

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND
CERTIFYING THE RICHMOND BAY SPECIFIC PLAN ENVIRONMENTAL IMPACT
REPORT (STATE CLEARINGHOUSE #2014092082), ADOPTING A STATEMENT OF
OVERRIDING CONSIDERATIONS, ADOPTING A MITIGATION MONITORING AND
REPORTING PROGRAM, AND APPROVING A GENERAL PLAN AMENDMENT
FOR THE RICHMOND BAY SPECIFIC PLAN (PLN 13-108)**

I. GENERAL FINDINGS

A. Introduction. The City of Richmond is proposing to adopt the Richmond Bay Specific Plan ("Specific Plan"), which presents a vision and specific regulations to improve the public and private realms along Richmond's waterfront ("Southern Shoreline"), as directed by the Richmond General Plan 2030 ("General Plan"). Implementation of the Specific Plan could result in development of a foreseeable maximum theoretic buildout scenario that contains: up to 5.7 million square feet of uses described as Research and Development (R&D)/Business/Service use; up to 720,000 square feet of retail use; up to 5,700 residences; and approximately 32.7 acres of open space uses over the next 35-40 years. The Specific Plan is divided into four sub-areas, which can develop as complete neighborhoods with access to affordable and quality services, transportation choices, and public space. In the near term, a likely future scenario for redevelopment of currently vacant and/or underutilized properties within a portion of the developable area of Sub-Area 4, consistent with the Specific Plan, could involve development of up to 1.27 million square feet of R&D/Business/Service uses; up to 190,000 square feet of retail use, up to 1,520 residences, and approximately 6.5 acres of new open space uses within a portion of Sub-Area 4 ("Sub-Area 4 Project"). Collectively, the Specific Plan and Sub-Area 4 Project are referred to as the Project. Required Project approvals include: (i) adoption of the Specific Plan; (ii) approval of a General Plan amendment establishing a new Richmond Bay Specific Plan land use classification for application to the Plan Area ("General Plan Amendment"); (iii) Zoning Map amendment to rezone the Plan Area to SP-2 Richmond Bay Specific Plan ("Zoning Amendment"); and (iv) repeal of the Knox-Cutting Specific Plan (collectively referred to as the "Project Approvals"). While additional approvals including, for example, tentative/parcel subdivision maps, use permits, design review permits, and improvement plans are necessary in order to implement the Project, these approvals are not proposed at this time.

B. Environmental Review Process. In accordance with the requirements of California Environmental Quality Act ("CEQA") Sections 21000 through 21177 of the California Public Resources Code, and Sections 15000 through 15387 of the California Code of Regulations Title 14 ("CEQA Guidelines"), a Notice of Preparation ("NOP") of a Draft Environmental Impact Report ("Draft EIR") was filed for the Project with the State Clearinghouse ("SCH") Office of Planning and Research ("OPR") on September 30, 2014 (State Clearinghouse No. 2014092082). The NOP was distributed to public agencies and interested parties for a 30-day public review period which ended on

October 30, 2014. In addition, the City held a public scoping meeting on October 16, 2014, to obtain public input on the proposed scope and content of the Draft EIR. In accordance with CEQA requirements, a Notice of Availability (“NOA”) of the Draft EIR was filed with the SCH OPR on September 2, 2016. The Draft EIR was circulated for a 52-day public review period, which ended on October 24, 2016. During this public review period, the City held a duly noticed public hearing on October 6, 2016 to receive verbal comments on the Draft EIR, and received written comments on the Draft EIR. Section 15088 of the State CEQA Guidelines requires that the Lead Agency responsible for the preparation of an EIR evaluate comments on environmental issues received from parties who reviewed the Draft EIR and prepare a written response addressing each of the comments. A Final EIR was prepared for the Project and circulated to commenting agencies on November 7, 2016. The Final EIR assembles in one document all of the environmental information and analysis prepared for the Project, including comments on the information and analysis contained in the Draft EIR and responses by the City to those comments.

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

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

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

- The EIR and all documents referenced in or relied upon by the EIR.
- All information (including written evidence and testimony) provided by City Staff to the Planning Commission and the City Council (“Council”) relating to the EIR, the Project Approvals, and the Project.
- All information (including written evidence and testimony) presented at or in preparation of any City public hearing or City workshop related to the Project and the EIR.

- For documentary and information purposes, all City-adopted land use plans and ordinances, including without limitation the general plan, specific plans and ordinances, together with environmental review documents, findings, mitigation monitoring programs and other documentation relevant to project site.

- The Mitigation Monitoring and Reporting Program (“MMRP”) for the Project.

- All other documents composing the record pursuant to Public Resources Code section 21167.6(e).

