain the basis for their comments, and, should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

Written comments made during the public review of the RDEIR intermixed points and opinions relevant to project approval/disapproval with points and opinions relevant to the environmental review. The responses contained herein respond to the points related to the environmental review under CEQA, and also acknowledge the comments that address points and opinions relevant to consideration of project approval. The response “comment noted” is often used in cases where the comment does not raise a substantive issue relevant to the review of the CEQA environmental analysis. Such points are usually statements of opinion or preference regarding the project’s design or its presence, rather than points within the scope of an EIR, which are limited to environmental impacts and mitigation. These points are relevant for consideration in the subsequent discretionary approval process by the lead agency, rather than within the EIR.

2.2.2 - Master Responses

Master Response 1: Building Heights

Summary of Relevant Comments
Several comments to the RDEIR related to the proposed project building heights, and the project’s consistency with the current height limitation under the City of Richmond General Plan. Many commenters expressed the belief that the project disregards the existing, 35-foot height limitation within the Medium Density Residential land use designation.

Response
The City of Richmond General Plan designates the project site as Medium Density Residential, and the project site currently contains four separate zoning designations: Planned Area (PA), Coastline Commercial (CC), Community Regional Recreation (CCR), and Marine Industrial (M4). The project applicant is proposing to re-zone the entire project site to Planned Area (PA).

The City of Richmond General Plan states the purpose of the PA District is to promote development of large areas in substantial compliance with the principles and standards of the Richmond General
Plan. This includes allowing variety and diversity in the composition and relationship of land uses, building types, structures, lot sizes, and open spaces. Moreover, a specific purpose of PA District zoning is to “eliminate the rigidity, delays and conflicts that otherwise may result from application for zoning standards and procedures designed primarily for small parcels” (City of Richmond Municipal Code Section 15.04.610.010(A) [emphasis added]).

Accordingly, within the City of Richmond, building height limits that would normally apply within base zoning districts may be modified as part of an approved PA District (City of Richmond Municipal Code Section 15.04.610.020(D)). The modification proposed as part of the project acknowledges the minimum densities envisioned for the project site under the General Plan—10 units per acre (see Master Response 5 — General Plan Consistency). Without increasing the vertical dimensions of the allowable building envelopes, it would be infeasible to comply with the minimum General Plan density requirements and the important underlying policies these minimum density requirements address (e.g., the provision of housing).

Accordingly, although the Medium Density Residential land use designation under the City of Richmond General Plan would typically impose a building height limit of 35 feet, the PA district proposed under the project includes a building height limit of 48 feet. The project includes structures ranging from 23.8 to 46.3 feet in height, which are within the 48-foot parameters of the proposed PA zone. Specifically, nine (9) buildings would be developed as part of the project. Buildings 1 through 5, located along the Bay shoreline, would be two stories in height (approximately 23.8 feet). Buildings 6 through 9, located behind Buildings 1 through 5, would be four stories in height on the bay-facing side (approximately 46.3 feet) and three stories on the inland-facing side (approximately 34.9 feet). The potential visual and aesthetic impacts of these proposed building heights have been fully accounted for and evaluated within Section 3.1 of the RDEIR.

Though PA District zoning is intended to address practical conflicts that may arise through implementation of the General Plan, thereby obviating the need to amend the General Plan each time such a conflict surfaces, in order to ensure consistency with the City of Richmond General Plan (as identified multiple times in the Draft EIR [e.g., p. 2-18]), the project applicant is also proposing a General Plan Amendment (GPA) as part of the project entitlements. The proposed GPA would modify General Plan Table 3.1, by adding text that would provide that building height in a Medium-Density Residential land use classification may exceed 35 feet as part of an approved PA district (see RDEIR at p. 2-18).

In addition, any approval of the project, including the adjustment to the height limitation, will include the following required findings under the City’s design review process: whether the proposed design is suitable for its purpose; is harmonious with and relates properly to the surrounding neighborhood, contiguous parcels, and the site itself; whether the location, size, design, and characteristics of the proposed project will be compatible with, and will not be detrimental to, the public health, safety, or welfare of persons residing in or working in or adjacent to the proposed project; whether the overall design will be of a quality that will preserve the integrity of, and upgrade, the existing neighborhood; and whether the design of the proposed project is in accordance with the General Plan of the City of Richmond and all applicable provisions of the zoning
ordinance. If necessary, the Design Review Board may also impose conditions related to design impacts of the project (City of Richmond Municipal Code Section 15.04.930.110).

In summary, the project applicant is not disregarding the applicable height limitation, but is seeking to harmonize General Plan policies that, in certain factual circumstances, lie in tension, and do so through a zoning process that was designed expressly to address such conflicts. That said, the project applicant has taken this approach to modify the General Plan as part of the project approvals, through the appropriate City processes. The City of Richmond has discretion to approve or deny this requested modification. With approval of the GPA, the proposed project, as currently designed, would be consistent with the City of Richmond General Plan and a disharmony engendered by conflicting provisions of the General Plan would be addressed.

**Master Response 2: Alternatives to the Project**

**Summary of Relevant Comments**

Several comments to the RDEIR related to the discussion of alternatives to the project. Several commenters expressed support for one or more of the project alternatives that were analyzed in RDEIR Section 7, and expressed an opinion that one or more alternatives to the project should be selected and approved by the City in lieu of the project.

**Response**

Section 7 of the RDEIR analyzed a total of five (5) alternatives, including No Project Alternative; Increased Intensity Alternative; Removal of Top Floors of Buildings 6, 7, 8 and 9 Alternative; Reduction/Interior Reconfiguration of Buildings 6, 7, 8 and 9 Alternative; and Reduced Unit Size Alternative. These alternatives were presented within the RDEIR to allow for a comparative assessment of environmental impacts that may occur under different development scenarios, and to allow for informed decision-making and full public disclosure. The City Council will review the RDEIR, together with all other project application materials, and will make a decision whether to approve or deny the project as is currently proposed.

Seven other alternatives were considered and rejected due to considerations relating to feasibility, their inability to provide environmental advantages, and/or their inability to meet fundamental project objectives (see RDEIR at p. 7-13 to 7-37).

The rule of reason that governs the range of alternatives analyzed in an EIR requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. CEQA requires an agency to prepare and certify a legally adequate EIR that provides the agency and the public with detailed information regarding the proposed project’s significant environmental impacts, as well as reasonable alternatives that “would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen [those impacts]” (CEQA Guidelines, Section 15126.6 (a); *California Oak Foundation* (2010) 188 Cal.App.4th at 277; see also *In re Bay-Delta Etc.* (2008) 43 Cal. App. 4th 1143 at 1161–1162). Accordingly, alternatives that do not achieve fundamental project objectives or the majority of project objectives need not undergo extensive analysis, nor does a project’s CEQA review need to discuss in any detail alternatives that do not offer significant
environmental advantages in comparison with the project or with the alternatives that are presented in the EIR.

Furthermore, “an EIR need not consider every conceivable alternative to a project or alternatives that are infeasible” (In re Bay-Delta, supra at 1163; CEQA Guidelines, Section 15126.6). That is, an EIR need not consider multiple variations on alternatives that it does consider. With regard to feasibility, the concept of feasibility may take into account economic, environmental, social, and technological factors (Public Resources Code, Section 21061.1). The EIR’s discussion of project alternatives within the EIR was adequate, complete, and made in good faith, which is what is required under CEQA (see In re Bay-Delta Etc., supra, at 1175).

The RDEIR has satisfied applicable CEQA requirements. Members of the public are free to recommend or state a preference for various alternatives though, in evaluating alternatives, the City must observe and consider substantial evidence of the feasibility of each alternative, and its ability to confer significant environment advantages when compared to the proposed project.

**Master Response 3: Design Review Board Approval Process**

**Summary of Relevant Comments**

Several comments to the RDEIR related to overall approval of the project, including the suitability of the project site and visual impacts.

**Response**

As discussed in Section 3.1 of the RDEIR, the Design Review Board is required to make a recommendation to the Planning Commission on the project, which will include the following required findings: whether the proposed design is suitable for its purpose, is harmonious with and relates properly to, the surrounding neighborhood, contiguous parcels, and the site itself; whether the location, size, design, and characteristics of the proposed project will be compatible with, and will not be detrimental to the public health, safety, or welfare of persons residing in or working in or adjacent to the proposed project; whether the overall design will be of a quality that will preserve the integrity of, and upgrade, the existing neighborhood; and whether the design of the proposed project is in accordance with the general plan of the City of Richmond and all applicable provisions of the zoning ordinance. If necessary, the Design Review Board may also impose conditions related to design impacts of the project (City of Richmond Municipal Code Section 15.04.930.110).

On April 30, 2014, the Design Review Board unanimously voted to recommend approval of the overall project design, including the proposed increased height limitation and proposed Planned Area District. This recommendation will be provided to the City of Richmond Planning Commission, who will in turn provide a recommendation to the City Council at a publicly noticed hearing to either approve or deny the project. The Planning Commission may also impose conditions of approval, as necessary.
Master Response 4: Impacts to Private Views

Summary of Relevant Comments
Several comment letters to the Draft EIR expressed concerns about the project’s impacts to view from private properties/residences, and the potential resulting impact to real estate values due to loss of views.

Response
It is important to distinguish between public and private views. Private views are those views seen from privately owned land, including views from private residences, and are typically enjoyed by individuals. Public views are experienced by the collective public. Generally, a project’s interference with public views from public vantage points will be considered to be an adverse aesthetic effect on the environment, while the obstruction of individual landowners’ views from private property is not considered to be a significant environmental impact under CEQA. This is because the purpose of CEQA is to evaluate the impacts of a project on the environment in general, not the impacts of a project on particular individuals.

With respect to views from public vantage points, three computer-generated visual simulations were prepared, which simulate the future visual character after project construction from publicly accessible locations. These visual simulations were presented in the RDEIR in Section 3.1 and include views from public streets and a public park.

These visual assessments represent a reasonable range of public vantage points, capturing “worst-case” vantage points where public views would be most obstructed. CEQA does not require visual assessments to be conducted from individual private properties.

Some commenters have asserted that the project would have a negative impact on home values. The purchase price paid for private property (based upon views or other considerations) is not within the scope of CEQA, which is limited to potential physical environmental impacts of the proposed project. There is no evidence or even an assertion raised that a decrease in property values or other social considerations would lead, directly or indirectly, to significant and adverse environmental impacts.

Master Response 5: General Plan Consistency

Summary of Relevant Comments
Several comments were raised in relation to the project’s consistency with the General Plan with regard to density and the existing zoning of the project site. Specifically, several comments stated that the existing zoning should have been amended and made consistent with the General Plan as part of the citywide, comprehensive zoning amendment following adoption of the 2030 General Plan.

Response
In general, the referenced comments make assertions about the City’s land use procedures, and do not raise environmental considerations. For information purposes, it is important to note that the proposed project is consistent with the Medium Density Residential land use designation under the
City of Richmond General Plan, which permits a density of 10 to 40 dwelling units per acre (du/ac). The project site in total is 25.27 acres, but because a large portion of the site is located under San Francisco Bay or is otherwise restricted from development, project density is calculated based on the developable “net” acreage (6.18 acres). The resulting density is 9.72 units per net acre, which is rounded up to 10 units per net acre for the purpose of the environmental analysis.

The Richmond General Plan's description of the Medium-Density Residential land use designation includes one- to three-story apartment buildings as one illustrative example of housing types within this designation (see Richmond General Plan at p. 3-13, Table 3.1). The project will include two-story, three-story, and four-story buildings, which is consistent with the General Plan examples and the Planned Area (PA) district, the purpose of which is to “... promote development of large areas in substantial compliance with the principles and standards of the Richmond general plan. This includes permitting appropriate variety and diversity in the composition and relationship of land uses, building types, structures, lot sizes and open spaces” (City of Richmond Municipal Code Section 15.04.610.010).

With regard to the comprehensive zoning amendment, the project entitlements will ensure the project site zoning is consistent and harmonious with the site's General Plan designation. The project, then, accomplishes in part what the commenters have asked the City to do.

As a threshold matter, it is important to note that the City of Richmond Zoning Ordinance states that the purpose of the PA District is to promote development of large areas in substantial compliance with the principles and standards of the Richmond General Plan. That is, PA zoning is meant to infuse the planning process in order to address rigidities, delays, and conflicts that emerge through implementation of the General Plan (City of Richmond Municipal Code Section 15.04.610.010(A)). This project demonstrates that the PA Zoning mechanism is functioning as designed. Nevertheless, to ensure harmony between the General Plan and zoning, the applicant has proposed a GPA. These concepts are more fully addressed in Master Response 1 — Building Heights and General Plan Consistency, which is incorporated herein by this reference. Finally, it bears mention that this approach satisfies those provisions of the Richmond Municipal Code that address the issues of consistency between the zoning ordinance and the General Plan. For instance, Richmond Municipal Code Section 15.02.030 provides as follows:

The zoning ordinance whose purpose is to regulate existing uses and uses contemplated in the future shall be made consistent with the general plan as required by State law. In order to carry out this objective, either the zoning ordinance or the general plan shall be amended to achieve such consistency. Whenever a request for a change in the zoning ordinance is found to be consistent with the general plan, the necessary change in the general plan to establish consistency must be adopted prior to adoption of the requested change in the zoning ordinance.

“Consistent with,” as used in this section, means that the zoning ordinance requirements and precise zoning must be in harmony with and compatible with the general plan so that they will not preclude the orderly realization of the objectives of
the general plan within the period of time contemplated by the general plan. Zone regulations which require approval of special permits such as conditional uses, controlled development plans, and planned area district developments before development begins, shall be considered to be consistent with the general plan (emphasis added).

The project applicant is proposing to re-zone the entire project site to PA to ensure the General Plan can harmoniously be implemented on the project site and, further, the applicant has proposed a GPA to ensure a vertical consistency between the General Plan and the zoning ordinance. The project entitlements therefore accomplish what the commenters ask. Insofar as commenters would ask that the project applicant or City accomplish citywide rezoning prior to the approval of further development projects, there is no law that requires such a process be completed in this timeframe, and indeed there may be constitutional prohibitions, (including under the Fifth and Fourteenth Amendment of the U.S. Constitution) on requiring a project applicant to undertake a comprehensive rezoning action where its interests reside in a single site. Insofar as other commenters assert the project GPA is a citywide action that requires more expansive CEQA review, these comments are addressed in Master Response 7, below.

Master Response 6: Parking

Summary of Relevant Comments
Several comments to the RDEIR expressed concerns about the adequacy of parking that will be provided for the proposed project.

Response
A total of 280 parking spaces would be provided for the project, in accordance with the City’s parking requirements. Of these, 128 are garage parking, 120 are driveway parking, and 32 are guest parking spaces. This not only meets but also exceeds the City’s parking requirements for residential uses. Compliance with the City’s parking standard is substantial evidence that adequate parking will be provided for the project.

City of Richmond requirements for parking require residential uses to provide two (2) spaces for each unit, with an additional 1 guest space for each 5 units. Based on these requirements, the total parking code requirement for the project is 132 parking spaces (120 spaces for residents and 12 guest spaces). Parking for each of the homes within the project site would be provided by a private, attached two-car garage. Some driveway areas will also have sufficient length to permit driveway parking.

In addition, Mitigation Measure TRANS-4c is required, which provides as follows: “Prior to issuance of occupancy permits, the project applicant shall require that residents use their parking garages for parking, not storage. Should there be issues with residents parking in guest spaces and insufficient parking is provided for guests, a permit parking system could be implemented by the homeowners association.” The City of Richmond decision-makers will evaluate the adequacy of the project’s parking as part of their consideration whether to approve or deny the project.
Master Response 7: Allegations of Spot Zoning

Summary of Relevant Comments

Several comments to the RDEIR alleged that approval of the GPA and zoning that are proposed as part of the project would result in impermissible “spot zoning” and that the City should not allow this upon developer request.

Response

Neither a GPA nor Planned Area District zoning constitutes the implementation of improper “spot zoning,” and the commenters appear to have conflated these concepts.

With regard to the GPA, the legislative body of a city may amend all or part of a General Plan, subject only to the limitation that a mandatory element of a General Plan may not be amended more than four times per each calendar year (see Cal. Govt. Code § 65358(b)). A General Plan is not intended to be a static document that is not subject to change, because a city’s needs and vision may change due to growth or other factors. Amending a General Plan in connection with a particular development project does not constitute “spot zoning.”

Moreover, the concept of PA District zoning, which in other jurisdictions is known as planned unit development zoning, is a common planning mechanism that is meant to provide a local agency with the flexibility to address unique or special circumstances or community demands that arise in the land use context. The City of Richmond Municipal Code states that the purpose of the PA District is to promote development of large areas in substantial compliance with the principles and standards of the Richmond General Plan (see City of Richmond Municipal Code Section 15.04.610.010). This includes allowing variety and diversity in the composition and relationship of land uses, building types, structures, lot sizes, and open spaces. Moreover, a specific purpose of PA District zoning is to “eliminate the rigidity, delays and conflicts that otherwise may result from application for zoning standards and procedures designed primarily for small parcels” (City of Richmond Municipal Code Section 15.04.610.010(A) [emphasis added]). In summary, PA Zoning is a legal practice that has been adopted in jurisdictions across the State, and here is designed in addition to infuse the City’s planning process with flexibility where unique circumstances present policy tensions and practical obstructions to development.

By contrast, the essence of spot zoning is irrational discrimination, where a favor or disfavor is conferred upon the owner or occupant of a small parcel that his or her neighbors do not experience, thereby creating an “island” of zoning in the middle of a larger area devoted to other uses. Longstanding law has established that the critical difference between illegal spot zoning and acceptable zoning practice is that the former is intended to confer personal gain or detriment upon a particular owner, whereas the latter recognizes that a substantial public need may exist that requires refined zoning.

In this instance, a PA zone and a GPA are proposed in order to permit the development of a parcel that is subject to two General Plan policies—one concerning minimum density, and one concerning height limitations—that, due to unique circumstances, create a tension that renders development of the project site infeasible. This tension and the practical limitations it creates with regard to
development of the project site is more fully explained in Master Response 1 — Building Heights and General Plan Consistency, which is incorporated herein by this reference. In essence, the PA Zoning and GPA ensure the General Plan can be implemented in a harmonious manner, allowing for development of the project site that meets minimum density requirements, and thus furthers important General Plan goals regarding the provision of housing. While the community may perceive that the project applicant is being singled out for preferential treatment, the present entitlements in fact serve to allow, as a threshold matter, any feasible development on the project site and, in doing so, furthers the public interest and community goals already set forth in the General Plan.

2.2.3 - Comment Letters and Responses

The comment letters reproduced in the following pages follow the same organization as used in the List of Commenters.
September 18, 2014

Mr. Kieron Slaughter
City of Richmond
50 Civic Center Plaza, Second Floor
Richmond, CA 94801

Dear Mr. Slaughter:

Subject: Bottoms Property Residential Project, Recirculated Draft Environmental Impact Report, SCH #2013102024, City of Richmond, Contra Costa County

The California Department of Fish and Wildlife (CDFW) reviewed the Recirculate draft Environmental Impact Report (EIR) submitted by the City of Richmond for the Bottoms Property Residential Project (Project). The Project is located in the City of Richmond and approval of the Project would allow for the development of 60 condominium units within a total of 9 buildings on a 25.27-acre site. The construction of the residential subdivision would include extensive grading, trenching, and soil compaction, as well as encroachment upon the Richmond shoreline.

Trustee Agency Authority:

CDFW is a Trustee Agency with responsibility under the California Environmental Quality Act (CEQA) for commenting on projects that could impact plant and wildlife resources. Pursuant to Fish and Game Code Section 1802, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species. As a Trustee Agency for fish and wildlife resources, CDFW is responsible for providing, as available, biological expertise to review and comment upon environmental documents and impacts arising from project activities, as those terms are used under CEQA [Division 13 (commencing with Section 21000) of the Public Resources Code].

Pursuant to our jurisdiction, CDFW is concerned the Project will have a significant impact on Coastal brackish marsh habitat and aquatic resources which provide suitable habitat for several special-status species. Therefore, CDFW is offering the following comments and recommendations regarding the proposed Project.

Responsible Agency Authority:

CDFW has regulatory authority over projects that could result in the “take” of any species listed by the state as threatened or endangered, pursuant to Fish and Game Code Section 2081. If the Project could result in the “take” of any species listed as threatened or endangered under the California Endangered Species Act (CESA), an Incidental Take Permit (ITP) will be required. CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (Sections 21001(c), 21083, Guidelines Sections 15380, 15064, 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency’s FOC does not eliminate the Project proponent’s obligation to comply with Fish and Game Code Section 2080.
Migratory and Nesting Birds

It is recommended that mitigation measure MM Bio-1c, for pre-construction nesting bird surveys on page ES-13 of the draft EIR, be altered from: the removal of trees and shrubs will occur outside of the nesting season. If construction must occur during the avian nesting season (February through August) a preconstruction bird survey shall be conducted no less than 14 days prior to any ground-disturbing activities. If at any time birds are found to be nesting inside or within 250 feet (500 feet for raptors) of the impact area, construction activities within 250 feet of the nest shall cease until it is determined by a qualified biologist that the nest is no longer active; to the following: pre-construction surveys for nesting birds shall occur prior to the following: Any Project action, including ground-disturbing activities scheduled to occur between February 1 and September 1. The pre-construction survey shall be conducted by a qualified biologist no more than 14 days prior to the initiation of construction. If a lapse in Project activity of one week or more occurs, the surveys shall be repeated. If nesting birds are found, species-specific buffers shall be implemented in consultation with CDFW. The buffer area shall be fenced off from work activities and no work shall occur in that area until the young have fledged, as determined by a qualified biologist. Active nests found within the vicinity of the Project area, outside the species specific buffer shall be monitored by the Project biologist during all work activities for changes in bird behavior, the qualified biologist shall perform at least two-hours of pre-construction monitoring to characterize normal bird behavior. At the first indication of nest abandonment all work shall halt and the biologist shall contact CDFW on how to proceed.

Section 1600 Lake and Streambed Alteration Agreements

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 a Lake and Streambed Alteration Agreement (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 completion of the agreement. To obtain information about the LSAA notification process, please access our website at http://www.dfg.ca.gov/habcon/1600/; or to request a notification package, contact the Bay Delta Regional Office at (707) 944-5500.

The Project may have the potential to infill habitat that may be subject to the 1600 et seq. of the Fish and Game Code, including unidentified swales and drainages in the northwest portion of the Project site proximal to the Canal Boulevard boundary. In addition, remnant fresh or salt water marsh habitat may be present in the southern portion of the site in years of higher annual rainfall. To facilitate CDFW’s review; it is recommended that the draft EIR contain a separate section to address these specific areas, specific habitat types, and identify impact areas of the Project site potentially subject to an LSAA. In addition, this section is advised to discuss and incorporate feasible, measurable, and enforceable avoidance and minimization measures to reduce these impacts to less-than-significant. It is also recommended the impact to the potential areas covered by the LSAA be mitigated through the development of a conservation area, mitigation plan, or habitat restoration program within the vicinity of the Project site, if applicable. Avoidance of impact and incorporation of the drainages and swales into the new development would be the preferred alternative.
Richmond Shoreline
Policy CN2.1 of the Richmond General Plan 2030 notates the necessity to ensure that Richmond's expansive shoreline, network of parklands, trails, hillsides, and undeveloped areas remain viable in supporting biological communities and providing sanctuary for future generations. Furthermore, Policy CN2.2 of the Richmond General Plan 2030 notates the necessity to minimize impacts of development on the shoreline with special attention to intensity, density, and proximity to the water. Policy CN 2.2 specifically calls out the need to protect and restore wetlands, native habitats, and open space, and to develop shoreline parks and trails to increase public access as well as the adoption of project plans that will protect natural and built environments from potential impacts of sea level rise due to climate change. Therefore, it is recommended a larger buffer from the shoreline be installed and a reduction in grading activities near the shoreline is implemented to reduce impacts to natural resources. It is also recommended that more open space or public space be incorporated into the Project plans to conform to the policies of the Richmond General Plan and to offset impacts to habitat, that may be disturbed but still provides resources for wildlife. This habitat, especially near the shoreline, should be installed as mitigation and as habitat that restores coastal marsh habitat. To facilitate CDFW's review it is recommended that the draft EIR address these impacts in a separate section of the environmental document and discusses the plans conformity to these policies as noted in the Richmond General Plan 2030, and discusses mitigation plans, and monitoring plans with success criteria in a separate section of the environmental document.

Landscaping and Trail Improvements
CDFW recommends in accordance with Policy CN2.1 of the Richmond General Plan, that the incorporated open space environments, landscaping, and trail improvements in the Project site utilize plant pallets that include plantings of only native plant species known to occur historically in the area of the Project site and that a pallet consisting of pickle weed and other coastal salt marsh species be utilized in areas closer to the shoreline. The pallet of plant species should be presented in a separate section of the draft EIR and discuss monitoring plans, success criteria, and invasive species eradication and a viable funding source to ensure the plantings will meet the proposed success criteria.

If you have any questions, please contact Mr. Robert Stanley, Environmental Scientist, at (707) 944-5573; or Ms. Annee Ferranti, Senior Environmental Scientist (Supervisory), at (707) 944-5554.

Sincerely,

Scott Wilson
Regional Manager
Bay Delta Region

cc: State Clearinghouse
State Agencies

California Department of Fish and Wildlife (CDFW)

Response to CDFW-1
The commenter provides introductory remarks to open the letter. No response is necessary.

Response to CDFW-2
This comment is noted. No additional response is necessary.

Response to CDFW-3
The commenter provides a general comment regarding potential impacts to coastal brackish marsh habitat and aquatic resources. As outlined within page 3.3-9 of the RDEIR, the site is “highly disturbed” and there is a lack of “suitable habitat onsite” (see Moore, BA, pp. 4–5 [indicating site is disturbed due to previous contamination cleanup and mass grading associated therewith]). In addition, page 3.3-2 of the RDEIR summarizes the project site and states it consists of ruderal grass and weed species. The Moore 2011 Biological Assessment, and the more recent site visit in September 2013 [p. 3.3-10]), confirmed a lack of coastal brackish marsh habitat. Ultimately, as concluded within the RDEIR and the associated Moore 2011 Biological Assessment, the habitat (and other sensitive aquatic resources) do not exist on the site. Additional responses in this regard are provided in the below response to comments.

Response to CDFW-4
This comment is noted. No additional response is necessary.

Response to CDFW-5
The commenter recommends that Mitigation Measure BIO-1 c, for pre-construction nesting bird surveys on page ES-13 of the RDEIR be altered. The requested revisions to Mitigation Measure BIO-1c have been incorporated and included within this Final EIR within Section 3, Errata.

The original mitigation measure, as outlined in Mitigation Measure BIO-1c, is adequate to reduce impacts to less than significant, and the requested revisions are not considerably different from the original mitigation measure provided within the RDEIR. This comment is noted. No additional response is necessary.

Response to CDFW-6
CDFW comments that the CEQA document should fully identify the potential impacts to stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments though a Lake and Streambed Alteration Agreement (LSAA) pursuant to Section 1600 of the Fish and Game Code.

Impact BIO-2 of the CEQA document determined that the project site does not contain any streams, riparian habitat, or other sensitive natural communities protected by CDFW; therefore, the project would not impact any riparian resources and an LSAA would not be warranted. This comment is noted. No additional response is necessary.
Response to CDFW-7

CDFW comments that the project may impact habitat that is subject to the Section 1600 of Fish and Game Code, including unidentified swales and drainages in the northwest portion of the project site close to Canal Boulevard, and remnant fresh- or saltwater marsh habitat may be present in the southern portion of the site during years with a higher annual rainfall.

Analysis for the RDEIR section is based on a site visit by a FirstCarbon Solutions (FCS) biologist, as well as information contained in the Biological Resources Due Diligence Review prepared in October 2011 by Moore Biological Consultants, included in this Recirculated Draft EIR as Appendix B and incorporated herein by this reference. To support the Biological Resources Due Diligence Review, a field survey was conducted on September 26, 2011 by Moore Biological Consultants and by the FCS biologist in September 2013. The survey consisted of walking throughout the project site, making observations and noting habitat conditions, surrounding land uses, and plant and wildlife species were noted. During this site visit, an assessment of potentially state and federal jurisdictional waters was conducted. As discussed in the Biological Resources Due Diligence Review prepared in October 2011 by Moore Biological Consultants, other than a few individual pickleweed plants growing in the sand right at the waterline, there are no other emergent wetland plants such as cattails or tules along the shoreline. Moreover, the separation between the San Francisco Bay and the project site is not gradual but marked by a steep grade consisting of rocks placed to minimize wave erosion, as set forth in greater detail in the Biological Resources Due Diligence Review. Beyond the San Francisco Bay, in the upland areas that constitute the project site, no potentially jurisdictional waters of any type were observed in or adjacent to the project site. The site consists of highly disturbed uplands ruderal grassland with scattered shrubs. In summary, no areas were observed within or adjacent to the site (with the exception of the San Francisco Bay) that have any potential to fall under state or federal jurisdiction, including vernal pool, seasonal wetlands, marsh ponds, lakes, or riparian wetlands of any type.

The project does include a proposed shore access path that leads to the San Francisco Bay but, as demonstrated in Exhibit 3.3 1, the proposed path is outside of the mean high water mark. Therefore, construction of the access path will not require Clean Water Act permits from the U.S. Army Corps of Engineers or the Regional Water Quality Control Board. In addition, because the proposed shore access path is not within riparian habitat or within a defined bed and bank under the jurisdiction of California Department of Fish and Wildlife, a Streambed Alteration Agreement is not warranted. For these reasons, development of the project would not affect riparian habitat, sensitive natural communities as identified in local or regional plans, policies, and regulations or pollute the shoreline from onsite stormwater runoff. This comment is noted. No additional response is necessary.

Response to CDFW-8

The commenter states policy guidelines within Policy CN2.1 and CN2.2 of the Richmond General Plan 2030 and recommends that a larger buffer from the shoreline be installed and a reduction in grading activities near the shoreline is implemented to reduce impacts to natural resources. The commenter recommends that more open space or public space be incorporated into the project plans to conform to the policies of the Richmond General Plan and to offset impacts to habitat. Accordingly,
the commenter recommends that the draft EIR address these impacts in a separate section of the environmental document and discusses the project’s conformity to these policies as noted in the Richmond General Plan 2030, and discusses mitigation plans, and monitoring plans with success criteria in a separate section of the environmental document.

As outlined within the City of Richmond General Plan, Policy CN 2.1 and CN2.2 include the following:

- **Policy CN2.1: Open Space and Conservation Areas**
  - Preserve open space areas along the shoreline, creeks, and in the hills to protect natural habitat and maintain the integrity of hill sides, creeks and wetlands. Protect existing open space, agricultural lands and parks.

- **Policy CN2.2: Richmond Shoreline**
  - Minimize the impacts of development on the shoreline with special attention to intensity, density, and proximity to the water. Conserve, protect and enhance natural and cultural resources along the Richmond shoreline. Promote a balance of uses along the shoreline that supports multiple community needs such as economic development, recreation, historic preservation and natural resource protection.
    - Provide a mix of residential and recreation uses in the Southern Gateway change area; support an active industrial waterfront around the Port and along the Santa Fe Channel; and promote a cultural heritage shoreline west of the Port.
    - Protect and restore wetlands, native habitats and open space; develop shoreline parks and trails to increase public access; encourage recreation and tourism activities; and enhance and showcase historic and cultural resources. Prepare, adopt, and implement plans that will protect natural and built environments from adverse potential impacts of sea level rise due to climate change.

