

4.9 LAND USE

This section identifies the impacts to land use and land use planning that would result from the development of each alternative described in **Section 2.0**. Impacts are measured against the environmental baseline presented in **Section 3.9**. Indirect and cumulative impacts are identified in **Section 4.14** and **Section 4.15**, respectively. Land use mitigation measures are presented in **Section 5.2.8**.

SIGNIFICANCE CRITERIA

For lands that are to remain in fee status under the alternatives, the significance criteria provided below shall be considered when evaluating land use compatibility (CEQA Guidelines Section 15065). For lands that would be taken into trust, impacts to land use planning are considered in the context of the provisions defined within the implementing regulations of the National Environmental Policy Act (NEPA) which require an assessment of possible conflicts between “the proposed action and the objectives of federal, regional, state, and local land use plans, policies and controls for the area concerned” (40 C.F.R. 1502.16(c)). A land use impact from the proposed alternatives is considered significant if it directly or indirectly would:

- Physically divide an established community;
- Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect;
- Conflict with any applicable habitat conservation plan or natural community conservation plan; or
- Result in a physical change in the environment that would be substantially incompatible with existing land uses.

ANALYSIS METHODOLOGY

This section identifies impacts to land use that could occur from the development of the proposed alternatives. Land use impacts were analyzed based on an examination of the project site, the City of Richmond (City) General Plan (1994) and the City’s Zoning Ordinance (1997), the proximity of the project site to surrounding industrial operations, and the Bay Conservation and Development Commission (BCDC) Bay Plan policies (**Appendix F**). **Table 4.9-1** and **Table 4.9-2** analyze the General Plan policies and Bay Plan policies, respectively.

TABLE 4.9-1
CITY OF RICHMOND GENERAL PLAN CONSISTENCY – PROJECT ALTERNATIVES

	City of Richmond General Plan Consistency (Yes or No)						Discussion
	Alt A	Alt B	Alt C	Alt D	Alt E	Alt F	
Land Use Element – General							
LU-A.4 Require new development adjacent to historical sites to incorporate design elements so as to compliment the character of the surrounding historical structures.	Yes	Yes	Yes	Yes	N/A	N/A	Alternatives A through D would incorporate design elements that would compliment, preserve, and enhance the character of the buildings located in the Historic Winehaven District. Under Alternatives A through D, The City of Richmond would provide input and final approval of the proposed design concept guidelines. No development would occur under Alternatives E and F; therefore this policy is not applicable.
LU-A.7 Include art and cultural components in areas of new development and redevelopment.	Yes	Yes	Yes	No	No	N/A	Alternatives A through C would incorporate cultural components through the construction of the Tribal round house, ceremonial dance grounds located on the hillside. A cultural center would be located at the powerhouse. Alternative D would not incorporate cultural components and thus would be inconsistent with this policy. This policy is not applicable to Alternatives E and F, as no new development is proposed under both alternatives.
LU-B.1 Encourage commercial and industrial facilities to enhance and compliment the surrounding areas.	Yes	Yes	Yes	Yes	N/A	N/A	Alternatives A through D would encourage and enhance the surrounding areas through the redevelopment of the existing Winehaven buildings for commercial uses including water related commerce and recreation activities. This policy would not be applicable to Alternatives E and F as no new development would occur under either alternative.
LU-B.1 Require sufficient visual open space and/or landscaped screening between industrial operations and adjacent residential or recreational activities in order to create adequate buffers.	Yes	Yes	Yes	Yes	Yes	N/A	The Potrero Ridge would act as an adequate buffer between the project site and neighboring industrial facilities. In addition, approximately 145 acres of hillside open space would be placed into permanent conservation easements (see Section 2.0 of the EIS/EIR).
LU-C.1 Require that new development establish a distinctive character, as expressed in the external design of buildings, works of art, and open space areas and in their relationship to the terrain, water, and the surrounding environment.	Yes	Yes	Yes	Yes	N/A	N/A	The proposed development under Alternatives A through D would retain the historic character of the Winehaven buildings and would also be required to obtain approval of proposed Design Guidelines by the City. The City would provide input and approval of the project design elements for Alternatives A through D.
LU-C.2 Urge inclusion of a broad variety of dwelling types within all new and existing residential communities.	N/A	Yes	N/A	Yes	N/A	N/A	Alternatives B and D would include the development of individual residences in addition to high-, medium- and low-density housing. This policy would not be applicable to Alternatives A, C, E, and F.