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

D. Findings. On December 6, 2016, the Council conducted a duly noticed public hearing on the Project. After considering public testimony and materials in the staff report, including the Final EIR (State Clearinghouse #2014092082), the Statement of Overriding Considerations, the Mitigation Monitoring and Reporting Program and findings in support of the Specific Plan, the Council finds, in its independent and objective judgment, that the Final EIR is adequate and sufficient in all respects and the findings set forth below are appropriate and adequate to support the Certification of the EIR, adoption of the Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program and adoption of the Project Approvals. These Findings and Statement of Overriding Considerations are made pursuant to CEQA and City of Richmond Municipal Code. These findings explain the potential environmental impacts of the Project, identify mitigation measures that have been adopted to mitigate those impacts, explain the alternatives that were evaluated and rejected, include the overriding considerations to support approval of the Project, include the findings to support the adoption of the Mitigation Monitoring and Reporting Program and include the findings to support the adoption of the Specific Plan (“Findings”).

II. CEQA FINDINGS.

The City of Richmond is the Lead Agency with respect to the Project pursuant to Section 15367 of the CEQA Guidelines. The following findings of fact support the certification of the EIR:

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

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

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

(d) The EIR was presented to the Planning Commission on November 17, 2016, which reviewed and considered the Final EIR and recommended to the Council certification of the EIR, including adopting a Statement of Overriding Considerations, adopting a Mitigation Monitoring and Reporting Program, approval of the General Plan Amendment and Zoning Amendment, adoption of the Richmond Bay Specific Plan, and repeal of the Knox/Cutting Specific Plan. The EIR was presented to the City Council for further review and consideration on December 6, 2016.

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

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

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

A. Environmental Impacts.

The EIR evaluated the potential for the Project to result in significant impacts to the following environmental topics: aesthetics; agricultural resources; air quality; biological resources; cultural resources; geology, seismicity and soils; greenhouse gas ("GHG") emissions; hazards and hazardous materials; hydrology and water quality; land use; noise; population and housing; public services and recreation; traffic and circulation; and utilities and infrastructure, and energy. The EIR was prepared at both the program and the project level. Most impacts were found to be less than significant or less than significant after incorporation of mitigation measures, as needed, with the exception of certain impacts relating to air quality, cultural resources, climate change and GHGs, and transportation and traffic, which were found to be significant and unavoidable. The EIR presents a conservative analysis of environmental impacts because it

analyzed the foreseeable maximum theoretical buildout scenario which is consistent with the Specific Plan standards, but would include a higher residential density than is identified in the Specific Plan conceptual, illustrative phasing diagrams. The Project analyzed in the EIR (including the Specific Plan and the Sub-Area 4 Project) is expected to be built over several decades. The purpose of the EIR analysis is to disclose all reasonably foreseeable environmental effects that could result from development under the Specific Plan. Therefore, the development scenario evaluated throughout the EIR represents the most impactful (from an environmental perspective), foreseeable development plan that could occur with buildout of the Specific Plan. The EIR's focus on the maximum impacts expected to occur at full buildout promotes informed decisionmaking, and evidences a good faith effort at forecasting what is expected to occur if the Project is approved.

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

(1) Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

These Findings summarize the determinations in the EIR relating to the potential environmental impacts before and after mitigation. Except with respect to certain impacts related to air quality, cultural resources, climate change and GHGs, and transportation and traffic, which are addressed in the Statement of Overriding Considerations, the City finds that changes or alterations have been required, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. **Exhibit A** attached to this Resolution sets forth a summary description of each impact from the EIR, describes the recommended mitigation measures, and states whether or not the impact has been mitigated and if so, to what level. A full explanation of the conclusions relating to the impacts and mitigation measures can be found in the EIR. In making these Findings, the City is relying on all the information in the administrative record and the EIR. With respect to the EIR, the City adopts and incorporates in these Findings all determinations and conclusions made in the

EIR relating to the environmental impacts and mitigation measures, except to the extent that such determinations and conclusions are modified by these Findings.

B. Mitigation Measures.

The City hereby adopts all mitigation measures set forth in **Exhibit B** of this Resolution which includes the Final EIR and MMRP for the Project, identifies each mitigation measure as adopted, an implementation schedule and method for verification of compliance. The MMRP is incorporated into and a part of Chapter 7: Appendices of the Specific Plan.

Based on the entire record, and having considered the significant and unavoidable impacts of the Project, the City hereby determines that all feasible mitigation measures within the responsibility and jurisdiction of the City have been adopted to reduce or avoid the potentially significant impacts identified in the EIR, and that no additional feasible mitigation is available to further reduce significant impacts.