The project is consistent with the City of Richmond General Plan Policies CN2.1 and CN2.2. As outlined within the RDEIR (page 3.3-12), the project’s design includes buffer zones of up to 100 feet along the shoreline to minimize the potential for runoff to enter the Bay. As demonstrated in Exhibit 3.3-1 of the RDEIR, the proposed shore access path is also outside of the mean high water mark. Therefore, construction of the shore access path will not require Clean Water Act permits from the U.S. Army Corps of Engineers or the Regional Water Quality Control Board. In addition, because the project’s proposed shore access path and proposed vehicle access are not within riparian habitat or within a defined bed and bank under the jurisdiction of California Department of Fish and Wildlife, a Streambed Alteration Agreement is not required.

Moreover, substantial evidence supports a determination that the existing 100-foot buffer, as well as governing regulatory policies and project components, are adequate to prevent impacts from project grading (and project operation). For instance, stormwater generated onsite would also be directed to 19 onsite stormwater bio-retention basins totaling 7,837 square feet of treatment area, which exceeds the C.3 requirements. The bio-retention areas are located throughout the site and are designed to be able to accommodate the stormwater runoff volumes associated with the proposed development. All drainage appurtenances are adequately sized to facilitate the transfer and storage
of flood flows through the project site to the bio-retention areas. Ultimately, the stormwater drainage system will be sufficient to capture and treat stormwater prior to leaving the project site.

Furthermore, the project is designated as Group 1 under the RWQCB policies, and would therefore be required to meet all the terms of the Municipal Regional Stormwater Permit (MRP) including Numeric Sizing Criteria for Pollutant Removal Treatment Systems, Operation and Maintenance of Treatment Measures, and Limitation on Increase of Peak Storm Water Runoff Discharge Rates. The project would be required to file a Notice of Intent with the RWQCB to be covered under the State National Pollution Discharge Elimination System (NPDES) General Construction Permit for discharges of stormwater associated with construction activity. The Applicant would be required to develop and implement a Storm Water Pollution Prevention Plan (SWPPP), including the implementation of Best Management Practices (BMPs) designed to reduce potential impacts to surface water quality during the construction of the project. The SWPPP for the project will be submitted to the City of Richmond under the Contra Costa County Clean Water Program, as required by the RWQCB MRP.

The SWPPP is part of the Construction NPDES permit. In addition, as discussed above, MRP C.3 requirements provide guidance to ensure operational water quality would not be substantially affected. Together, these documents ensure that project construction and operation would comply with the applicable water quality and waste discharge standards and would not otherwise substantially degrade water quality from stormwater runoff.

The SWPPP also requires appropriate structural and non-structural BMPs, including but not limited to the following:

- **Erosion Control.** Employ measures to prevent the movement of soil by wind or water during project construction and may include watering and physical barriers to the movement of soil particles.

- **Sediment Control.** Employ features to prevent the offsite conveyance of sediments, including onsite catch basin inlet protection.

- **Tracking of Soil.** Employ measures to effectively minimize the tracking of soil by vehicles and may include gravel driveways, wheel washes, and street sweeping.

- **Wastes and Cleanup.** The SWPPP must address storage and disposal related to debris, trash, concrete, asphalt, paint, coatings, solvents, and other materials applicable to preparation and construction at the project site.

- **Other Reasonable BMPs.** The SWPPP must also implement other applicable BMPs as needed to keep pollutants away from stormwater. The SWPPP must identify additional applicable measures taken during the rainy season and when storms are anticipated.

Years of field testing and field use have demonstrated that these BMPs reduce stormwater runoff impacts to a less than significant level.

MRP Provision C.3. requires that runoff flow and volume be managed so that the post-project runoff does not exceed estimated pre-project rates and durations, where such increased flow and/or
volume is likely to cause increased potential for erosion of creek beds and banks, silt pollutant generation, or other adverse impacts on beneficial uses due to increased erosive force.

Based on the amount of impervious surface to be created, Provision C.3 requires a total of 7,351 square feet of stormwater treatment area. As shown in Exhibit 4-2, stormwater runoff from the project site would be collected and treated in 19 bio-retention basins, totaling 7,837 square feet of treatment area, which exceeds the C.3 requirements. The project would not adversely affect the hydrology of the site, and would provide enhancements through onsite capture and treatment before release to the existing outfall, as required by the RWQCB MRP.

Consequently, consistency with the requirements of Provision C.3, including the SWPPP and associated BMPs, as well as the distance of the 100-foot buffer zone along the project site will limit grading activities near the shoreline in turn minimizing potential impacts to natural resources.

The commenter also suggests more open space is necessary to mitigate impacts on sensitive habitats. As discussed above, no sensitive habitats exist on the project site, and there are no impacts to mitigate. Imposing exactions on the project applicant could raise constitutional issues concerning unlawful takings. Notwithstanding the above, the project includes ample open space. For instance, the project proposes a zoning amendment to re-zone the site to PA District. One specific purpose of the PA district is to provide the allocation and improvement of common open space in residential areas, and provide the mechanisms for the maintenance of open space by those who will most directly benefit from it.

In furtherance of the goals of the PA zone, the project includes open space enhancements. The Bay Trail extension, which is located along the shoreline in a 22-foot-wide easement through the project site, closed a gap in the San Francisco Bay Trail between Canal Boulevard and Seacliff Drive, as contemplated by the City of Richmond’s 2030 General Plan. The project would provide a wider sidewalk between the project entrance and the crosswalk on Seacliff Drive near the intersection of Brickyard Cove Road for safer multi-use access, public access parking near the project entrance from Seacliff Drive, a shoreline access path and ramp, two doggy pick-up stations, and additional benches along the portion of the Trail through the property.

While the project site is undeveloped, the Bay Trail along the project’s southern boundary maintains the integrity of the existing Bay edge and preserves and enhances open space amenities for residents and the public. The project will not be a gated community, and it includes interconnected streets, gathering places, and open space to encourage walkability and safety for pedestrians. With the project’s enhancement of the Bay Trail, it will provide the public with opportunities for access to the shoreline and opportunities for recreation and enjoyment of this scenic resource. In addition, the project also includes landscaping and other enhancements to the new Bay Trail segment that is located along the southern boundary of the site within a 22-foot-wide easement.

Consequently, the project will comply with the policies, goals, and standards of the Richmond General Plan 2030; BCDC requirements; and the Zoning Ordinances Minimum Area, Density, Performance Standards, and other standards that address potential issues of consistency or impacts to the Bay shoreline and natural resources. The provision of additional open space and buffers, as
requested in the comment, is not required to reduce or eliminated any potential physical effects identified for the project.

Response to CDFW-9
The commenter recommends in accordance with Policy CN2.1 of the Richmond General Plan, that the incorporated open space environments, landscaping, and trail improvements in the project site utilize plant pallets that include plantings of only native plant species known to occur historically in the area of the project site and that a pallet consisting of pickleweed and other coastal salt marsh species be utilized in areas closer to the shoreline. The pallet of plant species should be presented in a separate section of the draft EIR and discuss monitoring plans, success criteria, and invasive species eradication and a viable funding source to ensure the plantings will meet the proposed success criteria.

As outlined within the City of Richmond General Plan, Policy CN2.1: Open Space and Conservation Areas states the following:

Preserve open space areas along the shoreline, creeks, and in the hills to protect natural habitat and maintain the integrity of hillsides, creeks and wetlands. Protect existing open space, agricultural lands and parks.

The project’s landscaping plans will be consistent with Policy CN2.1 with the inclusion of plants recommended for bay-friendly landscapes as well as plants recommended for the shoreline by BCDC. The project’s landscape plans for the bay front zone currently include Carex praeagracilis (Native), Carex pansa (Native), Calamagrostis nutkaensis (Native), Muhlenbergia rigens (Native), Leymus c. ‘Canyon Prince’ (Native), and Fragaria chiloensis (Native). Consequently, all plantings within the bay front zone will contain all Bay Area native plants. Open space environments within the project site will include native and/or adaptive plant species as recommended for bay-friendly landscapes by BCDC.

In addition, as outlined within Response to TRAC-5, Mitigation Measure TRANS-6d was added to require that the homeowners association will be responsible to maintain the Bay Trail in perpetuity, including shoreline revetments and all site landscaping as is normally required of shoreline developments. The final landscaping plan for the project will also be subject to review and approval by the City of Richmond.
Kieron Slaughter

From: GREENWOOD, GREGORY L <gg7254@att.com>
Sent: Tuesday, August 12, 2014 10:51 AM
To: Kieron Slaughter

Good Morning Kieron,

In regards to Notice of Completion for Shea Homes – Bottoms Property Residential Project:

Please make sure Shea Homes contact our design engineer for City of Richmond Jamie Carpenter in regards to this new Tract Development as he is currently unaware of this project.

Jamie Carpenter contact information:
Email: JC9491@att.com
PH: 925.823.8598

No other comments at this time.

Thank You,
Gregory Greenwood
AT&T North Bay C&E
Public Works Coordinator
2600 Camino Ramon
RM#2E950L
San Ramon, CA 94583-5000
PH: 925.824.5564
CELL: 925.548.4668
FAX: 925.867.1069

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Local Agencies

AT&T North Bay C&E (AT&T)

Response to AT&T-1

This comment is noted. As requested, the applicant will contact AT&T’s design engineer in regards to the Bottoms Property Residential Project. No additional response is necessary.
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August 19, 2014

Kieron Slaughter, Associate Planner
City of Richmond Planning Department
450 Civic Center Plaza, 2nd Floor
Richmond, CA 94804

Re: Recirculated Draft Environmental Impact Report – Bottoms Property Residential Project, Richmond

Dear Mr. Slaughter:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Recirculated Draft Environmental Impact Report for the Bottoms Property Residential Project located in the City of Richmond. EBMUD provided comments on water service and water conservation for the Draft EIR on May 1, 2014. The comments regarding water conservation have been addressed in the Recirculated Draft EIR. EBMUD’s original comments (see enclosure) still apply regarding water service.

If you have any questions concerning this response, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning, at (510) 287-1365.

Sincerely,

[Signature]

William R. Kirkpatrick
Manager of Water Distribution Planning

WRK:TRM:djr
sb14_191.docx

Enclosure

cc: Shea Homes
2580 Shea Center Drive
Livermore, CA 94551
May 1, 2014

Kieron Slaughter, Associate Planner
City of Richmond
450 Civic Center Plaza, 2nd Floor
Richmond, CA 94804

Dear Mr. Slaughter:

Re: Notice of Availability - Draft Environmental Impact Report – Bottoms Property Residential Project, Richmond

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

GENERAL

On page 4-19, under Section 4.11.3 – Resources and Entitlements, there is reference to an existing EBMUD 8-inch potable water line in Seacliff Drive; the text should be updated to reflect that there is a 12-inch water line is located in Seacliff Drive from Sandpiper Place to Seacliff Place.

On page 4-19, under Section 4.11.4 – Wastewater Capacity, there is reference to an existing EBMUD pump station in Seacliff Drive for sewers. The City of Richmond is outside of EBMUD’s wastewater service area; the pump station in Seacliff Drive is not an EBMUD facility.

WATER SERVICE

EBMUD’s Central Pressure Zone, with a service elevation range between 0 and 100 feet, will serve the proposed development. Water main extensions, at the project sponsor’s expense, will be required to serve the proposed development. Off-site pipeline improvements, also at the project sponsor’s expense, may be required to meet domestic demands and fire flow requirements set by the local fire department. Off-site pipeline improvements include, but are not limited to, replacement of existing water mains to the project site. When the development plans are finalized, the project sponsor should contact EBMUD’s New Business Office and request a water service estimate to determine costs and conditions for providing water service to the proposed development. Engineering and installation of water mains, off-site pipeline improvements, and services requires substantial lead-time, which should be provided for in the project sponsor’s development schedule.
The project sponsor should be aware that EBMUD will not inspect, install or maintain pipeline 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 pose a
health and safety risk to construction or maintenance personnel wearing Level D personal
protective equipment. Nor will EBMUD install piping in areas where groundwater contaminant
concentrations exceed specified limits for discharge to sanitary sewer systems or sewage
treatment plants.

Applicants for EBMUD services requiring excavation in contaminated areas must submit
copies of existing information regarding soil and groundwater quality within or adjacent to
the project boundary. In addition, the applicant must provide a legally sufficient, complete
and specific written remedial plan establishing the methodology, planning and design of all
necessary systems for the removal, treatment, and disposal of all identified contaminated
soil and/or groundwater.

EBMUD will not design the installation of pipelines until such time as soil and groundwater
quality data and remediation plans are received and reviewed and will not install pipelines
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 applicant is insufficient, EBMUD may require the applicant
to perform sampling and analysis to characterize the soil being excavated and groundwater
that may be encountered during excavation or perform such sampling and analysis itself at
the applicant’s expense.

WATER CONSERVATION

The proposed project presents an opportunity to incorporate water conservation measures.
EBMUD would request that the City include in its conditions of approval a requirement that
the project sponsors comply with the Landscape Water Conservation Section of the Municipal
Code of the City of Richmond, Section 15.04.205 – Site Development Review. Project
sponsors 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.
Kieron Slaughter, Associate Planner
May 1, 2014
Page 3

If you have any questions concerning this response, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning, at (510) 287-1365.

Sincerely,

[Signature]

William R. Kirkpatrick
Manager of Water Distribution Planning

cc: Shea Homes
2580 Shea Center Drive
Livermore, CA 94551-5064
**East Bay Municipal Utility District-1 (EBMUD-1)**

*Response to EBMUD-1*

The agency provides introductory remarks to open the letter, and refers to its prior comment letter on the DEIR dated May 1, 2014. The agency acknowledges that their prior comments regarding water conservation have been addressed in the RDEIR, but states that their original comments regarding water service still apply.

To reiterate the agency’s original comments regarding water service in its May 1, 2014 letter, the agency provided general information regarding its future water service to the project, and specific items that will be required by the agency from the project applicant once development plans are finalized; and its general policy regarding installation of pipelines in contaminated soil or groundwater.

These comments have been noted and will be provided to the City of Richmond decision makers for their consideration of whether to approve or deny the project. No further response is necessary.
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September 25, 2014

Via E-mail and U.S. Mail
Mr. Kieron Slaughter
Associate Planner, City of Richmond
Planning Division
450 Civic Center Plaza, 2nd Floor
P.O. Box 4056
Richmond, CA 94804

Re: Citizens for Responsible Development Comments on the Recirculated Draft Environmental Impact Report for the Bottoms/Shea Project

Dear Mr. Slaughter:

Our offices represent the Citizens for Responsible Development ("CRD"), an unincorporated citizen group comprised of neighbors who live and reside in the Seacliff neighborhood adjacent to the project site, and in neighborhoods in close proximity.

Through our office, CRD previously commented on the Draft Environmental Impact Report ("DEIR") dated March 27, 2014. In those previous comments, CRD alleged, among other arguments, that the DEIR failed to meaningfully discuss and address the fact that the Bottoms/Shea condominium project ("Bottoms/Shea Project" or "Project") cannot be approved without a citywide General Plan Amendment ("GPA") that would permit building heights of up to 50 feet in Medium-Density Residential districts that are simply rezoned to Planned Area ("PA") districts.

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1 It appears that the City and/or the Applicant has changed the proposed GPA to allow for building heights of up to 48 feet in Planned Area districts instead of 50 feet. CRD objects to either proposed GPA as it is referenced in the RDEIR.
Mr. Kieron Slaughter  
Associate Planner, City of Richmond  
Planning Division  
September 25, 2014  
Page 2

CRD further alleged in its previous DEIR comments that the City’s failure to include the GPA in the Project's description, as well as failure to address the potential environmental impacts of such a citywide GPA, demonstrated that the City had not complied with the California Environmental Quality Act ("CEQA") and its requirement that cities provide "accurate, stable and finite project description[s]." 

After receipt of our previous comments and others from concerned citizens, the City revised and recirculated a Revised Draft Environmental Impact Report ("RDEIR," dated August 12, 2014) in order to "clarify expressed concerns" about the DEIR. CRD had hoped that the City would carefully evaluate and consider the impacts of the citywide GPA, but the RDEIR again fails to meaningfully examine the potentially significant impacts of this Project as proposed. Specifically, the RDEIR does not accurately describe or analyze the GPA portion of the Project as a citywide endeavor, and therefore still fails to adequately address the GPA's and the Project's potential impacts. The inference that any impacts outside the Project caused by the GPA are "too speculative" to address is completely misplaced, and courts have repeatedly confirmed that environmental impact reports ("EIRs") must discuss growth-inducing impacts even though those impacts are not themselves a part of the project being considered.

CRD does, however, agree with the City and its consultants that the Project’s on Scenic Vista impacts (Impact AES-1) are significant and unavoidable, and that there are no available mitigation measures that will lessen these impacts. With the above stated, CRD maintains that there are other significant and unavoidable impacts, including but not limited to cumulative impacts.

Please consider this document CRD's comments from a legal perspective on the RDEIR for the Bottoms/Shea Project. We respectfully request that you include this comment letter as part of the administrative record for the Project and circulate the letter to the Planning Commission, Project developer, and the Project's consultants.

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2 The California Environmental Quality Act (CEQA) is set forth at Public Resources Code (PRC) §21000 et seq.  
CEQA Guidelines are at CCR, Title 14, Chapter 3, §15000 et seq.  
3 County of Inyo v. City of Los Angeles (1977) 71 Cal. App. 3d 185, 193.  
4 RDEIR, ES-1.  
5 RDEIR, 3.1-21.  
I. General Comments on the RDEIR

The California Supreme Court has confirmed that the City's General Plan is the "Constitution" for development in the City, and it follows that any amendment of the General Plan should be carefully considered. In previous correspondence, we requested that the City comply with this principle, and with the requirements of CEQA, when revising the DEIR.

Further, as we stated in our previous comments, and as we state below herein, the project description in an EIR must be clear, accurate and consistent. In fact, "[a]n accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR." Only when the project description is absolutely accurate throughout the entire document can the general public understand, review and comment on the EIR, and only then can the public agency consider the advantage of terminating the project, or weigh other alternatives. Again, we requested in our previous comments that the City carefully describe the GPA as part of the Project, and to study its potential citywide impacts.

Despite the City's revision and recirculation of the DEIR, the Project Description (and the remainder of the RDEIR) again fails to meaningfully discuss and address the most important issue regarding the construction of the residential project -- the fact that the project cannot be approved without a citywide GPA that would permit building heights of up to 48 feet in Medium-Density residential districts that are simply rezoned to a PA district.

We previously noted that under the current General Plan (i.e. the currently applicable plan and standards for this Project and the "Constitution" of the City), structures in a Medium-Density Residential district (even those rezoned to PA) shall not exceed thirty-five (35) feet in height. The Bottoms/Shea Project's proposed citywide GPA would change that allowable height from 35 feet to 48 feet in any two-acre Medium-Density PA district throughout the City. The Project Description, even with revisions made to the "Project Height" subsection, still fails to call attention to, let alone analyze, the fact that the GPA would permit building heights of up to 48 feet in PA districts in all Medium-Density residential zones citywide.

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7 See Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal. 3d 553, 570.
9 County of Inyo, supra note 3, at 193.
10 Id. at 192-193.
11 City of Richmond General Plan 2030, at Table 3.1, Residential Neighborhood Classifications, at 3.13, which states that the height range for Medium-Density Residential is "up to 35 feet."
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As discussed herein, the addition of a single footnote to the "Project Height" section\(^{12}\) does not nearly amount to the analysis required by CEQA. The RDEIR fails to discuss the potential impact of the GPA on other properties in the City that may be two acres or more and are slated for residential development, or properties that may be combined with other properties to reach the two-acre threshold to become a Medium-Density Residential property rezoned to a PA. An inventory of such properties should be studied since the GPA has greater effect than just on Bottoms/Shea property. CRD requested that such properties be inventoried/studied so that the EIR would comply with CEQA requirements. The RDEIR thus fails to provide the necessary facts and information upon which a reasonable legislative body could base a decision to approve or deny the Project.

Again, CRD stresses that the flawed Project Description permeates the entire RDEIR, and that the failure of the RDEIR to adequately define the Project and address the proposed GPA is a violation of CEQA. As a matter of law, the proposed GPA itself and any of its potential impacts must be thoroughly analyzed.

II. Specific Comments on the RDEIR

A. "Project Description" Section

(i) RDEIR Fails to Adequately Describe Project

It is undisputed that GPAs are "projects" as defined by CEQA, and that they require environmental review.\(^{13}\) Whether wrapped into development applications or proposed by the City, GPAs still require CEQA review. Here, the RDEIR's failure to include adequate reference and information about the proposed GPA in the Project Description section means that (i) the true impacts and effects of the proposed GPA are neither studied nor analyzed in the RDEIR; and (ii) the reader (or the Council or other decision-making body) of the RDEIR is not given the opportunity to fully comprehend the impacts of the Project.

As set forth above in our General Comments, the project description is critical to the validity of the RDEIR,\(^ {14}\) and the project description should extend to the "entire

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\(^{12}\) RDEIR at 2-18.  
\(^{14}\) County of Inyo, supra note 3, at p. 193.
activity that will ultimately result...[as] [a]ll components of the project must be included."\textsuperscript{15}

The RDEIR does provide a description of the Bottoms/Shea Project, as well as characteristics and objectives of the Project.\textsuperscript{16} CRD and many other concerned citizens submitted comments on the DEIR that questioned the absence of reference to and analysis of the GPA portion of the Project. The RDEIR now sets forth a revised "Project Height" subsection of the Project Description section as follows:\textsuperscript{17}

In order to ensure consistency with the City of Richmond General Plan, the project applicant is also proposing a General Plan Amendment (GPA) as part of the project entitlements. \textit{Project applicants are permitted to seek amendment of the General Plan pursuant to Section 15.02.040 of the Richmond Municipal Code. Pursuant to state law, the legislative body of a City may amend all or part of a General Plan, subject only to the limitation that a mandatory element of a General Plan may not be amended more than four times each calendar year (see Cal. Govt. Code § 6538(b)).} The proposed GPA would modify General Plan Table 3.1, by adding text that would provide that building height in a Medium-Density Residential land use classification may exceed 35 feet as part of an approved Planned Area (PA) district, after undergoing appropriate Design Review Board and CEQA review.\textsuperscript{18}

Immediately following this final paragraph, the City also inserted a footnote that indicates that "[this proposed GPA] is similar to the language in Table 3.1 [sic] for the Low Intensity Business/Light Industrial designation, which allows for increases in height from 25 feet to 55 feet, subject to Design Review Board and Planning Commission approval."

This minor revision to the "Project Height" subsection of the Project Description section does not adequately address the RDEIR's lack of attention to the proposed GPA, nor does it come close to fulfilling the requirements of a project description pursuant to

\textsuperscript{15} Cecil Talbert Barclay, \textit{Curtin's California Land Use and Planning Law}, 29th Ed. at p. 163 (citing \textit{Santiago County Water Dist. v. County of Orange}, 118 Cal. App. 3d 818, 829 (1981)).

\textsuperscript{16} See RDEIR at Section 2, "Project Description."

\textsuperscript{17} RDEIR at 2-18. Changes from the DEIR are underlined and italicized. The DEIR essentially contained this same paragraph without the second and third sentences, and without the footnote.
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CEQA. CRD,18 CEQA,19 and significant municipal and environmental law cases20 have demonstrated that a project must be accurately described in order for an EIR to analyze and assess potential impacts. The RDEIR's addition of the fact that applicants are able to seek GPAs under state law provides no information as to the substance of the proposed GPA, and utterly fails to acknowledge that a GPA, and its potential impacts, still must be studied during the environmental review process. Further, the single-sentence footnote referring to the (albeit incorrect) table in the City's General Plan for Low Intensity Business/Light Industrial height restrictions does not describe the actual GPA proposed by the Applicant.

There is thus still no reference to the proposed GPA as a citywide re-zoning/GPA, nor the proposed GPA's citywide effects in the Project Description section. The Project Description merely references the proposed textual amendment. It fails to include any description of the other Medium-Density residential zones where the GPA would allow for future development of up to 48 feet, or reference to whether such zones even exist within the City. Thus, the RDEIR lacks thorough analysis of the potential significant environmental impacts associated with a citywide change to the General Plan that would allow for structures exceeding 35 feet both (i) for this project and (ii) as applied throughout the City. Moreover, other sections of the Project Description section, including but not limited to "Project Objectives and Approvals," "Intended Uses of This Draft EIR," and "Table 2-2: Project Summary"21 also fail to include any reference to the proposed GPA.

(ii) RDEIR Fails to Accurately Describe Project

Not only does the RDEIR fail to provide an adequate Project Description (i.e. by meaningfully referencing the proposed GPA and its impacts), it actually muddles the description it does provide by indicating that "the project includes structures ranging from 23.8 to 46.3 feet in height, which is within the 48-foot parameters of the proposed PA zone."22 This description is inaccurate for a number of reasons. First, there are no "parameters" that currently exist, in a PA zone or otherwise, that would allow a 46.3-foot structure in a Medium-Density residential district. As a matter of law, the Project must be analyzed under the current, baseline condition, whether environmental or regulatory.

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18 See General Comments section above. See also Gagen McCoy comment letter on DEIR submitted on behalf of CRD dated May 12, 2014.
20 See, e.g., County of Inyo, supra note 3, at p. 193.
21 Emphasis added. A reader of this "summary" of the Project Description section would not know that a GPA is part of the Project.
22 RDEIR at 2-18.
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The RDEIR's reference to the Project complying with "parameters" within a PA zone that *do not yet exist* violates CEQA as well as confuses the reader and the approving body. At minimum, the RDEIR should present the Project within the context of the current general plan and zoning designations *and describe* the needed GPA.

Second, the added footnote on page 2-18 of the RDEIR (quoted in (i) above) indicates vaguely that "this" (presumably the proposed GPA) is "similar to the language" currently contained in General Plan Table 3.4, \(^{23}\) which describes the varying Low Intensity Business/Light Industrial height limits. While the proposed GPA text (which the RDEIR *does not include*) might resemble language used in Table 3.4, the proposed GPA to increase height limits of *medium density residential zones* is entirely different from the varying height limits currently allowed in *low density business* and *light industrial* zones, neither of which have a residential use. Reference to this language inaccurately compares the proposed medium density residential GPA text (whatever it may be) to the height range specifically provided for lower density business and industrial zones. This footnote does not accurately describe the proposed GPA or its potential effects or impacts on *residential* zones, nor does it accurately describe the potential effects or impacts of the GPA on those affected residential zones. In essence, it attempts to compare apples and oranges by drawing a comparison between lower density business and industrial zones and the residential zone that actually applies to this Project. As a matter of law, the RDEIR should be examining what is currently required (i.e., the "baseline" requirements) for this particular residential zone. As discussed above, it does not even describe whether other such Medium-Density residential zones exist within the City at all.

As discussed throughout this RDEIR comment letter and our previous DEIR comment letter, the failure of the RDEIR to adequately define the Project, and the failure of the DEIR to address the proposed GPA, permeates through the entire RDEIR.

**B. "Aesthetics" Section**

*The RDEIR's Argument that It Need Not Include Analysis of Potential Impacts of the Proposed GPA due to "Speculation" is Legally Insufficient*

Again, we agree with the City and its consultants in their determination that the Project would have a substantial adverse effect on scenic vistas (Impact AES-1).

However, the Aesthetics sections still severely lacks analysis with regard to the proposed GPA. The discussion of Impact AES-1 references the proposed GPA with the

\(^{23}\) As stated in section II.A.(i) above, the RDEIR seems to mistakenly refer to Table 3.1 in the footnote instead of 3.4. Table 3.1 is the location of the proposed GPA.
copied/pasted paragraph from the Project Description section; however, the City has added the following to the end of it:

   It is impossible and altogether too speculative to determine at this time where height increases involving rezonings or modifications to PA approvals might be sought. CEQA Guidelines Section 15145 reads as follows:

   15145. Speculation. If, after thorough investigation, a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.

   The extent to which the General Plan Amendment will induce property owners and other applicants to seek additional allowable heights on their currently zoned property or seek a change in zoning and General Plan designation to permit such an allowance is completely unknown at this time. Any such applicant would have to meet the standards set forth in the Zoning Ordinance for PA classification and establish the litany of General Plan policies, objectives, and goals that were furthered by the height allowance. It is simply impossible at this time to determine where and if any such applications will arise in the future. Given that determination, no further analysis of this impact will be discussed below.24

   This analysis is not present in the Project Description section, but rather is confusingly hidden in the Aesthetics section for the evaluation of only the "Scenic Vista" impacts (rather than in discussion of all of the Aesthetic impacts and/or in discussions of other impacts throughout the RDEIR). Regardless of its location, this reasoning violates CEQA and supporting case law. The inference that any impacts outside the Project caused by the proposed GPA are "too speculative" to address is completely misplaced, and courts have confirmed time and again that environmental impact reports ("EIRs") must discuss growth-inducing impacts even though those impacts are not themselves a part of the project being considered.25

24 RDEIR, 3.1-21 to 3.1-22.
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First, the City attempts to avoid analysis of cumulative environmental impacts by claiming in the RDEIR that it cannot "speculate" on future projects or their impacts, but the RDEIR's reference to such "speculation" is completely misplaced. §15145 indicates that a particular impact (i.e. Scenic Vistas or Biology) may not be discussed if it that impact deemed to be too speculative, not that the City does not have to thoroughly review a proposed citywide GPA.

Further, and perhaps more importantly, the City cannot claim that it would be "speculating" on future projects when the presence and location of other Medium-Density residential zones in the City are concrete and identifiable facts. There is no "speculation" as to whether sites other than the Project site would be affected by the GPA -- the City's own General Plan and Zoning Ordinance demonstrate the existence and location of those zones. The RDEIR fails to identify these zones (in number or location) as well as fails to highlight the properties within those zones that may by re-zoned to PA districts with the proposed height limit of 48 feet. The City need not speculate at all regarding the number and location of potentially-affected properties.

Stated another way, the RDEIR misconstrues what the appropriate analysis of the proposed GPA might entail as it indicates that it cannot discern "the extent to which the General Plan Amendment will induce property owners and other applicants to seek additional allowable heights on their currently zoned property or seek a change in zoning and General Plan designation to permit such allowance." The City need not speculate the extent to which the proposed GPA might induce property owners to seek zoning changes or take any other action. Rather, the RDEIR should include an accurate project description that describes the proposed GPA in detail, and it should thoroughly examine the potential effects and impacts of the proposed GPA on the identifiable Medium-Density residential zones within the City that could support a PA district. Again, the City and its consultants do not have to speculate as to the location and number of these zones.

