

APPENDIX B
COMMENT LETTERS ON REDEVELOPMENT EIR



Making San Francisco Bay Better

April 27, 2005

Craig K. Murray
Development Project Manager
City of Richmond
Redevelopment Agency
1401 Marina Way South
Richmond, California 94804

Subject: BCDC Inquiry File Nos. CC.PM.6901.1 and CC.NR.7314.1; Draft Environmental Impact Report for the Proposed Richmond Redevelopment Plan Amendment Program

Dear Mr. Murray:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (EIR) for the Proposed Richmond Redevelopment Plan Amendment Program, State Clearinghouse Number 2004082095. The EIR is dated March 2005 and was received in our office on April 6, 2005. Although the comment period was to close on April 22, 2005, as I noted to you on the phone, the Commission has 30 days from receipt of the EIR for its review, or until May 5, 2005. The Commission has not reviewed the EIR, so the following staff comments are based on the *San Francisco Bay Plan* (Bay Plan), the *San Francisco Bay Area Seaport Plan* (Seaport Plan) and the McAteer-Petris Act and staff review of the EIR.

Jurisdiction. The EIR adequately describes the Commission's jurisdiction on the project site and, to the extent feasible, those project elements and proposed uses that would be located within the Commission's jurisdiction.

Recreation Policies and Waterfront Park, Beach Priority Use Designations. The Bay Plan policies on recreation, which apply in waterfront parks designated on the Bay Plan Maps state, in part, that... " [s]andy beaches should be preserved, enhanced, or restored for recreation use, consistent with wildlife protection....In waterfront parks...To capitalize on the attractiveness of their bayfront location, parks should emphasize hiking, bicycling, riding trails, picnic facilities, viewpoints, beaches, and fishing facilities. Recreational facilities that do not need a waterfront location, e.g., golf courses and playing fields, should generally be placed inland, but may be permitted in shoreline areas if they are part of a park complex that is primarily devoted to water-oriented uses...Public launching facilities for a variety of boats and other water-oriented recreational craft, such as kayaks, canoes and sailboards, should be provided in

waterfront parks where feasible....Limited commercial recreation facilities, such as small restaurants, should be permitted within waterfront parks provided they are clearly incidental to the park use, are in keeping with the basic character of the park, and do not obstruct public access to and enjoyment of the Bay. Limited commercial development may be appropriate (at the option of the park agency responsible) in all parks shown on the Plan maps except where there is a specific note to the contrary....Trails that can be used as components of the San Francisco Bay Trail...should be developed in waterfront parks. San Francisco Bay Trail segments should be located near the shoreline unless that alignment would have significant adverse effects on Bay resources; in this case, an alignment as near to the shore as possible, consistent with Bay resource protection, should be provided. Bay Area Ridge Trail segments should be developed in waterfront parks where the ridgeline is close to the Bay shoreline...Bus stops, kiosks and other facilities to accommodate public transit should be provided in waterfront parks to the maximum extent feasible. Public parking should be provided in a manner that does not diminish the park-like character of the site. Traffic demand management strategies and alternative transportation systems should be developed where appropriate to minimize the need for large parking lots and to ensure parking for recreation uses is sufficient...Interpretive information describing natural, historical and cultural resources should be provided in waterfront parks where feasible.

Bay Plan Map Number 4 designates the Point San Pablo Yacht Harbor and a portion of the Terminal 4 site for waterfront park, beach priority use. Also, Bay Plan Map 4 policies that apply to Point San Pablo state - "[a]s not needed for marine terminals, redevelop for recreational uses."

The Land Use Sections of the EIR should be revised to discuss the Commission's priority use designations on portions of the Terminal 4 and all of the Point San Pablo Yacht Harbor sites, and whether the proposed project would be consistent with those land use designations and the Bay Plan recreation policies. The areas shown as 908, 910 and 941 on Figure 4.9 of the EIR are the areas that are designated for waterfront park priority use in the Bay Plan.

San Francisco Bay Area Seaport Plan. The EIR, on page 4 incorrectly states that "Terminal 4 is designated as an active, 165.4-acre, one-berth liquid bulk terminal in the San Francisco Bay Conservation and Development Commission's (BCDC's) Seaport Plan." The Commission amended the Seaport Plan and the Bay Plan in 2003 to remove the port priority use designation from the Terminal 4 site. Also, on page 4-27, in Section 4.2.2, Regional Plans, the EIR states that "[t]he Seaport Plan includes policies pertaining to the seven city-owned...terminals, including the proposed Terminal 4 redevelopment subarea." This should be corrected to remove any reference to Seaport Plan policies that apply to Terminal 4, consistent with the last sentence in this section which states, "[t]he Seaport Plan includes no policies pertaining to the future use of Terminal 4."