C. Alternatives.

The EIR evaluated three Specific Plan alternatives and two Sub-Area 4 Project alternatives, in addition to the proposed Project: (1) Specific Plan Lowest Intensity Alternative; (2) Specific Plan Low Intensity Alternative; (3) Specific Plan No Project / Existing Zoning Alternative; (4) Sub-Area 4 Low Intensity Alternative; and (5) Sub-Area 4 No Project / Existing Zoning Alternative. These alternatives are discussed in further detail in Chapter 5 of the Draft EIR. The City's findings relating to these alternatives are set forth below:

1. Specific Plan No Project Alternative. CEQA requires that a "No Project" alternative be considered. A "No Project" alternative is generally considered to be equivalent to a "no development" alternative. Under this scenario, the Project would not be implemented. While the No Project Alternative would reduce many of the impacts, certain impacts to air quality, cultural resources, GHGs, and traffic, would remain significant and unavoidable. Furthermore, the No Project Alternative would not meet any of the Specific Plan CEQA objectives. Namely, the No Project Alternative would not provide a land use plan and development standards for a mix of uses, including a variety of housing types and intensities to provide a balance of jobs and housing in the South Shoreline area, as called for by the General Plan, Housing Element, and Plan Bay Area. It also would not create or enhance access to the shoreline, create complete neighborhoods, revitalize the South Shoreline area, or generate tax revenues and employment opportunities for residents of Richmond.

Specifically, the Specific Plan No Project Alternative would maintain status quo with respect to zoning and General Plan land use designations, but is not consistent with the General Plan policies that call for the creation of a Specific Plan for the Southern Gateway/Southern Shoreline area in order to redevelop

this area as part of a vibrant, mixed-use, transit-oriented development, and identifies that the Specific Plan should maintain and improve public access to the shoreline including a mix of uses along the shoreline to activate the area throughout the day. The Specific Plan No Project Alternative is also not consistent with the City's Housing Element policies that recognize the Specific Plan Area as a site identified for the development of housing, and more generally, substantial redevelopment of the area to include mixed-use community uses including education, research and development, light industrial, residential and other sensitive uses. Finally, the Specific Plan No Project Alternative is not consistent with Plan Bay Area which designates the Specific Plan Area as part of the transit-oriented South Richmond Priority Development Area (SRPDA). Plan Bay Area was adopted to help achieve region-wide GHG reduction targets by locating new population centers near jobs and mass transit. The Specific Plan No Project Alternative would not develop the uses anticipated by Plan Bay Area in the SRPDA including retail, commercial, and residential, as well as public transit and improvements to traffic and transportation infrastructure to improve connectivity, and other improvements that would promote mixed-use development. Although the Specific Plan exceeds the densities called for in the SRPDA, it is consistent with the overall goals of Plan Bay Area, which call for locating more intense and dense development near transit; and, in exceeding the land use intensities originally envisioned for the SRPDA, supports and furthers the policy of Plan Bay Area to reduce GHG emissions.

The Specific Plan No Project Alternative is not consistent with the Specific Plan CEQA objective to reduce GHG emissions. A GHG consumption study (Jones and Kammen, 2015, *A Consumption-Based Greenhouse Gas Inventory of San Francisco Bay Area Neighborhoods, Cities and Counties: Prioritizing Climate Action for Different Locations*. University of California, Berkeley & Bay Area Air Quality Management District) found that the City of Richmond has the lowest per-household carbon footprint in Contra Costa County. Concentrating growth in the Specific Plan Area is consistent with the City's recently adopted Climate Action Plan ("CAP") and will help Richmond maintain its low per capita GHG emission rate. The Specific Plan No Project Alternative would limit growth within GHG efficient Richmond and would therefore thwart the CEQA objectives of the Project, as well as City (General Plan, Housing Element and CAP), and State (AB 32 and SB 375) policies to reduce GHG emissions. If the City's planned population growth were directed to higher per capita GHG communities, the region would likely achieve lower GHG reductions than if the population growth were to occur in Richmond, as envisioned by Plan Bay Area and the proposed Specific Plan. In addition, a Transportation Management Association (TMA) would not be established for the South Shoreline Area under the Specific Plan No Project Alternative. Under this alternative, the City would not have an established mechanism to provide alternatives to single-occupancy vehicle trips, thereby reducing regional traffic congestion and GHG and air quality impacts associated with mobile source emissions. Therefore Specific Plan No Project Alternative would not meet Specific Plan CEQA objective to reduce GHG emissions to the same extent as the proposed Specific Plan.

As a result of these factors, the Specific Plan No Project Alternative was not deemed to be a viable alternative to the proposed Specific Plan. The City finds that this alternative is “infeasible” as the term is used under CEQA and rejects this alternative.

2. Specific Plan Lowest Intensity Alternative. As explained in the EIR, this alternative would reduce the Specific Plan’s buildout by 55 percent (4.9 million square feet and 850 dwelling unit compared to 6.4 million square feet and 5,700 dwelling units) and would generate less population and employment growth than the Specific Plan. While the Specific Plan Lowest Intensity Alternative would reduce many of the impacts, certain impacts to air quality, cultural resources, GHG, and traffic would remain significant and unavoidable.