	City of Richmond General Plan Consistency (Yes or No)						Discussion
	Alt A	Alt B	Alt C	Alt D	Alt E	Alt F	
LU-E.1 Give high priority to preserving and enhancing the potential amenities of the shoreline's variety of edges and the landmark character of regional landscape.	Yes	Yes	Yes	Yes	Yes	No	Alternatives A through E propose to preserve and enhance the shoreline of the project site through the development of a 32-acre Shoreline Park and the extension of a Bay Trail segment. There are no shoreline improvements proposed under Alternatives F; therefore, the shoreline would remain restricted to the public and thus would be inconsistent with this policy.
LU-E.2 Require new development to preserve the unique view opportunities of the shoreline and ridgelines in order to maximize their availability to the public.	Yes	Yes	Yes	Yes	Yes	N/A	As stated above for LU-E.1, the development of the Shoreline Park and Bay Trail segment would allow for public access to the shoreline and would, therefore, maximize the availability of the unique views of the shoreline and ridgeline to the public.
LU-F.1 Provide adequate neighborhood commercial areas to serve the future needs of each neighborhood at build-out.	N/A	Yes	N/A	Yes	N/A	N/A	Alternatives B and D propose the development of residential neighborhoods in combination with commercial development allowing increased accessibility to commercial facilities that would be consistent with this policy.
LU-G.1 Establish design standards that allow for functional and compatible mixed-use development.	Yes	Yes	Yes	Yes	N/A	N/A	The City of Richmond would be providing input and approval of the proposed design elements and standards for Alternatives A through D; therefore, these alternatives would comply with this policy.
Residential Areas							
LU H.1 Form community boundaries by: (1) open space, (2) the edge between residential and non-residential uses, (3) topographic features, and/or (4) linear elements such as freeways, major thoroughfares, or rail lines.	Yes	Yes	Yes	Yes	N/A	N/A	Alternatives A through D would comply with this policy through the proposed design and orientation of on-site residential and commercial facilities (see Figures 2-1, 2-6, 2-9, and 2-12). This policy would not apply to Alternative F.
LU-J.1 Encourage mixed-use developments, where allowed, to create both day and night activities.	Yes	Yes	Yes	Yes	No	N/A	Alternatives A through D would create day and night use by combining residential with commercial and recreation (Alternatives B and D) and commercial and recreation (Alternatives A and C). Alternative E would not allow for day use of the project site only. This policy would not apply to Alternative F.
LU-J.2 Encourage the conversion of long-term vacant commercial and light industrial space into live/work spaces.	N/A	Yes	N/A	Yes	No	No	Alternatives A through D would be consistent with this policy. The project site would not be converted for commercial or industrial use; therefore, Alternatives E and F would not be consistent with this policy.
LU-K.1 Encourage the infill of housing on parcels within the multi-family residential neighborhoods at a density appropriate to an urban area and which can be efficiently served by public transit, utilities, and	N/A	Yes	N/A	Yes	N/A	N/A	Alternatives B and D would be consistent with this policy through the development of multi-unit residential neighborhoods that would be accessible by public transit, public utilities, and commercial facilities. This policy would not apply to Alternatives A, C, E and F

	City of Richmond General Plan Consistency (Yes or No)						Discussion
	Alt A	Alt B	Alt C	Alt D	Alt E	Alt F	
services.							as no residential development is proposed under these alternatives.
Commercial Areas							
LU-L.5 Reserve waterfront sites for those commercial and commercial recreation uses that clearly benefit from the location on the shoreline and proximity to public recreation facilities and public access areas.	Yes	Yes	Yes	Yes	No	No	Alternatives A through D would be consistent with this policy. No commercial development is proposed under Alternative E and no development would occur under Alternative F.
LU-L.6 Encourage the planning and development of commercial recreation, recreation and water-oriented facilities, and generally improving the image of the City.	Yes	Yes	Yes	Yes	No	No	Alternatives A through D propose the reconfiguration of the on-site pier to provide ferry service to the pier for visitors to the project site, thus creating water-oriented recreation and commercial activities. Alternative E would not result in the development of commercial recreation facilities; and, therefore would not be consistent with this policy.
LU-N.1 Promote commercial development, which creates maximum job opportunities for area residents.	Yes	Yes	Yes	Yes	No	No	As stated in Section 4.7 , Alternative A would result in approximately 16,771 jobs in the County. Alternative B would result in approximately 17,682 jobs in the County. Alternative C would result in approximately 13,405 jobs in the County. And Alternative D would result in 605 jobs in the County. Alternatives E and F would not result in significant job creation in the County. Thus, all Alternatives would result in substantial job opportunities, with the exception of Alternatives E and F.
Industrial Areas							
LU-O.5 Use established standards to limit industrial activities that may endanger human health and may cause damage to the environment.	N/A	N/A	N/A	N/A	N/A	N/A	No industrial development would occur under any of the proposed alternatives. Thus, this policy would not apply.
LU-O.7 Avoid land uses that place residential dwellings with "heavy" industrial and maritime uses.	N/A	Yes	N/A	Yes	N/A	N/A	The residential development proposed under Alternatives B and D would place residential development at an appropriate distance from the Chevron – Richmond Refinery operations east of the project site. This policy would not apply to Alternatives A, C, E, and F.
LU-P.1 Promote industrial development, which creates maximum job opportunities for area residents.	No	No	No	No	No	No	No industrial development would occur under Alternatives A through F; and therefore, would not be consistent with this policy.
Area Specific Guidelines – Shoreline General							
No.1 Allow for an appropriate level of development in shoreline areas while establishing a pleasing setting	Yes	Yes	Yes	Yes	Yes	N/A	Alternatives A through E would be consistent with this policy as shown in the proposed site plans, Figures 2-1, 2-6, 2-9, 2-12 , and