Second, in City of Antioch v. City Council of the City of Pittsburg,27 the Court of Appeal ordered a city to prepare an EIR prior to approving development of sewer lines on undeveloped property. The court emphasized the need for cities to "consider the cumulative environmental effects of its action before a project gains irreversible momentum." The court noted in that case that, similarly, the project would have the

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26 RDEIR at 3.1-22.  
27 City of Antioch, supra note 25.  
28 Id. at 1333.
"cumulative impact of opening the way for future development." The RDEIR fails to address the cumulative impacts of the Project on the site and the proposed citywide GPA.

Finally, in *Stanislaus Audobon Society, Inc. v. County of Stanislaus*, the Court of Appeal cited *City of Antioch* and indicated that the argument against EIR analysis due to the "remote" and "speculative" nature of growth-inducing impacts of a proposed project has been "decidedly rejected." Further, the *Stanislaus* court noted that in situations where the project is not a "catalyst" for future development (such as Antioch's sewer project), the fact that the extent and location of future growth cannot be determined does not excuse the environmental review.

C. "Cumulative Impact Analysis" Section

(i) The RDEIR Fails to Analyze the Cumulative Impacts of the Proposed GPA

As stated herein and in our previous comments, the RDEIR fails to provide an adequate description of the Project that includes proper reference to, and analysis of, the proposed citywide GPA. As further stated herein, that failure permeates the entire RDEIR, and the cumulative impacts of the proposed GPA are not meaningfully addressed. The RDEIR does not examine the impacts of the proposed GPA on a citywide level at all. It does not identify the other Medium-Density residential zones that could be impacted by the proposed GPA, nor does it even indicate whether such zones exist. There is thus no way for the decision-making body to understand the true impacts of the Project.

(ii) Aesthetics

The RDEIR states that the Project site is located in a "change area" under the current General Plan, and that the EIR prepared for the General Plan "analyzed the possibility" that existing views of the shorelines or hillsides would be obscured due to the increase in allowable maximum height in these areas from a range of 35-75 feet to a range of 55-135 feet in order to create a more urban feel. This assertion is inaccurate and misleading.

The RDEIR's reference to the General Plan EIR's "analysis of the possibility" that certain "change areas" would undergo height limit increases and therefore loss of views is taken out of context. The pertinent text reads as follows:

29 Id. at 1334.
30 *Stanislaus*, supra note 25, at 158.
31 Id.
32 RDEIR at p. 5-3, citing EIR for General Plan 2030 at p. 3.15-10.
Development within the designated change areas -- the activity centers, the improvement districts, and the corridor areas -- would be allowed at a higher density and would allow maximum building heights ranging from 55 feet to 135 feet, which is an increase over the existing maximum building height range of 35 to 75 feet. The tallest buildings (135 feet) could only be developed within the three activity center areas that include the High Intensity Mixed Use land use designation...It is possible that existing residents could have existing views...obscured by buildings developed under the proposed General Plan due to the increase in number of buildings developed, as well as the increase in building height.\footnote{General Plan 2030 EIR at p. 3.15-10 (emphasis added).}

The RDEIR's inference that the General Plan EIR contemplated (or "analyzed") the effects of height limit increases to 135 feet on or near Medium-Density residential areas like the Project site is misleading. The General Plan EIR clearly indicates that adoption of General Plan 2030 might result in loss of existing views due to buildings ranging from 55-135 feet in their respective zones, particularly in zones close in proximity to High Intensity Mixed Use zones. The General Plan EIR does not state that residents of designated Medium-Density residential zones, or any zone, should expect to experience loss of views due to a proposed GPA.

(iii) Land Use

This subsection of the RDEIR claims to be "[t]he analysis area for evaluation of cumulative impacts on land use is [sic] the City of Richmond,\footnote{RDEIR at p. 5-8.} but it lacks any analysis of the proposed GPA's citywide impacts. The same copied and pasted text from the Project Description section regarding the GPA has been inserted in place of any meaningful discussion. This subsection should contain significant and detailed analysis of the number and location of all Medium-Density residential zones, as well as discussion of the impacts of PA districts occurring in those zones. Instead, the City incorrectly claims once again that it "would be speculative to assert where height increases would be proposed within the City and how such development would look, and further analysis is not required under CEQA."\footnote{RDEIR at p. 5-9.} As stated in Section B above, the City is wrong. The City does not have to speculate where height increases would be located within the City (i.e. all Medium-Density residential zones containing properties with the required acreage for
a PA district). The City does not have to speculate as to how such development would look (i.e. 48-foot structures). And, as stated above, CEQA does require this type of analysis.

Finally, the RDEIR also fails to address that the proposed GPA is not consistent with General Plan objectives. General Plan 2030 states that "[a]ll new development should respect the unique ecology and environment of the waterfront." Further, Land Use Policy 5.2 states that waterfront areas are "characterized by large natural open spaces, shoreline parks and beaches, sweeping views of the San Francisco Bay area and historic structures." Land Use Policy 5.3 similarly states that efforts should be made to "minimize conflicts between land uses...preserve community character...[and] types, intensities, and ranges of use and development should be compatible with existing uses. The proposed GPA would clearly conflict with these objectives, but there is no reference to such conflict in the RDEIR. The RDEIR thus fails to mention the proposed GPA's inconsistency with these other General Plan objectives and policies.

III. Conclusion

We greatly appreciate the City’s review of these RDEIR comments, and strongly urge the City and its consultant to revise and recirculate the RDEIR for all of the reasons stated herein and during public testimony. We invite the City and/or consultant to contact our office with any questions regarding these RDEIR comments.

Very truly yours,

Gagen McCoy
A Professional Corporation

Christine L. Crowl

cc: Citizens for Responsible Development

36 General Plan 2030, Land Use Element, 3.39 - Port Priority Use Area.
Organizations

Citizens for Responsible Development (CRD)

Response to CRD-1
The author provides introductory remarks to open the letter and refers to their previous comments to the March 27, 2014 DEIR. Public comments submitted on the DEIR were taken into consideration when preparing the RDEIR, and information was added and the document was substantially revised to address issues raised during the public comment period. Although numerous comments were received on the DEIR, the City did not prepare a Response to Comments/Final EIR document and the project was not considered for approval at a public hearing.

Pursuant to CEQA Guidelines Section 15088.5 (f)(1), where an entire EIR is recirculated prior to certification, the lead agency is not required to provide written responses to prior comments that were received during the prior public review period. In such cases, the lead agency is only required to respond to those comments submitted in response to the recirculated, revised EIR. No further response is necessary.

Response to CRD-2
The author refers to the RDEIR and states that it fails to meaningfully examine the potentially significant impacts of the project as proposed, and that the RDEIR fails to accurately describe the GPA portion of the project as a citywide endeavor and account for impacts that may occur outside of the project as a result of the GPA. The author states that an EIR must discuss growth-inducing impacts even though those impacts are not themselves a part of the project being considered.

The currently proposed GPA does not cause or induce any citywide impacts. As expressly provided within the language of the proposed amendment, which is identified clearly in the RDEIR project description (p. 2-18), any other developer seeking to exceed a 35-foot height limit in qualifying districts (i.e., Medium Density Residential districts) must seek two discretionary approvals from the City’s decision-makers, including a new PA zoning designation (see article 15.04.610 of the Municipal Code, requiring exercise of judgment regarding compatibility of development)—even if the parcel currently carries a PA zoning designation—and design review (see article 15.04.930 of the Municipal Code, requiring exercise of judgment regarding effect of application on public welfare), and separately prepare new, appropriate CEQA review. Given the practical costs and time involved, as well as the uncertainty that the City in the future would approve a height allowance on any other parcel, the RDEIR was correct in limiting its scope of CEQA review to the effects of a height allowance on the subject project site. In this case, the applicant has prepared, concurrently, an application for a new PA zone, has undergone environmental review, and has prepared an environmental impact report under CEQA.

The RDEIR has explained exactly what the project proposes and identified the scope of review. The potential cumulative impacts of the General Plan Amendment were addressed at page 5-9 of the RDEIR, which explains that the General Plan Amendment proposed by the project applicant would be limited in scope, and would only apply to those parcels of land within the City that are designated Medium Density Residential and zoned PA. This significantly limits the number of parcels to which the GPA may apply. To clarify, the GPA does not entitle, as a matter of right, any other parcel in the...
City to accommodate 48-foot structures where a 35-foot maximum height currently applies; even if another parcel sits within a Medium Density Residential zone and carries a PA zoning designation, the owner of that parcel must apply for a new PA zone that expressly allows for a height allowance. Thus, an owner or developer seeking to build a higher structure on that parcel would face the same procedures that an applicant would face where the parcel concerned carried a residential or commercial zoning designation. Again, in both scenarios, the applicant would have to engage in two separate discretionary entitlements before the Planning Commission and City Council, and undertake separate CEQA review. Furthermore, and as explained in the RDEIR, there currently is no other reasonably foreseeable development in the vicinity of the project (e.g., no such project with an application on file by the City), and so the project height increase would not cumulate with any other nearby development to affect more localized views (see Response to CRD-9, below). An EIR is not required to analyze impacts that are too speculative for evaluation (see CEQA Guidelines Section 15145).

The project was also found to not result in any growth-inducing impacts (RDEIR at page 6-2) and, because of the intensive discretionary entitlements necessary to permit a height allowance under the GPA as well as the uncertainties inherent in the public decision-making process, it cannot be said that this project reasonably would induce other applicants in other areas of the City to seek a height allowance; nor can it be said what height other applicants might seek. Moreover, it is speculative that: (1) the possibility of a greater height limit would induce developers to develop any particular parcel; and (2) that the possibility of a greater height limit would induce a developer to increase density beyond the maximum density allowed by the General Plan on a given property, which would require an additional General Plan amendment.

Notwithstanding the above, it is important to note that the PA District is primarily intended to apply to large parcels (2 acres or more), as well as large residential developments (including condominiums); thus, the number of properties eligible for a zone change to PA is limited, creating yet a further obstacle to citywide utilization of the GPA herein proposed.

Response to CRD-3
The author expresses agreement with the conclusion that the project’s impact on scenic vistas will be significant and unavoidable. The author states that there are other significant and unavoidable impacts, including but not limited to cumulative impacts.

Comment noted. The author does not specifically identify the other significant and unavoidable impacts or which cumulative impacts they are referring to, except to the extent that the commenter suggests there are citywide impacts of the project. This issue is addressed in Response to CRD-2, and potential cumulative impacts of the project are discussed in detail in Section 5 of the RDEIR; otherwise, because of lack of specificity, it is not possible to provide a detailed response to this comment.

Response to CRD-4
The author requests that the City consider their comments on the RDEIR from a legal perspective and that the letter be included as part of the administrative record and circulated to the Planning Commission, the project developer and consultants.
Comment noted. The purpose of CEQA is to evaluate the environmental effects of a proposed action. The comment letter will be forwarded to the City of Richmond decision-makers for their consideration of whether to approve or deny the project.

Response to CRD-5
The author cites to case law to support their contention that the City’s general plan is the “constitution” for development in the City and that any amendment of the General Plan should be carefully considered. The author reiterates their previous request that the City comply with this principle and the requirements of CEQA when revising the DEIR.

As a whole, this comment does not make any specific reference to or comment on the RDEIR or a particular environmental issue, but it expresses generalized concerns about the proposed General Plan Amendment. The purpose of the RDEIR is to disclose potential physical environmental impacts of the proposed project, and not to evaluate the propriety of the General Plan Amendment from a legal perspective. The City of Richmond decision-makers have the ultimate discretion and authority to approve or deny any component of the project, which will be based on their independent judgment.

The General Plan Amendment is inherently part of the entitlements being sought by the project. If the requested entitlements are not approved by the City Council, then the project could not be implemented as currently designed, and would need to be revised and resubmitted as part of a new application package. This comment has been noted, and will be provided to the City of Richmond decision-makers for their review and consideration of the project.

Response to CRD-6
The author reiterates her prior comment that the project description in an EIR must be clear, accurate and consistent, and reiterates her prior request that the City carefully describe the GPA as part of the project and study its potential citywide impacts.

The author does not identify any particular deficiency in the project description that is contained within the RDEIR. As discussed above, the General Plan Amendment is inherently part of the entitlements being sought by the project, and is discussed at length in Section 2 of the RDEIR Project Description. If the requested entitlements (including the GPA) are not approved by the City Council, then the project could not be implemented as currently designed, and would need to be revised and resubmitted as part of a new application package. This comment has been noted, and will be provided to the City of Richmond decision-makers for their review and consideration of the project.

With regard to the author’s contention that the GPA will have potential citywide impacts, please see Response to CRD-2 above.

Response to CRD-7
The author claims that the project description and the remainder of the RDEIR fails to meaningfully discuss and address the fact that the project cannot be approved without a citywide GPA that would permit building heights of up to 48 feet in Medium-Density residential districts that are simply rezoned to a PA district.
The General Plan Amendment is discussed at length in Section 2 of the RDEIR Project Description; Section 3-6, Land Use and Planning; and Section 5, Cumulative Impacts. With regard to the scope of the GPA, please refer to Response to CRD-2, above. Contrary to the claims and suggestions of the commenter, other districts in the City cannot be “simply rezoned to a PA district,” but must undergo extensive review pursuant to two discretionary actions, both of which trigger review under CEQA, as discussed in response to CRD-2. The uncertainties that are inherent in these circumstances make it reasonably unforeseeable and speculative to say where any of these changes would be proposed and subsequently approved. Such other applicants also would have to conduct separate and independent CEQA review (as with this project) to determine if a height allowance would result in any significant impacts, and mitigate any such impacts in accordance with the law.

Response to CRD-8
The author reiterates their previous comments about the height limitation that currently exists, and states that the project description fails to acknowledge that the GPA would permit building heights of up to 48 feet in PA districts in all Medium-Density residential zones citywide. A critical assertion in these comments is that the commenter believes the GPA “would permit building heights of up to 48 feet in PA districts in all Medium-Density residential zones citywide,” and that the GPA would “change that allowable height from 35 feet to 48 feet in any two-acre Medium-Density PA district throughout the City.” This statement does not accurately reflect that the GPA cannot be utilized without two discretionary approvals, including a new PA zoning designation and design review, and preparation of a separate CEQA document.

Page 2-18 of the RDEIR states: “The proposed GPA would modify General Plan Table 3.1, by adding text that would provide that building height in a Medium-Density Residential land use classification may exceed 35 feet as part of an approved Planned Area (PA) district, after undergoing appropriate Design Review Board and CEQA review.” The proposed GPA theoretically may apply to other sites, but while other properties, in addition to the project site, may theoretically pursue a height allowance under the GPA, practical and legal circumstances make it speculative; with regard to the actual likely scope and impact of the GPA, please refer to pages 5-3, 5-4 and 5-9 of the RDEIR.

Response to CRD-9
The author states that the addition of a single footnote to the “project height” section does not amount to the analysis required by CEQA, and that the RDEIR fails to discuss the potential impact of the GPA on other properties in the City that may be two acres or more and are slated for residential development, or properties that may be combined with other properties to reach the two-acre threshold to qualify for a PA designation, and that an inventory of such properties should be conducted.

With regard to the scope of the GPA, please refer to Response to CRD-2, above. The footnote is not meant to carry the weight of any CEQA necessary analysis, but merely provide context for the language of the GPA proposed (i.e., that the General Plan amendment is akin to similar language in the General Plan, and thus has practical precedence).

Providing an inventory of parcels with the above land use characteristics would not provide the public with useful information because the entitlement process would still require that the City
Council determine if a rezoning of the parcel to a new PA zone is appropriate, and require that the applicant successfully negotiate the design review process, as well as prepare separate CEQA review.

Response to CRD-10
The author reiterates prior comments that the flawed project description permeates the entire RDEIR, and that the failure of the RDEIR to adequately define the project and address the proposed GPA is a violation of CEQA.

As discussed above, the General Plan Amendment is described at length in Section 2 of the RDEIR Project Description. Page 2-18 of the RDEIR clearly states: “The proposed GPA would modify General Plan Table 3.1, by adding text that would provide that building height in a Medium-Density Residential land use classification may exceed 35 feet as part of an approved Planned Area (PA) district, after undergoing appropriate Design Review Board and CEQA review.” CEQA Guidelines Section 15124 requires that the project description contain certain basic, general information, but that it “should not supply extensive detail beyond that needed for evaluation and review of the environmental impact”. The actual analysis of impacts is typically reserved for subsequent discussions concerning individual impact areas or cumulative impacts. Cumulative impacts of the proposed project are addressed in detail at Section 5 of the RDEIR. The author does not identify any other flaws within the project description.

Response to CRD-11
The author states that General Plan Amendments are “projects” as defined by CEQA and that they require environmental review. The author claims that the project description within the RDEIR failed to provide adequate information about the General Plan Amendment.

With regard to the author’s contentions about the adequacy of the project description, please refer to Responses to CRD-6 to CRD-10, above. The General Plan Amendment and rezoning are inherently part of the entitlements being sought by the project. If the requested entitlements are not approved by the City Council, then the project could not be implemented as currently designed, and would need to be revised and resubmitted as part of a new application package.

The statement that all changes to a General Plan constitute “projects” under CEQA, without qualification, fails to recognize overriding principles that speculative effects or land use policies that do not commit a governmental agency to an action affecting the environment fall outside the scope of CEQA review. Here, and as more fully discussed in Responses to CRD-2, the GPA only has reasonably foreseeable effects on the project site, where the applicant concurrently has proposed an appropriate PA zoning application that expressly contemplates height allowances, has undergone design review, and has prepared a site-specific CEQA document.

Response to CRD-12
The author reiterates that the project description is critical to the validity of the EIR, and that the project description should extend to the “entire activity that will ultimately result.”

Please see Responses to CRD-2 and CRD-11, above.
Response to CRD-13
The author provides quoted text from the RDEIR Project Description section.

No comment is necessary.

Response to CRD-14
The author states that the language in the Project Description section of the RDEIR is inadequate to describe the General Plan Amendment that is being proposed as part of the project. The commenter appears to premise this claim on the idea that the GPA necessarily has citywide implications, and that the project description should acknowledge this scope, whereas the legal and practical circumstances demonstrate the GPA only will reasonably foreseeably affect the project site and no other parcels in the city. The project description clearly identifies that the GPA is an instrumental component of the project.

Please see Responses to CRD-2 and CRD-6 to CRD-11, above.

Response to CRD-15
The author claims that there is no reference to the proposed GPA as a citywide re-zoning/GPA, and that the RDEIR does not analyze the GPA's citywide effects in the Project Description section. The author claims that the “Project Objectives and Approvals,” “Intended Uses of this Draft EIR” and “Table 2-2: Project Summary” contained within the project description fail to include any reference to the proposed GPA.

Please refer to Responses to CRD-2, CRD-8, CRD-10, and CRD-14, above. The project description is clear that the GPA is not limited to any particular parcel (i.e., nowhere does the proposed language indicate or suggest it is parcel-specific) but that, insofar as a future applicant seeks a height allowance under it, the applicant must obtain a set of discretionary approvals and undertake separate CEQA analysis. The physical effects of the GPA on the project site (e.g., a height allowance above 35 feet) are clearly identified as a project component. Land use procedures that would govern any future utilization of the GPA by another applicant would involve a determination of the physical effects of such other projects’ implementation in other areas of the city, which would require speculation.

Moreover, reference to the General Plan Amendment is included on page 2-21 of the RDEIR, under the “Discretionary and Ministerial Actions” subheading under the “Intended Uses of this Draft EIR” section. Table 2-2 is only intended to address the project’s physical and design characteristics and, given its explicit treatment elsewhere in the Project Description (e.g., p. 2-18), information about the General Plan Amendment would therefore not be relevant to include in this table.

Response to CRD-16
The commenter claims that the project description “muddles” the description of the proposed GPA by referring to heights ranging from 23.8 to 46.3 feet in height, which is within the 48-foot parameters of the proposed PA zone. The author claims that there is currently no such parameter, and that the project must be analyzed under the current, baseline condition.
The commenter appears to confuse what exists and what is proposed. The project’s building heights would not comply with existing zoning, which is why the project includes an entitlement package consisting, in part, of a rezone application (and, for the sake of being conservative, a general plan amendment). As the RDEIR clearly sets forth in the project description and land use chapters, the City of Richmond General Plan designates the project site as Medium Density Residential, and the project site currently contains four separate zoning designations: Planned Area (PA), Coastline Commercial (CC), Community Regional Recreation (CCR), and Marine Industrial (M4). The project applicant is proposing to re-zone the entire project site to Planned Area (PA). Although the Medium Density Residential land use designation under the City of Richmond General Plan would typically impose a building height limit of 35 feet, the PA district proposed under the project includes a building height limit of 48 feet. The project includes structures ranging from 23.8 to 46.3 feet in height, which is within the 48-foot parameters of the proposed PA zone.

The proposed project is consistent with the Medium Density Residential land use designation under the City of Richmond General Plan with respect to density, but has been designed to exceed the 35-foot building height limitation that currently applies under the Medium Density Residential land use designation. However, within the City of Richmond, building height limits that would normally apply within base zoning districts may be modified as part of an approved PA District (City of Richmond Municipal Code Section 15.04.610.020(D)). For the foregoing reasons, several land use approvals are being sought as part of the project, including the Zone Change and General Plan Amendment (see Master Response 1 for a more detailed discussion of the proposed General Plan Amendment).

It is not uncommon for development projects to require one or more land use approvals in order to permit the uses and structures that are proposed to be developed. Under CEQA, an EIR is required to analyze the “project,” which is defined as “the whole of the action” (see CEQA Guidelines Section15378(a)). Accordingly, the Draft EIR analyzed the impacts of the project, which include the proposed zone change to the PA zoning District, and the proposed General Plan Amendment’s reasonably foreseeable effects, and the impacts that could potentially occur assuming that these actions were approved by the City of Richmond.

In summary, the General Plan Amendment and rezoning are inherently part of the entitlements being sought by the project and are disclosed in the Project Description. The Draft EIR properly analyzed the project as it is proposed, and acknowledged the existing 35-foot height limitation as part of the current regulatory conditions, which is the reason that the project applicant is seeking the GPA. With regard to the analysis in the RDEIR, the baseline condition assumed for the analysis considered the existing physical conditions on the site. Given that there are no structures on the site, the analysis considered the change from no structures under baseline conditions to structures up to 46.3 feet, as proposed. Consequently, irrespective of the existing regulatory constraints related to building heights on the site, the analysis in the RDEIR appropriately considered the change in physical conditions on the site that would result from project approval and implementation.

Response to CRD-17
The author states that the RDEIR’s reference to “parameters” within a PA zone that do not yet exist violates CEQA, as well as confuses the reader and the approving body. The author claims that the
RDEIR should present the project within the context of the current general plan and zoning designations and describe the needed GPA.

Please see Response to CRD-16, above. The RDEIR accurately describes the existing general plan and zoning designations and describes the GPA that is being sought by the project applicant (see RDEIR at p. 2-2 to 2-18; 3.6-2; 3.6-8 to 3.6-12); no further clarification is necessary.

Response to CRD-18
The author expresses disagreement with the use of Footnote 1 on page 2-18 of the RDEIR.

The footnoted text cited by the commenter was not intended to imply that business or industrial zones are comparable to residential zones, nor is it intended to describe physical effects in residential zones. The reference was provided to disclose that allowing for changes in height, subject to Design Review Board and Planning Commission approval, is a concept that is currently in use in the General Plan. In instances where such changes are proposed, the Design Review Board and Planning Commission would look at project specific conditions before granting the change. In the case of the proposed project, in addition to Design Review Board and Planning Commission review, the City Council would also consider the project for final approval. With regard to the physical effects of the height change, the referenced text was provided in the project description, which does not contain environmental analysis. The physical effects of the change in height limits for the project are addressed in Section 3.1, Aesthetics.

Response to CRD-19
The author reiterates previous comments that the failure of the RDEIR to adequately define the project and the failure of the RDEIR to address the proposed GPA permeates through the entire RDEIR.

Comment noted. Please refer to Responses CRD-6 to CRD-17, above.

Response to CRD-20
The author states that they agree with the conclusion that the project would have a substantial adverse effect on scenic vistas (AES-1), but that the Aesthetics section still lacks analysis with regard to the proposed GPA. The author provides quoted text from the RDEIR and stated that it was not included in the Project Description section, but “confusingly” hidden in the Aesthetics section for the evaluation of only the “Scenic Vista” impacts. The author states that there is no support for the contention that any impacts outside the project caused by the proposed GPA are “too speculative” to address, and states that EIRs must address growth-inducing impacts even though those impacts are not themselves a part of the project being considered.

The author erroneously claims that substantive analysis of impacts to scenic vistas should have been included in the project description; this is not correct. CEQA Guidelines Section 15124 requires that the project description contain certain basic, general information, but that it “should not supply extensive detail beyond that needed for evaluation and review of the environmental impact.” The analysis of each impact area is appropriately provided under the “Project Impact Analysis and Mitigation Measures” section in Section 3-1, Aesthetics. This placement followed standard protocol
for organization of CEQA documents. A project description should contain a description of the project, and analytical chapters should contain analysis.

Please see Response to CRD-2, above, with regard to the scope of the General Plan Amendment and the additional City review procedures that would apply to address any potential aesthetic impacts resulting from approval of the General Plan Amendment.

The author appears to confuse cumulative aesthetics impacts with growth-inducing impacts. The project was found not to result in any growth-inducing impacts (RDEIR at 6-2); please see Response to CRD-2 for a clarification of why the project GPA does not induce growth in areas outside the project site. The project’s contribution to cumulative effects is addressed in Chapter 5.

Response to CRD-21
The author claims that the City attempts to avoid analysis of cumulative environmental impacts by claiming in the RDEIR that it cannot speculate on future projects, and that while this is true for particular impacts, it should not mean that the City does not have to thoroughly review a proposed citywide GPA.

Please refer to Responses to CRD-2 and CRD-9, above.

Response to CRD-22
The author claims that the presence and location of other Medium-Density residential zones are concrete and identifiable facts that would not require speculation. The author also claims that the RDEIR failed to identify those zones (in number or location) as well as failed to highlight the properties within those zones that may be rezoned to PA districts.

Please refer to Response to CRD-2 and CRD-9, above. The commenter erroneously states that, where a parcel sits in both a Medium Density Residential district and a PA zone, the height allowances contemplated in the GPA are allowed as a matter of right, without the need for further approvals or CEQA review. In fact, the GPA expressly requires a host of approvals and all appropriate CEQA review, creating legal and practical circumstances that make utilization of the GPA speculative. Providing an inventory of parcels with the above land use characteristics would not provide the public with useful information because the entitlement process would still require that the City Council determine a rezoning of the parcel to a new PA zone is appropriate, and require that the applicant successfully negotiate the design review process, as well as prepare separate CEQA review. Simply, a parcel with the appropriate general plan designation and existing PA zoning is similarly situated as a parcel with residential, commercial, industrial, or any other zoning (as one PA zone is completely different from any other PA zone), and the circumstances/parcel characteristics that the commenter identifies does not operate to streamline the entitlement process contemplated in the GPA.

Response to CRD-23
The author claims that the RDEIR misconstrues what the appropriate analysis of the GPA might entail; that the City need not speculate about the potential impacts; and that the RDEIR should include an accurate project description that describes the proposed GPA in detail, and that it should
thoroughly examine the potential effects and impacts of the proposed GPA on identifiable Medium-Density residential zones within the City that could support a PA district.

Please refer to Responses to CRD-2, CRD-6 to CRD-12, and CRD-22, above.

Response to CRD-24
The author cites—and provides discussion of case law regarding—cumulative impacts, and states that the RDEIR fails to address the cumulative impacts of the project on the site and the proposed citywide GPA.

The author does not identify any other cumulative impacts to which the project would contribute to allow for a detailed response. With regard to potential cumulative impacts of the GPA, please refer to Response to CRD-2, above. Insofar as the commenter cites case law, the decision cited addresses growth inducing impacts of an improvement (i.e., a sewer line) that created irreversible momentum for additional development; as explained in responses to comments above, including Response to CRD-2, the circumstances here are opposite. The GPA sets a framework whereby the City has opportunities to consider (and reject) additional development that utilizes the GPA, through the application of discretionary approvals and separate CEQA review. The GPA, if adopted, is expressly designed so that the City does not commit itself to any particular course of action on any given parcel. The remainder of the comment does not address any specific environmental issue that is relevant to the RDEIR or this particular project; no further response is required.

Response to CRD-25
The author cites, and provides discussion of, case law regarding speculation about growth-inducing impacts. The project was found not to result in any growth-inducing impacts (RDEIR at 6-2), and the above responses to comments, including Response to CRD-2, demonstrate there is no potential for the project to “induce” or “catalyze” growth under CEQA. The comment provides no evidence that the project would induce or catalyze growth. The remainder of the comment does not address any specific environmental issue that is relevant to the RDEIR or this particular project; no further response is required.

Response to CRD-26
The author reiterates that the RDEIR fails to provide an adequate project description that includes proper reference to, and analysis of the proposed citywide GPA; that this failure permeates the entire RDEIR, and that cumulative impacts of the proposed GPA are not meaningfully addressed.

Please refer to Responses to CRD-2, CRD-6 to CRD-12, and CRD-22 to CRD-24, above.

Response to CRD-27
The author claims that the RDEIR’s discussion of the project site’s location within a “change area” under the current General Plan and the allowable maximum heights in those areas of 55 to 135 feet is inaccurate and misleading.

This discussion of the EIR prepared for the 2030 General Plan was included to provide context for cumulative, citywide aesthetics impacts, and the reference to the 135-foot maximum height is appropriately provided in Chapter 5, Cumulative Impact Analysis. The EIR prepared for the 2030
General Plan concluded that development within the designated change areas would be allowed at a higher density and, in general, would allow maximum building heights ranging from 55 feet to 135 feet, instead of the previous building height range of 35 to 75 feet. The 2030 General Plan EIR acknowledged that this potential increase in building height would create a more urban feel, and could result in a substantial adverse change in the character of the change areas as well as those areas that have views of and beyond those change areas. The project is located within one such change area; nowhere does the RDEIR indicate or suggest that the project analysis tiered off or incorporated the General Plan EIR analyses of 75-foot or 135-foot height limits. The RDEIR analysis of the project is a stand-alone evaluation and, in detail, addresses the specific impacts of building out the project height above the existing 35-foot maximum.

Response to CRD-28
The author provides citation to quoted text from the General Plan 2030 EIR to clarify that the tallest, 135-foot buildings could only be developed within the three activity center areas that include the High Intensity Mixed Use land use designation.

Comment noted. The RDEIR is not intended to imply that it analyzed the effects of height limit increases to 135 feet in a Medium-Density residential area. It included the information regarding the fact that greater building heights are allowed in change areas in order to provide cumulative context of potential development in the city previously considered as part of the General Plan; see Response to CRD-27, above.

Response to CRD-29
The author claims that the Land Use Section of the RDEIR lacks adequate analysis of the citywide impacts of the proposed GPA, and that this section should contain analysis of the number and location of all Medium-Density Residential zones, as well as discussion of the impacts of PA districts occurring in those zones.

Cumulative impacts of the proposed project are addressed in detail at Section 5 of the RDEIR. Please also refer to Responses to CRD-2, CRD-9, and CRD-22, above.

Response to CRD-30
The author claims that the proposed GPA is not consistent with General Plan objectives, particularly that “all new development should respect the unique ecology and environment of the waterfront,” and Land Use Policies 5.2 and 5.3.