This alternative would significantly reduce the amount of both residential and commercial development on Richmond’s South Shoreline and would therefore not meet the Specific Plan CEQA objectives to contribute to regional efforts to reduce GHG emissions. As explained above, Richmond has the lowest per-household carbon footprint in Contra Costa County. The Specific Plan Lowest Intensity Alternative would limit growth within GHG efficient Richmond and would therefore thwart the CEQA objectives of the Project, as well as City (General Plan, Housing Element and CAP), and State (AB 32 and SB 375) policies to reduce GHG emissions. Similarly, the Specific Plan Lowest Intensity Alternative would not reduce regional vehicle trips to the same extent as the proposed Specific Plan. An effective TMA requires landowner and employer participation and reduced density would limit both revenue sources and participation such that shuttles, transit connections, and other alternatives may not be economically viable under the Specific Plan Lowest Intensity Alternative. Therefore it would not meet Specific Plan CEQA objective to reduce GHG emissions to the same extent as the proposed Specific Plan.

Furthermore, the reduction in density would mean fewer development impact fees, less tax revenues, and fewer employment opportunities for residents of Richmond and would therefore not meet the Specific Plan CEQA objective to generate tax revenues and employment opportunities to the same extent as the proposed Specific Plan. The Specific Plan Lowest Intensity Alternative would also not improve the City’s jobs housing balance to the same extent as the Specific Plan. Finally, the limited development allowed for under the Specific Plan Lowest Intensity Alternative would not generate enough development impact fees or allow for enough dedicated park space to create complete neighborhoods with connected bicycle, pedestrian, and transit connections envisioned under the proposed Specific Plan. The City requires participation of future project sponsors to revitalize the South Shoreline Area with new parks and open space, and the Specific Plan Lowest Intensity Alternative would hamper this effort.

As a result of these factors, the Specific Plan Lowest Intensity Alternative was not deemed to be a viable alternative to the proposed Specific Plan. The

City finds that this alternative is “infeasible” as the term is used under CEQA and rejects this alternative.

3. Specific Plan Low Intensity Alternative. As explained in the EIR, this alternative would have development similar to the Specific Plan, but reduced by about 46 percent (in terms of area of buildout). The reduction in development reduces the degree of many impacts identified for the Specific Plan, but does not reduce any of the significant and unavoidable impacts to less than significant and therefore does not provide an environmentally superior alternative. Like the Specific Plan Lowest Intensity Alternative, it would frustrate the purpose of the Specific Plan because the reduction in density would mean fewer development impact fees, less tax revenues and fewer employment opportunities for residents of Richmond and would not meet the Specific Plan CEQA objective to generate tax revenues and employment opportunities to the same extent as the proposed Specific Plan.

The Specific Plan Low Intensity Alternative significantly reduces the amount of both residential and commercial development on Richmond’s South Shoreline and would therefore not meet the Specific Plan CEQA objective to contribute to regional efforts to reduce GHG emissions. As explained above, Richmond has the lowest per-household carbon footprint in Contra Costa County. The Specific Plan Low Intensity Alternative would limit growth within GHG efficient Richmond and would therefore thwart the CEQA objectives of the Project, as well as City (General Plan, Housing Element and CAP), and State (AB 32 and SB 375) policies to reduce GHG emissions. Similarly, the Specific Plan Low Intensity Alternative would not reduce regional vehicle trips to the same extent as the proposed Specific Plan. An effective TMA requires landowner and employer participation and reduced density would limit both revenue sources and participation such that shuttles, transit connections, and other alternatives may not be economically viable under the Specific Plan Low Intensity Alternative. Therefore it would not meet Specific Plan CEQA objective to reduce GHG emissions to the same extent as the proposed Specific Plan.

The Specific Plan Low Intensity Alternative would also not improve the City’s jobs housing balance to the same extent as the Specific Plan. Finally, the limited development allowed for under the Specific Plan Low Intensity Alternative would not generate enough development impact fees or allow for enough dedicated park space to create the complete neighborhoods with connected bicycle, pedestrian, and transit connections envisioned under the proposed Specific Plan. The City requires participation of future project sponsors to revitalize the South Shoreline Area with new parks and open space, and the Specific Plan Low Intensity Alternative would hamper this effort.

As a result of these factors, the Specific Plan Low Intensity Alternative was not deemed to be a viable alternative to the proposed Specific Plan. The City finds this alternative "infeasible" as the term is used under CEQA and rejects this alternative.

