

## 4.9 LAND USE AND PLANNING

### 4.9.1 Introduction

This section evaluates the potential land use and planning impacts of development under the 2014 LRDP. The planned 2014 LRDP land uses are described and assessed for potential conflicts with existing RBC site and surrounding land uses and land use plans.

Public and agency NOP comments related to land use and planning are summarized below:

- The EIR should consider proposed new building heights and massing in terms of compatibility with surrounding uses.
- The EIR should consider 2014 LRDP compatibility with the Eastshore State Park General Plan goals and policies.
- The 2014 LRDP should conform to local zoning and approved local land use policies to the maximum extent feasible.

These comments are considered in the analysis below.

### 4.9.2 Environmental Setting

#### ***Project Site***

The approximately 134-acre RBC site is in the City of Richmond, approximately 5 miles northwest of the UC Berkeley campus and the LBNL site in Berkeley (see Figure 3-1). The City of Richmond is in Contra Costa County. The RBC site is bounded on the west by a PG&E service station, on the northwest by Regatta Boulevard, on the northeast by Meade Street, on the east by South 46th Street, and on the south by the San Francisco Bay. I-580 runs parallel to Meade Street along the northeastern boundary of the RBC site.

#### ***Existing On-Site Land Uses***

The RBC site has been the location of a variety of industrial enterprises dating back to the mid-19th century. At the time of acquisition by the University in 1950, a portion of the RBC site (109.8 acres) was developed with a number of buildings associated with previous uses. After UC acquisition, certain University programs were moved into existing and new buildings at this property, known as the RFS. The RFS continues to operate as a field station for mostly UC Berkeley research programs and is currently developed with roadways, parking lots, landscaped areas, and approximately 80 one- and two-story buildings. Figure 3-2 shows current land uses at the overall RBC site, which is currently developed with 1,050,000 gross square feet of facilities, including more than 500,000 assignable square feet of research space.

Programs at the RFS include the NRLF, an archive for 7.7 million volumes of lesser-used books for the four northern UC campuses. The NRLF is at the northern boundary of the RBC site on Regatta Boulevard. Other research space includes one of the world's largest earthquake shaking tables and test facilities for advanced transportation research. The southwestern corner of the RBC developed area is occupied by the EPA regional laboratory. The Regatta parcel, which comprises the western portion of the RBC site, is developed with a warehouse building and surface parking. The warehouse building currently houses University archives and other uses. The existing facilities are concentrated in the RBC site's eastern and western portions; and a large portion of the central area is open space.

***Existing Surrounding Land Uses***

Land uses surrounding the RBC site include industrial and office uses and a major interstate freeway. Regatta Boulevard, along the RBC site northwestern boundary, is adjacent to a railroad spur and a business complex developed with one- to two-story buildings. Bio-Rad Laboratories, a private research equipment manufacturing company, is immediately west of the RBC site. The adjacent property to the east is the location of former chemical production operations and is currently vacant.

Across Meeker Slough adjacent to the southwestern boundary of the RBC site is a mix of single- and multi-family residences known as the Marina Bay neighborhood; to the north and across I-580 are low- and medium-density residential neighborhoods adjacent to the northeastern boundary of the RBC site.

The McLaughlin Eastshore State Park is located along the shoreline adjacent to the RBC site. The park extends approximately 8.5 miles along the San Francisco Bay eastern shoreline from the Oakland Bay Bridge northward to the Marina Bay neighborhood. The park includes approximately 2,262 acres of waterfront uplands and tidelands along the cities of Oakland, Emeryville, Berkeley, Albany, and Richmond. The portion of the state park nearest the project is called the South Richmond Shoreline, a southwest-facing stretch of gravel beaches in its southern reaches and tidal marsh to the north behind the seawall. The arc of upland area extending from Point Isabel to Marina Bay is the dike the railroad used to run on (California Department of Parks and Recreation 2002). A segment of the Bay Trail is built on this dike. The East Bay Regional Park District manages the state park.