A General Plan consistency analysis is provided with Table 3.6-1 of the RDEIR, including an analysis of consistency with Land Use Policies 5.2 and 5.3 (RDEIR at 3.6-15). The RDEIR also analyzes consistency with Policy LU 4.1 (related to the Richmond shoreline) at page 3.6-14. It should be noted that conclusions in Table 3.6-1 are not binding on the City Council; the determination of whether the project is consistent with the intent of the General Plan would be made by the City Council.

Response to CRD-31
The author provides closing remarks to conclude the letter and urges the City to revise and recirculate the RDEIR.
This comment has been noted and will be forwarded to the City of Richmond decision-makers for their consideration of whether to approve or deny the project.
Kieron,

TRAC, the Trails for Richmond Action Committee, would like to retract the email sent to you this morning and substitute the following San Francisco Bay Trail comments on the Recirculated DEIR for the Shea Homes Bottoms Property Residential Project.

Referring to Page 2-19 Landscaping and Trail Improvements, TRAC recommends the following additional enhancements to the existing Bay Trail built by the City of Richmond along the shoreline of the Bottoms property:

1. provide and service at least two trash receptacles along the trail and
2. fabricate and install a 2’ x 3’ Bay bird interpretive panel as shown in the attachment using a digital image to be provided by TRAC.

A ten foot minimum width of the widened sidewalk should be specified, e.g by revising MM TRANS-6a on Page 3.7-22 to specify that the Class I trail to be created by widening the sidewalk along Seacliff Drive between the project driveway and the Bay Trail crossing of Seacliff Drive near the intersection with Brickyard Cove Road shall be at least 10 feet wide.

MM TRANS-6c on Page 3.7-22 needs to be made specific as to location of the “proposed path” and the “intersection” where “treatments” shall be installed. TRAC recommends the following revised language: "MM TRANS-6c: Prior to issuance of occupancy permits, trail intersection improvements shall be installed where the Class I trail along the shoreline of the property meets the Shipyard 3 section of Bay Trail at Canal Boulevard, including striping, directional signage and ADA access."

A mitigation measure should be added requiring the developer or the home owners association to maintain the Bay Trail in perpetuity, including shoreline revetments and all site landscaping as is normally required of shoreline developments.

The discussion of Bay Trail features in the first full paragraph of page 3.7-21 should be deleted as they have been built by the City and are not part of the project.

I hope that these comments will be helpful. Please let me know if clarification would be helpful.

Bruce
Bruce Beyaert, TRAC Chair
tracbaytrail@earthlink.net
phone/fax 510-235-2835
Websites >>
TRAC: http://www.pointrichmond.com/baytrail/
City of Richmond Bay Trail: http://www.ci.richmond.ca.us/TRAC
Richmond Bay Trail Slideshows:
http://sfbaytrailinrichmond.shutterfly.com/pictures/5
Richmond Convention & Visitors Bureau:
http://www.explorerichmondca.com/baytrail.htmProfessional Services
Richmond Bay Waterfowl

Can you spot these birds?

**PIED-BILLED GREBE**
Small, stocky and short-necked, with a large head.
Body Size: 13"  

**KNOCKHEAD**
A small black and white duck with a large puffy head and short bill.
Males sport a white patch on their heads; females wear a smaller patch.
Body Size: 13-15"

**WESTERN GREBE**
The largest of the grebes. Remarkable for its striking black and white coloring, long neck-like necks, and long, sharp bill.
Body Size: 15"

**SCAUP**
The male of this duck is distinguished by a white side and dark head, while the female has white, near her bill.
Body Size: 10-90"

**BAKKER DUCK**
Small and chubby with a wide bill and tall often cocked upright like a rooster. This duck's bill turns blue in breeding season.
Body Size: 15-16"

**SURE SCOTER**
A short-necked, stocky black diving duck. The male has a drabish orange bill and white patches on its head.
Body Size: 19"

**DOUBLE CRESTED CONSERVANT**
The most common conservant. Distinguished by a long neck and orange throat pouch. Conservants often perch with their wings outspread to dry.
Body Size: 30-36"

"Please don't pollute the bay, this is our dining room!"

Watch carefully and you may spot them diving underwater to swim after fish, shrimps, oysters, mussels, clams, worms, algae, or small crabs to eat.
Organizations

**Trails for Richmond Action Committee (TRAC)**

**Response to TRAC-1**

TRAC requested to retract their earlier email in replacement of the revised comment letter provided. This comment is noted. TRAC’s earlier email will be retracted and substituted with TRAC’s comment letter provided on September 17, 2014 at 2:19 p.m. No additional response is necessary.

**Response to TRAC-2**

TRAC recommends the following additional enhancements to the existing Bay Trail built by the City of Richmond along the shoreline of the Bottoms property (located in page 2-19 of the RDEIR):

1. Provide and service at least two trash receptacles along the trail and
2. Fabricate and install a 2’ x 3’ Bay bird interpretive panel as shown in the attachment using a digital image to be provided by TRAC.

This text has been updated in Section 3, Errata of the Final EIR. The original measures were adequate and protective of the environment, and the requested revisions merely provide revised text to incorporate the suggestions from the commenter (i.e., the additional recommended enhancements), and the addition of two trash receptacles and an interpretative panel are not considerably different from what originally was provided for within the RDEIR.

**Response to TRAC-3**

TRAC recommends a ten foot minimum width of the widened sidewalk to be specified, e.g., by revising Mitigation Measure TRANS-6a on page 3.7-22 to specify that the Class I trail to be created by widening the sidewalk along Seacliff Drive between the project driveway and the Bay Trail crossing of Seacliff Drive near the intersection with Brickyard Cove Road shall be at least 10 feet wide.

This mitigation measure has been updated in Section 3, Errata of the Final EIR. The original mitigation measure was adequate to reduce impacts to less than significant, and clarifying a minimum width does not create a mitigation considerably different from the original mitigation measure provided within the RDEIR.

**Response to TRAC-4**

TRAC recommends that Mitigation Measure TRANS-6c on page 3.7-22 be made specific as to location of the “proposed path” and the “intersection” where “treatments” shall be installed. TRAC recommends the following revised language: “MM TRANS-6c: Prior to issuance of occupancy permits, trail intersection improvements shall be installed where the Class I trail along the shoreline of the property meets the Shipyard 3 section of Bay Trail at Canal Boulevard, including striping, directional signage and ADA access.”

This mitigation measure has been updated in Section 3, Errata of the Final EIR. The original mitigation measure was adequate to reduce impacts to less than significant, and clarifying the alignment of a path already contemplated in the RDEIR does not produce a mitigation measure considerably different from the original mitigation measure provided within the RDEIR.
Response to TRAC-5
TRAC recommends a mitigation measure to be added requiring the developer or the homeowners association to maintain the Bay Trail in perpetuity, including shoreline revetments and all site landscaping as is normally required of shoreline developments.

A new mitigation measure has been added in Section 3, Errata of the Final EIR for the maintenance of the Bay Trail in perpetuity. The original mitigation measure was adequate to reduce impacts to less than significant, and the requested revisions, clarifying how a project element will be cared for in the longterm, does not create a proposal considerably different from the original mitigation measure provided within the RDEIR.

Response to TRAC-6
TRAC recommends the discussion of Bay Trail features in the first full paragraph of page 3.7-21 to be deleted as they have been built by the City and are not part of the project.

This text has been updated in Section 3, Errata of the Final EIR.
Kieron Slaughter

From: Stephanie <s.abromaitis@gmail.com>
Sent: Thursday, September 25, 2014 1:01 PM
To: Kieron Slaughter
Subject: Comments on Bottoms Residential project by Shea Homes PL13-250

Kieron Slaughter, Associate Planner
City of Richmond, Community Development Department
450 Civic Center Plaza, 2nd Floor
Richmond, CA 94804
Email: kieron_slaughter@ci.richmond.ca.us
September 25, 2014

Dear Mr. Slaughter

Here are my comments on the Shea Development RDEIR:

I was very pleased to see several of the alternatives provided. Alternative 7.5 (Remove Top Floors of Building 6, 7, 8 and 9 Alternative), 7.6 (Reduction/Interior Reconfiguration of Buildings 6, 7, 8 and 9 Alternative), and 7.7 (Reduced Unit Size Alternative) would allow Shea to move forward with their project while adhering to the Richmond General Plan’s 35 foot height constraint for the site. The current height of several of the buildings in Shea’s plan exceed the 35 foot height limit specified in the General Plan, this lack of adherence to the city plan has been a major issue for the community. Use of one of these alternative plans would elevate this problem.

I still have the following concerns with the Shea Development.

1. I do not think the issue of sewage and storm water drainage is adequately addressed. Significant upgrades to the current sewage system will be necessary to support the Shea Development, it is unclear who will pay for the required modifications and be responsible for system maintenance.

2. The Shea Development will increase use of Seacliff Drive and Brickyard Cove Road. Shea should contribute to the maintenance of these roads.

3. In their plans, Shea Homes specifies planting Evergreen and Oak trees on the property. At maturity these trees will likely reach 50 feet. I suggest that these trees be replace by varieties that will not exceed 35 feet at maturity.

Thank you,

Stephanie Abromaitis
526 Seacliff Place
Richmond CA 94801
Individuals

Stephanie Abromaitis (ABROMAITIS)

Response to ABROMAITIS-1
The commenter provides introductory remarks to open the letter and states that the alternatives provided in the RDEIR are viable alternatives that would not require a General Plan amendment that needs to be implemented and that these options should be followed respecting the General Plan.

As a whole, this comment does not make any specific reference to, or comment on, the Draft EIR or a particular environmental issue, but expresses generalized concerns about the design of the proposed project. Accordingly, a written response to this comment is not required pursuant to CEQA. However, this comment has been noted, and will be provided to the City of Richmond decision-makers for their review and consideration of the project.

In addition, please see Master Response 1 for more detailed information on the proposed General Plan Amendment. The legislative body of a City may amend all or part of a General Plan, subject only to the limitation that a mandatory element of a General Plan may not be amended more than four times per each calendar year (see Cal. Govt. Code § 65358(b)). A General Plan is not intended to be a static document that is not subject to change, because a city’s needs and vision may change due to growth or other factors. In furtherance of this policy, project applicants are permitted to seek amendment of the General Plan pursuant to Section 15.02.040 of the Richmond Municipal Code.

Response to ABROMAITIS-2
The commenter raises concerns about impacts of the project on the storm drain system and sewer line requirements.

Potential impacts to Utilities and Service Systems were analyzed within Section 4.11 of the RDEIR, and were found not to be significant.

The City of Richmond currently provides sewer services to properties in the area. Thus, the provision of wastewater services would not require major extensions to the existing system in order to serve the project site (RDEIR at 4-20 to 4-22). The project would include construction of 12-inch-diameter gravity sewer lines that would convey flows to an existing pump station in Seacliff Drive; therefore, the project would be connected to an existing sewer system (RDEIR at 4-22). A new sanitary sewer force main would extend from the pump station through the project site to Canal Boulevard. All required infrastructure for the project is included in the site plan. As noted in conversation with Chad Davison, General Manager Richmond Municipal Sewer District (December 9, 2013), the existing wastewater treatment facility in the City of Richmond would be able to accommodate the increase in demand from the project site (see RDEIR at 4-22).

The existing storm drain system in Seacliff Drive has adequate capacity to accommodate projected flows from the project site. The project includes one tie-in to the existing storm drain system in Seacliff Drive. The project will construct a new 24-inch line under the main project driveway, collecting flows from the site. The site drainage would connect to the existing 24-inch pipe in Seacliff Drive, which outfalls to the Bay near the intersection with Sandpiper Spit. Engineering calculations, which have been reviewed by the Seacliff HOA engineer, show that sufficient capacity is available in
the existing storm drain to accommodate flows from the Bottoms Property Project (Carlson, Barbee & Gibson, Inc. 2014). The City is committed to the ongoing maintenance of the system to ensure proper functioning (RDEIR at 4-11 to 4-12).

Response to ABROMAITIS-3
The commenter states that Seacliff Drive is owned and maintained by the Seacliff Estates homeowners association, and that the project should contribute to the maintenance of this roadway due to increased use and degradation of the road.

Traffic impacts of the project were analyzed within Section 3.7 of the Draft EIR, and were found to be less than significant with mitigation. Specifically, Mitigation Measure CUMULATIVE TRANS-1 requires payment of local and regional transportation impact fees designed to fund transportation infrastructure improvements in the City of Richmond, which would serve to offset the project’s impact to transportation facilities, including roadways.

Response to ABROMAITIS-4
The commenter expresses concerns regarding the trees proposed for planting within the project, which could reach over 50 feet at maturity and block views.

This comment has been noted. In an effort by the project applicant to maintain view corridors to the Bay and surrounding areas, trees for the project were selected utilizing the following criteria:

- Landscaped common area and street tree heights are to be limited to 25 feet at ultimate growth, where heights may reasonably be limited based on the selection of species.
- Taller trees such as oaks and cypress will be located adjacent to the four-story side of buildings, wildlife corridors, or project perimeter to screen views of the adjacent car staging facility.
- In order to better ensure the protection of views, tree placement will be staggered and separated to avoid a linear screen.
- Native, naturalized, and low-canopy trees will be used throughout the project area.

Consequently, the landscaped common area and street tree heights are to be limited to 25 feet in height and the trees such as oaks and cypress will not be located throughout the site; taller trees such as oaks and cypress would, naturally, reach only 35 feet in height and their location limited to those described in the Landscape Plan (Sheet L-1 of Conceptual Landscape Plan prepared by vanderToolen Associates), incorporated herein by this reference. In addition, as stated by Philip vanderToolen at vanderToolen Associates (licensed landscape architect for the project), several factors such as climate and geologic location will determine ultimate tree heights. Because of local geology and climate impacts such as wind, the project’s landscape architect determined that the trees planted as part of the project will likely never achieve their full growth potential. Under ideal conditions coast live oaks are known to be majestic canopy trees. However, coast live oaks growing in bayside locations, especially windy sites, do not achieve optimum growth. Bayside climatic conditions typically limit coast live oak trees to a height of thirty-five feet, per vanderToolen Associates. The Proposed Tree Palette (Sheet L-1 of Conceptual Landscape Plan prepared by
vanderToolen Associates), accurately indicates that cypress and oak trees would not exceed 30 to 35-feet. Please see Section 3, Errata, for Philip vanderToolen’s resume. Environmental Associates, which prepared the visual simulation, took into account the Conceptual Landscape Plan prepared by vanderToolen Associates.

The final landscaping plan for the project will also be subject to review and approval by the City of Richmond. Aesthetic impacts of the project were fully analyzed within Section 3.1 of the RDEIR. Project landscaping, as currently proposed, would not result in any aesthetic impacts beyond those addressed in the RDEIR.
Hello,

Today, I’m writing a letter in response to the EIR for the Shea Homes proposed development. There are viable alternatives that would not require a General Plan amendment that need to be implemented. These options should be followed respecting the General Plan.

Being a property owner, taxpayer, and voter, I called the City of Richmond prior to purchasing my Seacliff property. My family was told that the maximum height of anything built in the Bottoms property would be 35 feet tall. Bottom line: the General Plan would be our view ordinance. We had recently moved from Berkeley from an underwater home (money lost) and wanted to make sure that our next home investment would be protected.

Shea Homes from day one ignored the General Plan. The same plan my family relied on moving into the community. As a result, alternatives including moving the top floor units and relocating them, reducing the overall size, removing Building 9, a soften podium-style, and single-family homes are completely reasonable. My family had no delusions that nothing wouldn’t be built on the site. That is why we verified the General Plan prior to purchase!

A Shea Homes development of nearly 50 feet creates many issues including: lowering of property values, obstructing views, obliterating the Bay Trail marker’s meaning in Seacliff Park, infrastructure strain, traffic, and parking. Richmond residents need to be protected first and the city must stand by its word. Pick an option that follows the General Plan and respects current taxpayers. Don’t plant trees that block neighbor’s views. This will enhance our community instead of dividing it.

Thanks for taking the time to read my letter.

Sincerely,

Jenny E. Balisle
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Jenny E. Balisle (BALISLE)

Response to BALISLE-1

The commenter provides introductory remarks to open the letter and states that there are viable alternatives that would not require a General Plan amendment to be implemented and that these options should be followed respecting the General Plan. In addition, the commenter states that she contacted the City of Richmond prior to purchasing her Seacliff property and was informed that the maximum height of anything built in the Bottoms property would be 35 feet tall. She expresses that her actions were taken to protect her home investment.

As a whole, this comment does not make any specific reference to, or comment on, the RDEIR or a particular environmental issue, but expresses generalized concerns about the design of the proposed project. Accordingly, a written response to this comment is not required pursuant to CEQA. However, this comment has been noted, and will be provided to the City of Richmond decision-makers for their review and consideration of the project.

In addition, please see Master Response 1 for more detailed information on the proposed General Plan Amendment. The legislative body of a City may amend all or part of a General Plan, subject only to the limitation that a mandatory element of a General Plan may not be amended more than four times per each calendar year (see Cal. Govt. Code § 65358(b)). A General Plan is not intended to be a static document that is not subject to change, because a city’s needs and vision may change due to growth or other factors. In furtherance of this policy, project applicants are permitted to seek amendment of the General Plan pursuant to Section 15.02.040 of the Richmond Municipal Code.

Please also see Master Response 4 regarding impacts to private views and property values.

Response to BALISLE-2

The commenter states that Shea Homes has ignored the General Plan and discusses her family’s reliance upon the General Plan and information from the City of Richmond prior to purchasing their property. The commenter agrees with the alternatives to move the top floor units and relocate them, reduce the overall size, remove Building 9, incorporate what the commenter refers to as “a soften [sic] podium-style”, and have single-family homes. The commenter’s support for these alternatives is noted.

The commenter makes reference to some alternatives that warranted a detailed evaluation in the RDEIR (e.g., relocation of units). The RDEIR fully evaluated the reasonableness, feasibility, and environmental advantages conferred by each of the project alternatives. Please refer to Master Response 2 for a more complete discussion of the alternatives that were analyzed at length in Section 7 of the RDEIR. The Remove Top Floors of Building 6, 7, 8 and 9 Alternative would not avoid the significant and unavoidable impacts related to Aesthetics from the proposed project. In fact, massing and view impacts from the Bay Trail and shoreline would be greater under this alternative than under the proposed project, due to longer three-story buildings being located adjacent to the bayside buffer. Likewise, this alternative would result in greater land use impacts compared with the proposed project, resulting in less protection of a resource that General Plan Policy LU4.1 was adopted to protect by the placement of additional units and garages along the Bay shore buffer area and Bay Trail. The Remove Top Floors of Building 6, 7, 8 and 9 Alternative would result in findings of
equal significance in all other topical areas. Accordingly, the Remove Top Floors of Building 6, 7, 8 and 9 Alternative was eliminated from consideration as the environmentally superior alternative.

The Reduced Unit Size Alternative would not avoid the significant and unavoidable impacts related to Aesthetics from the proposed project, and would result in findings of equal significance in all other topical areas. It therefore was eliminated from consideration as the environmentally superior alternative.

The Reduction/Interior Reconfiguration of Buildings 6, 7, 8 and 9 Alternative would result in findings of equal significance in all topical areas. This alternative would not avoid the significant and unavoidable impacts related to Aesthetics from the proposed project, but would also not result in greater or worse view impacts than would occur under the proposed project. However, the resulting building design may be less aesthetically pleasing because of increased massing and the loss of varied rooflines. As a practical matter, this alternative would not reduce or eliminate any environmental impact that would occur under the proposed project, and is therefore not environmentally superior to the project based on any quantifiable considerations. Under established CEQA guidance, when none of the alternatives is clearly environmentally superior to the project, it is sufficient to explain the environmental advantages and disadvantages of each alternative, which has been provided in the RDEIR.

Substantial evidence, submitted by consultants, has disclosed that none of the project alternatives, which constitute a reasonable range of options, conferred environmental advantages when compared to the impacts of the project.

The commenter also makes reference to some of the alternatives that were initially considered but rejected (e.g., removal of Building 9, podium-style option, single family homes). The RDEIR also evaluated the ability of each of these alternatives to meet fundamental project objectives and their feasibility (e.g., RDEIR, pp. 7-13 to 7-37). These determinations were also made after careful evaluation by expert consultants, and demonstrate that these options are not “reasonable” for the reasoning set forth in Chapter 7 of the RDEIR, incorporated herein by reference. Also, please see Master Response 5 for discussion of General Plan consistency.

Response to BALISLE-3
The commenter states that the Shea Homes Development creates issues such as lowering of property values, obstructing views, reducing the Bay Trail marker’s meaning in Seacliff Park, infrastructure strain, traffic, and parking. The commenter expresses that Richmond residents need to be protected and that the City should pick an option that follows the General Plan and respects current taxpayers.

This comment does not make any specific reference to, or comment on, the RDEIR, but expresses generalized concerns about the proposed project. Please see Master Response 4 for discussion of impacts to private views and private property values. The purchase price paid for private property is not within the scope of CEQA or the Recirculated Draft EIR. Please see Response to BALISLE-1, above, for a more detailed discussion of reliance upon planning and zoning information provided by the City of Richmond, and the ability to amend the General Plan under State and local law.
Also, please see Master Response 4, above, regarding impacts to private views. The final landscaping plan for the project will be subject to review and approval by the City of Richmond. Aesthetic impacts of the project were fully analyzed within Section 3.1 of the RDEIR. Project landscaping, as proposed, would not result in any aesthetic impacts beyond those addressed in the RDEIR.

The applicant is not proposing to remove any interpretative panels. The project will also be installing at least one interpretative panel along the Bay Trail as suggested by TRAC in its NOP comments dated Oct. 28, 2013 (see Appendix A of the RDEIR). Additionally, a mitigation measure requiring that the Seacliff Park interpretive panels either be replicated or moved to a location along the Bay Trail would be acceptable to the Applicant. No additional response is necessary.

Traffic and parking impacts were analyzed within Section 3.7, Traffic and Transportation, of the RDEIR, and were determined to be less than significant with the implementation of mitigation measures. Utilities and Service Systems were analyzed in Section 3.8 of the RDEIR (Effects Found Not to be Significant).

The merits of the project (including the proposed General Plan Amendment) and the overall project design will be considered by the City of Richmond decision-makers when considering whether to approve or deny the proposed project. If the project is approved, conditions of approval will be imposed as determined appropriate by the City of Richmond City Council, Planning Commission, and Planning and Building Services staff (as applicable).
September 23, 2013

Mr. Kieron Slaughter  
Associate Planner  
City of Richmond  
Community Development Department  
450 Civic Center Plaza, 2nd Floor  
Richmond, CA. 94804

Ref: Public comments on the RDEIR released August 13, 2014 for the Bottoms Property Residential Project, PLN13-250

Dear Mr. Slaughter:

My prior correspondence on this project focused on the developer’s indifference for community opinion and Richmond General Plan 2030 proposing a project, and subsequently a draft EIR fixated on their selfish ideals. Ultimately in the RDEIR (Recirculated Draft Environmental Impact Report) they have proposed two alternatives that make sense.

We are all aware of the history, the infamous Mitchell Memo, the focus on the words “maximum” and “average” resulting in a request for a General Plan Amendment (GPA) as a means to circumvent Richmond’s existing regulatory rules. The developer’s proposed GPA requests that a “Building height in a Medium-Density Residential land use classification may exceed 35 feet as part of an approved Planned Area (PA) district”, an issue that community residents have strongly opposed.

To the developer’s credit the RDEIR now offers two alternatives that do not require the GPA, comply with the Richmond General Plan 2030 and existing zoning ordinances.

I strongly recommend approval of a clearly environmentally superior alternative that respects the 35ft building height of the General Plan and prevents the GPA from being adopted!

Among the alternatives described in the RDEIR, my recommend would be adopting either (a) removal of top floors of buildings 6,7,8 and 9 modifying the site plan per Exhibit 7-1 or (b) reduced unit size per Exhibit 7-6a.

While there remain areas of concern on this project, settling this building height issue, respecting the 35ft maximum height will be a big step towards community acceptance of the project.

Please add me to the notification list for this project, as I am a concerned resident.

Respectfully submitted

Randolph D Blim  
Seacliff Estates Home Owner
Randolph Blim (BLIM)

Response to BLIM-1
The commenter expresses opposition to the original Draft EIR and expresses support for two alternatives proposed in the RDEIR. This comment has been noted, and will be provided to the City of Richmond decision-makers for their review and consideration of the project.

Response to BLIM-2 and BLIM-3
The commenter mentions how a prior Zoning Administrator Finding, referred to by the commenter as the “Mitchell Memo,” focused on the words “maximum” and “average” resulting in a request for a General Plan Amendment (GPA) as a means to circumvent Richmond’s existing regulatory rules. The commenter states that the Shea Homes developer has proposed a General Plan Amendment that requests that a “Building height in a Medium-Density Residential land use classification may exceed 35 feet as part of an approved Planned Area (PA) district”, which is an issue strongly opposed by community residences. The commenter also expresses his recommendation in adopting either the: (a) Removal of Top Floors of Buildings 6,7,8 and 9 Alternative (modifying the site plan per Exhibit 7-1) or (b) the Reduced Unit Size Alternative per Exhibit 7-6a.

Please see Section 7 of the RDEIR and Master Response 2 with regard to the alternatives that were analyzed in the RDEIR. In addition, see Master Response 1 for more detailed information on the proposed General Plan Amendment. Finally, to clarify, the project entitlement application does not rely on the Mitchell Memo, and the document is not relevant to the City's consideration of this project.

Response to BLIM-4
The commenter states that settling the building height issue by respecting the 35-foot maximum height will be a big step towards community acceptance of the project.

As a whole, this comment does not make any specific reference to, or comment on, the Draft EIR, but expresses generalized concerns about the height of the proposed project. This comment has been noted, and will be provided to the City of Richmond decision-makers for their review and consideration of the project.

Response to BLIM-5
The commenter is a concerned resident and requests to be added to the notification list for this project.

This comment has been noted and will be provided to the City of Richmond decision-makers for their review and consideration of the project. In addition, the City will add Randolph Blim to the City’s mailing list.
As owners in Brickyard Landing, which is located very near to the proposed Shea development, we would like to comment on the RDEIR. While the units are in good taste, we strongly object to any project that exceeds the 35 foot height limitation specified in the Richmond General Plan. The general plan as written provides guidelines for development within parameters that define the character of a neighborhood. We welcome the development of the Bottoms property, but violating the height limits originally set in the general plan will significantly change the character of the neighborhood to the negative way. Given that we can expect several other nearby properties to be developed in the near future, changing the general plan to permit higher buildings sets a very bad precedent as far as we are concerned.

Since several alternatives exist for developing the property that do not require extending height limitations, we strongly request that the Planning Department and the City Council stand fast and keep the development within established general rules.

David Cole and Mary Lee Cole
1400 Pinnacle Court #406
Richmond, CA 94801
David Cole (COLE)

Response to COLE-1

The commenter strongly opposes the proposed General Plan Amendment and states a concern that if approved, exceeding the existing 35-foot height limitation will change the character of the neighborhood in a negative way, and that this may apply to other nearby properties that may be developed in the near future.

The potential impacts to character of the neighborhood are discussed at pages 3.1-23 to 3.1-24 of the RDEIR. The project site has been altered by prior industrial uses, and is located in a change area identified by the General Plan as an area intended to provide a transition between port-related uses and the adjoining residential neighborhood along Seacrest Drive. The project vicinity contains various developed residential, industrial, and commercial areas. In the context of the surrounding development, the project would not substantially change the existing visual character or quality of the site and its surroundings. The project site is designated for medium density residential development and the project design and density is consistent with this designation, and represents infill development that would be visually compatible with surrounding residential uses. In addition, some of the existing buildings located within Point Richmond are four stories in height, so the project’s proposed height would not be inconsistent with surrounding residential characteristics. The four-story building elevations that are being proposed as part of this project are in a topographically depressed area and will be designed to face the water; the 3-story elevations will be those that can primarily be seen from public streets.

Although the development of the project would result in a change in the visual character of the project site, the development and land use activities contemplated by the project would achieve a high-quality design that would be visually compatible with neighboring land uses. The project includes the use of high-quality design, materials, and landscaping, similar to the design of surrounding residential developments, and would enhance the development of the Bay Trail along the site’s southern boundary.

There are no other reasonably foreseeable projects in the immediate vicinity, and impacts to other parcels are not anticipated to occur. Please also refer to the Response to CRD-2, above.

Response to COLE-2

The commenter expresses opposition to the original Draft EIR and agrees with alternatives proposed in the RDEIR that are consistent with the 35 foot height limit. This comment has been noted, and will be provided to the City of Richmond decision-makers for their review and consideration of the project. Please refer to Section 7 of the RDEIR and Master Response 2 for further discussion of the evaluation of alternatives.
Good morning Kieron,

My name is Christie Crowl; we met briefly at a Design Review meeting a few months ago for the Shea/Bottoms project. Our office represents Citizens for Responsible Development (CRD), and my colleague Brian Mulry spoke at the meeting. As Brian has taken a position with another firm, I wanted to let you know that you can contact/notify me with any notices and/or updates on the Shea/Bottoms residential project. I have two questions/requests for clarification when you have a moment:

(1) I wanted to confirm with you that comments on the recirculated draft EIR are due this Thursday (9/25). Our office will be submitting a letter on behalf of CRD, and I want to make sure that we get it to you timely.

(2) I also wanted to inquire as to the City’s voting procedures for General Plan amendments. I know that state law indicates that a majority of the Council’s total membership is needed for approval, so to me, that would indicate that 4 votes are needed for approval at the Council level regardless of Councilmember Bates’ abstention (it is our understanding that Councilmember Bates has stated that he will not be voting on the project due to the proximity of his residence). If you could clarify whether 4 votes for approval would be needed at the Council level, regardless of any abstention, we would appreciate it.

Thanks, Kieron. Please let me know if you have any questions.

Best,

Christie

Christine L. Crowl, Esq.
Gagen McCoy
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Tel: (925) 837-0585
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Christine L. Crowl (CROWL)

Response to CROWL-1
The commenter provides introductory remarks to open the letter and states that she and her colleague, Brian Mulry, attended the Design Review Board Meeting a few months ago. She continues to say that Brian has taken a position with another firm, and that she can be contacted with any notices and/or updates on the Shea/Bottoms residential project.

This comment has been noted. No further response is necessary.

Response to CROWL-2
The commenter inquires as to when comments on the Recirculated DEIR are due, because her office will be submitting a letter on behalf of CRD.

As advised, all written comments on the Recirculated Draft EIR must be submitted to the City of Richmond Planning Department within the 45-day review period, ending on Monday, September 22, 2014, at 5:00 p.m. No further response is warranted.

Response to CROWL-3
The commenter inquires with the City regarding General Plan Amendment voting procedures and protocols.

The comment is directed to the City and is not covered within the scope of this Recirculated DEIR. However, according to City of Richmond Municipal Code 2.12.010, concerning voting on proposed actions by the City Council, pursuant to Section 6 of Article III of the Charter of the City of Richmond, four members of the City Council shall be necessary to constitute a quorum for the transaction of business. Any item of business voted upon by the City Council shall be deemed to have been adopted only where at least four votes are cast in favor of the item, except in the case of a proposed commendation and in those cases where the City Charter, a City ordinance, or other law requires a greater number of favorable votes to adopt such item. In counting the votes cast on an item of business, each abstention registered by a Councilmember shall be deemed to be neither a “yes” vote nor a “no” vote.
Kieron,

Attached are my comments on the RDEIR. Is this considered to be a stand alone document independent of the DEIR? If so, the PRNC letter of opposition should at least be included in the appendix.

