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November 19, 2020

Transmitted Via Electronic Mail

Lina Velasco, Community Development Director
City of Richmond
450 Civic Center Plaza
Richmond, CA 94804

Richmond City Planning Commission
City of Richmond
450 Civic Center Plaza
P.O. Box 4046
Richmond, CA 94804

RE: November 19, 2020 City Planning Commission Meeting, Item #3 - PLN20-310: Campus Bay Mixed-Use Project

Dear Ms. Velasco and Richmond City Planning Commissioners,

I am writing in regard to the proposed Campus Bay Project development within the Richmond South Shoreline area (the "Project") and in response to the proposed addendum to the 2016 Environmental Impact Report (EIR) for the Richmond Bay Specific Plan. On behalf of San Francisco Baykeeper and our nearly 5,000 members and supporters who live around and enjoy the San Francisco Bay, I ask that you reject this addendum to the EIR and oppose development on this site until further remedial environmental action can be completed.

Baykeeper is alarmed by about the number of contaminants identified at the site by the Department of Toxic Substance Control, including PCBs, PAHs, VOCs, Mercury, Arsenic, and sulfuric acid.¹ These contaminants are highly mobile and pose an existential threat to the communities who live here and to the Bay ecosystem. Some of these issues are covered by comments submitted by the Sierra Club, Golden Gate Audubon Society, Richmond Shoreline Alliance, Greenaction for Health and Environmental Justice, and Citizens for East Shore State Parks, which Baykeeper joins and incorporates herein.

The imminent risk of contamination and sea level rise should force further consideration of this project. In addition, it appears that the current development proposal before the City of Richmond does not adequately evaluate the jurisdiction and regulations of the San Francisco Bay Conservation and Development Commission (BCDC). The Mean High Water Mark ("high water mark") along this section of the Richmond Shoreline has been incorrectly assessed by the Project EIR.² The proposed EIR addendum identifies the high water mark as occurring south of the San Francisco Bay trail, and thereby outside of the Project area. However, the 2005 Revised Removal Action Work Plan for Remaining Portions of East Stege Marsh illustrates that the southern sub-areas of the Campus Bay property, designated Habitat Area 1 and Habitat Area 2, are regularly inundated to depths exceeding 1.5 feet by diurnal tides and have been engineered to retain this hydrologic connectivity to the Bay.³

¹ https://www.envirostor.dtsc.ca.gov/public/profile_report?global_id=07280002

² https://data-bcdc.opendata.arcgis.com/datasets/c07e23a0db5647bca2b02a87c5a0d65c_0

³ https://www.envirostor.dtsc.ca.gov/public/deliverable_documents/1508084952/RAW-ESM-Final%20_11-30-05.pdf



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This, combined with aerial documentation of the site during high tide conditions (Figure 1), illustrates that the high water mark actually exists immediately adjacent to the Project area within the property boundary.

By observing the high water mark within Habitat Area 1, it becomes clear that the proposed development is partially within BCDC's 100-foot shoreline jurisdiction. As such, this shoreline parcel must adhere not only to the 2016 Richmond Bay Specific Plan⁴, but also to BCDC's 1977 South Richmond Shoreline Special Area Plan, which establishes that the Point Isabel Sub-Area within which the Project is contained will "[c]ontinue to accommodate special industrial, educational, and some commercial and recreational uses, but prohibit any residential development in the [area]."⁵ The Project cannot proceed as it has been presented in the EIR addendum without violating this policy. Until this discrepancy is effectively resolved, the plans currently before this Planning Commission do not accurately reflect the Project as it will appear in its final form. The most likely outcome is that residential development must be moved out of the 100-foot shoreline band before proceeding.

Furthermore, the addendum lists several federal decisions and permits, such as a Clean Water Act section 404 permit from the Army Corps of Engineers, that will be required for the Project to proceed. The addendum does not mention that each of these federal determinations will require consultation with BCDC under the Coastal Zone Management Act (CZMA).⁶ This development has the potential to negatively impact the coastal zone, as made clear in this letter and in the other comment letters incorporated here. Those negative impacts must be considered by BCDC as part of the consultation requirements under the CZMA. Considering the threat posed by the contamination and inadequate remediation of the site, it is likely that BCDC will require additional remediation, especially if, as Baykeeper believes, the Project's EIR and addendum are inadequate.

As a result, any decision made by the Richmond Planning Commission or Richmond City Council to proceed with this development risks violation of the McAteer-Petris Act, the California Environmental Quality Act, and the Coastal Zone Management Act, among other environmental laws and regulations, and thus renders the City of Richmond vulnerable to litigation.

We trust that the Richmond City Planning Commission will not recommend this project to the City Council until the aforementioned conflicts are resolved.

Regards,



Cole Burchiel
Field Investigator and Science Associate

⁴ <http://www.ci.richmond.ca.us/DocumentCenter/View/39880/Richmond-Bay-Specific-Plan---December-20-2016>

⁵ <http://50.62.26.103/publications/SouthRichmondShorelineSAP.pdf>

⁶ <https://coast.noaa.gov/czm/consistency/>

CC Via Electronic Mail:

- Commissioner Alpa Agarwal
- Commissioner Nancy Baer
- Commissioner Bruce Brubaker
- Commissioner Yu-Hsiang Huang
- Commissioner Jen Loy
- Commissioner Masoomah Sharifi Soofiani
- Commissioner David Tucker



Figure 1: Richmond Campus Bay, featuring the Project area, as seen via airplane during low and high tide conditions to demonstrate hydrologic connectivity to the property and location of the high water mark.