***Planned Land Use Changes in the Project Vicinity***

The City of Richmond General Plan 2030 outlines a long-term vision for land uses and development in the area surrounding the RBC site. It designates the RBC site and its immediate surroundings southwest of I-580 as Business/Light Industrial and Open Space. The Marina Bay neighborhood is designated for low- and medium-density residential uses, which is the current use. The project vicinity is already mostly developed, and the General Plan proposes no substantive land use changes; however, the City of Richmond has identified its southern shoreline area for revitalization and redevelopment.

**4.9.3 Regulatory Considerations*****Local******City of Richmond General Plan 2030***

The RBC site is a University property where work within the University's mission is performed on land owned by The Regents. As a state entity created by Article IX, Section 9 of the California State Constitution, the University is exempt under the state constitution from compliance with local land use regulations, including general plans and zoning. The University has a tradition of working cooperatively with local communities, and it is University practice to seek consistency with local plans and policies where feasible. The local municipal jurisdiction for the RBC site is the City of Richmond. The City of Richmond General Plan 2030, Economic Development Element and Land Use and Urban Design Element contain the following goals, policies, and actions related to land use and planning.

**Goal ED8: A Thriving Mixed-Use Neighborhood along the Southern Shoreline.** Transform the Southern Shoreline into a model mixed-use neighborhood characterized by green development, a fully developed university research and development campus, new employment centers, attractive residential communities, a connection to regional ferry services, an

accessible shoreline and a modern port. Incorporate a range of commercial uses including industrial activities, high-technology and professional firms and a local-serving retail, and medium to higher-density housing outside of the Harbour Way-Marina Way South Industrial Buffer Zone and other designated buffers. Expand public improvements along the Southern Shoreline to offer access to the Richmond waterfront for recreational activities which take advantage of impressive Bay views.

The following policies are outlined in relation to Goal ED8:

- **Policy ED8.1 - A Balanced Mix of Land Uses:** Promote a balanced mix of office, retail, and light industrial uses in the Southern Gateway Change Area. Partner with the UC Berkeley Field Station to attract and expand new technology firms in the area.
- **Policy ED8.2 - Land Use Compatibility:** Minimize conflicts between land uses to protect human and environmental health and safety, preserve community character and retain job generating activities that have long-term viability. Types, intensities and ranges of use and development should be compatible with existing uses and should minimize or eliminate conflicts that adversely impact public safety, human or environmental health or generate nuisances.

Encourage existing larger industries that have surplus land to develop modern industrial parks that could attract new and existing industries and facilitate a reduction of existing and future land use conflicts.

New development should complement the character and scale of existing neighborhoods, cultural resources, historic structures and landscapes.

- **Action ED8.A - Southern Shoreline Specific Plan:** Develop a specific plan to guide improvements in the Southern Shoreline area. Work with the University of California and other stakeholders to articulate a vision. Maintain and improve public access to the shoreline including a mix of uses along the shoreline to activate the area throughout the day.

**Goal LU4: Enhanced Environmental Quality.** Protect and preserve natural resources to nurture environmental and human health. Work with local and regional regulating bodies to protect water quality in creeks and bays, and to reduce or mitigate air, water and soil pollution and contamination. Encourage the sensitive integration of built and natural environments to develop a high-quality urban experience.

- **Policy LU4.1 - Richmond Shoreline:** Conserve, protect and enhance natural and cultural resources along the Richmond shoreline. Promote a balance of uses along the shoreline that supports multiple community needs.

Protect and restore wetlands, native habitats and open space; develop shoreline parks and trails; and enhance and showcase historic and cultural resources. Prepare, adopt, and implement plans that will protect natural and built environments from adverse potential impacts of sea level rise due to climate change.

- **Policy LU4.2 - Open Space and Conservation Areas:** Preserve open space areas along the shoreline, creeks, and in the hills to protect natural habitat. Maintain the integrity of hillsides, creeks and wetlands. Protect existing open space, agricultural lands and parks.
- **Policy LU4.3 - Habitat and Biological Resources Protection and Restoration:** Protect natural habitat and work with the CDFW, the San Francisco Bay RWQCB, the East Bay Regional Park District and other regional agencies to identify areas for special protection and establish appropriate protection measures for these areas.