4. Sub-Area 4 No Project Alternative. This alternative would have the least amount of total development relative to the Sub-Area 4 Project (1.1 million square feet and no residential dwelling units compared to the 1.5 million square feet and 1,520 dwelling units), with predominant land uses being industrial and related office, as is consistent with the existing zoning in the area. This alternative would reduce the effects regarding most quantifiable impacts, but certain impacts to air quality and traffic would remain significant and unavoidable. This alternative, however, would not meet the Sub-Area 4 Project CEQA objectives because it would not ensure appropriate remediation of the Zeneca Site; would not build housing in complete neighborhoods as called for in the General Plan, Housing Element and Plan Bay Area; would not establish a vibrant mixed-use neighborhood; and would generate much lower tax revenues and employment opportunities as compared to the Sub-Area 4 Project. Specifically, this alternative provides for no residential units, which is wholly inconsistent with the Sub-Are 4 Project CEQA objectives to establish a vibrant-mixed neighborhood and to build new housing in complete neighborhoods.

As explained above under the Specific Plan No Project Alternative, this alternative would limit growth within GHG efficient Richmond and would therefore thwart the CEQA objectives of the Project, as well as City (General Plan, Housing Element and CAP), and State (AB 32 and SB 375) policies to reduce GHG emissions. A TMA would not be established for the Sub-Area 4 Project under this alternative, and therefore it would not reduce regional vehicle trips to the same extent as the proposed Sub-Area 4 Project. Therefore it would not meet Sub-Area 4 Project CEQA objective to reduce GHG emissions to the same extent as the proposed Sub-Area 4 Project. Finally, under the Sub-Area 4 No Project Alternative it is unlikely that any new publically accessible parks, recreation facilities or open spaces would be established and it would therefore not meet the Sub-Area 4 Project CEQA objective to create and enhance access to the shoreline.

As a result of these factors, the Sub-Area 4 No Project Alternative was not deemed to be a viable alternative to the proposed Sub-Area 4 Project. The City therefore finds this alternative "infeasible" as the term is used under CEQA and rejects this alternative.

5. Sub-Area 4 Low Intensity Alternative. This alternative would reduce the Sub-Area 4 buildout by 57 percent (1.4 million square feet and 115 dwelling units compared to 1.5 million square feet and 1,520 dwelling units) and would generate less population and employment growth than the Sub-Area 4 Project. This alternative would reduce the effects regarding most quantifiable topics, but certain impacts to air quality and traffic would remain significant and unavoidable. However, the significant reduction in residential units (115 as compared to the proposed 1,520) under the Sub-Area 4 Low Intensity Alternative means that it could not meet the Sub-Area 4 Project CEQA objectives to build housing in complete neighborhoods and establish a vibrant mixed-use neighborhood to the same extent as the Sub-Area 4 Project and as called for in the General Plan,

Housing Element and Plan Bay Area. The Sub-Area 4 Low Intensity Alternative would also generate lower development impact fees, tax revenues, and employment opportunities as compared to the Sub-Area 4 Project.

The Sub-Area 4 Low Intensity Alternative significantly reduces the amount of residential development within Sub-Area 4 and would therefore not meet the Sub-Area 4 CEQA objective to contribute to regional efforts to reduce GHG emissions. As explained above, Richmond has the lowest per-household carbon footprint in Contra Costa County. The Sub-Area 4 Low Intensity Alternative would limit growth within GHG efficient Richmond and would therefore thwart the CEQA objectives of the Project, as well as City (General Plan, Housing Element and CAP), and State (AB 32 and SB 375) policies to reduce GHG emissions. Similarly, the Specific Plan Low Intensity Alternative would not reduce regional vehicle trips to the same extent as the proposed Sub-Area 4 Project. Therefore it would not meet Sub-Area 4 Project CEQA objective to reduce GHG emissions to the same extent as the proposed Sub-Area 4 Project.

Finally, the limited development allowed for under the Sub-Area 4 Low Intensity Alternative would not generate enough development impact fees or allow for enough dedicated park space to create and enhance access to the shoreline as envisioned in the Sub-Area 4 Project. The City requires participation of future project sponsors to revitalize the South Shoreline Area with new parks and open space, and the limited residential density allowed under the Sub-Area 4 Low Intensity Alternative would hamper this effort.

As a result of these factors, the Sub-Area 4 Low Intensity Alternative was not deemed to be a viable alternative to the proposed Sub-Area 4 Project. The City therefore finds this alternative "infeasible" as the term is used under CEQA and rejects this alternative.

6. Rejected Alternatives. The EIR also considered additional alternatives but did not evaluate them in detail since the alternatives would not meet the Specific Plan or Sub-Area 4 objectives and were found to be infeasible for technical, environmental or social reasons as explained in the EIR. These rejected alternatives include (1) a "High Intensity" scenario, whereby buildout under the Specific Plan would be more dense than presented in the Foreseeable Maximum Theoretical Buildout Scenario; (2) Medium Density Sub-Area 4 Project scenario, whereby lower intensity of development than described for the Sub-Area 4 Project, partly based on a modification of the "Consolidated Rail – Medium Intensity" alternative presented in the Community Workshop Summary document; and (3) two potential offsite locations, the Northshore Area Specific Plan Site (located entirely within the City's Northshore Change Area (CA-12), on a site on the San Francisco Bay shoreline bordered by the Richmond Parkway to the south and east, Collins Avenue/Giant Road to the east, and open space and wetlands to the north and south) and the San Pablo Peninsula (Point Molate) Specific Plan Site (located within the City's San Pablo Peninsula Change Area. on a site occupying the majority of the change area.