The Table 7-3 correction is to included with my comments. I just didn't own the software to make it into one document. Thanks for keeping this together.

Please forward to Sheryl Lane and the Planning Commission as well. I have heard rumors that we are on the Nov. 6 Planning Commission agenda. Can you confirm?
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Kathryn Dienst 1 (Dienst-1)

Response to Dienst-1-1
The commenter provided introductory remarks to open the letter. The RDEIR is a stand-alone document. In addition, as requested, the PRNC letter will be included in the RDEIR Appendix. See Section 3, Errata for inclusion of the PRNC letter. No response is necessary.

Response to Dienst-1-2
The commenter provides a markup of Table 7-3 and requests for Table to be included as part of her comments. See response to comment Dienst-2 for a response to Table 7-3. No additional response is necessary.

Response to Dienst-1-3
The commenter requests to forward comments to Sheryl Lane and the Planning Commission. This comment is noted and no additional response is necessary.
Kieron Slaughter, Associate Planner  
City of Richmond, Community Development Department  
450 Civic Center Plaza, 2nd Floor  
Richmond, CA 94804  
Email: kieron_slaughter@ci.richmond.ca.us  

CC: Sheryl Lane, Chair of Planning Commission  
SJ: Comments on RDEIR Shea Bottoms  

I oppose Shea's GPA/50' PA, but can support alternatives for development of Bottoms property at 35' height or less.  

SHEA's GENERAL PLAN AMENDMENT (GPA) IS NOT IN PUBLIC INTEREST  

Maintaining the existing 35’ Medium Density designation is more aligned with public interest than Shea’s proposed GPA. Max height limit is progressively defined for all nineteen Land Use classifications. Medium Density 35’ height limit (as currently defined in General Plan Table 3-1), and better protects both public and private aesthetics, and is consistent with Medium Density zoning heights.  

Page 13 of the General Plan reads: “A general plan is intended to be the vision for a city’s development and changes are allowed only when there is a clear public purpose.” Shea’s proposed GPA changes only one land use category, muddling the General Plan’s logic and consistency, without public process. It allows for blocking of a scenic corridor (Seacliff Drive), takes views from the Seacliff public park, and negatively impacts property values for at least 20 homeowners.  

If the GPA impacts are too speculative for assessment, then the GPA request is unreasonable. RDEIR (3.1-22 and 5-3) dismiss Richmond-wide impacts of the GPA as too broad to assess, claiming “speculation” yet in the 2012 Plan EIR, city-wide impacts of adopting the General Plan were assessed including nineteen land use categories). Changing only one of the land use categories is more complex than establishing Richmond GP guidelines city wide? How can this be true?  

Ignoring California government Code 65000-65860, Richmond ordinance 51-12 and existing zoning exposes Richmond to potential lawsuits. California code and Richmond’s General Plan require internal plan consistency. How does amending Table 3-1 Medium Density stay consistent with General Plan Section 5? Developer suggests that future interpretation will be unique, and dependent on each future PA hearing? This facilitates spot zoning vs planning. It suggests no guidelines at all, just a chaotic process.  

Planning Commission and City Council should question guidance from Planning Staff during the PA rezone and GPA. In the two years that I have served on the PRNC Land Use Committee, three multi-family residential projects have been reviewed (Shea/Bottoms, Terminal One and Point) with developers claiming that Planning Director Mitchell says that they can ignore Richmond’s General Plan height guidelines. And in September 2013 Mitchell actively undermined of height definitions by redefining height as average (vs maximum), resulting in Gagen McCoy’s Abuse of Discretion notice. Whose interest is Mitchell serving?  

Ethical questions should also be asked, as some staff members have expressed ownership interest in the Shea property. Would city staff, commission and city council be prohibited from buying the Shea condos (now and in the future) if they support the GPA?
50’PA ZONING EXCEPTION - EXCESSIVE AND EXCEEDS PLAN AND MEDIUM DENSITY

General Plan and Zoning must be consistent (by California Code, Richmond Ordinance 51-12 and Richmond Zoning). Guidelines for interpretation and changes suggest a conservative vs expansionary reading.

Page 11 of the General Plan reads “The City’s zoning ordinance must be consistent with the General Plan” … “As a general rule, a city’s Zoning Ordinance can be more restrictive than a general plan, but cannot allow a greater level or completely different type of development than that described by the General Plan.” So the GPA should be denied.

Similarly, the first of three PA requirements (15.04-610.030.D 1) requires consistency with the General Plan. So, the 50’ PA exception request should be denied.

“In interpreting and applying provisions of this chapter, they shall be held to the minimum requirements…” (15.04.015 A)

Sections in the Existing Zoning Ordinance also suggest special height control in scenic areas and shorelines:

Brickyard Cove Area Overlay Regulation #1: “Views from the ridge crests shall be protected for the enjoyment of all” (15.04.520.060 #1 C 2 b).

Shoreline and Tideline Areas (pg126): “Buildings shall be sited to be harmonious with the site, the surrounding area and shorelines. The maximum height of buildings shall not exceed 35 feet, except that the Planning Commission may increase or decrease the height of buildings upon making a finding that this action is necessary to protect views and/or enhance public access to shoreline areas” (15.04.510.030 A 10).

Hillside Physical Constraint Areas (pg 129): (15.04.510.030 D 1) “Facilitate protection of existing views from vantage points within public open spaces, rights-of-way, public parks, and private development from encroachment upon by new development;”

VIABLE ALTERNATIVES EXIST – NOT REQUIRING A GPA/50’ PA EXCEPTION

From the beginning, the community has stated they can support development of the Bottoms property, if it were within the 35’ height limits of General Plan guidelines (See Appendix I, and PRNC Oct 2013 letter). In the RDEIR there is finally discussion of alternatives, many within 35’, which do not require a GPA or 50’ PA. I favor these 35’ alternatives over the proposed plan.

I question some of the methodology behind the RDIEIR analysis. For example, AES-1, AES-2, AES-3, and AES-4 say that the project would not have a substantial impact; yet the overall 7-3 Aesthetic conclusion is SIG/U Significant and Unavoidable. Significant impact is avoidable if the General Plan is followed.

Under CEQA, alternatives with less impact should be supported. Table 7-3 summarizes the impacts of alternatives. It this table were to reflect a project facts (#units, sq footage of units, max height, and GPA requirement), it is easier to check conclusions. See my attached markup of their analysis.

For example, Removal of Top Floors alternative (#3) is shown in Table 7-3 as having a greater impact on Land Use than the proposal, yet it does not change the General Plan, or need a 50’ PA height exception so has less Land Use impact. Since views will be less impacted (as shown in the simulation), the Aesthetic impact is also less than the proposal. Removal of Top Floors has less impact than the proposal for both Land Use and Aesthetics, and should be favored over the proposal.

Reduction/Interior reconfiguration (#4) and Reduced Size alternatives (#5) also have lower impact, for the same reasons. And in the case of reduced unit size (#5), it may also have less traffic as there would be fewer occupants and less parking required for smaller unit sizes.

The Townhouse (#5) simulation should be checked (10’ attic/roof heights shown vs 5’ shown on all other simulations). If corrected, aesthetics are improved, and better than the proposal.
Many of the rejected alternatives (podium, single family, Dienst) also have lower impacts than the proposal, although these were not adequately explored in the RDEIR. In the case of single family, there are fewer units (51 vs 60), so less traffic and noise, and perhaps less air quality impacts. All of these rejected alternatives have less paved area and more green spaces than the proposal, so may have other advantages such as storm water runoff and biological resources.

Shea may not support lower impact alternatives, and may not be the right developer for the Bottoms site. However, there are responsible developers in SF Bay, who redevelop brown field sites successfully and even include both low income and senior houses (ex: New Home Company Rose Lane project in Corte Madera).

If the Planning Commission and City Council do the right thing (not amend GPA or grant 50’ PA exception), a future developer for the Bottoms property will be able to obtain quick project approval, building upon the EIR, using one of the alternatives as a guideline.

UNRESOLVED INFRASTRUCTURE QUESTIONS REMAIN

In the Brickyard Cove area, all existing developments contributed public parks and infrastructure for the public. The Shea/Bottoms proposal seems to add nothing to the neighborhood, except conflict.

Shea should not burden existing residents with their incremental costs. Existing residents are still paying off sewer bonds, and resolving insufficient storm water drainage. HOAs along Brickyard are bearing the cost of replacing aging infrastructure.

Section 3.7-16 raises questions about who pays for the relocation of the sewer pumps (currently in Seacliff Drive) which serve the entire Brickyard Cove community. If the move is necessary to accommodate Shea’s proposed entrance, relocation costs should be entirely paid for by Shea, including a long warranty period to be sure that it is done correctly. Will it be scaled up in size for Terminal One while being relocated? Larger and relocated sewer pumping may have noise and odor impacts on the Sandy Cove houses immediately around this relocated station (once location is known), which should be disclosed.

Why has Shea not been asked (or offered), to contribute to train traffic resolution? Richmond has required other developers to pick up some incremental costs for improvement in the past. In 2004, Pulte Homes Anchorage at Marina Bay was asked for $5M contribution towards the Marina Bay railroad underpass, and was only allowed finish Phase 3 when underpass (which they helped to fund) neared completion. In the South Shoreline plan, future growth scenarios limit the number of units for with/without railroad underpass improvements, with much lower growth when the railroad issues are unresolved. The same long term view should apply to Shea Bottoms, Terminal One, which will increase population and traffic significantly.

Finally, the site plan used for traffic analysis is not the layout of the final plan (in DEIR and RDEIR). So, it is hard to know if conclusions are valid. Neighbors remain disappointed that Shea continues to support the dangerous Seacliff entrance, which mixes bike, pedestrian and auto traffic in an awkward bottleneck.

SHEA’S PROPOSAL DOES NOT HAVE COMMUNITY SUPPORT

Shea’s excessive height requests are not supported by the community. Please review May 2014 Planning Commission video, RDEIR Appendix I, and DEIR Appendix letters to understand community sentiment.

At PRNC October 2013 meeting, neighbors gave conditional approval only if the development was within the 35’ General Plan height guidelines. While Margaret Jordan’s Oct 31 letter appeared in the DEIR appendix, it is omitted from text appendix of the RDEIR. For the RDEIR to omit this, and instead cite the June 2012 concept approval in the text (where no heights were discussed) is intentionally misleading.

The 35’ height limit request has been consistent, whether expressed individually, in letters, or by groups. Most recently, at the August 2014 Mayor Candidate’s debates, about ninety residents asked repeatedly if the General Plan would be defended against developers. Why has Shea not responded, refused to modify their plan, and instead insist that all of Richmond change their constitution (plan) to accommodate them?
**Kathryn Dienst 2 (DIENST-2)**

**Response to DIENST-2-1**
The commenter expresses opposition to the project; however, the commenter does support alternatives for development of Bottoms property at 35' height or less. This comment is noted and no response is necessary.

**Response to DIENST-2-2**
The commenter states that maintaining the 35-foot medium density designation is more aligned with the public interest than the proposed GPA. This is not a comment on the content or adequacy of the RDEIR. Please see Master Response 1 related to building height impacts, Master Response 5 related to General Plan consistency, and Master Response 4 related to private views. In addition, please see Master Response 3 related to the Design Review Process.

**Response to DIENST-2-3**
The commenter provides a citation to the General Plan to support her assertion that the General Plan may only be amended where there is a clear public purpose, and expresses concerns regarding impacts to views and private property values. As a whole, this comment does not make any specific reference to, or comment on, the Draft EIR; rather, it expresses generalized concerns about the GPA that is proposed as part of the project. This comment has been noted, and will be provided to the City of Richmond decision-makers for their review and consideration of the project.

As previously stated, please see Master Response 1 related to building height impacts, Master Response 5 for General Plan consistency, Master Response 7 for an explanation of the public purposes the proposed GPA does address, and Master Response 4 related to private views.

**Response to DIENST-2-4**
The commenter states that if the citywide impacts of the GPA are too speculative for assessment, then the GPA request is unreasonable.

As outlined within Section 3.1, Aesthetics, of the RDEIR, the GPA proposed by the project Applicant would be limited in scope, and would only apply to those parcels of land within the City that are designated Medium Density Residential and zoned PA, and only then after Design Review, Rezoning, and CEQA review by the Planning Commission and City Council. Any proposed increase in height shall be subject to review and approval by the Design Review Board, Planning Commission, and City Council, as may be required under the City of Richmond Zoning Ordinance to assure that the additional height is consistent with the principles and standards set out in the General Plan and identified in the Zoning Ordinance provisions concerning PA districts. It is impossible and altogether too speculative to determine at this time where height increases involving re-zonings or modifications to PA approvals might be sought as well as what height would be sought for an individual property. CEQA Guidelines Section 15145 reads as follows:

- 15145. Speculation. If, after thorough investigation, a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.
The extent to which the General Plan Amendment will induce property owners and other applicants to seek additional allowable heights on their currently zoned property or seek a change in zoning and General Plan designation to permit such an allowance is completely unknown at this time. Any such applicant would have to meet the standards set forth in the Zoning Ordinance for PA classification and establish the General Plan policies, objectives, and goals that would be furthered by the height allowance. It is impossible at this time to determine where and if any such applications will arise in the future and what particular height individual applications might seek.

By contrast, the General Plan, when proposed, included a General Plan land use map that designated specific properties for specific land use categories. That is, it was certain that a given property would be governed by a certain land use category. With regard to the general plan amendment application at issue, if approved, the only certainty is that the project site will be subject to the change in height limitations. Again, any other property owner in the City seeking to take advantage of this height limit alteration must undergo the discretionary entitlement processes identified above. Responses to the CRD comments, including Response to CRD-2, address these processes in more detail.

Accordingly, the general plan amendment at issue here does not entitle, as a matter of right, any property in the City, and the project site only may be able to avail itself to the new height limitations because the entitlement package does include an application for a new PA zone. The City therefore does not commit itself to any new regulations on any parcel simply because the general plan amendment application is being considered, and it is speculative if and where any increases in height limitations in the Medium Density Residential zone would be sought and approved elsewhere within the City. Thus, while the General Plan contained reasonably foreseeable elements (e.g., the establishment of residential zones providing for permitted and prohibited uses in definite locations), the general plan amendment at issue here creates possibility, but it is not reasonably foreseeable what additional landowners in the City would seek to take advantage of the proposed GPA or what height they would request.

Response to DIENST-2-5
The commenter expresses opinions regarding perceived inconsistencies within the City of Richmond zoning code due to Richmond Ordinance 51-12 and existing zoning, and suggests that potential “spot zoning” will occur. The author also questions how amending Table 3-1 will stay consistent with General Plan Section 5.

It is unclear what the commenter means by the reference to “General Plan Section 5.” The Richmond General Plan 2030 is organized into 15 separate Elements, each governing a different topical area. Element 5 is the Housing Element of the General Plan. However, the author has not identified any specific portion of the housing element to allow for a more detailed response regarding any potential inconsistency. The project’s overall compatibility with applicable goals and policies of the General Plan is addressed in detail at Section 3.6, Land Use and Planning of the RDEIR.

Citywide zoning and planning practices are not within the scope of the Draft EIR. Resolution 51-12 was the City Resolution that certified the EIR for the Richmond General Plan 2030 in 2012, and adopted a Mitigation Monitoring Reporting Program (MMRP) to mitigate environmental impacts from implementation of the General Plan. This is a generalized comment regarding the project, but
does not contain any specific references to the RDEIR. Nonetheless, the City will make a good faith attempt to respond to this comment as follows:

Please see Master Response 5 for further information related to the proposed GPA, which is related solely to the building height limitation.

Also, please see Master Response 7 for further information related to spot zoning. As more fully explained there, no spot zoning will occur here. The City of Richmond General Plan designates the project site as Medium Density Residential, and the project site currently contains four separate zoning designations: Planned Area (PA), Coastline Commercial (CC), Community Regional Recreation (CCR), and Marine Industrial (M4). The project applicant is proposing to re-zone the entire project site to Planned Area (PA). The City of Richmond General Plan states the purpose of the PA District is to promote development of large areas in substantial compliance with the principles and standards of the Richmond General Plan. This includes allowing variety and diversity in the composition and relationship of land uses, building types, structures, lot sizes and open spaces. This will not result in any discriminatory zoning but is designed to facilitate the realization of public purposes, such as meeting minimum residential density standards and providing housing where conflicts in land use policies otherwise would prevent this realization. In addition, project applicants are permitted to seek amendment of the General Plan pursuant to Section 15.02.040 of the Richmond Municipal Code. Therefore, it is not impermissible or improper for a General Plan to be amended “upon developer request.”

Finally, the commenter claims that no guidelines are governing the consideration of this project. However, the project’s conformity to applicable codes and ordinances is evaluated in Section 3.6 of the RDEIR. Any approval of the project (including the adjustment to the height limitation) will include the following required findings: whether the proposed design is suitable for its purpose, is harmonious with and relates properly to the surrounding neighborhood, contiguous parcels, and the site itself; whether the location, size, design, and characteristics of the proposed project will be compatible with, and will not be detrimental to the public health, safety, or welfare of persons residing in or working in or adjacent to the proposed project; whether the overall design will be of a quality that will preserve the integrity of, and upgrade, the existing neighborhood; and whether the design of the proposed project is in accordance with the general plan of the City of Richmond and all applicable provisions of the zoning ordinance (City of Richmond Municipal Code Section 15.04.930.110).

Response to DIENST-2-6
This comment suggests that the Planning Commission and City Council should question the advice provided by City Planning Staff. As a whole, this comment does not make any specific reference to, or comment on, the Draft EIR or a particular environmental issue, but expresses generalized concerns about the City’s approval processes. Accordingly, a written response to this comment is not required pursuant to CEQA. However, this comment has been noted, and will be provided to the City of Richmond decision-makers for their review and consideration of the project.
Response to DIENST-2-7
This comment suggests that ethical issues need to be considered due to potential ownership interest in the project by City staff. As a whole, this comment does not make any specific reference to, or comment on, the Draft EIR or a particular environmental issue, but expresses generalized concerns about the City’s review and approval process. Accordingly, a written response to this comment is not required pursuant to CEQA. However, this comment has been noted, and will be provided to the City of Richmond decision-makers for their review and consideration of the project.

Response to DIENST-2-8
The commenter provides citations and quoted text from the City’s General Plan and Zoning Ordinance and claims the project is not consistent with applicable ordinances or the General Plan. With respect to the text stating that zoning cannot allow a greater level of development than allowed in the General Plan, as discussed in Master Response 5 related to General Plan consistency, the project would be at the lower end of the development intensity allowed in the MDR designation. Therefore, although it would exceed the height limits for MDR in the General Plan, it would not exceed the level of development allowed in the General Plan, which would allow up to 40 dwelling units per acre. Please see Master Response 4 related to impacts upon existing private views. In addition, please see Master Response 3 related to the Design Review Process and consistency.

The Code sections cited by the commenter are not applicable to the project. Section 15.04.520 describes Brickyard Cove Overlay zoning regulations that do not apply to the project site. Section 15.04.510, meanwhile, pertains to the Resource Management Overlay District (RMO), and the project is not located within the RMO overlay. As the Municipal Code clearly indicates, the provisions in Section 15.04.510.030.A only “apply to shoreline and tideland areas in the RMO district” (emphasis added). Since the project is not located within the RMO district, this provision is inapplicable and is not required to be discussed in the Draft EIR.

Finally, the project is also not located within a Hillside Physical Constraint Area; therefore, Municipal Code section 15.04.510.030(D)(1) is not applicable to the project.

Response to DIENST-2-9
The commenter expresses support of alternatives for development of the Bottoms property at 35' height or less. This comment is noted and no response is necessary.

Response to DIENST-2-10
The commenter questions the methodology behind the RDEIR’s analysis of aesthetic impacts, and questions the overall conclusion that aesthetic impacts will be significant and unavoidable in light of the analysis.

The aesthetics section contained different impact discussions with differing impact conclusions, not all of which were less than significant as stated in the comment. An overall finding of a significant and unavoidable aesthetic impact is due to Impact AES-1 (the project’s impact on scenic vistas); impacts on scenic resources in a scenic highway, visual character, and light and glare were not determined to be significant. However, the significant and unavoidable conclusion was discussed in Section 7, Alternatives, because it is a project’s significant and unavoidable impacts that most
significantly informs an analysis and selection of alternatives to a project, where alternatives are evaluated to determine whether they might avoid or substantially lessen any significant impacts.

The significance of an environmental impact should be measured in light of the context in which it occurs. The CEQA Guidelines state: “the significance of an activity may vary with the setting. For example, an activity which may not be significant in an urban area may be significant in a rural area” (CEQA Guidelines Section 15064(b)). The project site is currently undeveloped, and offers unobstructed views of the San Francisco Bay and shoreline. This RDEIR recognizes that these views are unique, particularly because Richmond is a predominantly built-out, urban environment, with the majority of natural open spaces limited to the City’s edges. At the same time, the project site has been designated as one of the City’s limited number of change areas, whereby the City has made policy decisions to allow for development near the shoreline in certain locations while protecting broad stretches of shoreline in other locations (see, for example, General Plan Policy CA-14). As shown in the visual simulations contained in Exhibit 3.1-2 through Exhibit 3.1-4, located within Section 3.1, Aesthetics of the RDEIR, distant views of the Bay and other resources such as the surrounding hillsides and Angel Island will not be obstructed by the project. However, views of the breakwater to the shoreline will be obstructed by the project buildings to varying degrees from certain vantage points and, reducing the height of the project buildings would not reduce this impact to a less than significant level.

The RDEIR therefore conservatively categorizes the view impacts of the project as significant. As shown in Exhibit 3.1-2 outlined within pages 3.1-8, 3.1-11, 3.1-12, 3.1-19 and 3.1-20 of the RDEIR, distant views of the Bay and other resources such as the surrounding hillsides and Angel Island will not be impacted, and unobstructed views of these resources would remain; however, views of the area from the breakwater to the shoreline, and inclusive of the shoreline, would be potentially obstructed by any building that is constructed on the project site along the 100-foot BCDC jurisdictional boundary. This would be the case even if the buildings were constructed within the existing 35 foot height limitation. Please see Exhibit 7-2 and Exhibit 7-4 for visual simulation of the Removal of top floors of Buildings 6-9 Alternative and Reduction/Interior Reconfiguration of Buildings 6, 7, 8 and 9 Alternative, which includes structures at less than 35 feet in height. Overall, and as supported by substantial evidence, the significant impacts are not avoided or substantially lessened. There is no other feasible mitigation that would reduce this impact to a less than significant level, and as a result, aesthetic impacts would remain significant and unavoidable.

Response to DIENTST-2-11
The commenter provides introduction to a marked up Table 7-3, as seen in Response to DIENTST-3, below. As a whole, this comment does not make any specific reference to, or comment on, the Draft EIR or a particular environmental issue, but expresses generalized concerns about the design of the proposed project. Accordingly, a written response to this comment is not required pursuant to CEQA.

Response to DIENTST-2-12
The commenter states that the Remove Top Floors of Building 6, 7, 8 and 9 Alternative should be favored over the project.
Impacts to Aesthetics and Land Use under this alternative would be similar to the project. This alternative would have similar construction grading and earthwork requirements, and would have similar operational impacts as the proposed project, since the number of residential units would remain the same. This alternative would not avoid the project’s significant and unavoidable Aesthetic impacts. Although impacts to views from Seacliff HOA Park would be reduced under this alternative, the small area of bay that would be visible would not be a substantial improvement, as this alternative continues to block a large portion of water between the breakwater and the shoreline, as well as the shoreline itself, and massing and view impacts from the Bay Trail and shoreline would be greater than the proposed project because of longer three-story buildings being located adjacent to the bayside buffer. Thus, this alternative would not avoid the significant and unavoidable aesthetics impact that would occur under the project. Likewise, this alternative would result in the same or greater land use impacts compared with the proposed project, resulting in less protection of a resource that General Plan Policy LU4.1 was adopted to protect from the placement of additional units and garages along the Bay shore buffer area and Bay Trail. All other impacts would remain less than significant or less than significant with mitigation.

Furthermore, this alternative would not fully meet two fundamental project objectives. Opportunities to relocate the 8 units from the top floors of Buildings 6, 7, 8 and 9 within the site plan would be limited by site constraints. The relocation of extra units to Buildings 1-5 would require “ganged” or shared front entries to the units. This is an undesirable option for high quality residential homes, and does not support project Objectives #1 and #2, which are to provide a high-quality residential development project that generally maintains or enhances property values in the surrounding area to the greatest extent possible.

Please also see Master Response 2, above, for further discussion regarding the analysis and selection of alternatives.

Response to DIENST-2-13
The commenter compares the project to the Reduction/Interior Reconfiguration of Buildings 6, 7, 8 Alternative and the Reduced Size Alternative, and suggests that these alternatives would result in fewer impacts.

Under the Reduction/Interior Reconfiguration of Buildings 6, 7, 8 Alternative, impacts to aesthetics and land use would be similar to the project, though in some respects (e.g., aesthetics), impacts could be slightly greater. This alternative would have similar construction grading and earthwork requirements, and would have operational impacts similar to those of the proposed project, since the number of residential units would remain the same. This alternative would not avoid or substantially lessen the project’s significant and unavoidable Aesthetic impact. As can be seen in Exhibit 7-4b of the RDEIR, the alternative would contribute to similar obstruction of shoreline and breakwater views compared with the proposed project. Moreover, because the side of Building 9 facing the Seacliff Place HOA currently is three stories, eliminating the four-story, Bay-facing portion of the building would not result in a reduction in impacts to views from this vantage point compared with the proposed project. Please see Exhibit 7-4, below, for visual simulation of the Reduction/Interior Reconfiguration of Buildings 6, 7, 8 Alternative. Exhibit 7-4 is also included within page 7-9 of the RDEIR.
Exhibit 7-4: Reduction/Interior Reconfiguration of Buildings 6, 7, 8 Alternative (Simulation)

As shown above, this alternative would be subject to the City’s Design Review process, similar to the proposed project. Although Design Review necessarily involves some degree of subjective opinion, the placement of living space in the middle section of the building and the loss of varied rooflines would likely result in a somewhat greater visual impact, and could reasonably be determined to be less aesthetically pleasing than the proposed project because of increased massing and less articulation of project buildings (see Exhibit 7 4 of the RDEIR). All other impacts would remain less than significant or less than significant with mitigation.

In addition, the Reduced Unit Size Alternative Impacts to Aesthetics, Land Use, and Transportation would be similar to the project. This alternative would have similar construction grading and earthwork requirements, and would have operational impacts similar to those of the proposed project, since the number of residential units would remain the same. This alternative would not avoid or substantially reduce the project’s significant and unavoidable aesthetics impact. Please see Exhibit 7-6c, below, which is also included within page 7-19 of the RDEIR, and the analysis starting on page 7-52 of the RDEIR.
As seen in Exhibit 7-6c, above, whatever reduction this alternative is afforded would not be substantial (e.g., still obstructs shoreline and breakwater) and that, under this alternative, there is a loss of the “view corridors” which are the result from limited spaces between the buildings and varied roofline, as well as between buildings that exist under the proposed project. All other impacts would remain less than significant or less than significant with mitigation, similar to the project.

The reduction in unit size may result in project Objective #3 not being fully satisfied, because smaller units may not “maximize the satisfaction of market demand”, based on current market conditions and research conducted by the project applicant. Additionally, as shown by an analysis by the Concord Group (Concord Group, Bottoms Property Net Revenue and Cost Assessment, 2014), the high project costs and lower revenues from the smaller units result in marginal profitability that does not accord with market demands. When the land and site development costs (which are similar to those of the proposed project) are factored in, this alternative’s financial performance becomes less profitable to the point that it would not be practical to construct.

This alternative would also develop the same number of dwelling units as the proposed project. Despite the smaller unit sizes, the same trip generation rates would apply to this alternative and the proposed project (ITE Code 230), which are determined by land use type and the number of dwelling units, and not the square footage. Similar to the project, traffic generated by this alternative would contribute to the cumulative need to provide transportation infrastructure improvements in the City of Richmond, and the alternative would likely be required to pay fair-share fees toward local and
regional traffic infrastructure improvements. Therefore, as with the proposed project, this alternative would require similar mitigation measures in the form of payment of fair-share fees and completion of improvements to ensure adequate and safe site access and circulation. Overall, transportation impacts related to this alternative would be less than significant, similar to the proposed project.

Response to DIENST-2-14
The commenter refers to the Townhouse (#5) simulation and suggests that if it were corrected to reflect attic/roof heights similar to the other simulations, aesthetic impacts would be reduced as compared to the project. Regarding the height of the attic space for the Townhouse (#5) simulation, the height of the attic is a result of the depth of the building and the slope of the roof. The slope selected has to do with both the overall desired character of the building as well as selection of roof materials, which have minimum slope standards associated with them. In this case, the height of the building above the top floor is consistent with accepted design standards for sloping roofs and the roofing materials. Even if the attic height were reduced by 5 feet and revealed more bay views, as shown in other Alternatives (for an example see Exhibit 7-2), there would still be a significant and unavoidable impact to bay views because the alternative (or virtually any other development on the site) would block views of the shoreline and significant portions of bay before the breakwater. See page 7-47 of the RDEIR for additional analysis in this regard.

The methodology used to analyze height of the attic space was conducted and selected by architectural experts within the field (Lauri Moffet-Fehlberg). Please see Section 3, Errata, for the resumes of experts in the field used to analyze attic space. Consequently, this alternative would not substantially reduce or eliminate the significant and unavoidable aesthetics impact that would occur under the proposed project (as see Exhibit 7-6c). Even with reduced unit sizes, the minimum parking garage dimensions set by the City of Richmond and the need to locate all the garages on same side of the building necessarily determine the width and length of the buildings. As a result, the overall footprint of the buildings would not change because of a reduction in the size of the units. This alternative utilizes a row-house, townhome-style building design similar to an architectural product that has been utilized in many jurisdictions throughout the Bay Area in recent years and has two stories on one side and three stories on the other. As shown in Exhibit 7-6c, impacts to views from the Sealcliff Place HOA Park would be reduced, since the side of the building facing the park would be two stories. However, the impact to the view from the Sealcliff HOA Park under this alternative is still significant and unavoidable because views of the area from the breakwater to the shoreline would still be obstructed under this alternative. The alternative would also result in three-story buildings along the Bay shore and Bay trail, which would result in more bulk and, thus, a greater visual impact than the two-story buildings under the proposed project.

Response to DIENST-2-15
The commenter states that other alternatives with lesser environmental impacts were not adequately addressed within the RDEIR.