	City of Richmond General Plan Consistency (Yes or No)						Discussion
	Alt A	Alt B	Alt C	Alt D	Alt E	Alt F	
							2-16. No development would occur under Alternative F; therefore, this policy would not apply.
No.2	Yes	Yes	Yes	Yes	Yes	Yes	Same as for policy LU-E.1; therefore, Alternatives A through D would be consistent with this policy. In addition, no new development is proposed under Alternative E and no development would occur under Alternative F; therefore, existing views of the Bay and regional landscape on-site would be retained.
No.3	Yes	Yes	Yes	Yes	No	No	Alternatives A through D propose a variety of commercial, recreation, residential and maritime uses for the project site and would be consistent with this policy. No development is proposed for Alternatives E and F and would not be consistent with this policy.
No.4	Yes	Yes	Yes	Yes	Yes	No	Alternatives A, B, and C would be consistent with this policy by developing a world-class resort with access by ferry from the Bay Area. Furthermore, the proposed development under Alternative A is designed to be a destination resort thus enhancing the amenities of the project site including access and views of the shoreline and ridgelines. Alternative E would allow for public access to the shoreline and to scenic vistas on the project site that may lead to increased community pride and a source of attraction for visitors.
No.5	Yes	Yes	Yes	No	No	No	Alternatives A, B and C, would provide specialty commercial uses that would be associated with the proposed casino and hotel development. It is not anticipated that Alternatives D or E would provide specialty commercial uses and therefore would not be consistent with this policy. No development is proposed for Alternative F and thus it would not be consistent with this policy.
Area Specific Guidelines - West Shoreline							
No.4	Yes	Yes	Yes	Yes	No	No	Alternatives A through D would be consistent with this policy for reasons stated above for policy LU-L.5. It is not anticipated that Alternative E would result in commercial development on the project site. No development would occur under Alternative F and, thus, would not be consistent with this policy.
No.6	Yes	Yes	Yes	Yes	Yes	Yes	Alternatives A through F would be consistent with this policy because the 85 percent of the project site has already been transferred to the City by the Navy.

	City of Richmond General Plan Consistency (Yes or No)						Discussion
	Alt A	Alt B	Alt C	Alt D	Alt E	Alt F	
No.7 Promote commerce and commercial recreation at Winehaven when the site is available, but after public recreation and scenic roads along the shoreline north of the toll plaza are developed.	Yes	Yes	Yes	Yes	No	No	Alternatives A through D propose commerce and commercial recreation at Winehaven after Western Drive is improved. As stated above for No.4 it is not anticipated that Alternative E would lead to commercial development on the project site and would not enhance commerce and commercial recreation on the project site.
No.8 Designate a site for a marina at the Point Molate Naval Fuel Depot when its present use is phased out and land there is available.	Yes	Yes	Yes	Yes	No	No	Alternatives A through D propose pier reconfiguration to allow for public use. Both Alternative E and F do not proposed pier reconfiguration and would not be consistent with this policy.
No.9 Give priority to preserving and enhancing the potential amenities of the shoreline's variety of edges and of the landmark character of its adjacent hills.	Yes	Yes	Yes	Yes	Yes	No	Alternatives A through E would preserve and also enhance the shoreline and ridgeline of the project site through the construction of the Shoreline Park and through minimal development on the hillsides. Alternative F would not enhance the potential amenities of the project site and would therefore, not be consistent with this policy.
Housing Element							
Policy 2 Require all residential developments of ten or more units to include an affordable housing component, or pay in-lieu fees to support future affordable housing development, per City of Richmond Inclusionary Housing Ordinance 28-01.	N/A	No	N/A	No	NA	N/A	Alternatives B and D do not include an affordable housing component in the project description and; therefore, would not be consistent with this policy. Alternatives A, C, E, and F do not propose residential development; therefore, this policy would not apply.
Policy 4 Promote development to affordable housing on surplus, underused or vacant public lands where appropriate and where compatible with existing uses.	N/A	No	N/A	No	N/A	N/A	Alternatives B and D propose development on underused public lands; however, they do not include an affordable housing component.

Source: City of Richmond, 1994; AES, 2008.

TABLE 4.9-2
BCDC BAY PLAN CONSISTENCY – PROJECT ALTERNATIVES

	Bay Plan Policy Consistency (YES OR NO)						Discussion
	Alt A	Alt B	Alt C	Alt D	Alt E	Alt F	
<p>No. 7 - Former Naval Fuel Depot Point Molate - Develop for park use. Landward of Western Drive should be developed consistent with recreation policy 4-b. Provide trail system linking shoreline park areas and vista points in the hillside open space areas. Provide public access to historical district with interpretation of this resource. The Point Molate Pier should be re-used for water-oriented recreation and incidental commercial recreation. Encourage water-oriented recreation, including mooring facilities for transient recreational boats, excursion craft and small watercraft. Protect existing eelgrass beds.</p>	Yes	Yes	Yes	Yes	Yes	No	<p>Alternatives A through E would develop a Shoreline Park that would include a segment of the Bay Trail. The alternatives would allow for public access to the Winehaven buildings and the on-site pier would be reconfigured to allow for ferry service and public access. Furthermore as identified in Section 4.5, Alternatives A through E would not impact existing eel grass beds.</p>
<p>No. 4-b – Waterfront parks and wildlife refuges with historic buildings. Historic Buildings in waterfront parks and wildlife refuges should be developed and managed for recreation uses to the maximum practicable extent consistent with the Bay Plan Map policies and all of the following: (1) Physical and visual access corridors between in-land public areas, vista points, and the shoreline should be created, preserved or enhanced. Corridors for Bay-related wildlife should also be created, preserved and enhanced where needed and feasible. (2) Historic structures and districts listed on the National Register of Historic Places or California Registered Historic Landmarks should be preserved consistent with applicable state and federal historic preservation law and should be used consistent with the Bay Plan recreation policies. Public access to the exterior of these structures should be provided. Public access to these interiors of these structures should be provided where appropriate.</p>	Yes	Yes	Yes	Yes	Yes	No	<p>Alternatives A through E would preserve, enhance, and allow for public access to the shoreline and vista points. The proposed development would be designed in accordance with federal and state laws that regulate development in and around Bay-related wildlife. The proposed development under Alternatives A through D would comply with Section 106 of the National Historic Preservation Act and design guidelines would be subject to input and approval from the City. Public access would be provided throughout the Winehaven Historic District.</p>

Source: BCDC Bay Plan, 2007.