As discussed in Chapter 5.3 of the EIR, the High Intensity Scenario would not reduce or avoid any of the Specific Plan's significant and unavoidable environmental impacts and it is unlikely that market demand for this level of density exists. The Medium Density Sub-Area 4 Alternative was rejected from further analysis because no impacts identified as significant for the Sub-Area 4 Project would be avoided or substantially lessened under this alternative. Finally, the offsite alternatives would not meet any of the Specific Plan CEQA objectives. Both offsite alternative are inconsistent with the General Plan, Housing Element, and Plan Bay Area policies that identify Richmond's South Shoreline as a site for the development of housing, and more generally, substantial redevelopment of the area to include mixed-use community uses including education, research and development, light industrial, residential and other sensitive uses. Based on the information in the record, the City finds that these alternatives are infeasible and rejects the alternatives.

7. Specific Plan Environmentally Superior Alternative. CEQA requires that an environmentally superior alternative be identified. CEQA Guidelines (Section 15126[e][2]) stipulate "If the environmentally superior alternative is the 'no project' alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives." The Specific Plan is the environmentally superior alternative that is not a "no project" scenario. While implementation of the Specific Plan Lowest Intensity Alternative would reduce many of the impacts, certain impacts to air quality, cultural resources, GHG, and traffic would remain significant and unavoidable. This alternative would significantly reduce the amount of development on Richmond's South Shoreline. As explained above, the reduction in density would mean fewer development impact fees, less tax revenues and fewer employment opportunities for Richmond residents. The Specific Plan Lowest Intensity Alternative would not improve the City's jobs housing balance to the same extent as the Specific Plan, and would not locate more intense and dense development near transit as called for by Plan Bay Area to reduce regional GHG emissions. As a result of these factors, the Specific Plan Lowest Intensity Alternative was not deemed to be a viable alternative to the proposed Specific Plan.

8. Sub-Area 4 Environmentally Superior Alternative. CEQA Guidelines (Section 15126[e][2]) stipulate "If the environmentally superior alternative is the 'no project' alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives." The Sub-Area 4 Low Intensity Alternative is the environmentally superior alternative that is not a "no project" scenario. This alternative would reduce the effects regarding most quantifiable topics, but certain impacts to air quality and traffic would remain significant and unavoidable. As explained above, the Sub-Area 4 Low Intensity Alternative would not build housing in complete neighborhoods as called for in the General Plan, Housing Element and Plan Bay Area; would not establish a vibrant mixed-use neighborhood; and would generate slightly lower tax revenues and employment opportunities as compared to the Sub-Area 4 Project. As a result of

these factors, the Sub-Area 4 Low Intensity Alternative was not deemed to be a viable alternative to the proposed Sub-Area 4 Project.

9. Summary Finding with Respect to Alternatives. Based on this analysis and substantial evidence in the record, the City finds and determines that the alternatives cannot achieve either the Specific Plan or the Sub-Area 4 Project CEQA objectives to the same degree as the proposed Specific Plan or the Sub-Area 4 Project, and do not represent substantial environmental benefits over the proposed Specific Plan or the Sub-Area 4 Project and are therefore rejected as infeasible, within the meaning of CEQA, in favor of the proposed Specific Plan and the Sub-Area 4 Project.

IV. STATEMENT OF OVERRIDING CONSIDERATIONS

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

In accordance with the requirements of CEQA and the CEQA Guidelines, the City finds that the mitigation measures identified in the Final EIR and MMRP, when implemented, will avoid or substantially lessen most of the significant effects of the Project. However, certain impacts of the Project are unavoidable even after incorporation of all feasible mitigation measures. The Specific Plan would result in significant and unavoidable impacts on air quality, cultural resources, GHG, noise, and traffic. The Sub-Area 4 Project would result in significant and unavoidable impacts on air quality, and traffic. The EIR provides detailed information regarding these impacts.

The City has adopted all the mitigation measures and finds that all mitigation measures identified in **Exhibit B** will be implemented with the Project (both the Specific Plan and the Sub-Area 4 Project). The City further finds that the remaining significant and unavoidable effects are outweighed and are found to be acceptable due to the following specific overriding economic, legal, social, technological, or other benefits based upon the facts set forth above in the Findings, the Draft and Final EIR, and the record, as follows:

Economic Benefits

- Implementation of the Specific Plan and the Sub-Area 4 Project would create 12,800 and 2,900 jobs, respectively.