Protect wetlands from direct and indirect impacts of new and existing development and infrastructure.

Protect marshlands and baylands to ensure they are not polluted or damaged from bay filling and dredging.

Protect and restore creek corridors and riparian areas to ensure they function as healthy wildlife habitat and biological areas.

Identify mitigations of impacts to sensitive species in coordination with the USFWS, the CDFW, and other regulatory agencies.

- Policy LU4.4 - Toxic and Contaminated Sites:** Continue to work with the appropriate local, state, and federal agencies to promote the clean-up and reuse of contaminated sites to protect human and environmental health. Work with property owners and regional agencies to prevent, reduce or eliminate soil and water contamination from industrial operations, the Port and other activities that use, produce or dispose of hazardous or toxic substances. Implement appropriate mitigation measures and clean-up of sites that are known to contain toxic materials as a condition of reuse. Support the remediation and reuse of large, disturbed sites, such as the Winehaven complex at Point Molate and the Terminal 4 site at Point San Pablo, into mixed-use centers that provide the maximum benefit to the community without compromising the integrity of the surrounding natural areas (City of Richmond 2012).

The General Plan 2030 EIR evaluates General Plan consistency with existing land use plans and policies as well as land use compatibility. Future development would not physically divide an established community; conflict with existing land use plans, policies, or regulations; or result in substantial land use incompatibilities. The potential physical environmental effects resulting from future development and land use changes are analyzed in the appropriate General Plan 2030 EIR sections.

#### Eastshore State Park General Plan

The Eastshore State Park General Plan guides efforts to balance recreation and conservation, protect and enhance the natural resource base, and expand opportunities for public enjoyment of the park's shoreline setting.

Policies that apply to the South Richmond shoreline portion of the state park are:

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| <b>PI/SR-7</b>  | Removal of invasive exotic plant species and re-vegetation with native plant species in Hoffman Marsh and along South Richmond shoreline.   |
| <b>PI/SR-8</b>  | Coordinate with the owners of the adjacent tidal marsh, mudflat, subtidal, and upland habitat areas to ensure adequate protection of this valuable natural area.                          |
| <b>PI/SR-9</b>  | Explore the possibility of adding one or two new vista points seating areas along the Bay Trail north of Point Isabel.  |
| <b>PI/SR-10</b> | Incorporate interpretive panels into the vista points and other key points along the Bay Trail that explore the natural, cultural and social history of this portion of the park project. |
| <b>PI/SR-11</b> | Provide fencing along the Bay Trail where necessary to protect tidal marshes, tidal mudflats, and water birds from disturbance.   |

#### 4.9.4 Impacts and Mitigation Measures

##### ***Standard of Significance***

The impacts from development under the proposed 2014 LRDP related to land use and planning would be considered significant if they would exceed these Standards of Significance, in accordance with Appendix G of the *State CEQA Guidelines* and the UC CEQA Handbook:

- 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 plan, or zoning ordinance) adopted for avoiding or mitigating an environmental effect; or
- Conflict with any applicable habitat conservation program or natural community conservation plan.

##### ***CEQA Checklist Items Adequately Addressed in the Initial Study***

The analysis in the NOP Initial Study concluded that no further analysis of the following issue is required in the EIR:

- Conflict with any applicable habitat conservation program or natural community conservation plan.

The RBC site is not in an area for which a federal, state, or local habitat conservation plan or natural community conservation plan has been adopted or proposed.

##### ***Analytical Methods***

This section focuses on compatibility of the proposed 2014 LRDP development with other relevant land use plans and zoning provisions for the area surrounding and including the RBC site. Compatibility is evaluated by comparing the proposed RBC land uses and campus development patterns with the City of Richmond land use designations for the area surrounding and including the RBC site.