CITY OF RICHMOND GENERAL PLAN CONSISTENCY

Land use regulations for the City would not be applicable to land that is taken into trust, as discussed in **Section 2.0** for Alternatives A, B, and C, shown in **Figures 2-1, 2-6 and 2-9** respectively. The only applicable land use regulations on trust lands would be federal or Tribal. The Guidiville Band of Pomo Indians (Tribe) relies upon the Tribal Council, the governing body of the Tribal government, to guide and regulate land use and planning on Tribal lands.

Applicable policies of the City's General Plan were analyzed in relation to the proposed alternatives, as presented in **Table 4.9-1**. It is assumed under the No-Action Alternative (Alternative F) that the project site would remain in its current land uses. The General Plan and BCDC Bay Plan Policies shown in **Table 4.9-1** and **Table 4.9-2** applicable to Alternative F were analyzed under the existing land uses.

EXISTING LAND USES

The approximately 420-acre project site is bordered by property owned by Chevron to the south and east (the Chevron-Richmond Refinery). The Port of Richmond (Terminal 4) is located to the north, and the Point San Pablo Yacht Harbor is situated to the north (**Figure 3.9-6**). Approximately 140 acres of the western portion of the project site are submerged within the San Francisco Bay (Bay). As described in **Section 3.9**, the project site is crossed by Western Drive, which provides the primary access to the site. The vestiges of early land uses remain present on the site and include archaeological remains associated with Native American occupation, a Chinese shrimp Camp, and a significant number of buildings and structures from the operation of Winehaven and the Navy Fuel Depot. The project site is currently in caretaker status, with the maintenance and upkeep of the on-site facilities undertaken by both the Navy and the City.

4.9.1 ALTERNATIVE A – MIXED-USE TRIBAL DESTINATION RESORT AND CASINO

IMPACTS OF ALTERNATIVE A

4.9.1 The proposed development under Alternative A would not physically divide an established community. Therefore, no impact would occur.

There are no established communities on or near the project site; therefore, there would be *no impact* to existing communities.

4.9.2 The proposed development under Alternative A would conflict with some applicable City General Plan land use policies and zoning designations adopted for the project site. However, this would be a less-than-significant impact.

City of Richmond General Plan Policies

The consistency of Alternative A with applicable City General Plan land use policies is identified in **Table 4.9-1**. The majority of the project site would be held in trust for the Tribe by the federal government with the exceptions of the shoreline and Western Drive, which would be retained (in fee) by the City (**Figure 2-1**). The proposed development under Alternative A would occur to both the east and west of Western Drive, within the boundaries of the City of Richmond (City). The undeveloped portion of the site along the shoreline (approximately 35-acres) would be reserved for the publicly accessible Bay Trail (**Figures 2-1 and 3.8-2**). Development under Alternative A would occur on approximately 51.05 acres of the project site.

City of Richmond General Plan Land Use and Zoning Designations

Trust Lands

Alternative A would be incompatible with the existing General Plan land use and zoning designations for the proposed development of the casino, hotel and related facilities.

As identified in **Section 3.9.1**, the City is in the process of updating its General Plan. The City has identified the project site as a change area and the existing land use and zoning designations would no longer apply. Three land use options have been proposed and released to the public through the City's General Plan Update website. One of the land use options (Land Use Option No.3) identifies the project site for similar development as proposed under Alternative A (**Figure 3.9-2**).

The proposed Land Use Option No.3 identifies the project site for development of a casino, which would be consistent with the proposed development under Alternative A. Alternative A would technically be inconsistent with the existing General Plan land use designations; however, because the lands would be taken into trust, local land use plans and regulations would no longer apply to the project site. Therefore, a *less-than-significant* impact would occur.

Shoreline Park

A 50-foot strip along the shoreline would be leased to the Tribe by the City and would remain in fee status; this is referred to as the Shoreline Park. The proposed Shoreline Park would allow the public to access portions of the site, which have been previously restricted due to naval operations that began in 1941. The proposed segment of the Bay Trail located within the Shoreline Park would be consistent with the applicable City General Plan Land Use policies (LU-E.1, LU-E.2), General Area Specific Guidelines (No.1, No. 2, and No.4), and West Shoreline Specific Guidelines (No.4 and No.9). Therefore, Alternative A would result in a *less-than-significant* impact to land use compatibility.

Bay Trail Segment

Alternative A proposes an extension of the existing Bay Trail along the shoreline of the project site. Under the existing General Plan, the development of the Bay Trail along the shoreline would not be consistent with existing land uses and zoning designations and would require a General Plan amendment. However, Land Use Options 1, 2 and 3 proposed for the City's General Plan Update identify the project site for new land use designations, under which the Bay Trail would be considered an allowable use. Therefore, *no impact* to land use consistency would occur.

Pier Reconfiguration

Reconfiguration of the existing on-site pier under Alternative A would allow for ferry services to the project site that would be consistent with the following City General Plan Policies LU-L.5 and LU-L.6, Area Specific Guidelines No. 4 and No. 8, and Bay Plan policy No. 7 (**Tables 4.9-1 and 4.9-2**). Therefore, *no impact* would occur.

Bay Conservation and Development Commission Bay Plan

The proposed development under Alternative A would be consistent with the BCDC Bay Plan policies identified in **Table 4.9-2**, as discussed in **Section 3.9**. Bay Plan policy No.7 states that the project site should be developed for park and water-oriented recreational and commercial uses: "Provide trail system linking shoreline park areas and vista points in the hillside open space areas. Provide public access to historical district with interpretation of this resource. The Point Molate Pier should be re-used for water-oriented recreation and incidental commercial recreation." Alternative A proposes to develop a 35-acre bay trail that would allow for public access and link shoreline park areas with vista points in hillside open areas. Alternative A proposes to restore several buildings within the National Register Historic District (NRHD) that would not only allow for public access, but would improve the stability and structural integrity of several buildings remaining from Winehaven's operations. Refer to **Section 4.6**, for further discussion about the restoration of historic buildings on the project site.