As outlined within Section 7 of the RDEIR, because of the unique geographic and topographical constraints of the project site, a total of seven other alternatives were considered, but all were rejected as infeasible. The reasons for rejecting these alternatives ranged from aesthetic impacts
that are inconsistent with the General Plan, legal infeasibility, separate and independent concerns regarding economic infeasibility, a failure to satisfy fundamental project objectives, and technical feasibility. Please see Master Response 2 for further discussion related to alternatives. This analysis spans dozens of pages and more than adequately satisfies CEQA. The commenter is correct that less dense alternatives may have lesser impacts, but, among other infeasibilities, such alternatives fail to satisfy minimum densities required by the General Plan.

Response to DIENST-2-16
This comment addresses responsible developers in San Francisco Bay and suggests that the project applicant may not be the right developer for the project site.

As a whole, this comment does not make any specific reference to, or comment on, the Draft EIR or a particular environmental issue, but expresses generalized concerns about the design of the proposed project and the development practices of the project applicant. Accordingly, a written response to this comment is not required pursuant to CEQA. However, this comment has been noted, and will be provided to the City of Richmond decision-makers for their review and consideration of the project.

Response to DIENST-2-17
The commenter states that the current proposal will add nothing to the neighborhood except conflict, and that other developers have been required to contribute towards infrastructure and public parks.

The project design reflects extensive community input gained from over 30 meetings with more than 300 people, including surrounding neighbors and members of the various homeowners associations for Seacliff Estates, Brickyard Cove, Brickyard Landing and Sandpiper Spit, members of the Trails for Richmond Action Committee (TRAC), the Richmond Yacht Club, Bay Conservation and Development Commission (BCDC), Design Review Board, Planning Commissioners and City staff and Council Members. Specific project design improvements will require the applicant to provide trail crossing treatments on both the driveway approach and the trail consistent with the Bicycle Master Plan Design Guidelines. Bicycle traffic shall not be expected to stop, but signage and striping would be appropriate to alert them to the presence of vehicles. Other bike path treatments across the driveway, such as colored pavement, may also be appropriate. Traffic exiting the site shall be stop-controlled. Signage and striping shall be used to alert drivers of the potential for bicycle traffic along the corridor.

In addition, utility impacts of the project were analyzed within Section 4 of the RDEIR (Effects Found Not To Be Significant). Development of the project will require payment of local and regional utility impact fees designed to fund utility infrastructure improvements in the City of Richmond, which would serve to offset the project’s impact to utility facilities.

Response to DIENST-2-18
This comment questions responsibility of payment for the relocation of sewer pumps and expresses concerns regarding odors.
On page 3.7-16, sewer pumps are discussed as an alternative design for the project access point; i.e., a median break, where sewer pumps are located in the median. Currently the lift station (i.e. the sewer pump system) is of sufficient size to accommodate the Shea project and existing development, and no change in size is proposed or anticipated. However, if relocation of the related sewer pumps is needed, the applicant will pay for relocation to accommodate the project. The project would also be required to be consistent with City and/or applicable agency policies and actions for the appropriate sizing of relocated sewer pumps.

In addition, the project is residential, and residential projects are not a typical source of objectionable odors. The operation of the 60-unit condominium complex is not expected to produce any offensive odors that would result in odor complaints. Likewise, the sewer pump is not an odor source, because it is contained within an enclosed structure. Odor impacts were analyzed in Section 3.2 of the RDEIR, which determined that no odor impacts will occur.

Furthermore, the General Plan includes General Plan Policies LU5.3 and ED8.2 that are intended to minimize conflicts between land uses to protect human and environmental health and safety, preserve community character, and retain job generating activities. The City reviews proposed uses for the potential to result in nuisance odors to ensure compliance with these actions.

Ultimately, with these policies and actions in place to reduce exposure of sensitive receptors to nuisance odors, impacts to noise and odors would be less than significant.

Response to DIENST-2-19
This comment questions payment for train traffic resolution and mentions other developer contributions to railroad underpasses. Existing train traffic was accounted for in the Draft EIR (see RDEIR 3.7-2 to 3.7-4). As discussed in Section 3.7 of the RDEIR, all individual impacts related to traffic and transportation will be less than significant; for instance, as discussed on pages 3.7-11 and 3.7-12 of the RDEIR, the project at most contributes to a 1-second delay at local intersections (which are operating at adequate levels of service) and, in the majority of locations, project traffic does not even cause measurable delays. Likewise, impacts to emergency access were found to be less than significant with mitigation (see RDEIR at 3.7-20).

Even under cumulative conditions, it was determined that the project would not cause any significant congestion degrading the operation of local intersections, though the RDEIR acknowledged that land use policies would require the payment of fees toward transportation infrastructure improvements; to this end, the RDEIR prescribed Mitigation Measure CUMULATIVE TRANS-1, requiring the payment of local and regional transportation impact fees designed to fund transportation infrastructure improvements in the City of Richmond. Thus, the project would contribute only negligible traffic to area roadways and would not have the potential to significantly impact local rail crossings. In addition, as outlined within page 5-10 of the RDEIR, the project is responsible for contributing fair-share fees toward local and regional transportation projects. Other development projects’ financial contributions towards rail underpasses are determined on a case-by-case basis and involve a number of variable factors, including the results of separate CEQA review for those project. They are not pertinent to this project or the RDEIR for the above reasons and because
they concern rail alignments and roadways in different parts of the City, involving impacts to which project-related traffic makes no contribution.

Response to DIENST-2-20
The commenter expresses concern that the site plan used for the Traffic Impact Analysis is not the same one in the DEIR or RDEIR, and that the Seacliff entrance to the project site continues to pose a danger to bicycle, pedestrian and auto traffic.

The Traffic Impact Analysis based its analysis on 61 homes, versus the 60 homes outlined in the RDEIR. The site plan and project configuration was essentially the same and the access points were the same. Consequently, the Traffic Impact Analysis was a worse case analysis and there were no changes to the site plan that would trigger the need to modify or update the Traffic Impact Analysis. Traffic hazards due to vehicular site access were analyzed in Section 3.7 of the RDEIR, and were found to be less than significant with mitigation. Mitigation Measures TRANS-4a and TRANS-4b will be required to reduce any potential safety hazards due to project traffic along Seacliff Drive.

Specifically, to present a conservative assessment of project impacts at the Sandpiper Spit at Seacliff Drive intersection, the analysis assumed that the driveway would be restricted to right-in/right-out operation, and vehicles accessing the site from westbound Seacliff Drive would need to make a U-turn movement at the Sandpiper Spit intersection. To conservatively assess project impacts to the Seacliff Drive neighborhood, all project trips were assumed to enter the site from Seacliff Drive.

If access to the driveway is restricted to right-in/right-out operation, many vehicles would have difficulty making the U-turn maneuver in one movement, and it is recommend that westbound left-turn pocket on Seacliff Drive at Sandpiper Spit be eliminated to facilitate the U-turn movement from the through lane. The intersection would continue to operate at LOS A during both peak hours with the addition of project traffic in the cumulative condition. Mitigation Measure TRANS-4a requires the applicant to either eliminate the turn pocket prior to occupancy, or confirm an alternate design.

As an alternate design, the project applicant has contemplated a median break on Seacliff Drive to permit left-turn access into the site. However, because of the proximity of the driveway to Sandpiper Spit and the location of sewer pumps in the median, a design exception would need to be granted by the City of Richmond to permit left-turn access at the currently proposed location, if the sewer pumps remain in the current location. Mitigation Measure TRANS-4a requires the applicant to either confirm this alternate design prior to occupancy or eliminate the turn pocket as discussed above. With implementation of Mitigation Measure TRANS-4a, potential impacts related to vehicle site access would be reduced to a level of less than significant (RDEIR at 3.7-19).

Mitigation Measure TRANS-4b requires the project to maintain landscaping at the project driveways to avoid sight distance conflicts (shrubs should not be higher than approximately 30 inches and tree canopies should be approximately 6 feet from the ground).

Response to DIENST-2-21
This comment does not make any specific reference to, or comment on, the Draft EIR, but expresses generalized concerns about the proposed project and a perceived lack of community support. This
comment has been noted and will be provided to the City of Richmond decision-makers for their consideration of whether to approve or deny the project.

**Response to DIENST-2-22**
This comment does not make any specific reference to, or comment on, the Draft EIR, but summarizes comments made by neighbors at the PRNC October 2013 meeting and states that these comments should have been included in the RDEIR.

This comment has been noted and will be provided to the City of Richmond decision-makers for their consideration of whether to approve or deny the project. In addition, pursuant to CEQA Guidelines Section 15088.5 (f)(1), where an entire EIR is recirculated prior to certification, the lead agency is not required to provide written responses to prior comments that were received during the prior public review period. In such cases, the lead agency is only required to respond to those comments submitted in response to the recirculated, revised EIR.

In the case of the Bottoms Property RDEIR, the comments submitted on the March 27, 2014 Draft EIR were taken into consideration when preparing this RDEIR, and information has been added and the document has been substantially revised to address issues during the public comment period.

**Response to DIENST-2-23**
Again, this comment does not make any specific reference to, or comment on, the Draft EIR, but expresses generalized concerns about the proposed project and responses by members of the community. This comment has been noted and will be provided to the City of Richmond decision-makers for their consideration of whether to approve or deny the project.
# Alternatives in RDEIR

## Table 7-3: Project Alternative Impacts Comparison

<table>
<thead>
<tr>
<th>Environmental Issue</th>
<th>Proposed Project</th>
<th>No Project Alternative</th>
<th>Increased Intensity Alternative</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Project</td>
<td></td>
<td></td>
<td>Removal of Top Floors of Buildings 6, 7, 8 and 9 Alternative</td>
<td>Reduction/Interior Reconfiguration of Buildings 6, 7, 8 and 9 Alternative</td>
<td>Reduced Unit Size Alternative</td>
</tr>
<tr>
<td>Aesthetics</td>
<td>SIG/U</td>
<td>NI</td>
<td>G</td>
<td>E</td>
<td>L</td>
<td>E</td>
</tr>
<tr>
<td>Air Quality</td>
<td>LTS/M</td>
<td>NI</td>
<td>G</td>
<td>E</td>
<td>L</td>
<td>E</td>
</tr>
<tr>
<td>Biological Resources</td>
<td>LTS/M</td>
<td>NI</td>
<td>E</td>
<td>E</td>
<td>L</td>
<td>E</td>
</tr>
<tr>
<td>Cultural Resources</td>
<td>LTS/M</td>
<td>NI</td>
<td>E</td>
<td>E</td>
<td>L</td>
<td>E</td>
</tr>
<tr>
<td>Land Use</td>
<td>LTS</td>
<td>NI</td>
<td>E</td>
<td>G</td>
<td>L</td>
<td>E</td>
</tr>
<tr>
<td>Transportation and Traffic</td>
<td>LTS/M</td>
<td>NI</td>
<td>G</td>
<td>E</td>
<td>L</td>
<td>E</td>
</tr>
<tr>
<td>Geology and Soils</td>
<td>LTS/M</td>
<td>NI</td>
<td>E</td>
<td>E</td>
<td>L</td>
<td>E</td>
</tr>
</tbody>
</table>

**Notes:**

- **L** = Lesser impact than the proposed project.
- **G** = Greater impact than the proposed project.
- **NI** = No Impact.
- **E** = Equivalent impact to the proposed project.
- **SIG/U** = Significant and Unavoidable.
- **LTS/M** = Less Than Significant With Mitigation.
- **LTS** = Less than Significant.

Max Height: 48', 35', >50', 35', 35', 35'

GPA (City Wide): Yes, No, Yes, No, No, No

# Units: 60, 0, 123-185, 60, 60, 51-61

Sq Foot of Units: 2094-3118, ?, 2094-3118, ?, 1968-2055
Kathryn Dienst 3 (DIENST-3)
Response to DIENST-3-1
The commenter provides a markup of Table 7-3 as part of her comments.

The commenter is expressing an opinion, without supporting evidence as to how the alternatives comparison chart should read. The RDEIR Alternative Section extensively analyzes the number of units, square footage of units, maximum height, and GPA requirements for each alternative. As outlined within the Alternative Section, there is substantial evidence to support the RDEIR’s determinations. This comment has been noted and will be provided to the City of Richmond decision-makers for their consideration of whether to approve or deny the project.
September 25, 2014

Dear Kieron Slaughter,

This letter is in response to the re-circulated EIR publish in August 2014 which appears to address some of the issues voiced by a number of concerned citizens, including my wife and I. The re-circulated EIR has a more balanced analysis of the Shea Homes Plan. We appreciate that there is now an EIR for the Bottoms Property Parcel which includes alternatives to the original Shea Homes Plan. We would like to comment in general on the re-circulated EIR and specifically on Section 7.1.2 – Alternatives to the Proposed Project and Section 7.1.3 – Alternatives Considered but Rejected.

The re-circulated EIR still fails to address the issue of the oversized buildings on the original Shea proposal and alternatively configured buildings in Section 7.1.2. The Removal of Top Floors of Buildings 6, 7, 8, and 9 Alternative reduces the height of four buildings and brings the buildings within the height limits established by the General Plan. At the same time the footprints or total area of these buildings do not change.

The Reduced Unit Size Alternative would utilize a row-house town house style building design. The EIR fails to cite the overall size and footprint of that design. The drawings for this alternative as shown in Exhibit 7-6c appears to indicate an increase in the overall size and footprint of the buildings. We contend the buildings under these alternatives are massive and will dwarf the existing homes in the Seacliff Development.

In regards to Alternatives Considered but Rejected, there seems to be a contradiction. The Single-Family Detached Homes Alternative, Removal of Building 9 Alternative and Reduced Density Alternative are rejected due to conflict or inconsistency with the General Plan. At the same time, the proposal by Shea will require a change to the relatively recently adopted General Plan. The Single Family Detached Homes Alternative has a number of positive aspects including no impact on the scenic view and a compatibility with the exist homes in the Seacliff Development.

The issue of density must be addressed. A lower density designation would allow a developer to propose a plan that is more compatible with the homes in the Seacliff and the Sandpiper Spit communities. While an EIR that has alternatives is a step in the right direction, we still believe the project proposed by Shea Homes is inappropriate for the location. We urge the Planning Commission and City Council to reject the Shea Homes Plan and re-open a conversation about the density requirements for the Bottoms Property Parcel.

Sincerely,

Marco and Chris Gonzales
512 Seacliff Place
Richmond, CA 94801
(510) 233-7816
Marco and Chris Gonzales (GONZALES)

Response to GONZALES-1
The commenters provide an introductory statement to the letter. No response is necessary.

Response to GONZALES-2
The commenters state that the re-circulated EIR still fails to address the issue of the oversized buildings on the original Shea proposal and alternatively configured buildings in Section 7.1.2. The Removal of Top Floors of Buildings 6, 7, 8, and 9 Alternative reduces the height of four buildings and brings the buildings within the height limits established by the General Plan. At the same time, the footprints or total area of these buildings do not change.

Please refer to Master Response 2 for full discussion of alternatives. The commenters do not specifically state impacts related to the Removal of Top Floor of Buildings 6, 7, 8, and 9 Alternative. The RDEIR’s discussion of project alternatives within the EIR are adequate, complete, and made in good faith, as required under CEQA (see In re Bay-Delta Etc., supra, at 1175).

Response to GONZALES-3
The commenters state the Reduced Unit Size Alternative would utilize a row-house townhouse style building design and that the EIR fails to cite the overall size and footprint of that design. The commenters state the drawings for this alternative as shown in Exhibit 7-6c appears to indicate an increase in the overall size and footprint of the buildings. The commenters contend the buildings under these alternatives are massive and will dwarf the existing homes in the Seacliff Development.

The visual simulation prepared for this alternative (Exhibit 7-6c), prepared by Dahlin Group, is the result of an objective computer modeling process; the technical methods employed for producing the computer-generated simulation images are outlined below.

Three–dimensional (3-D) computer modeling for the alternative was developed from 3D and 2D CAD files of the proposed project site supplied by the project architect Dahlin Group. Data included architecture, alternative site plan, existing contours, grading, and landscape plan. The project model was combined with CAD, geographic information system (GIS) data and digital aerial photographs of the existing site, viewpoint locations, and off-site features such as the Richmond breakwater and Angel Island, to produce digital modeling for simulation of the alternative.

As outlined within Section 7, Alternatives of the RDIER, the overall number of units of the Reduced Unit Size Alternative would remain the same, but the unit sizes would be reduced from the proposed project’s range of 2,094 square feet to 3,118 square feet, to a lesser range of 1,968 square feet to 2,055 square feet—a reduction in unit size of up to 35 percent. As indicated above, visual simulations were provided of this alternative within Exhibits 7-6a, 7-6b, and 7-6c of the RDEIR. The reduction in size is an effort to reduce view impacts, while still providing a development that is within the 10 to 40 units per acre density range under the General Plan Medium Density Residential designation. The Reduced Unit Size Alternative utilizes three story townhome style units that are placed side by side, rather than the stacked flats of the proposed project. Despite the smaller unit size, in order to achieve the minimum number of units without falling below the minimum General Plan density requirement of 10 units per acre, and without the ability to have units above the third
floor like the proposed project, the width of the multi-townhome buildings is greater to accommodate the units lost from the top. In addition, the use of the alternative’s townhome tuck-under garage architecture required an additional roadway along the edge of the Bay shore buffer to provide access to the garages of the bayside homes. The bayside units’ garages must be accessed from the bayside adjacent to the Bay shore buffer, unlike the bayside units in the proposed project, which are accessed from the inland facing side. Consequently, because of various development standards with which the applicant must comply, as well as geographic and topographical constraints, the aesthetic impacts would be similar to the proposed project despite a reduction in the size of the units.

The RDEIR concluded that impacts to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Land Use and Transportation would be similar to the project. The Reduced Unit Size Alternative would also have similar construction grading and earthwork requirements, and would have similar operational impacts as the proposed project, since the number of residential units would remain the same. This alternative would not avoid the project’s significant and unavoidable Aesthetic impact, though impacts to views from Seacliff Place HOA Park would be reduced. All other impacts would remain less than significant or less than significant with mitigation, similar to the project.

The reduction in unit size furthermore may result in project Objective #3 not being fully satisfied, because smaller units may not “maximize the satisfaction of market demand”, based on current market conditions and research conducted by the project applicant. Additionally, as shown by an analysis by the Concord Group, the high project costs and lower revenues from the smaller units result in marginal profitability that does not accord with market demands. When the land and site development costs (which are similar to those of the proposed project) are factored in, this alternative’s financial performance makes it financially impractical to construct and sell the alternative.

Ultimately, the Reduced Unit Size Alternative would not avoid the significant and unavoidable impacts related to Aesthetics from the proposed project, and would result in findings of equal significance in all other topical areas.

Response to GONZALES-4
The commenters state that the Single-Family Detached Homes Alternative, Removal of Building 9 Alternative and Reduced Density Alternative are rejected due to conflict or inconsistency with the General Plan. At the same time, the proposal by Shea will require a change to the relatively recently adopted General Plan, making for a contradiction. The Single Family Detached Homes Alternative has a number of positive aspects including no impact on the scenic view and a compatibility with the exist homes in the Seacliff Development.

The applicant has sought a GPA in order to meet the General Plan’s minimum density requirements, given the size of the project site and its geographical constraints. The commenters appear to suggest that, because the applicant sought a GPA for height allowance (in order to accommodate more units to meet the minimum density requirement), the applicant just as well could have sought General Plan amendments to accommodate the rejected alternatives (e.g., the applicant could have sought a revision of the General Plan’s minimum density). The applicant has no legal obligation to prefer one General Plan amendment over another and, here, while the applicant’s election may result in
obstruction to public views from certain vantage points, it serves a public purpose by allowing for buildout of the project site as envisioned under the City’s General Plan, where housing inventory is a concern within the City.

With regard to commenters’ claim about the viability of the Single Family Detached Homes Alternative, as outlined within Section 7, Alternatives of the RDEIR, because the two-story buildings within the Single-Family Detached Homes Alternative would be facing the Seacliff Place HOA Park, there would be less impact to the view from that point compared with the proposed project. However, with the three-story sides of the homes being located along the Bay Trail buffer area, there would be greater massing along the public access area and shoreline, and increased aesthetic impacts compared to the proposed project’s two-story buildings in that location. By placing three-story structures closer to the shoreline and along the Bay Trail buffer area, this alternative may be considered in conflict with General Plan Policy LU4.1, which calls for minimization of impacts of development on the shoreline with special attention to intensity, density, and proximity to water.

This alternative would also result in a project that is below the 10-to-40 unit-per-acre density range established for the Multi-Family residential district, which would not result in the highest and best use of the project site, would be inconsistent with the General Plan’s vision for minimum density on the site, would be inconsistent with the General Plan’s vision that the site is designated for “Medium Density Residential to provide a transition from port-related use to adjoining residential neighborhood along Seacliff Drive,” and would not fully meet Objective #5 (compliance with General Plan density), or Objective #7 (providing compact development patterns, contemporary building and landscape practices). Therefore, because of separate and independent concerns regarding greater aesthetic impacts and inconsistency with the General Plan, this alternative was rejected from further consideration.

Response to GONZALES-5
The commenters state that the issue of density must be addressed. A lower density designation would allow a developer to propose a plan that is more compatible with the homes in the Seacliff and the Sandpiper Spit communities.

As previously stated, the proposed project meets the minimum density requirement for the Medium Density Residential designation, and presenting an alternative with lower density would create an inconsistency with the General Plan. As noted above, the General Plan’s vision is that the site be designated for “Medium Density Residential to provide a transition from port-related use to adjoining residential neighborhood along Seacliff Drive,” so the density proposed for the project is consistent with the direction of the General Plan, which, as pointed out by the commenter, was recently adopted.
25 September 2014

Mr. Kieron Slaughter, Associate Planner SENT VIA EMAIL
City of Richmond
Community Development Department
450 Civic Center Plaza, 2nd Floor
Richmond, CA 94804

Ref: Bottoms/Shea Project — draft RDEIR Public Comments — PLN13-250

Dear Mr. Slaughter:

The purpose of this letter is to offer my comments on the above referenced RDEIR.

Executive Summary - Areas of Controversy/Issues To Be Resolved

The list of Areas of Controversy in the Executive Summary, STILL makes no mention of the issue of height. In my opinion, the issue of height is the PRIMARY area of controversy in this project, as witnessed by the long and protracted discussion of the issue in every public and private meeting I have attended on this project, and as outlined in the considerable correspondence referenced in the EIR.

The RDEIR may not simply dismiss this issue by stating that the building height limits MAY be modified as part of an approved PA district. Or by stating that the project Applicant is also proposing a General Plan Amendment as part of the project entitlements. Neither of these actions has been accomplished.

I therefore request again that Building Heights be included in The Executive Summary as a current area of controversy.

I appreciate the City’s inclusion of Alternatives in the RDEIR! Thank you for responding to the huge outcry from the community regarding building heights. The City’s willingness to consider these alternatives instead of letting a developer force a General Plan Amendment or grant a 50’ PA exception is a great relief to me and others who have worried that there was no motivation for City representatives to protect residents from the ambitions of builders.
Alternatives to the Project

Adoption of any of the Alternatives below would greatly reduce public opposition to the project, and I believe, eliminate the biggest issue in the project by reducing heights to the current General Plan restrictions.

Removal of Top Floors of Buildings 6, 7, 8, and 9 Alternative
Reduction/Interior Reconfiguration of Buildings 6, 7, 8, and 9 Alternative
Reduced Unit Size Alternative

Therefore, I request that the City of Richmond be diligent in pursuing these Alternatives with the builder, none of which would entail an amended General Plan.

As of this time, there is no General Plan Amendment or PA designation approved for this project. This project DOES conflict with land use plans, policies, and regulations. I believe writing an EIR as if future government changes have already occurred is not legal.

I therefore request that the DEIR include the following statement: This project conflicts with the General Plan. The impact of this is significant. The plan is legally unacceptable as presented.

Mr. Slaughter, you, the members of the Planning Commission, and the City Council cannot make decisions regarding this project in a vacuum. Everyone concerned knows or believes that the actions you take here will reflect straight into the Terminal One project, in spite of fact that there is no formal submission yet. We all know or believe that there will be one. What message are you all sending the voters when you give “Conditional” approval of a project based on assumed General Plan amendments and Planned Area developments as if they will be slid right through a system which appears to be designed to accommodate developers?

Isn’t it your job to protect the interest of current homeowners and tax payers? The more often you throw people like us under the bus in favor of increasing revenues the more likely it is that we will take our revenge at the polls. When we are told that we will “need to give up your views and take longer walks” at a Design Review Board meeting, and essentially called liars in a Planning Commission meeting, it is not hard to feel a lack of confidence in the system. Indeed, this kind of treatment has fostered considerable animosity.
Mr. Kieron Slaughter  
Response to RDEIR  
Page three  

In closing, I would like contradict you. You stated that the City of Richmond has no view ordinance. I respectfully submit that the height limits specified in the General Plan do indeed constitute a defacto view ordinance. Why else would the limits be there? The height of buildings in the Bottoms property is under great scrutiny and discussion. It doesn't need to be. You have clearly defined the parameters under which development may proceed. You have defined a height of 35 feet. This parameter was researched, argued, and justified in the General Plan. It was adopted in order to preserve neighborhood viability. It will protect the values of existing homes, all of which provide the city with a hugely disproportionate stream of income. You chose that height for a reason.  

Respectfully,  

Sue Spahr Hodges  
500 Seacliff Place  
Point Richmond, CA 94801
Sue Spahr Hodges (HODGES)

Response to HODGES-1
The commenter provides an introductory statement to the letter. No response is necessary.

Response to HODGES-2
The commenter states the list of Areas of Controversy in the Executive Summary, does make mention of the issue of height.

The subsection “Areas of Controversy/Issues to be Resolved,” located within the Executive Summary of the RDEIR, relates to circulation of the Notice of Preparation (NOP) and the areas of concern identified in the NOP (i.e., topical areas where significant environmental impacts may be present). The NOP described the development concept for the project and range of issues to be addressed in the EIR and specifically did identify aesthetics as an area of controversy. The NOP was distributed to the State Clearinghouse, responsible agencies, and other interested parties for a 30-day public review period. The NOP identified the potential for significant impacts on the environment related to the following topical areas:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Land Use
- Transportation

In addition, the Executive Summary accounts for and clarifies the potential for height issues (see page ES-6).

Response to HODGES-3
The commenter expresses concern regarding height limit being dismissed by a General Plan amendment and approval of the PA Zone.

The RDEIR undertakes a careful analysis in Section 3.6 (Aesthetics) and revisits this topic extensively in Section 7, where visual simulations of the proposed project are compared with those of alternatives. With regard to the commenter’s disagreement with the land use entitlement applications that constitute part of the project, please see Master Response 1 for more detailed information on the proposed General Plan Amendment. The legislative body of a City may amend all or part of a General Plan, subject only to the limitation that a mandatory element of a General Plan may not be amended more than four times per each calendar year (see Cal. Govt. Code § 65358(b)). A General Plan is not intended to be a static document that is not subject to change, because a city’s needs and vision may change due to growth or other factors. In furtherance of this policy, project applicants are permitted to seek amendment of the General Plan pursuant to Section 15.02.040 of the Richmond Municipal Code. Rezoning actions similarly are a valid and normal action that is provided for in the City’s Municipal Code, including PA rezoning applications.
Response to HODGES-4
The commenter requests the Executive Summary list the issue of height within Areas of Controversy. The issue of height and its impacts on the environment are extensively discussed in the RDEIR and in these responses to comments.

Please see Response to HODGES-2.

Response to HODGES-5
The commenter expresses appreciation of the alternatives listed in the RDEIR. The comment is noted and no response is necessary.

Response to HODGES-6
The commenter expresses appreciation of the alternatives listed in the RDEIR and requests the City to consider them as an alternative to the project. This comment has been noted, and will be provided to the City of Richmond decision-makers for their review and consideration of the project. Please see Master Response 2 and Response to BALISLE-2 for more information; along with these responses, Section 7 of the RDEIR discussed these alternatives extensively, and present evidence prepared by expert consultants that address the environmental advantages of each alternative, and clarify that compliance with the 35-height limit in fact does not confer any substantial reduction in visual impacts due to the topography of the project site.

Response to HODGES-7
The commenter states the project conflicts with the General Plan and that the impact of this is significant. The commenter states the plan is legally unacceptable as presented.

The basic purpose of CEQA is to determine whether a project would result in physical effects on the environment (CEQA Guidelines Section 15002). In order to analyze the potential effects of the project, the EIR must assume the project is constructed and operational. This however, does not constitute a pre-approval of the project or an endorsement of the project by the EIR. Please also see Response to HODGES-3, above.

Response to HODGES-8
The commenter expresses concern regarding the proposed General Plan Amendment to allow for greater building heights as part of an approved PA District, which the commenter claims amounts to be a “conditional approval” based on assumed General Plan Amendments and Planned Area developments. The commenter states that if this occurs, similar height limitations will apply to future Terminal One project in Brickyard Cove.

Please see Master Responses 1 and 5 for more detailed information on the proposed General Plan Amendment to allow for greater building heights.

As of the date that the EIR was circulated for public review, the City of Richmond had not received any formal planning application for the Terminal One project; therefore, it would be speculative to address potential cumulative impacts from this project within the Draft EIR. Moreover, as discussed extensively in Master Responses and Response to CRD-2, any future projects that seek to utilize the modified height limit proposed under the General Plan Amendment, including the Terminal One
Project, if an application is submitted to the City, would be required to undergo project-specific review for approval of a PA District, design review, and separate CEQA review, which would include evaluation of impacts to views and aesthetics. Consequently, the General Plan Amendment, if approved, would not result in a “conditional approval” of Terminal One or any other project, as they would be required to obtain Design Review and Planning Commission consideration and City Council approval prior to any change in building heights exceeding 35 feet.

Response to HODGES-9
The commenter expresses “animosity” towards the public comment process.

As a whole, this comment does not make any specific reference to, or comment on, the Draft EIR or a particular environmental issue, but expresses generalized concerns about the proposed project. Accordingly, a written response to this comment is not required pursuant to CEQA. However, this comment has been noted, and will be provided to the City of Richmond decision-makers for their review and consideration of the project.

Response to HODGES-10
The commenter provides a closing statement, reiterating concerns outlined in the comment letter.

As a whole, this comment does not make any specific reference to, or comment on, the Draft EIR or a particular environmental issue, but expresses generalized concerns about the design of the proposed project. Accordingly, a written response to this comment is not required pursuant to CEQA. However, this comment has been noted, and will be provided to the City of Richmond decision-makers for their review and consideration of the project. Please also refer to Master Responses 1, 3, 4, and 6 for more detailed discussion of design considerations.
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City of Richmond Planning Department
450 Civic Center Plaza, 2nd Floor
Richmond, CA 94804

Attn: Kieron Slaughter, Associate Planner
kieron_slaughter@ci.richmond.ca.us

Re: Shea Homes Recirculated Draft Environmental Impact Report (RDEIR)

In response to the Recirculated Draft Environmental Impact Report, we do appreciate the city taking the concerns of residents seriously. I believe this report does attempt to address real issues that impact the quality of life for many in our city.

My largest concerns relate to the loss of quality views from scenic vistas, scenic corridors and public vantage points. In the interest of full disclosure though, the project also impacts views from my own home and the reduction of property value as a result.