- The Specific Plan and the Sub-Area 4 Project increase the City's jobs/housing ratio to a level that would further promote the goals of Plan Bay Area to locate jobs close to housing.
- The Specific Plan and the Sub-Area 4 Project would generate revenue for the City through increased property tax revenue and tax revenue from commercial development.
- Construction related to development under the Specific Plan and the Sub-Area 4 Project would result in temporary employment for construction workers. The Specific Plan's goals for community benefits for "public-private projects" developed under the Specific Plan include the City's intent that projects subject to a development agreement would comply with hiring practices required of an "Employer" under the City's Local Employment Program (Municipal Code, Chapter 2.56) (Section 6.6.2). If this goal/intention is met, at least 25 percent of total constructions work hours for most "public-private" projects would be performed by Richmond residents.
- Development facilitated by the Specific Plan and the Sub-Area 4 Project would generate revenue for the City through development fees applicable to projects within the Specific Plan, which could be used to fund infrastructure and other improvements identified in the Specific Plan.

Social Benefits

- The Specific Plan and the Sub-Area 4 Project would lead to the redevelopment of underutilized sites served by existing utility infrastructure.
- The Specific Plan and the Sub-Area 4 Project would meet the City and regional land use planning goals of developing a mix of uses, including a variety of housing types and intensities to provide a balance of jobs and housing in the South Shoreline area, as called for by the General Plan, Housing Element, and Plan Bay Area.
- The Specific Plan and the Sub-Area 4 Project would help achieve region-wide GHG reduction targets by locating new population centers near jobs and mass transit consistent with its designation in Plan Bay Area as a part of a Priority Development Area.
- The Specific Plan and the Sub-Area 4 Project would improve the overall aesthetic and visual quality of the area because development standards and regulations in the Specific Plan that support a clearly articulated vision for complete neighborhoods, open space, and improvements to visual character will achieve a beneficial aesthetic effect on the visual quality of the Plan Area.

- The Specific Plan and Sub-Area 4 Project would improve bicycle and pedestrian connectivity, including the reinforcing Marina Way South as an important north/south connector through improvements to the Regatta Way intersection; establishing a new north-south connector across the rail line between the Lark/Meeker and R&D Campus neighborhoods; and Bridging I-580 to provide direct access for pedestrians and bicycles between Sub-Area 4 and the El Cerrito Del Norte BART Station.

Region-wide or Statewide Environmental Benefits

- The Sub-Area 4 Project would remediate soil contamination, including the removal of source material affecting groundwater, on-site to a level safe for human occupancy.
- The Specific Plan and the Sub-Area 4 Project would provide approximately 145 acres of parks and open space within the Plan Area, approximately 32.7 acres of which would be newly created parks and open space.
- The Specific Plan and the Sub-Area 4 Project would provide community parks Sub-Areas 1 and 4, as community-wide destinations providing open space for active and passive recreation. Neighborhood squares that would serve as open space for civic purposes, commercial activity, unstructured recreation, and passive uses are planned for Sub-Areas 1 and 4. Linear parks that would serve as spaces for community gathering and strolling for nearby residents and employees are planned for Sub-Areas 3 and 4.
- The Sub-Area 4 Project would provide a Shoreline Promenade, which would provide open space between the new neighborhoods of Sub Area 4 and the Bay. The Shoreline Promenade is planned to be elevated along the shoreline to avoid inundation and serve as a barrier from anticipated sea level rise.
- The Specific Plan and the Sub-Area 4 Project would maintain existing sections of the Bay Trail and develop new extensions, such as the Creekside Greenway, that will serve as an open space connection between the shoreline and inland neighborhoods and open spaces.
- The Specific Plan would establish a Transportation Management Association (TMA) that would provide alternatives to single-occupancy vehicle trips, thereby reducing regional traffic congestion and GHG and air quality impacts associated with mobile source emissions.
- The TMA established by the project would provide regional benefits by allowing for additional shuttle destinations, landowner participants, revenue sources, programs, and areas served to be added over time.