BCDC Bay Plan Policy 4-b recognizes that Park Use in waterfront parks with historic buildings present may require additional commercial uses to generate revenues for site maintenance "and other important public objectives" (BCDC, 2007). Alternative A is consistent with Bay Plan policy No. 4-b in that the planned commercial uses do not compromise the integrity of, and in reality support, the 35-acre Shoreline Park, Bay Trail segment, hillside open space, and the renovation and reuse of existing historic structures. Development of Alternative A would create, preserve, and enhance public access and vista points of the project site shoreline. Therefore, Alternative A would not impact compatibility with any applicable Bay Plan Policies.

4.9.3 Alternative A would not result in a physical change in the environment that would be substantially incompatible with existing land uses. This would be a less-than-significant impact.

The proximity of the project site to nearby industrial facilities introduces the potential for the accidental release of anhydrous ammonia or a toxic materials release from the Chevron-Richmond Refinery and General Chemical facilities to affect a greater number of people. Alternative A would introduce large numbers of employees and visitors to the project site, leading to increased potential of exposure to hazards from an accidental release of anhydrous ammonia from the Chevron-Richmond Refinery. For further discussion on potential impacts from the accidental release of anhydrous ammonia, toxic materials from neighboring industrial facilities, project site remediation, and land use restrictions, please refer to **Sections 3.12** and **4.12**.

As stated in the Final EIS/EIR for the Disposal and Reuse of the Fleet and Industrial Supply Center, “For toxic chemical releases, the area affected by a release is influenced by the predominant wind direction at the time an accident occurs” (**Appendix U**: 3-13). The Final EIS/EIR noted that employees associated with commercial uses would “have shorter lengths of stay (typically eight hours), would tend to be inside for the majority of that time period, and typically would be better prepared for accidents and emergencies than residents” (**Appendix U**: 4-8). Furthermore, commercial and recreational visitors are assumed to have even shorter lengths of occupancy on the project site. It was also noted that Contra Costa County’s Community Warning System, which is designed to alert the public in the event of a chemical accident, did not provide siren coverage for the project site during the drafting of the Final EIS/EIR.

The Final EIS/EIR reported the following significant and unmitigatable impact with land use compatibility:

- All of the project site would be within the toxic endpoint of a Worst-Case Scenario (WCS) for ammonia, and about three-quarters of the property (the Southern Development Area and most of the Central and Northern Development Areas) would be within an Alternative Release Scenario (ARS) for ammonia from the refinery (Figure 3.9-5 and Figure 4.1-2 of **Appendix U**).

The Final EIS/EIR used the following assumption to analyze the significance of impacts on land use compatibility, “Although the probabilities of occurrence of the WCS or ARS have not be quantified, both scenarios are possible. The WCS is an absolute worst-case scenario, while the ARS is considered to be a more likely release scenario” (**Appendix U**: 4-9). Therefore, it was

concluded that it is not physically possible to provide an adequate buffer between sensitive receptors in those areas resulting in a significant and unmitigatable impact.

A study was conducted in January 2007 by Marine Research Specialists (included as **Appendix M**) to assess the risk of accidental exposure to anhydrous ammonia from the Chevron-Richmond Refinery and General Chemical facilities to the east of the project site and the consequences of a release to the project site. Three scenarios were considered, all of which resulted with the probability of a release reaching the project site to be very low (**Table 4.9-3**).

TABLE 4.9-3
ACCIDENTAL RELEASE PROBABILITIES

Release Scenario	Cause	Probability (per year)	Return Period (years)
RMP WCS	Catastrophic Vessel Failure	9.0×10^{-6} /yr	11,000,000
RMP ARS	Catastrophic Bleeder Valve Failure	6.9×10^{-5} /yr	725
Probable Worst-Case	Catastrophic Liquid Pipe Failure	7.8×10^{-5} /yr	12,820

Source: Marine Research Specialists, 2007

Similar to the previous study included in the Final EIS/EIR for the Disposal and Reuse of the Fleet and Industrial Supply Center (**Appendix U**), the 2007 Marine Research Specialists study found that the topography of the Potrero Ridge creates an impediment for potential ammonia releases reaching the project site. The study notes that the following factors would affect the dispersion of an ammonia vapor cloud (**Appendix M: 2**):

- The Potrero Ridge increases the actual travel distance between the tanks and project site by about 100 feet (from a linear distance of about 4,590 feet to 4,690 feet);
- The topographic barrier would preclude ammonia vapor cloud advection over the ridge during periods with extremely low wind speeds or inversion heights below approximately 350 feet;
- The ridge would increase turbulence and vapor cloud diffusion as the wind travels over the terrain;
- The ridge would create a turbulent vortex on the lee side of the terrain, thus further enhancing vertical diffusion within the vapor cloud; and
- Furthermore, prevailing winds blow in the direction of the project site from the Chevron-Richmond Refinery at approximately 16 percent of the time.