##### ***RBC 2014 LRDP Policies***

The RBC 2014 LRDP policies related to land use and planning include the following:

- LU1 – Land Use Policy on Development Capacity: Provide for development of up to 5,400,000 square feet of facilities.
  - Maximize density to reduce overall building footprints, conserve open space, and share attractive views.
  - Vary building heights for visual interest on site and views into the campus, with lower buildings at the waterfront edge and taller buildings in the northern and western areas of the site.
  - Convey the values of the campus in each phase of development.
- LU2 – Land Use Policy on Character: Provide a setting capable of attracting new research programs and retaining world class researchers.
  - Support excellence in building design that is harmonious with the waterfront location and creates visual variety in form and massing. Include iconic structures or buildings on the campus.

- Locate and design buildings, rooftops, open space, and circulation routes to allow for a variety of view corridors within and beyond the campus.
- Create a distinct identity and sense of place by preserving and enhancing the site's assets including the grasslands, marsh, and bayfront areas.
- LU3 – Land Use Policy on Inspiration: Facilitate the casual interactions and new awareness of synergistic research which leads to inspiration and innovation through the layout of the campus, provision of amenities, and design of buildings and spaces.
  - Plan the initial development to create a critical mass of core facilities and research programs selected to attract future synergistic enterprise.
  - Design buildings to include uses such as informal meeting zones, open stairways, light-filled lobbies, and transparent walls which promote the exchange of new ideas.
  - Provide amenities such as cafes, sculpture gardens, public art, recreation fields, and outdoor gathering places at multiple scales with weather protection where feasible for casual interaction, contemplation, and community-building activities.
  - Develop the campus to become the centerpiece of a vibrant and revitalized South Shoreline Area, serving as a catalyst for additional development on nearby properties.
- LU4 – Land Use Policy on Growth: Ensure that the RBC grows in a logical and cost-effective manner.
  - Retain existing uses on campus for as long as possible and evaluate opportunities to retain or relocate uses on site for the long term.
  - Concentrate development to preserve future capacity while maintaining natural areas.
  - Create complete collections of buildings and open spaces as development progresses.
  - Phase growth to create the critical mass of activities and population needed to support amenities.
  - Plan and develop infrastructure to allow logical and cost effective extensions to support future development.
  - Implement LRDP provisions for development undertaken by the private sector for synergistic uses by public or private entities.
- LU5 – Land Use Policy on Community: The RBC will be an asset to residents of local East Bay communities.
  - Provide programs and facilities on site that can be used for education and outreach to the local community including an arts program that helps to establish the campus as a visitor destination.
  - Support integration of the campus into the Richmond South Shoreline Area; remove peripheral fencing as adequate population is achieved; and consider adjacent uses in decisions on building siting and design.
  - Allow convenient multi-mode access to the campus and promote public transit, bicycle, and pedestrian transportation modes.
  - Identify Lark Drive and Regatta Boulevard as where the public realm will be designed to integrate with the neighboring community fabric.

### ***LRDP Impacts and Mitigation Measures***

**LRDP Impact LU-1: Development under the 2014 LRDP would not physically divide an established community. (*No Impact*)**

The RBC would be on University-owned land parcels; both parcels are currently developed with institutional and light industrial uses. The RBC site is separated from the Richmond community by I-580 and the railroad lines north and east of the site and by Meeker Slough southwest of the site. The University would work with the City of Richmond to acquire the road right-of-way parcel for Regatta Boulevard and realign the right-of-way on the western boundary of the proposed campus. The realignment would not divide the nearby neighborhood. 2014 LRDP implementation would not expand the campus site into the surrounding community and would not physically divide any established communities. No impact would occur.