- The Specific Plan and the Sub-Area 4 Project would increase job opportunities at in the SRPDA, consistent with Plan Bay Area goals and policies to reducing GHG emissions. The predicted significant and unavoidable impacts to air quality and GHG emissions resulting from the operation of the Specific Plan and air quality for the Sub-Area 4 Project are an unintended consequence of the BAAQMD operational criteria pollutant mass-based thresholds is that even low-emitting/transit-friendly development projects that are also large are shown as having significant and unavoidable impacts due only to their size. Large-scale projects will necessarily produce more criteria emissions on a mass basis than smaller projects; however, on a service population basis (e.g., per capita basis for residential projects) larger projects may be much more efficient in terms of generation of criteria air emissions, and may produce significantly fewer emissions on a service population basis than a smaller project. [Although BAAQMD's GHG thresholds provide for an efficiency-based metric, the criteria air pollutant thresholds are mass-based.] Without consideration of whether such large-scale development would be preferable, in terms of air quality impacts, to other types of development in other locations (e.g., development in peripheral portions of the Bay Area region, or projects that are less accessible to transit) or projects that do not have transportation demand management programs, mass-based threshold may inappropriately identify a large-scale project as having a significant air quality impact
- The Specific Plan and the Sub-Area 4 Project include a mix of uses and mandatory requirements that would help reduce single-occupancy motor vehicle trips. The predicted significant and unavoidable impacts to traffic occur under Level of Service (LOS) thresholds, which is a metric that focuses on congestion. The Specific Plan allows a scale of development that would necessarily increase vehicle trips. However, the Specific Plan includes a mix of uses and mandatory requirements (such as multi-modal streets, TDM program) that would ensure reduction of single occupancy vehicle trips. Development under the Specific Plan would also add higher densities within the City of Richmond that exceed the densities assumed in the Plan Bay Area. Vehicle trips generated by development under the Specific Plan estimated as a part of the transportation analysis for the made adjustments to the estimated trip generation rates developed by the Institute of Transportation Engineers to account for internal trips afforded by the mixed-use development as well as for pedestrian, bicycle, and transit connectivity. This analysis indicated a 20 percent decrease in daily auto trips made by Plan Area residents by non-automobile means, over what would occur for development without this mixed use character and higher pedestrian, bicycle, and transit connectivity. This reduction in trips indicates that development under the Specific Plan would result in a per capita reduction of VMT for Plan Area residents consistent with the Plan Bay Area policy to reduce per capita VMT by 10 percent. The Plan Area's

infill location and proximity to major transportation corridors reduces the distance that customers would drive in motor vehicles to shop by providing increased retail opportunities within the Plan Area. Also, the Plan Area is located in direct proximity to nearby employment hubs. Taken together, these locational characteristics of the Specific Plan help reduce potential motor vehicle trips.

Considering all factors, the Council finds that these specific economic, legal, social, technological and other considerations associated with the Project outweigh the Project's significant and unavoidable effects, and the adverse effects are, therefore, considered acceptable.

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

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

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

VI. GENERAL PLAN AMENDMENT FINDINGS

The Council has considered the General Plan Amendment, attached as **Exhibit C**, and makes the following findings in approving the General Plan amendment:

- (a) The proposed amendment is consistent with other General Plan elements.

Supporting Statement of Fact: *Satisfied.* The Specific Plan articulates a vision for the Plan Area at a level of detail beyond the General Plan adoption in 2012. The proposed General Plan amendment proposes to create a new General Plan land use category to be applied to the entire Plan Area to describe the intent and vision of the Plan Area and adopt development standards that accommodate the Specific Plans vision. The Richmond Bay Specific Plan furthers the General Plan policies that promote the establishment of complete, pedestrian-oriented, mixed-use neighborhoods; access to open space; improved and efficient multi-modal connectivity, increased economic development opportunities, increased housing opportunities, and redevelopment of brownfield sites. As detailed in Table 4.9-2

of the Draft EIR, the General Plan Amendment and Specific Plan are consistent with the General Plan 2030.

(b) The proposed General Plan Amendment is consistent with the General Plan EIR.

The General Plan Amendment is consistent with the overall build out anticipated in the General Plan EIR and the Specific Plan furthers General Plan policies that promote the establishment of complete, pedestrian-oriented, mixed-use neighborhoods; access to open space; improved and efficient multi-modal connectivity, increased economic development opportunities, increased housing opportunities, and redevelopment of brownfield sites. Moreover, an EIR was prepared for the Richmond Bay Specific Plan, and all feasible mitigation measures have been incorporated to reduce impacts to less-than-significant levels. However, certain impacts of the Project are unavoidable even after incorporation of all feasible mitigation measures. The Specific Plan would result in significant and unavoidable impacts on air quality, cultural resources, GHG, noise, and traffic.

X. SEVERABILITY

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

XI. ACTION

The Council hereby certifies the Final EIR (State Clearinghouse #2014092082), adopts the Statement of Overriding Considerations, adopts the Mitigation Monitoring and Reporting Program, and approves the General Plan Amendment.

- Exhibit A: Environmental Impacts Summary
- Exhibit B: Mitigation Monitoring and Reporting Program
- Exhibit C: General Plan Amendment

I HEREBY CERTIFY that the foregoing resolution was adopted by the City Council of the City of Richmond at a regular meeting held on December 6, 2016.

Ayes:
Noes:
Absent:
Abstain:

CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

THOMAS K. BUTT
Mayor

Approved as to Form:

BRUCE REED GOODMILLER
City Attorney