However, unlike the findings in the Final EIS/EIR the Marine Research Scientist study concluded that the proximity of the proposed development under Alternative A would not be significantly impacted under a worst-case accidental release scenario. Specifically, the Marine Research Specialists study concluded that, “Given the ammonia system design features and mitigation systems in place at the Chevron-Richmond Refinery, the risk to any potential development in the Point Molate area would be considered insignificant” (**Appendix M:** 34). In addition, the study noted that regarding the worst-case hazard zone that is identified in Chevron’s Risk Management Plan and used in the Marine Research Study, “the worst-case scenario uses overly conservative assumptions and ignores all active mitigation that is in place at the refinery” (**Appendix M:** 19). On page 26 of the Marine Research Study, Figure 3-8 shows that the mitigated likely worst-case scenario would still leave the project site untouched. Therefore, it is assumed that the active mitigation used by the Chevron-Richmond Refinery would further reduce the potential for an accidental release of anhydrous ammonia reaching the project site. A *less-than-significant* impact would occur.

To further reduce impacts, mitigation is proposed in **Section 5.2.8** that proposes the placement of a community warning siren on the project site to allow for additional warning time for visitors and employees on the project site.

4.9.4 The proposed development under Alternative A would not conflict with any applicable habitat conservation plan or natural community conservation plan. No impact would occur.

There are no known habitat conservation plans or natural community conservation plans applicable to the project site. Therefore Alternative A would not conflict with any habitat conservation plans or natural community plans and *no impact* would occur.

4.9.2 ALTERNATIVE B – MIXED-USE TRIBAL DESTINATION RESORT AND CASINO WITH RESIDENTIAL COMPONENT

IMPACTS OF ALTERNATIVE B

4.9.5 The proposed development under Alternative B would not physically divide an established community. Therefore, no impact would occur.

There are no established communities on or near the project site; therefore, there would be *no impact* to existing communities.

4.9.6 The proposed development under Alternative B would conflict with applicable City General Plan land use policies related to housing development and with existing land use and zoning designations for the project site. This is a potentially significant impact.

Significance After Mitigation

With implementation of **Improvement Measures 8-1** and **8-2** and **Mitigation Measure 8-3**, impacts regarding the incorporation of affordable housing units in residential development would be further reduced to a *less-than-significant* level.

Impact Discussion

City of Richmond General Plan Policies

The proposed development under Alternative B would be similar to Alternative A, except that Alternative B would include approximately 340 residential units on approximately 32-acres in the southern portion of the project site. Under Alternative B, approximately 89.05 acres of the project site would be developed. The proposed 32-acre residential area would be purchased by the Tribe and remain in fee status. The remaining portion of the project site would be held in federal Trust for the Tribe. Potential residents would be able to purchase housing units from the Tribe. Alternative B is similar to Alternative A in that it is consistent with all existing City General Plan policies and regulations (**Table 4.9-1**), except for the following policies related to residential development:

- | | |
|----------|--|
| Policy 2 | Require all residential developments of ten or more units to include an affordable housing component, or pay in-lieu fees to support future affordable housing development, per City of Richmond Inclusionary Housing Ordinance 28-01. |
| Policy 4 | Promote development to affordable housing on surplus, underused or vacant public lands where appropriate and where compatible with existing uses. |

This inconsistency would create a potentially significant impact to land use consistency.

Improvement Measures 8-1 and **8-2** and **Mitigation Measure 8-3** are proposed to reduce this impact to a *less-than-significant* levels.

City of Richmond General Plan Land Use and Zoning Designations

Trust Lands

As with Alternative A, Alternative B would technically be inconsistent with the existing General Plan land use designations; however, because a portion of the project site would be taken into trust, local land use plans and regulations would no longer apply to those areas held in federal Trust. A *less-than-significant* impact would occur to land use consistency.

Fee Lands

Development proposed under Alternative B would not be consistent with existing land use and zoning designations for the project site. The City's proposed land use option No.2 used the Preferred Alternative from the San Pablo Open Space Study as the basis for land use and zoning designations for the project site. Development under Alternative B would be similar to the Preferred Alternative except for the proposed residential development. Information is unavailable regarding the City's preferred land use option for the project site; therefore, this inconsistency is considered *potentially significant*. No mitigation has been proposed.

Residential Development

The 32-acre residential development area would require a General Plan amendment for the existing General Plan land use and zoning designations. None of the City's proposed Land Use Options provide for residential development on the project site. Therefore, a General Plan amendment would be required for the residential development under Alternative B. This would be required prior to the construction of the 32-acre residential area; however, this is considered a *less-than-significant* impact.

Shoreline Park, Bay Trail Segment, and Pier Reconfiguration

As with Alternative A, a 50-foot strip along the shoreline would be leased to the Tribe by the City and would remain in fee status. As with Alternative A, the proposed segment of the Bay Trail located within the Shoreline Park would be consistent with the applicable City General Plan Land Use policies (LU-E.1, LU-E.2), General Area Specific Guidelines (No.1, No. 2, and No.4), and West Shoreline Specific Guidelines (No.4 and No.9).

Alternative B also proposes an extension of the existing Bay Trail along the shoreline of the project site. As with Alternative A, the Bay Trail would be considered an allowable use under the City's proposed Land Use Options 1, 2, and 3. Therefore, *no impact* to land use consistency would occur.

Reconfiguration of the existing on-site pier under Alternative B would be the same as for Alternative A and would be consistent with the following City General Plan Policies LU-L.5 and LU-L.6, Area Specific Guidelines No. 4 and No. 8, and Bay Plan Policy No. 7 (**Tables 4.9-1 and 4.9-2**). Therefore, *no impact* would occur.

Bay Conservation and Development Commission Bay Plan

As with Alternative A, the development of Alternative B would be consistent with Bay Plan policies No. 7 and No. 4-b (**Table 4.9-2**). Therefore, *no impact* would occur.

