

A P P E N D I X B

LAND USE ALTERNATIVE
SUBMITTALS





73 Belvedere Avenue
Richmond, CA 94801
Phone/Fax 510-235-2835
tracbaytrail@earthlink.net

August 6, 2010

Mr. Lamont Thompson, Senior Planner
City of Richmond
P.O. Box 4046
Richmond, CA 94804

Dear Lamont,

TRAC, the Trails for Richmond Action Committee, is responding to the City of Richmond's request for suggestions regarding the study of Point Molate Land Use Alternatives other than those already considered in the DEIR/DEIS. TRAC is very pleased that all proposals submitted for alternative land uses at the former Naval Fuel Depot will be expected to include the San Francisco Bay Trail along the entire shoreline of the property and provide at least the minimum 35 acres of Shoreline Park and 156 acres of Hillside Open Space as recommended in the 1997 Reuse Plan adopted by the Richmond City Council.

The City of Richmond has retained Questa Engineering under a \$1.6 million contract to design and prepare environmental documents for completion of the Bay Trail between Point Richmond and the existing trail under the Richmond/San Rafael Bridge. In evaluating the proposed Point Molate project and alternatives, please recognize that a linkage will be needed to connect the trail under the bridge along the planned shoreline route to Point Molate Beach. This connection could not be included in the Bay Trail provisions of the LDA or its First Amendment because no public agency had land tenure over the intervening Chevron lands. However, Chevron agreed late last year, to convey the needed trail easement to East Bay Regional Park District. Hence, TRAC recommends that the Point Molate project, whatever it may be, include funding for design and construction of this trail linkage to provide safe bicycle and pedestrian access to the site.

Best Regards,

Bruce Beyaert, TRAC Chair

Please, Please

Let Point Molate be
a beautiful place to
go to — not a
Casino — where they
are only asking for
money

Let MacLean



Bruce Beyaert

Mr. Lamont Thompson
Senior Planner
City of Richmond
P.O. Box 4046
Richmond, CA 94804

Tuesday, August 10, 2010

Dear Lamont,

As Chair of the Environmental Subcommittee of the Blue Ribbon Advisory Committee (BRAC) which developed the 1997 Point Molate Reuse Plan adopted by the Richmond City Council, I am very pleased that all proposals submitted for alternative land uses at the former Naval Fuel Depot will be expected to include the San Francisco Bay Trail along the entire shoreline of the property and provide the minimum 35 acres of Shoreline Park and 156 acres of Hillside Open Space as recommended in the Reuse Plan.

For the Point Molate Land Use Alternatives study, I suggest consideration of the locations and mix of land uses recommended in the Reuse Plan adopted by the City Council. The Reuse Plan's mixed use recommendations were developed by the BRAC in consultation with Bay Area Economics. In summary, the uses recommended for specific locations in the Reuse Plan are as follows:

1. Winehaven Building - winery, restaurant, museum, retail, meeting rooms, performing arts and a recording studio;
2. Historic winery cottages - conference center, retreat, B&B and classrooms;
3. Existing buildings on the 20-acre site immediately south of Winehaven - winery, live/work, warehousing, job training and light industrial use; and
4. 38 acres of relatively flat land south of the above development areas - single and multifamily residential.

Although DEIR/DEIS's Non-Gaming/Non-Trust Alternative D includes some of these land uses, it does not consider others such as the return of wineries, which do operate elsewhere in the East Bay; and the footprint of development is quite different.

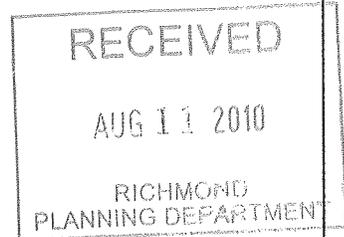
Sincerely yours,



Bruce Beyaert

SUBMITTAL # 4

Please describe your land use proposal ideas in the space below. If you need additional space, please attach your idea or proposal to this document. All types of submittals are welcome including drawings, studies, and other information. You may also draw your proposal on the map on the front of this document.



The site should have 2 major uses:

1. Commercial cultivation, packaging, storage, distribution and sales of medical marijuana. This should occur in the Core Historic District. Growing, packaging and storage could occur within the existing buildings. Offices for distribution and sales could be located in the Historic Cottages
2. Vacant land outside of the Historic District could be used for growing of organic crops.

What are the advantages of your idea?

Advantages:

1. Limited infrastructure
2. Exterior of historic buildings could be rehabbed
3. Limited police and fire requirements
4. Provides parks and open space and trails as proposed for Casino project
5. Very limited need for public funding
6. Provides jobs
7. Could have offsite benefits

Revenue

Two alternate revenue schemes should be investigated for the medical marijuana use. First, sales to developers as presently proposed. However a second alternative might be to have the City enter into a long-term lease. The City would receive guaranteed yearly lease revenue as well as additional revenue from gross sales of both wholesale and retail. The City could also create a monopoly by prohibiting sales, distribution etc in any other area within the City limits.

