Richmond Annex Neighborhood Council's Recommended Mitigations to the Lawrence Berkeley National Lab & Dept. of Energy Proposal

The Lawrence Berkeley "National" Lab (LBNL) in partnership with the Department of Energy plan to build a high profile, billion-dollar laboratory on Richmond's South Shoreline. While public pronouncements tell us the lab will focus on 'green' energy research, the reality of it is much more complicated. The risks that synthetic biology poses to worker safety, public health, community and the environment are poorly understood, and lack adequate oversight, transparency or protections. The LBNL will present their long-range plan and their most recent change to double the density from their original proposal of 2-million square feet under the RFQ, making it the world's largest synthetic biology lab, to **now 5.4 million square feet** (e.g. the new Helios building, on a 2-block lot bounded by Oxford, Hearst, Berkeley Way, and Shattuck is 133,000 SF. 5.4 million SF divided by 133,000 SF equals 40 gigantic buildings for the Richmond South Shoreline). We already know that 2-million SF is massive, but 5.4 million SF would be substantially overdeveloped. The concerns of the public, i.e. natural areas, wetlands, wildlife habitats, infrastructure, such as water, sewer, new roads, traffic impacts, and large population of over 10,000 on our shoreline, including the health, safety & welfare of the existing surrounding residential communities will be discussed at this meeting.

The Richmond Annex Neighborhood Council recommends the following mitigations to the proposal:

- **Overdevelopment** – Do not supersede the 2-million square feet building plans under the original RFQ agreement.
- **Impacts on Wetlands** – Development close to wetlands can have a devastating impact on wetland wildlife due to human intrusion, domestic pet intrusion, and the intrusion from vermin creatures such as rats that are attracted to any human development.

  Do not require unacceptable or unmitigated degradation of existing site habitat and natural resources.

  Minimize negative impacts upon abutting wetlands, natural areas and wildlife habitats from all buildings and potential increased human access, by providing adequate buffer zone areas. Minimally, the LBNL should provide setbacks of at least 500 feet from the mean high tide mark for any development in order to ensure the full protection of wetland flora and fauna from any development impacts.

  Note: The Richmond Field Station includes a large area of coastal prairie that is one of the last remaining expanses of such prairie in the Bay Area. This prairie habitat, including any endangered species, must be protected. Therefore, LBNL, the University, and any private developer need to agree to relocate buildings and landscaping to ensure that this coastal prairie is protected.

- **Toxic Waste** – Include a credible plan to eliminate any remaining toxic hazards.

- **Building Design** – Feature buildings that do not dominate or overwhelm their immediate surroundings with respect to height, massing/FAR, facing materials, night illumination, view corridors, noise, etc.

- **Conform to local zoning and approved local land-use policies.** The City of Berkeley's Planning Commission and Design Review Board are exempt from reviewing the LBNL main campus, which is located in the Berkeley Hills. The LBNL is also exempt from Berkeley's Zoning Ordinance—Development Standards (height, setbacks, parking requirements, etc.). The Richmond Annex Neighborhood Council (RANC) is very concerned about this, because we have a long history of local planning and development, especially along the South Shoreline, i.e. public review and hearing process.

- **Conservation and Natural Resources Element** – Comply with the goals and policies of the Conservation and Natural Resources Element under the Richmond General Plan. According to the goals, policies and actions, this Element is supposed to preserve and protect Richmond's many valuable natural resources including wildlife and plant communities, air, water, soils, minerals, energy, open space and scenic views.

- **Sea Level Rise** – The LBNL needs to address the longer range impacts of sea level rise as they relate to the Long-range Development Plan. The LBNL also needs to address the impacts that adding 10 feet of soil to 12 acres will have in regards to visual impacts, storm water run-off, impacts on the coastal prairie, traffic, and other impacts. Particularly, the LBNL needs to address the impact of sea level rise on the potential release and spread of contaminants that are known to exist at the Richmond Field Station.

- **Climate Action Plan –** Comply with the Climate Action Plans that all of the potential host cities and California programs have been separately implementing.

- **Traffic Impacts** – Include a credible plan to mitigate any traffic impacts.