4.9.7 Alternative B would not result in a physical change in the environment that would be substantially incompatible with existing land uses. This would be a less-than-significant impact.

The development footprint for Alternative B would be similar to Alternative A except for the 32-acre residential development on the southern portion of the project site. However, impacts and compatibility with neighboring industrial land uses for Alternative B would remain the same as Alternative A. Mitigation is proposed in **Section 5.2.8** to further reduce land use compatibility impacts. Therefore, impacts to surrounding land use compatibility would be *less-than-significant*.

4.9.8 Proposed development under Alternative B would not conflict with any applicable habitat conservation plan or natural community conservation plan. No impact would occur.

As stated under Alternative A, there are no known habitat conservation plans or natural community conservation plans applicable to the project site. Therefore, *no impact* would occur.

4.9.3 ALTERNATIVE C – REDUCED INTENSITY MIXED-USE TRIBAL DESTINATION RESORT AND CASINO

IMPACTS OF ALTERNATIVE C

4.9.9 The proposed development under Alternative C would not physically divide an established community. Therefore, no impact would occur.

As with Alternative A, there would be *no impacts* to established communities under Alternative C.

4.9.10 The proposed development under Alternative C would conflict with applicable City General Plan land use policies and regulations adopted for the purpose of avoiding or mitigating an environmental effect. However, this is a less-than-significant impact.

City of Richmond General Plan Policies

The consistency of Alternative C with applicable City General Plan land use policies is identified in **Table 4.9-1**. Under Alternative C, approximately 40.47 acres of the project site would be developed. The majority of the project site would be held in trust for the Tribe by the federal government with the exceptions of the 50 foot section along the shoreline and Western Drive, which would be retained (in fee) by the City similar to Alternative A (**Figure 2-1**).

City of Richmond General Plan Land Use and Zoning Designations

Trust Lands

Alternative C would be incompatible with the existing General Plan land use and zoning designations for the proposed development of the casino, hotel and related facilities. The proposed land use option No.3 identifies the project site for development of a casino, which would be consistent with the proposed development under Alternative C. Further, as with Alternative A, Alternative C would technically be inconsistent with the existing General Plan land use designations. However, because the lands would be taken into trust, local land use plans and regulations would no longer apply to the project site. Therefore, a *less-than-significant* impact would occur.

Shoreline Park and Bay Trail Segment

Similar to Alternative A, Alternative C proposes the development of the Shoreline Park and Bay Trail segment. The proposed segment of the Bay Trail located within the Shoreline Park would be consistent with the applicable City General Plan Land Use policies (LU-E.1, LU-E.2), General Area Specific Guidelines (No.1, No. 2, and No.4), and West Shoreline Specific Guidelines (No.4 and No.9). In addition, the City's proposed land use options 1, 2, and 3 identify the development of the Bay Trail segment as an allowable use. Therefore, *no impact* to land use consistency would occur.

Pier Reconfiguration

Reconfiguration of the existing on-site pier under Alternative C would be the same as for Alternative A and would be consistent with City General Plan Policies LU-L.5 and LU-L.6, Area Specific Guidelines No. 4 and No. 8, and Bay Plan Policy No. 7 (**Tables 4.9-1 and 4.9-2**). *No impact* would occur.

Bay Conservation and Development Commission Bay Plan

As with Alternative A, the development of Alternative C would be consistent with Bay Plan policies No. 7 and No. 4-b (**Table 4.9-2**). Therefore, *no impact* would occur.

4.9.11 Alternative C would not result in a physical change in the environment that would be substantially incompatible with existing land uses. This would be a less than significant impact.

Alternative C has a similar development footprint as Alternative A; therefore, impacts and compatibility with neighboring industrial land uses for Alternative C would be the same as for Alternative A and would be *less-than-significant* with the implementation of mitigation proposed in **Section 5.2.8**.

4.9.12 The proposed development under Alternative C would not conflict with any applicable habitat conservation plan or natural community conservation plan. No impact would occur.

As stated under Alternative C, there are no known habitat conservation plans or natural community conservation plans applicable to the project site. Therefore, *no impact* would occur and no mitigation has been proposed.

4.9.4 ALTERNATIVE D – NON-TRUST ACQUISITION WITH NON-GAMING MIXED-USE DEVELOPMENT

IMPACTS OF ALTERNATIVE D

4.9.13 The proposed development under Alternative D would not physically divide an established community. Therefore, no impact would occur.

As with Alternative A, there are no established communities on the project site. Therefore, *no impact* would occur.

4.9.14 The proposed development under Alternative D would conflict with two applicable City General Plan land use policies related to housing development and would conflict with existing land use and zoning designations for the project site. This is a potentially significant impact.

Significance After Mitigation

With implementation of **Improvement Measures 8-1 and 8-2** and **Mitigation Measure 8-3**, impacts regarding the incorporation of affordable housing units in residential development would be further reduced to a *less-than-significant* level.

Impact Discussion

City of Richmond General Plan Policies

The proposed development under Alternative D would be similar to Alternative B, except that Alternative D would include development of approximately 1,100 units of high-, medium-, and low-density housing; a hotel-conference center, small retail and professional center in the restored Winehaven building; and 29 small professional offices in the restored Winehaven cottages. Furthermore, the project site would not be taken into trust by the federal government for the Tribe. The 32-acres for the proposed residential units, located on the southern portion of the site, would be purchased by the Tribe and would remain in fee status. Potential residents would be able to purchase housing units from the Tribe. As stated under Alternative B, the proposed

housing development would not comply with the following City General Plan policies related to residential development:

- Policy 2 Require all residential developments of ten or more units to include an affordable housing component, or pay in-lieu fees to support future affordable housing development, per City of Richmond Inclusionary Housing Ordinance 28-01.
- Policy 4 Promote development to affordable housing on surplus, underused or vacant public lands where appropriate and where compatible with existing uses.