San Francisco Bay Plan Fish, Other Aquatic Organisms and Wildlife Policies. The Bay Plan policies regarding fish, other aquatic organisms and wildlife state, in part, that "to assure the benefits of fish, other aquatic organisms and wildlife for future generations ,

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to the greatest extent feasible, the Bay's tidal marshes, tidal flats, and subtidal habitat should be conserved, restored and increased.... Specific habitats that are needed to conserve, increase or prevent the extinction of any native species, species threatened or endangered, species that the California Department of Fish and Game has determined are candidates for listing as endangered or threatened under the California Endangered Species Act, or any species that provides substantial public benefits, should be protected, whether in the Bay or behind dikes."

In Section 9.2.3, State and Federal Regulatory Framework, the EIR fails to discuss the Commission's policies regarding the conservation of fish, other aquatic organisms and wildlife. The DEIR/S should include a discussion of the Commission's relevant policies in this section, and whether the proposed project would be consistent with the Commission's Bay Plan fish, other aquatic organisms and wildlife policies.

Bay Plan Policies on Public Access. The Commission can only approve a project within its jurisdiction if it provides maximum feasible public access, consistent with the project. The Bay Plan policies on public access state, in part that, "in addition to the public access to the Bay provided by waterfront parks, beaches, marinas, and fishing piers, maximum feasible access to and along the waterfront and on any permitted fills should be provided in and through every new development in the Bay or on the shoreline....Whenever public access to the Bay is provided as a condition of development, on fill or on the shoreline, the access should be permanently guaranteed....Public access improvements provided as a condition of any approval should be consistent with the project and the physical environment, including protection of natural resources, and provide for the public's safety and convenience. The improvements should be designed and built to encourage diverse Bay-related activities and movement to and along the shoreline, should permit barrier-free access for the physically handicapped to the maximum feasible extent, should include an ongoing maintenance program, and should be identified with appropriate signs.....Access to the waterfront should be provided by walkways, trails, or other appropriate means and connect to the nearest public thoroughfare where convenient parking or public transportation may be available..."

The EIR should discuss whether the project would provide the maximum feasible public access consistent with the project, based on the public access policies in the San Francisco Bay Plan.

San Francisco Bay Plan Policies Appearance Design and Scenic Views. The Bay Plan Policies on Appearance Design and Scenic Views state, in part, that "all bayfront development should be designed to enhance the pleasure of the user or viewer of the Bay. Maximum efforts should be made to provide, enhance or preserve views of the Bay and shoreline, especially from public areas....Shoreline developments should be built in clusters, leaving open area around them to permit more frequent views of the Bay....Views of the Bay from....roads should be maintained by appropriate arrangements and heights of all developments and landscaping between the view areas and the water."

The draft EIR should discuss the effect, if any, the project would have on public views of the Bay, particularly from vista points identified on Bay Plan Map 4. Also, the DEIR should discuss the effects, if any, on views of the Bay and distant views.

Existing BCDC Permits. The EIR should discuss the effects the project would have on existing public access required by the Commission in this area and whether the project would be consistent with the Commission's San Francisco Bay Plan policies on public access. The Commission issued Permit No. 12-98 to the Point San Pablo Yacht Harbor for various improvements in the harbor that requires shoreline public access in the project

area. The EIR should evaluate whether the project would affect these required public access areas.

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Thank you for the opportunity to comment on the NOP for the Preparation of an Environmental Impact Report for the Richmond Redevelopment Plan Adoption and Amendments Program. If you have any questions regarding this letter, or any other matter, please do not hesitate to contact me by phone at 415 352-3656 or email joel@bcdca.gov.

Sincerely,

JOSEPH LaCLAIR
Senior Planner

JL/ec

cc: Terry Roberts, Director, State Clearinghouse
and Planning Unit



April 20, 2005

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Wagstaff Associates,
c/o Mr. Morty Prisament
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P.O. Box 4046
Richmond, CA 94804

Dear Mr. Prisament:

Thank you very much for the opportunity to comment on the March 2005 Draft EIR for the Proposed Richmond Redevelopment Plan Amendment Program. Overall, this is a very good draft, especially considering the diversity of the proposed new Redevelopment Areas and the resulting wide range of impacts and mitigation measures.