I believe the city will make a terrible decision if they allow for an amendment to the general plan allowing for more than 35 feet height for these, and other buildings, in this designation. And at nearly 50 feet, this project is far too large. As stated in this RDEIR, “The Richmond General Plan’s description of the Medium-Density Residential land use designation includes one- to three-story apartment buildings as one example of housing types within this designation”. These views recognized by the City of Richmond General Plan 2030 include not just the not just the San Francisco cityscape. Rather they also include San Francisco Bay, Angel Island, the Berkeley Hills, San Pablo Ridge and Sobrante Ridge.

In addition, it is important to clarify a few details lacking in the RDEIR regarding meetings and outcomes.

1. Point Richmond Neighborhood Council (PRNC)
   - Sometimes more information was provided on October 30, 2013, the PRNC had unanimous approval (vote 38-0) with twelve conditions to be met by Shea Homes, including a 35 foot height limit and restrictions on planting heights to preserve views long term.
   - To date the PRNC still closely monitors the actions of Shea and the city.

2. Design Review Board (DRB)
   - The DRB told homeowners that they do not address the issue of height. This seems to be, at best, an issue of miscommunication to homeowners.

The Project Objectives listed in the RDEIR are a tall order. They include, among other things; seeking appropriate height limits, reducing mass and bulk of the development, producing an aesthetically pleasing residential development that will be in keeping with the expectations of the neighborhood in terms of appearance, quality and enhancement of property values.
One can see how challenging it must be in develop a good plan. We sincerely hope that Shea starts to listen to homeowner’s suggestions, instead of just holding meetings to say they have done so. We have seen an unwillingness by Shea to even respond during DRB and San Francisco Bay Conservation and Development Commission meetings. This has shown a pattern lacking willingness to engage on relevant issues with the community.

This RDEIR helps nudge Shea toward considerations that our community has been asking for from the start. I do feel additional mitigation measures need to be applied to the proposed project.

In review of the listed alternatives I found the following:

**Removal of Top Floors of Buildings 6, 7, 8, and 9 Alternative**

? This option feels clearly superior to any other, including Shea’s current proposal. It minimizes view impact.

**Reduction/Interior Reconfiguration of Buildings 6, 7, 8, and 9 Alternative**

? Doesn’t change overall height despite the way it is measured in the plan-minimal improvement.

**Reduced Unit Size Alternative**

? May be a very viable option so long as they stay within the 35 ft. height requirement. I suggest further exploration.

**Single-Family Detached Homes Alternative**

? Could be viable if you use the plan to reduce unit size to allow for additional homes to be added. This would then increase to the density needed.

**Remove Building 9 Alternative**

? Could be viable when coupled with a reduction to unit size and incorporating into Buildings 1-5, 7, and 8, just as was proposed in the “Removal of the top floors” alternative.

**Two Stories Over Parking/Podium-Style Architecture Alternative**

? Seems to meet the needs for minimizing view impact for current residents and therefore should be reviewed further.

**Dienst Sketch Alternative**

? After reviewing this alternative, I believe the spirit of the sketch has merit and have no doubt that the city planners, developers and architects could use the “bones” of this drawing to make a viable option. Simple readjustment of the buildings and roads would allow for an acceptable option.

? In addition, I appreciate the idea to move the Canal Street entrance further from the Seacliff homes. That will minimize noise, lights and other disruption. I also believe this will help with the bicycle and pedestrian risk of injury.

I believe the RDEIR is getting closer to acceptable alternatives. We can reduce the impact on views from scenic vistas, scenic corridors and public vantage points. Not every view can be fully maintained, as though no building is constructed, but we do have alternative plans that can allow for minimization of the impact.

In addition, Seacliff homeowners relied on information provided to them by the city regarding future structures and the maximum height allowances. Prior to purchase of our home we were told maximum heights on any building would be 35 feet. Multiple homeowners asked and got the same answer. This is a
liability for the city. I believe 35 feet is the maximum reasonable height for the buildings closest to existing Seacliff homes and buildings nearer the water should be lower.

I urge you to require a reasonable plan to be implemented, such as the Removal of Top Floors of Buildings 6, 7, 8, and 9 Alternative.

Thank you,
Chris Holmes
Richmond Voter and Taxpayer
Seacliff Resident
Chris Holmes (HOLMES)

Response to HOLMES-1
The commenter makes introductory remarks and expresses appreciation for the city taking the concerns of its residents seriously. The commenter believes that the report attempts to address real issues that impact the quality of life for many in the City.

This comment is noted and no response is necessary.

Response to HOLMES-2
The commenter states that his largest concerns relate to the loss of quality views from scenic vistas, scenic corridors and public vantage points. The commenter mentions that the project also impacts views from his home and expresses concern regarding the potential for reduced property values.

Please see Master Response 4 related to private views and private property values. The purchase price paid for private property is not within the scope of CEQA or the RDEIR. Please see Response to BALISLE-2, above, for a more detailed discussion of reliance upon planning and zoning information provided by the City of Richmond, and the ability to amend the General Plan under state and local law. This comment has been noted and will be forwarded to the City of Richmond decision-makers for their consideration of whether to approve or deny the project.

Response to HOLMES-3
The commenter expresses his concern over allowing the General Plan Amendment and states that buildings that are nearly 50 feet tall are too large.

Please see Master Response 1 for more detailed information on the proposed General Plan Amendment. The legislative body of a City may amend all or part of a General Plan, subject only to the limitation that a mandatory element of a General Plan may not be amended more than four times per each calendar year (see Cal. Govt. Code § 65358(b)). A General Plan is not intended to be a static document that is not subject to change, because a city’s needs and vision may change from growth or other factors. In furtherance of this policy, project applicants are permitted to seek amendment of the General Plan pursuant to Section 15.02.040 of the Richmond Municipal Code.

Response to HOLMES-4
The commenter explains that views recognized by the City of Richmond General Plan 2030 include not just the not just the San Francisco cityscape but also include San Francisco Bay, Angel Island, the Berkeley Hills, San Pablo Ridge and Sobrante Ridge.

The RDEIR conservatively categorizes the view impacts of the project as significant, and the section devoted to aesthetic resources expressly recognizes each of the resources identified by the commenter (RDEIR, p. 3.1-11 to 3.1-12). As shown in Exhibit 3.1-2 of the Recirculated Draft EIR, distant views of the Bay and other resources such as the surrounding hillsides and Angel Island will not be impacted from the nearest public park, and unobstructed views of these resources would remain; however, views of the area from the breakwater to the shoreline would be potentially obstructed by any building that is constructed on the project site along the 100-foot BCDC jurisdictional boundary. There is no feasible mitigation that would reduce this impact to a less than
significant level, and as a result, aesthetic impacts would remain significant and unavoidable. Please refer to Section 3.1 of the RDEIR, which is incorporated here by this reference.

Response to HOLMES-5
This comment does not make any specific reference to, or comment on, the Draft EIR, but expresses generalized concerns about the DRB review process. This comment has been noted and will be provided to the City of Richmond decision-makers for their consideration of whether to approve or deny the project. In addition, the DRB did take into the consideration of height and massing of the project’s structures in their deliberations of the appropriateness of the project. The final landscaping plan for the project will be subject to review and approval by the City of Richmond. Aesthetic impacts of the project were fully analyzed within Section 3.1 of the RDEIR. Project landscaping, as currently proposed, would not result in any aesthetic impacts beyond those identified and addressed in the RDEIR.

Response to HOLMES-6
The commenter suggests the Project Objectives are a “tall order,” though it is unclear if the commenter is criticizing them. The project objectives were designed to balance the need for more housing with community concerns, as well as the goals of the developer. These objectives are consistent with CEQA.

Response to HOLMES-7
This comment does not make any specific reference to, or comment on, the Draft EIR, but expresses generalized concerns about the review process during the DRB, San Francisco Bay Conservation and Development Commission meetings. The commenter also states that additional mitigation measures are needed, but does not state inadequacies of the RDEIR or where mitigation needs to be incorporated. This comment has been noted and will be provided to the City of Richmond decision-makers for their consideration of whether to approve or deny the project.

Response to HOLMES-8
The commenter states that the Removal of Top Floors of Buildings 6, 7, 8, and 9 Alternative is the superior project.

Please see Response to BALISLE-2, above, for further discussion related to why the Remove Top Floors of Building 6, 7, 8 and 9 Alternative was eliminated from consideration as the environmentally superior alternative. Please also see Master Response 2 for further discussion of the alternatives that were analyzed in the RDEIR.

Response to HOLMES-9
The commenter states that the Reduction/Interior Reconfiguration of Buildings 6, 7, 8, and 9 Alternative doesn’t change overall height despite the way it is measured in the plan, and results in a minimal improvement.

Please see Response to BALISLE-2, above, for further discussion related to why the Reduction/Interior Reconfiguration of Buildings 6, 7, 8 and 9 would not substantially reduce view impacts as compared to the project. Please also see Master Response 2 for further discussion of the alternatives that were analyzed in the RDEIR.
Response to HOLMES-10
The commenter states the Reduced Unit Size Alternative is a viable option so long as they stay within the 35-foot height limitation. As a measure consistent with the City of Richmond Zoning Code, the Reduced Unit Size Alternative’s height would be up to 35 feet. As outlined within the RDEIR, the Reduced Unit Size Alternative, as well as similar alternatives with buildings constructed within the 35 foot limit, show that impacts would remain to be significant and unavoidable. See Response to DIENST-2-13.

The Reduced Unit Size Alternative would not avoid the significant and unavoidable impacts related to Aesthetics from the proposed project, and would result in findings of equal significance in all other topical areas. It therefore was eliminated from consideration as the environmentally superior alternative.

Response to HOLMES-11
The commenter states the Single-Family Detached Homes Alternative could be viable if you use the plan to reduce unit size to allow for additional homes to be added.

An EIR need not include multiple variations on the alternatives it does consider when the relative advantages and disadvantages of variations can be assessed from a review of the alternatives presented in the EIR. Here, the analysis in the RDEIR provides the requisite information and demonstrates that the alternative suggested by commenter would not be viable and confers no environmental benefits.

Again, the commenter is suggesting that a single-family housing development with reduced-sized units would be viable. The same circumstances that rendered the Single-Family Detached Homes and Reduced Unit Size Alternatives infeasible would apply here, and the analysis of those alternatives is incorporated herein by this reference.

First, the development of a single-family housing development — even with reduced unit sizes — would be inconsistent with the General Plan’s vision is that the site be designated for “Medium Density Residential to provide a transition from port-related use to adjoining residential neighborhood along Seacliff Drive.”

Moreover, a single-family housing development, even with smaller homes, would not substantially lessen any project impacts, including significant and unavoidable view impacts. As discussed in the RDEIR's discussion of the Single-Family Detached Homes Alternative, single-family homes that comply with the current 35-foot height limit would have two stories facing the Seacliff Place HOA Park, and three stories facing the bay. Because the two-story buildings would be facing the Seacliff Place HOA Park, there may be less impact to the view from that point compared with the proposed project, though the impact would not be avoided or substantially lessened, as single family homes would still obstruct portions of the shoreline and bay waters before the breakwater.

Moreover, with the three-story sides of the homes being located along the Bay Trail buffer area, there would be greater massing along the public access area and shoreline, thereby increasing aesthetic impacts when compared with the proposed project’s two-story buildings in that location.
By placing three-story structures closer to the shoreline and along the Bay Trail buffer area, this alternative also may be considered in conflict with General Plan Policy LU4.1, which calls for minimization of impacts of development on the shoreline with special attention to intensity, density, and proximity to water. This distribution of structures also would result in inconsistency with Project Objective #7 (providing compact development patterns, contemporary building and landscape practices).

Fourth, given site constraints, a single family home alternative only could accommodate 51 units (or 8.25 units per acre), and thus would fail to meet the General Plan’s minimum density of 10 units per acre (and accordingly fail to meet Project Objective #5). The commenter suggests that reducing the size of homes would allow the applicant to fit 60 units within the Project site.

Notwithstanding the above, the higher costs and lower revenues from smaller units, as supported through analysis by the Concord Group, make a reduced unit size alternative economically infeasible. (See, e.g., page 7-55 of the RDEIR.)

Therefore, because of separate and independent concerns regarding aesthetic impacts, inconsistency with the General Plan and zoning, the inability of the variation to meet project objectives, and economic infeasibility, this alternative was rejected from further consideration.

Response to HOLMES-12
The commenter states the Remove Building 9 Alternative could be viable when coupled with a reduction to unit size and incorporating the Building 9 units into Buildings 1-5, 7, and 8, just as was proposed in the “Removal of the top floors” alternative.

An EIR need not include multiple variations on the alternatives it does consider when the relative advantages and disadvantages of variations can be assessed from a review of the alternatives presented in the EIR. Here, the analysis in the RDEIR provides the requisite information and demonstrates that the alternative suggested by commenter would not be viable and confers no environmental benefits.

Again, the commenter is suggesting that the 8 units comprising the proposed Building 9 be reduced in size and distributed among the remaining buildings, where the remaining units in those buildings also would be reduced. The same circumstances that rendered the Remove Top Floors and Reduced Unit Size Alternatives infeasible would apply here, and the analysis of those alternatives is incorporated herein by this reference.

For instance, the higher costs and lower revenues from smaller units, as shown through analysis by the Concord Group, make a reduced unit size alternative economically infeasible. (See, e.g., page 7-55 of the RDEIR.)

Moreover, visual simulations in the RDEIR show that Building 9, while the closest building to a nearby public park, does not in fact significantly obstruct bay views; rather it is the downhill buildings that cause significant an unavoidable aesthetic impacts. (Compare Exhibit 7-9, showing a simulation of a project without building 9, to Exhibit 3.1-2 [proposed project simulation] and Exhibits 7-4 and 7-6c [showing variety of structures types within footprint of Building 9 do not obstruct bay
views but rather views of other project buildings.) With the implementation of the commenter’s alternative variation, views of the shoreline and bay waters inside the breakers would remain obstructed as under the proposed Project, and impacts would remain significant and unavoidable.

In fact, the redistribution of units to project structures along the shoreline would increase the intensity of development in those areas above and beyond the massing shown in Exhibit 7-6c, where this exhibit consists of a visual simulation showing how reduced sized units would affect views when distributed across the entire project site (and not concentrated along the shoreline). The commenter’s variation would therefore likely have greater aesthetic impacts, both in terms of its potential to affect public views of scenic resources and the aesthetic experience of users of the Bay shore and Bay trail (see, for instance, pages 7-52 and 7-53 of the RDEIR, for a discussion that increasing the massing of shoreline buildings would cause greater visual impact). Increasing massing along the shoreline also may be considered in conflict with General Plan Policy LU4.1, which calls for minimization of impacts of development on the shoreline with special attention to intensity, density, and proximity to water (see, for instance, discussion of conflicts with similar alternatives on pages 7-14 and 7-37 of the RDEIR).

For the foregoing separate and independent reasons, the permutation suggested by commenter is not feasible and would not substantially reduce impacts compared to those of the project.

Response to HOLMES-13
The commenter states the Two Stories Over Parking/Podium-Style Architecture Alternative seems to meet the needs for minimizing view impact for current residents and therefore should be reviewed further.

The compact configuration of the podium building, group parking, and smaller units of 1,400 to 1,600 square feet would yield 60 units, and would be within the 10 to 40 units per acre density range under the General Plan Medium Density Residential designation. However, impacts to views would not be substantially reduced, since the side of the townhome building facing the Seacliff Place HOA Park would remain three stories (see Exhibit 7-11 of the RDEIR).

Even if this alternative did offer significant environmental advantages, an analysis by the Concord Group determined that the lower net revenue and additional cost of the podium structure would lead to a negative land residual value, indicating that this alternative is not economically feasible (Concord Group 2014). Separately, with entries to the dwelling units being provided off of a common interior hallway and providing shared parking, the alternative does not fully meet Objective #1, which is a fundamental project objective to provide a high-quality, for-sale residential development project that generally maintains or enhances property values in the surrounding area. This alternative would involve a type of development and design that is inconsistent with other residential developments in the neighborhood, since its appearance would be more visually similar to an apartment building than individual, for-sale units. Based on current market conditions and the analysis conducted by the Concord Group, the property values and financial viability of the project will be enhanced by providing amenities such as a common open space area, private two-car garages, and individual private entries to each home, which are typical of high-quality residential development and would not be possible under this alternative. This alternative would also not meet
Objective #9, which is a fundamental objective of the project to maintain dedicated, off-street parking to the greatest extent possible in order to alleviate neighborhood and public concerns regarding on-street parking.

Although this alternative would still provide parking in accordance with the minimum requirements under the City’s Municipal Code, parking would be provided in a shared, covered parking garage, instead of full-length driveways and private garages that would be provided under the project. This would change the visual character of the project, and would result in a design that is more consistent with an apartment building rather than townhomes, and would therefore be inconsistent with the surrounding residential development.

Parking under this alternative also could not be provided underneath the building in excess of City requirements as is currently proposed under the project, due to the smaller and more compact size of the building that would necessarily reduce the amount of building footprint that could accommodate parking. Potential additional parking spaces could be provided off-street in a parking lot; however, an off-street parking lot would be more visually similar to an apartment development than individual, for-sale units, which would be out of character with the residential development in the vicinity and create increased impacts over the project. Carport style parking is not found in the vicinity, and is rarely associated with market rate housing. Therefore, because of separate and independent concerns regarding economic infeasibility and a failure to satisfy fundamental project objectives, this alternative was rejected from further consideration.

Response to HOLMES-14
The commenter states the Dienst Sketch Alternative has merit and that the city planners, developers and architects could use the “bones” of this drawing to make a viable option.

Several assumptions within the RDEIR were necessary to develop an accurate dimensioned depiction of the alternative. First, the driveways in the sketch are assumed to serve 2-car garages, and the garages are assumed to meet the minimum City of Richmond requirements for width. In addition, dimensionally, Buildings 6, 7, 8, 10, and 11 from the Dienst sketch are assumed to be of comparable design to the proposed project buildings, but with the top two floors removed. When drawn to scale, the Dienst Alternative does not fit within the developable portion of the project site and is therefore technically infeasible. Building 6 would extend to the middle of Seacliff Drive, Buildings 1 and 3 would be on top of the existing Bay Trail, and Building 11 would overlay 10 to 15 feet of bay mud in the bay mud constraint area. As described in the Miller Pacific geotechnical evaluation, the depth of bay mud and the presence of large boulders makes development in this area infeasible.

Furthermore, the Dienst sketch assumes a greater net developable area than the proposed project, with essentially the same number of units, because it assumes development in the bay mud and BCDC setback. As a result, this alternative would result in a density below the 10-to-40-unit-per-acre density range established for the Medium Density Residential Designation, which would be inconsistent with the General Plan’s prescribed minimum density for the project site and would not fully meet Objective #3—Compliance with General Plan density. The view impact from the Seacliff Place HOA Park would be reduced, because the nearest building to the park would be a two-story building instead of a three-story building. However, the view impact along the shoreline and Bay
Trail would be much greater under this alternative, with Buildings 1 and 3 being located on top of or immediately adjacent to the Bay Trail, which would not be permitted and would result in unacceptable land use impacts.

In addition, this massing along the shoreline would result in a significant and unavoidable land use impact that, in addition, would conflict with General Plan Policy LU4.1, which calls for minimization of impacts of development on the shoreline with special attention to intensity, density, and proximity to water; and would also not meet Objective #4, which is to enhance construction of the Bay Trail along the project frontage by providing landscaping, benches, and access for trail users and residents. Therefore, because of separate concerns regarding legality, failure to meet important project objectives, and technical feasibility, this alternative was rejected from consideration.

Please also see Master Response 2 for further discussion of the alternatives that were analyzed in the RDEIR; the City and the project applicant are not required to develop additional alternatives or further expand upon suggested alternatives which are not feasible and where an EIR already presents a reasonable range.

Response to HOLMES-15
The commenter states appreciation for the idea to move the Canal Street entrance further from the Seacliff homes. The commenter states the movement will minimize noise, lights and other disruption, and a belief that this will help with the bicycle and pedestrian risk of injury.

Traffic hazards due to vehicular site access were analyzed in Section 3.7 of the RDEIR and were found to be less than significant with mitigation. Specifically, vehicle site access was analyzed, and the results of that analysis indicate that the project driveway on Canal Boulevard would operate acceptably, and all intersection levels of service shown in Table 3.7-1 and Table 3.7-5 would be maintained. The driveway on Canal Boulevard would cross a Class I bicycle facility, and the potential effects of this design are discussed in the bicycle access and circulation subsection under Impact TRANS-6 (RDEIR at 3.7-21). In order to avoid these potential conflicts, Mitigation Measure TRANS-6b requires that prior to the issuance of occupancy permits, the project applicant shall either (1) restrict the Canal Boulevard entrance to emergency vehicle access only, to reduce conflicts between bicycles and vehicles; or (2) the applicant will be required to provide trail crossing treatments on both the driveway approach and the trail consistent with the Bicycle Master Plan Design Guidelines. Bicycle traffic shall not be expected to stop, but signage and striping would be appropriate to alert them to the presence of vehicles. Other bike path treatments across the driveway, such as colored pavement, may also be appropriate. Traffic exiting the site shall be stop-controlled. Signage and striping shall be used to alert drivers of the potential for bicycle traffic along the corridor (RDEIR at 3.7-22). Drivers are presumed to follow all applicable traffic laws and obey the speed limit.

The location of the Canal Boulevard entrance is based on engineering considerations, including elevation differences requiring ramping that would inhibit vehicular access to Building 5 (and probably 4 and 6) and subsurface conditions related to the placement fill on the bay mud and boulders underlying this portion of the site. This comment has been noted, and will be provided to the City of Richmond decision-makers for their review and consideration of the project.
Response to HOLMES-16
This comment does not make any specific reference to, or comment on, the Draft EIR, but expresses generalized concerns about the project’s alternatives. Please see Master Response 2. This comment has been noted and will be provided to the City of Richmond decision-makers for their consideration of whether to approve or deny the project.

Response to HOLMES-17
Again, this comment does not make any specific reference to, or comment on, the Draft EIR, but states that Seacliff homeowners relied upon information provided to them by the City of Richmond related to allowable building heights.

Information provided by the City in response to inquiries about the General Plan and Zoning regulations in effect at the time of the inquiry may be subject to change, and does not create any legal rights or guarantee of future conditions. The General Plan is subject to change, as evidenced by Richmond Municipal Code Section 15.02.040, which allows project applicants to seek amendment of the General Plan. This comment has been noted and will be provided to the City of Richmond decision-makers for their consideration of whether to approve or deny the project.

Response to HOLMES-18
The commenter urges that a reasonable plan be implemented, such as the Removal of Top Floors of Buildings 6, 7, 8, and 9 Alternative. This comment has been noted and will be provided to the City of Richmond decision-makers for their consideration of whether to approve or deny the project. No additional response is needed.
Kieron Slaughter

From: Lee Huo <LeeH@abag.ca.gov>
Sent: Thursday, September 25, 2014 3:38 PM
To: Kieron Slaughter
Cc: Joel Camacho; TRAC
Subject: Bottoms Property Residential Project Recirculated DEIR Comments

Kieron,

On behalf of the San Francisco Bay Trail Project, I'm providing the following comments on the Recirculated Draft Environmental Impact Report for the Bottoms Property Residential Project (Bottoms Project).

As part of the Bottoms Project, the development proposes to create a secondary motor vehicle access point from Canal Boulevard at the northeastern portion of the project site known as Street "B". In order to provide this secondary access point, the proposed project will place a new driveway across the existing Class I Bay Trail along Canal Boulevard. This new driveway will cross and bifurcate the existing Bay Trail segment along Canal Boulevard and cause impacts to the existing Bay Trail by creating a new conflict point between motorists and the bicyclists and pedestrians utilizing the Bay Trail. Although it is our understanding that controls will be placed at this new crossing point, the impacts of a new roadway across a previously uninterrupted, continuous bicycle/pedestrian trail cannot be fully mitigated by simply putting in controls at the new intersection. There will continue to be safety impacts resulting in potential accidents as a result of the new intersection as well as impacts to the ability of trail users to flow unimpeded through that new intersection.

As a result, these impacts to the Bay Trail created by the new Street "B" intersection must be offset through additional mitigation by the Bottoms Project. The additional mitigation should be in the form of providing improvements to the Bay Trail junction where the Canal Boulevard Bay Trail segment meets the new Bay Trail segment recently installed by the City of Richmond between Seacliff Drive and Canal Boulevard. The junction point of these two trail segments currently has a raised curb that is not ADA accessible and is a safety hazard for other trail users as well. In order to mitigate the Street "B" secondary access point impacts on the Bay Trail, we request that the City incorporate a mitigation measure requiring the Bottoms Project to improve the Bay Trail junction at Canal Boulevard by providing ADA and trail user access improvements and wayfinding signage at the junction. The mitigation improvements at the Bay Trail junction should also include bollards to control unauthorized motor vehicle access on to the Bay Trail if necessary.

Thank you for the opportunity to comment on the Bottoms Project Recirculated DEIR, and please let me know if you have any questions regarding the above comments or the Bay Trail. I'm looking forward to working with you on this project.

Sincerely,

Lee Chien Huo
Bay Trail Planner
Association of Bay Area Governments
Bay Trail Project
P.O. Box 2050
Oakland, CA 94604-2050

Tel: (510) 464-7915
Fax: (510) 433-5515
Lee Chin Huo (HUO)

Response to HUO-1
The commenter provides an introductory statement to the letter. No response is necessary.

Response to HUO-2 and HUO-3
The commenter requests impacts to the Bay Trail created by the new Street “B” intersection be offset through additional mitigation by the Bottoms Project. The commenter requests, in order to mitigate the Street “B” secondary access point impacts on the Bay Trail, that the City incorporate a mitigation measure requiring the Bottoms Project to improve the Bay Trail junction at Canal Boulevard by providing Americans With Disabilities Act (ADA) and trail-user access improvements and wayfinding signage at the junction.

Please see Response to TRAC-4. TRAC recommended that Mitigation Measure TRANS-6c on page 3.7-22 of the RDEIR be made specific as to location of the “proposed path” and the “intersection” where “treatments” shall be installed. TRAC recommended the following revised language: “MM TRANS-6c: Prior to issuance of occupancy permits, trail intersection improvements shall be installed where the Class I trail along the shoreline of the property meets the Shipyard 3 section of Bay Trail at Canal Boulevard, including striping, directional signage and ADA access.” This mitigation measure has been updated in Section 3, Errata of the Final EIR. Please note that the original mitigation measure was adequate to reduce impacts to less than significant, and the requested revisions are not considerably different from the original mitigation measure provided within the RDEIR.

Response to HUO-4
The commenter provides a closing statement for the comment letter. No response is necessary.
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Dear Kieron,

This is a response to the RDEIR on the Shea Property (Bottoms Property) on Seacliff Drive.

After careful review of the materials provided, I would like to support the alternatives for this project that do not require a general plan amendment. The project can add to the quality of Richmond without amending the general plan.

Thank you.

Eileen and Hank Lewis
Eileen L. Lewis (LEWIS)

Response to LEWIS-1
The commenter expresses support for alternatives that would not require a General Plan Amendment. As a whole, this comment does not make any specific reference to, or comment on, the Draft EIR or a particular environmental issue; rather, it expresses generalized concerns about the design of the proposed project. The City Council will consider all alternatives and the findings of the RDEIR when considering whether or not to approve the project.
Dear Mr. Slaughter-

I am writing to comment on the 8/12/14 RECIRCULATED DRAFT EIR for Shea-Bottoms Project, with specific attention to Section 3.1 (Aesthetics). As you know, in the past I have expressed concerns about the impact of the proposed project upon views from Seacliff Place Park (a publically accessible vista point), as well as the impact of proposed landscaping on the eastern side of Seacliff Drive on views by pedestrians descending the hill at that location. I continue to harbor these concerns.

As documented below, although the RECIRCULATED DRAFT finally acknowledges that the proposed development will have a significant impact upon the park’s view, it attempts to use a false dichotomy to state that any partial mitigation of the view impact is rendered valueless. The RECIRCULATED DRAFT states that “…reducing the height of the project buildings would not reduce this impact to a less than significant level.” This assertion is disingenuous, does not respect the sensibilities of local residents or allow for gradations in impact, and is supported in a faulty and biased manner. In addition, the RECIRCULATED DRAFT does not explicitly deal with the impact of proposed landscaping on the eastern side of Seacliff Drive, and refers to a view simulation that is, in fact, missing from the report. Specifically:

In Section 3.1.4 (Project Impact Analysis and Mitigation Measures), page 3.1.10, the authors of the report refer to “three computer-generated visual simulations,” whereas on the following page (3.1.11), there is a list of four, one of which is missing entirely:

3.1-1b [sic] “…Visual Simulation… from the homeowners association park at Seacliff Place…” The simulation in question is in fact labeled 3.1.2-A. This simulation purports to be “using 5 feet as the assumed eye level,” whereas in public hearing the same simulation was previously identified as being taken from a 5’6” height. In either case, it is the perspective of a tall (> 6’) adult in standing position, and does not acknowledge that for shorter adults, children, or visitors sitting on park benches, the view impact will be more pronounced.

3.1-2 [sic] “…Visual Simulation… from Seacliff Drive looking south.” No such simulation is included in the RECIRCULATED DRAFT. What such a simulation would have revealed is shown in the appendix to this letter.
On page 3.1-20, the RECIRCULATED DRAFT asserts that, by widening the sidewalk between the project entrance and the crosswalk on Seacliff Drive, the project will enhance community views. This is a non-sequitur. The following page (3.1-21) states that views of Angel Island will not be obstructed. This is refuted by the illustrations below. Both are examples of the report's pro-developer, anti-community bias.

It is my contention that: 1) by extended the building height limit to 48 feet, and 2) by adding street-side trees on the east side of Seacliff Drive (added in executive session by the Design Review Board, without public comment), the proposed development visually isolates the lower portion of Seacliff Estates (east of Seacliff Drive) from the Bay, including both park views and pedestrian views descending along the east side of Seacliff Drive. The RECIRCULATED DRAFT does not seriously consider measures to mitigate these impacts, and thus continues to be deficient.

APPENDIX: View from Seacliff Drive sidewalk, east side, descending hill

Current View without trees

View from opposite side with trees
Dennis Shusterman (SHUSTERMAN)

Response to SHUSTERMAN-1
The commenter provides an introduction to the letter and expresses concerns in a general manner. No response is necessary.

Response to SHUSTERMAN-2
The commenter examines the RDEIR’s significance determination in regards to park views. The commenter references the RDEIR’s discussion of potential mitigation being valueless in reducing these impacts to less than significant levels.

As acknowledged by the RDEIR, any potential impacts to scenic resources could not be reduced to less than significant levels. Because the shoreline is considered a scenic resource, any building, at any height would obstruct the shoreline. Thus, any potential mitigation incorporated, including reducing the height of buildings, could not reduce impacts to less than significant levels.

Response to SHUSTERMAN-3
The commenter states that the RDEIR does not specifically address views obstructed by landscaping on the eastern side of Seacliff Drive. The commenter continues, stating that referenced simulation was omitted from the report.