This inconsistency would not create a significant impact on land use compatibility; however, **Improvement Measures 8-1 and 8-2** and **Mitigation Measure 8-2** are proposed to further reduce impacts.

City of Richmond General Plan Land Use and Zoning Designations

The project site would remain in fee status; therefore, Alternative D would be inconsistent with the City's General Plan land use and zoning designations for the project site. Development of Alternative D would require a General Plan amendment for the entire project site. However, the City is currently updating its General Plan and has identified the project site as a change area. This is considered a *less-than-significant* impact.

Bay Conservation and Development Commission Bay Plan

As with Alternative A, the development of Alternative D would be consistent with Bay Plan policies No. 7 and No. 4-b (**Table 4.9-2**). *No impact* would occur.

4.9.15 Alternative D would not result in a physical change in the environment that would be substantially incompatible with existing land uses. This would be a less-than-significant impact.

Alternative D has a similar development footprint as Alternative B; therefore, impacts and compatibility with neighboring industrial land uses for Alternative D would be the same as those under Alternative B. Implementation of mitigation proposed in **Section 5.2.8** would further reduce impacts. Therefore, impacts to surrounding land use compatibility would be *less-than-significant*.

4.9.16 Proposed development under Alternative D would not conflict with any applicable habitat conservation plan or natural community conservation plan. No impact would occur.

As stated under Alternative A, there are no known habitat conservation plans or natural community conservation plans applicable to the project site. Therefore, *no impact* would occur.

4.9.5 ALTERNATIVE E – TOTAL PARKLAND

IMPACTS OF ALTERNATIVE E

4.9.17 Alternative E would not physically divide an established community. Therefore, no impact would occur.

As stated under Alternative A, there are no established communities on-site; therefore, *no impact* would occur under Alternative E.

4.9.18 Alternative E would conflict with applicable existing City General Plan and BCDC Bay Plan land use policies and regulations adopted for the purpose of avoiding or mitigating an environmental effect. This is a less-than-significant impact.

City of Richmond General Plan Policies, Land Use, and Zoning Designations

No new development would occur under Alternative E and the project site would be open for public access through the Bay Trail extension. The project site would be inconsistent with the General Plan policies listed in **Table 4.9-1**. Similar to Alternative A, a General Plan amendment would be required. However, because the City is currently updating its General Plan, this inconsistency would be considered a *less-than-significant* impact because the project site has been identified as a change area by the City. No mitigation has been proposed.

Bay Plan Policies

Alternative E would be consistent with the Bay Plan policies listed in **Table 4.9-2**. This is a *less-than-significant* impact. No mitigation is proposed.

4.9.19 Alternative E would not result in a physical change in the environment that would be substantially incompatible with existing land uses. This would be a less-than-significant impact.

Alternative E would introduce patrons to the project site; therefore, impacts and compatibility with neighboring industrial land uses for Alternative E would be the similar to but reduced when compared to the impacts that would occur under Alternatives A, B, C, and D. Implementation of mitigation proposed in **Section 5.2.8** would further reduce impacts to land use compatibility. Therefore, impacts to surrounding land use compatibility would be *less-than-significant*. However, mitigation has been proposed to further reduce impacts to land use compatibility conflicts.

4.9.20 Alternative E would not conflict with any applicable habitat conservation plan or natural community conservation plan. Therefore, no impact would occur.

As stated under Alternative A, there are no known habitat conservation plans or natural community conservation plans applicable to the project site. Therefore, *no impact* would occur.

4.9.6 ALTERNATIVE F – NO ACTION

IMPACTS OF ALTERNATIVE F

4.9.21 Alternative F would not physically divide an established community. Therefore, no impact would occur.

As stated under Alternative A, there are no established communities on-site; therefore, *no impact* would occur under Alternative F.

4.9.22 Alternative F would conflict with applicable City General Plan and BCDC Bay Plan land use policies and regulations adopted for the purpose of avoiding or mitigating an environmental effect. This is a less-than-significant impact.

City of Richmond General Plan Policies, Land Use, and Zoning Designations

No development would occur under Alternative F and the project site would remain undeveloped. Alternative F would be inconsistent with the General Plan policies listed in **Table 4.9-1**. Similar to Alternative A, a General Plan amendment would be required. The City is currently updating its General Plan and has identified the project site as a change area (**Figure 3.9-2**). Therefore, Alternative F would not result in significant conflicts with applicable land use policies and plans as the project site undeveloped will remain consistent with its zoning and land use designations and upon adoption of the General Plan Update the project site will be available for development under the three Land Use Options identified in **Figure 3.9-2**. This would be a *less-than-significant* impact and mitigation is not warranted.

Bay Plan Policies

Alternative F would be inconsistent with the Bay Plan policies listed in **Table 4.9-2**. However, the inconsistencies would not result in physical environmental impacts. Therefore, a *less-than-significant* impact would occur and mitigation is not warranted.

4.9.23 Alternative F would be compatible with surrounding land uses. No impact would occur.

No development would occur under Alternative F; therefore, the project site would remain under its current land uses. Thus, *no impact* would occur to land use compatibility and no mitigation has been proposed.

4.9.24 Alternative F would not conflict with any applicable habitat conservation plan or natural community conservation plan. Therefore, no impact would occur.

As stated under Alternative A, there are no known habitat conservation plans or natural community conservation plans applicable to the project site. Therefore, *no impact* would occur.