**Mitigation Measure:** No mitigation measure is required.

**LRDP Impact LU-2: Development under the 2014 LRDP would not result in development that would conflict with land use plans applicable to the project site or with land use plans for properties adjacent to the project site. (*Less than Significant*)**

Since its acquisition in 1950, the RFS has been used as a field station by UC Berkeley to house certain research programs. The Regatta parcel, at the western edge of the RBC site and acquired in 2007, has been used to house archives for UC Berkeley and other private leased uses. No applicable land use plan has been adopted for these portions of the proposed RBC site. The proposed 2014 LRDP is a land use plan that, once adopted, would be the RBC site's governing plan. As there is no existing applicable land use plan, campus development under the proposed 2014 LRDP would not conflict with an applicable land use plan.

#### *City of Richmond General Plan*

The land use plan for areas surrounding the RBC site is the City of Richmond General Plan 2030. All of the lands immediately west and south of the Regatta parcel, north of the Regatta and RFS parcels, and east of the RFS parcel are designated Light Industrial/Business uses in the General Plan; that is also the General Plan land use designation for the RBC site. Light industrial uses are developed on some adjacent parcels and some other parcels are vacant. There are no proposals to develop or redevelop land near the RBC site. If any of these properties were to be developed in the future, the uses would be industrial or business.

The proposed 2014 LRDP would not conflict with the City's General Plan vision for the RBC site and the Richmond's shoreline area. The proposed RBC facilities would include research laboratories, which would not conflict with the business/light industrial use designation. The 2014 LRDP identifies two land use designations to inform the pattern of RBC development: (1) Research, Education, and Support, and (2) Natural Open Space; the LRDP Land Use Plan is shown as Figure 3-3. Using the land use plan and the LRDP development goals and objectives, a conceptual portrayal of potential RBC development has been devised, as shown on Figure 3-4 (that conceptual layout is part of an Illustrative Development Scenario, which is discussed in detail in Section 3.7). As shown in both the LRDP Land Use Plan and the LRDP Conceptual Layout, the RBC site central and southern portions would remain undeveloped and protected as open space; most of the remainder of the site would be developed. This manner of development would place developed campus uses in areas that adjoin industrial and business uses and would provide a buffer between RBC facilities and nearby sensitive land uses such as residential and natural areas. The Marina Bay residential neighborhood to the southwest would continue to be

separated from development on the RBC site by an approximately 250-foot open space buffer. The residential neighborhood to the northeast would be more than 500 feet from any RBC development and further shielded from the RBC by the intervening I-580. These neighborhoods are designated in the 2030 General Plan for low- and medium-density residential uses.

RBC building heights are expected to vary, with lower buildings at the Bay front edge and taller buildings farther inland. Four- and five-story buildings are expected to be a common building module, with heights of 100 feet for five-story buildings featuring floor-to-floor heights typical of laboratory buildings. These tall stories allow for extra capacity and access to utility systems that often need to be altered as laboratory uses and needs change over time. Neighborhoods within the campus may also feature iconic buildings that help establish a sense of place. An example would be Sather Tower (the Campanile) at UC Berkeley, which measures 303 feet to the top. As shown on Figure 3-4, the building heights proposed in the RBC site eastern and northeastern portions would not conflict with the industrial land uses or I-580 to the east and northeast. The proposed buildings and expansion of the Northern Regional Library Facility in the RBC site northern portion would be consistent with the existing industrial land uses north of Regatta Boulevard. The building heights in the RBC site Regatta area would not conflict with the light industrial and business land uses to the north, west, and southeast of the property. There would be an open space buffer between the Marina Bay neighborhood and the existing EPA building and proposed buildings in the RBC site's southwestern portion. This buffer and the plan to construct only lower buildings along the Bay front edge would minimize building height impacts on nearby residents and park recreational users.