The text reference within page 3.1-11 of the RDEIR misstated that Exhibit 3.1-1b includes a visual simulation of the project from the homeowners association park at Seacliff Place looking south, and this has been corrected in Section 3, Errata. There were only three visual simulations prepared for Section 3.1, Aesthetics, as identified on page 3.1-10 of the RDEIR, which include Exhibit 3.1-2, Exhibit 3.1-3, and Exhibit 3.1-4. The commenter is correct in that Exhibit 3.1-1b includes an existing view from a public vantage point for “Panorama view from Miller/Knox Regional Shoreline Park, Trail above Pinnacle Court” and “View from Seacliff Place Park, showing existing fence line” only. Similar language is included within page 3.1-2 of the RDEIR, located under subheader “Existing Visual Quality of the Project Site,” which states, “Exhibits 3.1-1a and 3.1-1b depict views of the project site and surrounding areas from public vantage points.” Please see Section 3, Errata, for correction of the erroneous text language. Nonetheless, as outlined on page 3.1-20 of the RDEIR, “the project would also block views from sidewalks along Seacliff Drive as motorists, bicyclists and pedestrians travel along the project frontage.” Consequently, impacts to views from sidewalks along Seacliff Drive were included within the RDEIR analysis. Please see Response to SHUSTERMAN-9 for more information.

Therefore, the RDEIR conservatively categorizes the view impacts of the project as significant. There is no other feasible mitigation that would reduce this impact to a less than significant level, and as a result, aesthetic impacts would remain significant and unavoidable.

Response to SHUSTERMAN-4
The commenter notes a discrepancy between a previous public hearing and the current RDEIR document. The commenter states that the two sets of simulations were from different heights, originally 5'6”, and now from 5'0”. The commenter believes that the simulations do not consider views of shorter adults, children, or people who are sitting.
The commenter does not identify which public hearing as to where the same simulation was used in identifying a vantage point of 5 feet 6 inches height versus the RDEIR’s 5 feet 0 inch height. Nonetheless, the simulations were recreated for this RDEIR using a more conservative approach of 5 feet 0 inch that accommodates potential viewers of smaller stature. In addition, the RDEIR need not conduct every test and accommodate every posture of a person for potential visual impacts. The methodology used to analyze potential visual impacts were conducted and selected by experts within the field, including The Dolan Group and Environmental Vision. Please see Section 3, Errata, for the resumes of experts in the field used to analyze visual impacts. Ultimately, the revised 5-foot-0-inch simulation takes a conservative approach towards potential impacts to views.

Response to SHUSTERMAN-5
The commenter states that on page 3.1-2, a visual simulation was omitted. The commenter provides a self-made simulation to illustrate how he believes it would have appeared.

Please see Response to SHUSTERMAN-3.

Response to SHUSTERMAN-6
The commenter states he does not have any comments regarding 3.1-3 or 3.1-4. It is assumed that this is referring to pages within the RDEIR. This comment has been noted; no additional response is necessary.

Response to SHUSTERMAN-7 and SHUSTERMAN-8
The commenter states that the RDEIR contains a non-sequitur in regards to the obstruction of views of Angel Island. The commenter describes the report as containing a pro-developer, anti-community bias. He also makes reference to his simulations, asserting that they refute the statement that views of Angel Island would not be obstructed.

Please see Response to SHUSTERMAN-3, which clarifies that there were only three visual simulations prepared for Section 3.1, Aesthetics, which include Exhibit 3.1-2, Exhibit 3.1-3, and Exhibit 3.1-4. The commenter is correct in that Exhibit 3.1-1b includes an existing view from a public vantage point for “Panorama view from Miller/Knox Regional Shoreline Park, Trail above Pinnacle Court” and “View from Seacliff Place Park, showing existing fence line” only. Similar language is included within page 3.1-2 of the RDER, located under subheader “Existing Visual Quality of the Project Site,” which states, “Exhibits 3.1-1a and 3.1-1b depict views of the project site and surrounding areas from public vantage points.” Please see Section 3, Errata, for correction of the erroneous text language.

The commenter also contends the RDEIR is incorrect in providing that views of Angel Island will not be obstructed, and the commenter provides photographs of the project site’s current view of the Bay and views from the opposite side of Seacliff Drive towards the Bay. Despite not providing a view simulation from the vantage point of the sidewalk, the REDIR expressly (but conservatively) determined that “the project would also block views from sidewalks along Seacliff Drive as motorists, bicyclists and pedestrians travel along the project frontage,” as outlined on page 3.1-20 of the RDEIR. Please see Response to ABROMAITIS-4, for efforts made by the project applicant to maintain view corridors to the Bay and surrounding areas. With respect to motorists and bicyclists, if such persons
obey traffic laws as they are presumed to do, they will be traveling uphill along the frontage of the project site, with their backs to the viewshed.

Thus, while the RDEIR conservatively identifies that views of scenic resources could be blocked (including views of Angel Island), and impacts would be significant and unavoidable, from a practical and realistic perspective, these impacts to views from sidewalks along Seacliff Drive would be experienced by only pedestrians, and only as they traverse a small segment of the public circulation system. To this point, please note that the above vantage point is one of hundreds that people may experience from nearby streets, where other viewsheds will not be impacted at all. The RDEIR, in focusing on the public park and project frontages, sought to study worst-case scenario vantage points.

Response to SHUSTERMAN-9
The commenter expresses that the extension of the building height limit to 48 feet, and the addition of street-side trees on the east side of Seacliff Drive, would cause the lower portion of the existing Seacliff Estates to be isolated. The commenter states that the RDEIR is deficient, and does not consider measures to mitigate impacts relating to these views.

It is unclear how the project would “isolate” the lower portion of Seacliff Estates, and the commenter only identifies impacts to park and limited pedestrian views. Please see Responses to SHUSTERMAN-3 and SHUSTERMAN-9 for further discussion in this regard, incorporated herein by this reference.
Good afternoon, Kieron

We are Jim and Kitty Zahradka and we own and reside at 311 Seacliff Way, Richmond, CA 94801.

We are known to you and staff involved in the Shea Bottoms project. We have given testimony at several City and Developer meetings regarding the project.

In reading the RDEIR we have comments that are important to our quality of life and the City's tax base as the project moves forward in the approval process.

We strongly hold that the General Plan 2030 is our City's Constitution. Any proposed amendments for development must be viewed with an eye toward what type of precedent is established for similar development projects in the future.

In our case, in the Brickyard Cove, we have three large tracts of undeveloped property; Bottoms, Terminal 1 and the PG&E sites.

Whatever the decision is regarding Shea's request for a General Plan amendment, that decision will stand as the paradigm for future development of our Cove.

Our specific concern is that the Plan's 35' height restriction remain inviolate. To amend the plan to accommodate a developer's desire is the tail wagging the dog and is very poor public policy.

If homes are built that do not fit the character of the neighborhood ("luxurious" according to Nat Bates) it is our concern that the lower the value the home the less taxes the City will enjoy. That begs the question: if current "luxurious" home values decrease due to poorly planned developments what happens to future City tax revenues for those properties?

Shea is on the cusp of developing arguably one of the most beautiful views of San Francisco Bay front property remaining.

It seems to us that a number of reasonable alternatives (#s 3, 4, and 5) that do not require a General Plan amendment are found in the RDEIR and, although Shea may not support any of them, we believe they should be carefully considered.

Respect for this wonderful panoramic vista and the people in danger of losing incalculable intrinsic quality of life value must trump developers who seek maximum profit for their stakeholders.

We support responsible development of the Bottoms property and are asking the City decision makers to do what is right.

Thank you

Kitty and Jim Zahradka
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Kitty and Jim Zahradka (ZAHRADKA)

Response to ZAHRADKA-1
The commenter provides an introduction to the letter and expresses concerns in a general manner. No response is necessary.

Response to ZAHRADKA-2, and 3
The commenter expresses concern regarding the proposed General Plan Amendment to allow for greater building heights as part of an approved PA District. The commenter states that if this occurs, similar height limitations will apply to the future Terminal One project in Brickyard Cove.

Please see Master Response 1 and 5 for more detailed information on the proposed General Plan Amendment to allow for greater building heights.

As of the date that the EIR was circulated for public review, the City of Richmond had not received any formal planning application for the Terminal One project; therefore, it would be speculative to address potential cumulative impacts from this project within the RDEIR. In addition, any future projects that seek to utilize the modified height limit proposed under the General Plan Amendment would be required to undergo project-specific review for approval of a PA District, as well as separate CEQA review, which would include evaluation of impacts to views and aesthetics.

Response to ZAHRADKA-4
The commenter expresses concern that the project will lower the value of homes, creating fewer tax revenues for the City.

Individual opinions about the local real estate market, the developer’s profits or property tax revenues generated by the project are not within the scope of the RDEIR. As currently proposed, the project achieves the minimum density for the Medium Density Residential designation, and is not required to be further reduced to accommodate larger, single-family homes. Project Objectives 1 and 2 are to: “provide a high-quality for-sale residential development project that serves a diversity of household types” and “to the greatest extent possible, maintain or enhance property values in the surrounding area near the shoreline”.

The developer is proposing a General Plan Amendment to allow for greater building heights than are currently permitted; please see Master Response 1 and 5. The addition of 60 new homes will also add to the tax revenues of the City. This comment has been noted, and will be provided to the City of Richmond decision-makers for their review and consideration of the project.

Response to ZAHRADKA-5
The commenter expresses that the subject property is the last remaining developable area with a “beautiful view” in San Francisco Bay. This comment is noted and no additional response is necessary.

Response to ZAHRADKA-6
The commenter provides introductory remarks to open the letter and states that the alternatives provided in the RDEIR are viable alternatives that would not require a General Plan amendment that need to be implemented and that these options should be considered.
The City’s decision-makers will consider each of the alternatives included in the RDEIR. As a whole, this comment does not make any specific reference to, or comment on, the RDEIR or a particular environmental issue, but expresses generalized concerns about the design of the proposed project. Accordingly, a written response to this comment is not required pursuant to CEQA. However, this comment has been noted, and will be provided to the City of Richmond decision-makers for their review and consideration of the project.

In addition, please see Master Response 1 for more detailed information on the proposed General Plan Amendment. The legislative body of a city may amend all or part of a General Plan, subject only to the limitation that a mandatory element of a General Plan may not be amended more than four times per each calendar year (see Cal. Govt. Code § 65358(b)). A General Plan is not intended to be a static document that is not subject to change, because a city’s needs and vision may change due to growth or other factors. In furtherance of this policy, project applicants are permitted to seek amendment of the General Plan pursuant to Section 15.02.040 of the Richmond Municipal Code.

Response to ZAHRADKA-7 and ZAHRADKA-8
The commenter states that respect for the panoramic vista and the people in danger of losing incalculable intrinsic quality of life value must trump developers who seek maximum profit for their stakeholders. The commenter also states their support of responsible development of the Bottoms property, and are asking the City decision-makers to do what is right. This comment is noted and no additional response is necessary.
SECTION 3: ERRATA

The following are revisions to the Draft EIR for the Bottoms Property Residential Project. These revisions are minor modifications and clarifications to the document, and do not change the significance of any of the environmental issue conclusions within the Draft EIR. The revisions are listed by page number. All additions to the text are underlined (underlined) and all deletions from the text are stricken (stricken).

3.1 - Changes in Response to Specific Comments

Section 2.0, Project Description

Page 2-19

Trails for Richmond Action Committee (TRAC) recommends the following additional enhancements to the existing Bay Trail built by the City of Richmond along the shoreline of the Bottoms property.

1. provide and service at least two trash receptacles along the trail and
2. fabricate and install a 2’ x 3’ Bay bird interpretive panel as shown in the attachment using a digital image to be provided by TRAC.

The requested additional elements have been incorporated, below.

Landscaping and Trail Improvements

In addition to project landscaping, the project would provide enhancements to the new section of the Bay Trail, which was recently completed by the City. The trail, which is located along the shoreline in a 22-foot-wide easement through the property, connects non-contiguous portions of the San Francisco Bay Trail between Canal Boulevard and Seacliff Drive, as contemplated by the City of Richmond’s 2030 General Plan.

The trail will include several design features that promote ease of access and user safety, some installed by the City and some installed by the project. The City has installed two benches, wayfinding signs, and orientation exhibits. The project would provide a wider sidewalk between the project entrance and the crosswalk on Seacliff Drive near the intersection of Brickyard Cove Road for safer multi-use access, public access parking near the project entrance from Seacliff Drive, a shoreline access path and ramp, two doggy pick-up stations, and additional benches along the portion of the Trail through the property, provide and service at least two trash receptacles along the trail, and fabricate and install a 2’ x 3’ Bay bird interpretive panel using a digital image to be provided by TRAC. The Bay Trail and easement will be within an approximately 100-foot-wide landscaped buffer area between the residential buildings and the shoreline top of bank.
Section 3.1, Aesthetics

Page 3.1-11
The text reference within page 3.1-11 of the RDEIR stating that Exhibit 3.1-1b includes a visual simulation was incorrect as to including a simulation of the Project from the homeowners association park at Seacliff Place looking south. There were only three visual simulations prepared for Section 3.1, Aesthetics, which include Exhibit 3.1-2, Exhibit 3.1-3, and Exhibit 3.1-4. The erroneous text language has been corrected, below.

- Exhibit 3.1-1b provides an existing view and a Visual Simulation of Project from the homeowners association park at Seacliff Place looking south. This view is taken from above the existing fence, providing a conservative analysis of the aesthetic effect of the project (compare with the view presented in Exhibit 3.1-1a).
- **Error! Reference source not found.** provides an existing view and a Visual Simulation of Project from Seacliff Drive looking south.
- Error! Reference source not found. provides an existing view and a Visual Simulation of Project from Seacliff Drive looking southeast.
- Error! Reference source not found. provides an existing view and a Visual Simulation of Project from Canal Boulevard looking northwest.

Section 3.3, Biological Resources

Page 3.3-10
The commenter recommends that mitigation measure MM Bio-1 c, for pre-construction nesting bird surveys on page ES-13 of the RDEIR be altered. The requested revisions to mitigation measure MM BIO-1c have been incorporated, below.

**MM BIO-1c**—— Removal of trees and shrubs shall be conducted outside of the avian nesting season (February through August). If construction must occur during the avian nesting season, a pre-construction bird survey shall be conducted no more than 14 days prior to any ground-disturbing activities. If at any time birds are found to be nesting inside or within 250 feet (500 feet for raptors) of the impact area, construction activities within 250 feet of the nest shall cease until it is determined by a qualified biologist that the nest is no longer active.

MM BIO-1c Pre-construction surveys for nesting birds shall occur prior to the following: Any Project action, including ground-disturbing activities scheduled to occur between February 1 and September 1. The pre-construction survey shall be conducted by a qualified biologist no more than 14 days prior to the initiation of construction. If a lapse in Project activity of one week or more occurs, the surveys shall be repeated. If nesting birds are found, species specific buffers shall be implemented in consultation with CDFW. The buffer area shall be fenced off from work activities and no work shall occur in that area until the young have fledged, as determined by a qualified biologist. Active nests found within the vicinity of the Project area, outside the species specific buffer shall be monitored by the Project biologist during all work.
activities for changes in bird behavior, the qualified biologist shall perform at least two-hours of pre-construction monitoring to characterize normal bird behavior. At the first indication of nest abandonment all work shall halt and the biologist shall contact CDFW on how to proceed.

**Section 3.7, Transportation and Traffic**

**Page 3.7-21**

TRAC recommends the discussion of Bay Trail features in the first full paragraph of page 3.7-21 to be deleted as they have been built by the City and are not part of the project. The requested deletion has been incorporated, below.

- Provide an enhanced pedestrian crosswalk at the project driveway on Seacliff Drive, connecting the existing sidewalk on Seacliff Drive to the Ferry Point Loop Trail.
- Enhance Trail crossing treatments at the project driveway at the Canal Boulevard driveway.
- Review Trail connections at the intersection of the Ferry Point Loop Trail and San Francisco Bay Trail, and install intersection treatments including direction signage to ensure consistency with the Bicycle Master Plan Design Guidelines.

The recommended improvements are outlined within MM TRANS-6a through MM TRANS-6c. Thus, there will be a crosswalk on Seacliff Drive near the intersection of Brickyard Cove Road, with way finding signs on new posts installed on each side of Seacliff Drive and on the existing light pole on the eastern side of the crosswalk. There will also be a “you are here” sign located in 2-feet by 3-feet panels in the existing frames at each end of Seacliff Drive. The other new trail section between Brickyard Landing Condos and Ferry Point would include marked crosswalks at crossings of Brickyard Cove Road and Dornan Drive, as well as appropriate safety and way finding signs, and an additional “you are here” orientation exhibit along the trail on the eastern side of Dornan Drive. Amenities along the new trail consist of two benches.

Because of potentially significant impacts arising from vehicle, pedestrian and bicycle conflicts at project entrances (particularly at the Canal Boulevard project entrance since is crosses the Bay Trail), MM TRANS-6a through MM TRANS-6c are included to ensure that the project implements all recommendations to ensure the safety of pedestrians and bicyclists.

**Page 3.7-22**

TRAC recommends the following modifications to Traffic mitigation measures MM TRANS-6a and MM TRANS-6c. The requested revisions to the mitigation measures have been revised/incorporated, below.

**MM TRANS-6a** Prior to issuance of occupancy permits, the project Applicant shall provide an 10 foot minimum width enhanced pedestrian crosswalk at the along Seacliff Drive project driveway, between the project driveway and the Bay Trail crossing of Seacliff Drive near the intersection with Brickyard Cove Road, based on recommended
design treatments from the Bicycle Master Plan Design Guidelines, connecting to the proposed Class I facility along the western edge of the project site.

**MM TRANS-6c** Prior to issuance of occupancy permits, where the proposed path connects to the Ferry Point Loop Trail and the San Francisco Bay Trail, trail intersection treatments shall be installed, including directional signage. Trail intersection improvements shall be installed where the Class I trail along the shoreline of the property meets the Shipyard 3 section of Bay Trail at Canal Boulevard, including striping, directional signage and ADA access.

**MM TRANS-6d** The home owners association shall maintain the Bay Trail in perpetuity, including shoreline revetments and all site landscaping.

**Recirculated Draft EIR Appendices**

Response to DIENST 1-1 requests the PRNC letter of opposition to be included in the RDEIR Appendix. Appendix J: Point Richmond Neighborhood Council (PRNC) Letter of Opposition has been included as requested, below. In addition, resumes for the technical experts who prepared technical documents and analysis for landscaping, architecture, and visual simulation within the RDEIR, have been included.
Appendix J: Point Richmond Neighborhood Council (PRNC) Letter of Opposition
From: Margaret Jordan [mailto:mjordan00@gmail.com]
Sent: Thursday, October 31, 2013 11:35 PM
To: Richard Mitchell; Kieron Slaughter
Cc: Rod Satre
Subject: PRNC Recommendation - Development of Bottom's Property

Dear Richard and Kieron,

Both the Point Richmond Neighborhood Land Use Design Review Committee and General Membership met last night to hear presentations from Shea Homes on the proposed development of the Bottom's Property below the Seacliff Development.

As you will note below, there is still a great concern and disappointment regarding the height of individual buildings exceeding the code of 35 feet, which we understand is the prescribed zoning limit for "medium density residential" as written in the General Plan. We are very concerned that the General Plan, the document that is supposed to guide the development of the City of Richmond over the next period, will be made irrelevant if this "exception" is allowed.

Given that, the General Membership approved the project with the following conditions (as presented by the Land Use Design Review Committee) with two amendments noted below.

1. 35 ft height limit for medium density buildings (as amended by a vote of 34 agree, 3 opposed, 2 abstaining)
2. Adopt Bay Trail/TRAC 10/28/13 recommendations
3. Improve community use area for more utility
4. Retaining walls need softening/use local boulders
5. Improve buffer area along cove/needs better definition
6. Improve cove side communication to shore
7. Articulation of building should provide privacy
8. Minimize light pollution
9. Follow BCDC planting guides
10. Endorse restrictions on planting heights to preserve views long term.
11. Planting to soften views
12. Shea development negotiate with homeowners associations to share maintenance cost of Seacliff Drive (as amended by vote of 27 agree, 0 opposed)

If you have any questions, please contact Rod Satre or me.

Thank you,

Margaret Jordan, President
Point Richmond Neighborhood Council
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Appendix K: Technical Staff Resumes
RESUME

Philip vanderTooLen, RLA, President
vanderTooLen Associates, Landscape Architects

Professional Background

Over thirty years of landscape architectural design experience. Emphasis in community landscape
design and related development plans – residential community projects, urban infill developments, high
density housing, redevelopment, city and regional parks, streetscapes, development standards, and
specific plans.

Education

Bachelor of Science Landscape Architecture, California State Polytechnic University, Pomona, 1982
Associates of Arts Degree, Architecture, College of San Mateo, 1979

Registration

Licensed Landscape Architect 1988, State of California #2798

Experience

Founding Principal and President, vanderTooLen Associates, Napa, CA 1995 – present
Founding Principal and Sr. Vice President, Site Concepts International, Napa, CA 1992-1995
Senior Associate, Peridian, Irvine, CA 1984-1992
Project Manager, IWS Landscape Architects, Tustin, CA 1982-1984

Representative Projects

- Dixon Southwest Specific Plan, Dixon, CA
- Bottoms Property Planned Development, Pt. Richmond, CA
- Richmond Riviera Planned Development, Pt. Richmond, CA
- Bay Meadows Phase II Neighborhoods, San Mateo, CA
- Dunes of Monterey Planned Development, Marina, CA
- American Canyon Town Center Specific Plan, American Canyon, CA
- Summer Lake Planned Development, Oakley, CA
- Yarborough Specific Plan, West Sacramento, CA
- Town Square at Whisman Station, Mountain View, CA
- University District Planned Development, Rohnert Park, CA
- Mountain House Plan Development, San Joaquin County, CA
- Dumbarton TOD Specific Plan, Newark, CA
- Gasser Property Specific Plan, Napa, CA

Professional Affiliations

American Society Landscape Architects
Urban Land Institute
National Association of Home Builders
California Building Industry Association
Marsha Gale has over 28 years of professional experience in the fields of environmental planning and design. She has particular expertise in visual simulation techniques and is highly familiar with visual assessment methods for urban development and infill projects. Ms Gale has extensive project experience for sites located throughout the Bay Area and northern California. She serves as principal-in-charge for numerous complex visual and aesthetic design studies that include accurate and highly realistic computer-generated simulations.

Ms Gale has pioneered the use of computer imaging applications for project planning, design, analysis, and communication. A member of the American Society of Landscape Architects and the Urban Land Institute, Ms Gale has made technical presentations to numerous decision-making bodies and has lectured internationally on the subject of visual simulation techniques.
A vision for the future where all design is respectful of its environment and creates lasting value is at the core of every design for Lauri Moffet-Fehlberg. Whether it is her own studio, designed to live off the grid in Montana, or a mixed-use village on the West Coast, Lauri focuses on the integration of art, architecture, urban design and context to craft a unique sense of place. She stewards the environmental conscience of Dahlin Group to understand and meet the challenges every project must overcome to be truly sustainable.

As a ceramic artist, she works with a medium that is a blend of aesthetics and technical skill, which she brings to her architectural design. She approaches design by integrating an overall vision for the community with architectural design talent, experience and a thorough understanding of the context and land. Through her work on the Advisory Council for the School of Architecture at her alma mater, Montana State University, Lauri stays engaged with academic endeavors and is able to impart the importance of art and design to the next generation of architects.
LAURI MOFFET-FEHLBERG  AIA, LEED AP
SENIOR PRINCIPAL

PLANNING + URBAN DESIGN

ALAMEDA POINT NAVAL AIR STATION
Alameda, California, USA
Alameda Point Community Partners

ALLAN WITT PARK
Fairfield, California, USA
Centex Homes

AMERICAN CANYON TOWN CENTER
American Canyon, California, USA
McGrath Properties

AMORUSO RANCH
Roseville, California, USA
Brookfield Land

ARTISAN PARK
Helena, Montana, USA
HSR Investments

DUARTE STATION SPECIFIC PLAN
Duarte, California, USA
City of Duarte

DUMBARTON TOD SPECIFIC PLAN
Newark, California, USA
City of Newark

THE DUNES SPECIFIC PLAN
Marina, California, USA
Marina Community Partners

HAMILTON ARMY AIRFIELD
Novato, California, USA
Centex Homes / Shea Homes

HAYWARD CANNERY
Hayward, California, USA
Shea Homes

HILLCREST E-BART TOD
Antioch, California, USA
Bosamer & Wall

ISSAQUAH HIGHLANDS
Issaquah, Washington, USA
Port Blakely Communities

KYLE CANYON
Las Vegas, Nevada, USA
Focus Properties

LVSHUN
Dalian, Liaoning, China
Yida Sanbay Estate Company

PLANNING + URBAN DESIGN (CONTINUED)

NORTH NATOMAS
Sacramento, California, USA
Brookfield Land

RICHMOND HEIGHTS
St. Louis, Missouri, USA
THF Realty

SAND CREEK SPECIFIC PLAN
Antioch, California, USA
Mundie & Associates

SHEA CENTER
Livermore, California, USA
Shea Properties

TAMINEN STATION REDEVELOPMENT
San Jose, California, USA
Santa Clara Valley Transportation Authority

TUSTIN LEGACY
Tustin, California, USA
Tustin Legacy Community Partners

VILLAGES OF BLACK DIAMOND
Black Diamond, Washington, USA
YarrowBay

COMMUNITY & URBAN RESIDENTIAL

ALMA PLAZA
Palo Alto, California, USA
DR Horton

COYOTE CREEK
Milpitas, California, USA
William Lyon Homes

ELEVATION
Palo Alto, California, USA
DR Horton

SORRENTO
Dublin, California, USA
Standard Pacific Homes

SUNSET WALK
Issaquah, Washington, USA
Pulte Homes

UNIVERSITY VILLAGES RESIDENTIAL
Marina, California, USA
Marina Community Partners

RETAIL + COMMERCIAL + MIXED-USE

BLACK DIAMOND TOWN CENTER
Black Diamond, Washington, USA
YarrowBay

CONTAINER CAFE
Livermore, California, USA
Sandia National Laboratories

CREATIVE DESIGN CENTER & LABORATORY
Modesto, California, USA
Ernest & Julio Gallo Winery

THE PLAZA AT DALE
Modesto, California, USA
Chopra Development

THE PROMENADE AT THE DUNES
Marina, California, USA
Marina Community Partners

SENIOR LIVING

ATKINSON LANE
Santa Cruz County, California, USA
Mid Peninsula Housing

ATRIA LIFE GUIDANCE VILLAGE
Sunnyvale, California, USA
Atria Senior Living Group

ATRIA MONTEGO HEIGHTS
Walnut Creek, California, USA
Atria Senior Living Group

CENTURY VILLAGE
Fremont, California, USA
Mid Peninsula Housing

CREST AVENUE APARTMENTS/REHAB
Morgan Hill, California, USA
South County Housing

MARINA BAY APARTMENTS
Point Richmond, California, USA
Novato Community Partners

UNIVERSITY VILLAGES APARTMENTS
Marina, California, USA
South County Housing

SUNNY MEADOWS APARTMENTS/REHAB
Watsonville, California, USA
Mid Peninsula Housing
A vision for the future where all design is respectful of its environment and creates lasting value is at the core of every design for Lauri Moffet-Fehlberg. Whether it is her own studio, designed to live off the grid in Montana, or a mixed-use village on the West Coast, Lauri focuses on the integration of art, architecture, urban design and context to craft a unique sense of place. She stewards the environmental conscience of Dahlin Group to understand and meet the challenges every project must overcome to be truly sustainable.

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LAURI MOFFET-FEHLBERG  AIA, LEED AP  
SENIOR PRINCIPAL

PLANNING + URBAN DESIGN

ALAMEDA POINT NAVAL AIR STATION  
Alameda, California, USA  
Alameda Point Community Partners

AMERICAN COUNTRY VILLAGES  
Chicago, Illinois, USA  
Dave Wennstrom

ANTIOCH SPECIFIC PLAN  
Antioch, California, USA  
Mundie & Associates

ARTISAN PARK  
Helena, Montana, USA  
HSR Investments

BLAKELY HARBOR  
Bainbridge Island, Washington, USA  
Port Blakely Tree Farm

THE DUNES  
Marina, California, USA  
Marina Community Partners

GRAN PORT  
Menorca, Balearic Islands, Spain  
INBEDA

HAMILTON ARMY AIRFIELD  
Novato, California, USA  
Centex Homes / Shea Homes

HILLCREST E-BART TOD  
Antioch, California, USA  
Bosamer & Wall

JIULONG LAKE  
Ningbo, Zhejiang, China  
Kaiyuan New Century

KYLE CANYON  
Las Vegas, Nevada, USA  
Focus Properties

LAWSON HILLS  
Black Diamond, Washington, USA  
YarrowBay

LUSHUN  
Dalian, Liaoning, China  
Yida Sanbay Estate Company

MARE ISLAND  
Vallejo, California, USA  
Lennar Corporation

PLANNING + URBAN DESIGN (CONTINUED)

NEWARK DUMBARTON TOD  
Newark, California, USA  
City of Newark

RICHMOND HEIGHTS  
St. Louis, Missouri, USA  
THF Realty

SHEA CENTER  
Livermore, California, USA  
Shea Properties

STEVENSON RANCH  
Los Angeles County, California, USA  
Stevenson Ranch Venture

ST. VINCENT’S  
San Rafael, California, USA  
Shapell Industries of Northern California

TUSTIN LEGACY  
Tustin, California, USA  
Tustin Legacy Community Partners

VILLAGES OF BLACK DIAMOND  
Black Diamond, Washington, USA  
YarrowBay

URBAN RESIDENTIAL + MIXED-USE

ALMA PLAZA  
Palo Alto, California, USA  
D.R. Horton

BANU TOWERS  
Erbil, Arbil, Iraq  
Confidential

CREATIVE DESIGN CENTER  
Modesto, California, USA  
Ernest & Julio Gallo Winery

THE PLAZA AT DALE  
Modesto, California, USA  
Chopra Development

PLEASANT HILLS GOLF REDEVELOPMENT  
San Jose, California, USA  
Trumark Companies

THE PROMENADE AT THE DUNES  
Marina, California, USA  
Marina Community Partners

COMMUNITY RESIDENTIAL

AAERON ESTATES  
Bellevue, Washington, USA  
CamWest

COYOTE CREEK  
Milpitas, California, USA  
William Lyon Homes

HAYWARD CANNERY  
Hayward, California, USA  
Shea Homes

ISSAQUAH HIGHLANDS  
Issaquah Highlands, Washington, USA  
Port Blakely Communities

SORRENTO  
Dublin, California, USA  
Toll Brothers

SUNSET WALK  
Issaquah, Washington, USA  
Centex Homes / Pulte Homes

TUSTIN FIELD  
Tustin, California, USA  
John Laing Homes

UNIVERSITY VILLAGES  
Marina, California, USA  
Marina Community Partners

SENIOR LIVING

ATRIA LIFE GUIDANCE VILLAGE  
Sunnyvale, California, USA  
Atria Senior Living Group

ATRIA MONTEGO  
Walnut Creek, California, USA  
Atria Senior Living Group

MEADOW PARK  
Novato, California, USA  
Navato Community Partners

VILLA ENTRADA  
Novato, California, USA  
Navato Community Partners

VILLA ENTRADA  
Novato, California, USA  
Navato Community Partners