For ease of understanding, the comments below by TRAC, the Trails for Richmond Action Committee, are organized by Project Area, rather than by section and page of the DEIR, recognizing that the resulting revisions to the DEIR will cascade through different sections of the final EIR.

Southern Canal Added Area

Impacts 8-3. Views (pages 8-3 and 8-8 to 8-12) and 4-1 Land Use Compatibility should recognize that the eastern portion of this area overlooks historic Kaiser Shipyard 3, which is planned to become a key visitor and interpretive center for Rosie the Riveter WWII Home Front National Historical Park. Also, the third bullets of Sections 4.2.2, 7.6.2(c) and 16.3.1 should be revised to recognize that the “planned” Class I Bay Trail along Seacliff Drive has been completed. This existing trail also should be added to Section 7.6.1(c).

West Parkway Added Area

Bay Trail Linkages: The West Parkway Added Area lies west of the Class I

Richmond Parkway Bay Trail gap to be filled this year between Hensley Avenue and Gertrude Street. The Richmond General Plan has numerous Policies, Goals and requirements for convenient pedestrian and bicyclist connections with regional trails, e.g. OSC-S: “Establish public routes that enhance non-motorized circulation and that complement the City's Circulation Plan”. The implementation program for this goal includes: “1. City will require all new ... developments to provide public access where a local or regional trail (e.g, Bay Trail ...) is planned.” Hence, redevelopment in this area should include a mitigation measure to provide the following convenient pedestrian and bicyclist Bay Trail connections for employees and residents:

- a. At Hensley Avenue across the Parkway for a southern Bay Trail connection with Miller/Knox Regional Shoreline and nearby neighborhoods such as Iron Triangle, Atchison Village and Point Richmond. and
- b. Across Gertrude Street for a northern Bay Trail connection with Wildcat Creek Regional Trail, North Richmond, the City of San Pablo, Parchester Village and Point Pinole Regional Shoreline.

Goodrick Avenue Bay Trail: The EIR concludes that the intersection of Goodrick Avenue and the Parkway will become congested and recommends Mitigation Measure 6-2 in the form of left turn and shared through-right lane on the southbound approach of Goodrick Avenue. (pages 2-6, 6-23 & 24.). Mitigation Measure 6-2 should be revised both to include construction of the planned Class I Bay Trail along Goodrick Avenue between the Parkway and the shoreline **and** to ensure that the proposed new traffic lanes do not interfere with Bay Trail plans. Owners of the former Rhodia property were required to provide the City with an easement for this Bay Trail segment as part of their subdivision agreement.

Point San Pablo Added Areas

Provisions for Completing Bay Trail: Richmond General Plan Goal OSC-S implementation measure 1 states “City will **require** all new ... developments to provide public access where a local or regional trail (e.g, Bay Trail ...) is planned” (emphasis added). Hence, the Bay Trail should be **required** when redeveloping former Terminal 4 (T4). The BCDC permit for Point San Pablo Yacht Harbor (PSPYH) already requires completion of that Bay Trail segment. TRAC recommends revising line 3 of Mitigation Measure 8-5 (pages 2-14 and 8-12) as follows (new language underlined; deletions in parentheses):

“... (promote) require implementation of (BCDC)~~ABAG~~-designated Bay Trail segments through these two subareas and promote completion of the Bay Trail along the intervening shoreline as well as between Terminal 4 and the former Point Molate Naval Fuel Depot; and encourage preservation of views
....”

Redevelopment Area and Bay Trail Gaps: The planned Bay Trail route follows the shoreline from former Point Molate Naval Fuel Depot (NFD) around Point San

Pablo to the PSPYH. The City of Richmond's Land Disposition Agreement with Upstream LLC calls for completing the Bay Trail along the shoreline of the former NFD, and this EIR addresses completion of the Bay Trail within T4 and at the PSPYH. This has the adverse impact of leaving gaps in the planned Bay Trail between the NFD and T4, as well as between T4 and the PSPYH. These gaps are on Chevron lands designated as Recreation Lands in Richmond's General Plan. The Community Facilities Element for the West Shoreline states "Encourage the creation of a recreational corridor along the western shore of Point San Pablo through trail connections between parks and commercial recreation sites." Hence, the DEIR should be revised to consider the **alternative** of adding new redevelopment areas *along the shoreline and a corridor inland of Western Drive* between the NFD and T4 and the near shore flat area between T4 and the PSPYH. This would further General Plan policies, goals and land use designations by facilitating closure of these Bay Trail gaps and allowing harmonious planned development of the entire Point San Pablo Peninsula shoreline and Western Drive corridor north of Point Molate.