As noted in the 2014 LRDP planning principles, the RBC would respect and promote its connection to the City of Richmond through its site planning and programs. Opportunities to do so include coordinating planning with the City of Richmond for the South Shoreline Area, developing an open campus, creating science education outreach programs, providing skills training for RBC-affiliated jobs, instituting a campus community arts program, and promoting new retail outlets to serve the RBC and local communities. The 2014 LRDP would develop a research and development campus and provide a new employment center consistent with General Plan Goal ED8. The campus would conform to General Plan Policy ED8.1 by partnering with the City of Richmond to promote advanced technology, research, and development. New RBC building types, uses, and scale would complement nearby industrial and commercial operations in accordance with General Plan Policy ED8.2. An appropriate buffer zone is proposed between proposed new RBC development and existing residential uses and the natural areas such as the Western Stege Marsh and Meeker Slough. The natural areas would remain undisturbed by development in accordance with General Plan Policies LU4.1, LU4.2, and LU4.3. The existing contamination on the RBC site would be addressed consistent with General Plan Policy LU4.4. Although the proposed 2014 LRDP is designed to avoid land use conflict with nearby existing and future land uses, the University will evaluate and as appropriate prepare CEQA documentation for new RBC facilities. Early in the design process, the University will evaluate the proposed campus developments for consistency with the 2014 LRDP and will consider the off-campus implications as described in LRDP Impact AES-1.

Given the proposed 2014 LRDP land use designations, planning principles, and the pre-project design review process described above, the proposed 2014 LRDP would not conflict with the City of Richmond General Plan 2030 goals and policies. This impact is considered less than significant.

**Eastshore State Park General Plan**

A portion of the McLaughlin Eastshore State Park, the South Richmond Shoreline, is adjacent to the RBC site. The Eastshore State Park General Plan indicates that the RFS, which is a portion of the proposed RBC, is expanding and transitioning toward cleaner and higher technology uses.



The 2014 LRDP would indeed further develop the RBC site to accommodate research and development in technologically advanced and environmentally proactive ways. The 2014 LRDP would protect the site's natural resources, including those near the South Richmond Shoreline. This resource protection would conform to Eastshore State Park General Plan policies. The University would work with the East Bay Regional Park District to identify possible natural resource enhancements and thus further promote the Park's General Plan policies. The 2014 LRDP would not conflict with the General Plan for the McLaughlin Eastshore State Park. This impact is considered less than significant.

**Mitigation Measure:** No mitigation measure is required.

### ***Cumulative Impacts and Mitigation Measures***

**LRDP Cumulative Impact LU-1:**      **Development under the 2014 LRDP, together with other reasonably foreseeable regional growth, would not result in development that would conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project. (*Less than Significant*)**

The South Shoreline Specific Plan is currently under preparation. The Planning Area comprises the City of Richmond southeastern portion that is west and south of I-580. It includes areas designated for light industrial, commercial, and residential uses, and it includes the entire RBC site and adjacent sites. This plan tiers off the recently adopted City of Richmond General Plan 2030. Therefore, the Specific Plan is anticipated to include policies promoting higher residential densities and continued industrial, research, and development uses. The 2014 LRDP would be complemented by Specific Plan policies that anticipate RBC site development through the year 2050.

There is one foreseeable project near the RBC site. Bio-Rad Laboratories, on a 4-acre site at 3110 Regatta Boulevard and immediately west of the Regatta parcel, proposes to replace six existing structures with a new 16,888 gsf building to accommodate laboratory office, research, and development uses. As the new structure would be in the same location and used for the same activities as the current on-site buildings, a land use change in conflict with an applicable plan would not occur.

It is anticipated that development of future off-campus projects near the RBC site would be reviewed for consistency with the City of Richmond General Plan 2030 land use plans and policies; the University would evaluate projects for 2014 LRDP consistency and would analyze consistency with nearby land uses. Future development is therefore assumed to be consistent with applicable plans or policies would result in a less than significant cumulative land use impact.

**Mitigation Measure:** No mitigation measure is required.

#### **4.9.5 References**

California Department of Parks and Recreation. 2002. Eastshore State Park General Plan. Prepared for California Department of Parks and Recreation, East Bay Regional Park District, and California State Coastal Conservancy. December 2002.

City of Richmond. 2012. Richmond General Plan 2030, Adopted April 2012.

University of California. 2013. Richmond Bay Campus Long Range Development Plan, Community Draft. August 12, 2013.