- **Local Ordinances** – Agree to be bound by any local ordinances that require votes of the people for any changes to zoning or other reasons as if they were a private property owner.

- Agree to comply with all local zoning ordinances as if it were a private property owner for any future development of the site should it desire to initiate any changes to the zoning for the site that is selected.

- Agree to pay the equivalent of all property and parcel taxes on any private parcels that it should take ownership of or purchase the stock or controlling interest in any company that owns those parcels at the same values and rates as a private landowner.

- **Public Review & Public Hearing Process** – It is important that synthetic biology and nanotechnology facilities have proper regulations in place for the health, safety and welfare of our city. It is also important that there be a public review and public hearing process for the design and construction for each building and the type of research facilities that will be operating at the new LBNL 2nd campus.

- **Accidents Do Happen** – Just as safety considerations are being reviewed on the petrochemical industry, how can the public be protected from any biological accidents in this industry? Unlike plumes of smoke emanating from an oil refinery, which is highly visible, safety is less evident in micro-organisms that could potentially affect their workers, or even on a larger scale, be accidently released into the air, affecting our ecosystem and adjacent residential area. How can the public be forewarned, protected, and have overview of the research safety procedures? Because of the proprietary nature of the public-private ventures, protections and solutions to past victims of infections were apparently not as forthcoming.

- **Establish a Toxics Management Division** – Establish a new Building/Planning Department division, similar to what the City of Berkeley did, which allows them to do inspections of their hazardous material or waste and proper disposal at the LBNL in the Berkeley Hills. The City of Berkeley's Planning Department's Division is called, "Toxics Management Division."

- **Update Contra Costa's Industrial Safety Ordinance** – Ordinance should be revised to include safety guidelines for nanotechnology and synthetic biology in residential areas. The Emergency Warning System guidelines should also include instructions for accidental bio-releases through the air or leaks, i.e. shelter in place procedures—close windows and doors, etc. Considering the LBNL 2nd Campus would be established adjacent to a highly populated residential district, protections must be put in place to protect the health, safety and welfare of the long-established residential community.

- **Update NEPA Guidelines** – Because the LBNL is a **"National"** Lab, it is only required to follow the National Environmental Policy Act (NEPA), which is outdated and does not include regulations for Synthetic Biology or Nanotechnology (the study of manipulating matter on an atomic and molecular scale). Revisions to NEPA are done by the federal government and must get approved by Congress, which hasn't happened yet. Continue to inform the National Legislature the importance of revising NEPA Guidelines to include protections from synthetic biology, nanotechnology, and other genetic/stem research in order to protect the health, safety and welfare of the public and their employees. The "wait and see" approach is increasingly becoming a dangerous way to determine the risks. Potential hazards to humans are inhalation, ingestion, absorption through the skin, and airborne particulates. Hazards to fish and wildlife are through contaminated creeks, soil, and potential leaks into the Bay.

- **Reactivate the Environmental Review Board** – Reactivate the City of Richmond's Environmental Review Board to have better oversight of potential safety hazards and/or building impacts.

- **Establish a Community Advisory Group (CAG)** - Aside from the City, establish a citizen's oversight committee. There is already an LBNL CAG established in Berkeley.

- **Conform to emerging "bird safe" design standards.** The impact to birds smashing into buildings has long been ignored, but more and more we are now realizing that many birds are unable to distinguish the glass of a building from the environment around them and fly into buildings and die. These impacts must also be analyzed. This particular area, including Pt. Isabel is located in the Pacific Flyway area, where hundreds of bird species use this area as a stopover or resting spot.

- **Increasing the Bottom-up Engagement** – Once again, RANC has a long history of local planning and development issues, as well as our City as a whole. Most of the potential host cities also have a long history of citizen engagement in local planning and development issues, and most have adopted environmental policies and land-use plans . We hope that these vigorous local commitments will prove to be one of the starting-points for your deliberations, and not just receive a "communications opportunity" at the end of the road. Front-loading meaningful citizen participation will make the rest of the process go much more smoothly.

- **Transparency** – An inclusive and transparent process for a large development like the LBNL second campus can build public understanding and support for a project and maintain that support for the long-term. Therefore, the LBNL needs to make sure its process is fully transparent.