Bay Trail Access to Point San Pablo Peninsula (PSPP): Impact 6-3.6 (page 6-27) should be revised to recognize the significant impact caused by the substantial increase in demand for pedestrian and bicyclist Bay Trail access to the PSPP ***cumulatively*** with the Point Molate casino/resort hotel, Bay Trail, shoreline park and hillside open space. Concomitantly, Section 6.1.3 should be revised to recognize plans for Bay Trail access between the PSPP and the rest of the City of Richmond, i.e.:

1. BCDC's San Francisco Bay Plan Map 4 Policy which states: "Point Molate to Point Richmond - Develop the Bay Trail as a multi-use trail";
2. ABAG's San Francisco Bay Trail Plan;
3. Circulation Plan Map 2, Bikeways/Trails of the Richmond General Plan; and
4. Contra Costa Countywide Bicycle and Pedestrian Plan.

The General Plans' Land Use Element for the West Shoreline states "Establish a public access trail plan line from Point Richmond to Point San Pablo including a pedestrian trail from Keller Beach to the Richmond-San Rafael Bridge and a bicycling trail from I-580 along Western Drive to the tip of Point San Pablo (as shown on Circulation Map 2 of 2)." The December 17, 2003 Contra Costa Countywide Bicycle and Pedestrian Plan also calls for this trail linkage and should be considered in DEIR Section 6. Despite these plans, there is no safe pedestrian and bicyclist route connecting other locations in the City of Richmond with the Point San Pablo Peninsula. Although a Bay Trail segment has been completed under the Richmond/San Rafael Bridge and along the south side of the toll plaza area, there is no safe pedestrian and bicycle linkage to the rest of the City of Richmond nor along the shoreline between the I-580 corridor and Point Molate. The July 31, 2001 Feasibility Study of Bay Trail Routes to Point San Pablo Peninsula by Questa Engineering Corp. and F. E Jordan Associates. Inc., which was funded jointly by the City of Richmond and Chevron, identified a feasible multi-use trail alignment and

presented a preliminary design for the segment between Point Richmond and the existing trail south of the Toll Plaza. Bicyclist and pedestrian access to the Point San Pablo Peninsula is a needed mitigation measure for Impact 6.3.6.

Former T4 Near Shore Areas Are Designated For Recreational Uses: Subsection (6) of Section 4.2.1 (a) on General Plan land use designations and Section 4.2.2 (b) on BCDC's Bay Plan should be revised to recognize adopted plans for recreational use of all lower elevation near shore portions of the former Terminal 4 Added Area. Referring to Figure 4.9, Richmond's General Plan designates the northern shoreline of T4 as "Recreation Lands". In addition, the General Plan's West Shoreline Land Use and Community Facilities Elements states "An overlook park is designated for Point San Pablo and should be improved with a turnout off Western Drive". BCDC's Bay Plan Policy on Map 4 states: "Point San Pablo - As not needed for marine terminals, redevelop for recreational uses." BCDC has determined that T4 is not needed for marine terminals and deleted it from the Seaport Plan as of February 20, 2003. Hence, the Bay Plan calls for recreational uses of the western portion of the proposed T4 Added Area. However, the uplands of this Added Area are designated for heavy industrial use in the General Plan. Consistency of projects to General Plans and other planning documents is an essential element of CEQA review. CEQA requires the DEIR to discuss inconsistencies with general and regional plans (Guidelines § 15125(d)). Yet, the DEIR does not describe redevelopment plans for T4 and their consistency or lack thereof with respect to the General Plan and Bay Plan. If anything other than recreational uses are planned for the lower elevation near shore areas of T4, this would be a significant adverse impact in conflict with the Bay Plan and the General Plan. In this situation, Impact and Mitigation 4-1 would require revision to recognize and avoid or mitigate this potential conflict.

TRAC hopes that these comments will prove useful. Please let me know if clarification would be helpful

Please send me a copy of the Final EIR.

Sincerely,

Bruce Beyaert, TRAC Chair

cc: Steve McAdam - BCDC
Craig Murray - Redevelopment Agency
Brad Olson - EBRPD
Ray Pendro - Wagstaff & Associates
Laura Thompson - ABAG
David Dolberg - TRAC