If sales were limited to this site the project could have offsite benefits if City limits marijuana sales to this site. Concerns about retail shops in neighborhoods and added police requirements would be eliminated.

SUBMITTAL # 5

8/11/2010

Senator Loni Hancock
510 286 3885 fax

Instructions: Please forward ASAP to:
Madame Speaker Barbara Boxer
United States Capitol
Washington, DC

Regarding Point Molate Casino Tribal Lands Decision through the Department of Interior,
Bureau of Indian Affairs

Dear Ms. Boxer,

In a California called Richmond a process is started whereby false claims are being made that a Pomo Indian group known as the Guidiville Band has some claim to a large parcel of land in order to secure a trust agreement currently in a contract between Jim Levine, a developer, who has formed a committee named Upstream Development LLC and the City of Richmond to turn lands over to them for construction of among other things; A large Casino, a series of Condominiums, some shops, some other structures, and a supposed toxic waste clean up between The Navy and Upstream. Budgets have been set, plans have been presented, and now we are aware of this move to try to change the land title so it becomes a sovereign parcel exempt from City and State jurisdiction which will lead to the permission for construction of this Casino.

Please review our maps which are straight out of recognized authoritative books and decline this application Mr. Levine and his company are currently trying to get.

This man is a corrupt individual who has a record for producing his own signed demolition permits for waste sites currently in the same City, namely Zeneca which was Stauffer Chemical, and he is responsible for the damage done there many years ago, which was never cleaned up, and he is planning to repeat this pattern again and more at Point Molate.

He has worked the system inside and out and is an insider. The toxic site at Point Molate alone is a trade deal with the Navy for a supposed 28.5 million dollars. The land deal is for a supposed fifty million dollars, but was also reported to be forty million dollars. Once the toxic site is cleared, as they say, he and his company were to be refunded the total amount from the Navy. This deal also is convoluted since it has tied the actual City members including the Attorney for the City Bruce Goodman in as a member of Upstream. They are paying themselves for doing this Casino if they get BIA to believe them. Please don't let that happen and it needs to be done right now as they have been in Washington for a week already, to our knowledge.

D Caraway, Architect



A handwritten signature in black ink that reads "D Caraway". The signature is written over the redacted area and extends to the right.

cc: Loni Hancock State Senator 9th district
510 286 3885 fax

SUBMITTAL # 5

Upstream Deveopment

1. Bill Lindsay *no contact address or number*
2. Janet Schneider
3. Randy Riddle
4. Bruce Goodmiller
5. Lamont Thompson
6. John F. Salmon Upstream Point Molate LLC
7. Merlene Sanchez Guideville Band of Pomo Indians
8. Donald Duncan Guideville Band of Pomo Indians
9. Denise Dawson Guideville Band of Pomo Indians
10. Walter Gray Guideville Band of Pomo Indians
11. Michael Derry Black Oak Development

Main Contact:

James D. Levine Managing Member
2947 Piedmont Ave.
Berkeley, CA 94705
Jim.levine@upstream.us.com

Richmond Mayor Gail McLaughlin (has integrity)
510 412 2070 fax
Richmond City Council members
Thomas K. Butt (has integrity so we believe)
Ludmyma Lopez (has been bought off)
Nathaniel Bates
Jeff Ritterman (has been bought off)
Jim Rogers
Maria Viramontes (has been bought off)
Richmond Planning Department Richard Mitchell *unresponsible*
510 620 6858 fax

Contra Costa Supervisors
John Goia (has been bought off)
11780 San Pablo Av, Ste D
El Cerrito, CA 94530
510 374 3231 message machine no response

United States Department of the Interior
Ken Salazaar
202 789 2345 always busy
no response so far

Office of the Governor
Sacramento, CA 95814
916 445 2841
Arnold Schwarzenegger
No response so far

SUBMITTAL # 5

7/26/2010

Open Letter Re: Point Molate Casino

To: (unverified names - 10)

1. Bill Lindsay *no contact address or number*
2. Janet Schneider
3. Randy Riddle
4. Bruce Goodmiller
5. Lamont Thompson
6. John F. Salmon Upstream Point Molate LLC
- Merlene Sanchez Guideville Band of Pomo Indians
7. Donald Duncan Guideville Band of Pomo Indians
8. Denise Dawson Guideville Band of Pomo Indians
9. Walter Gray Guideville Band of Pomo Indians
10. Michael Derry Black Oak Development

Main Contact:James D. Levine Managing Member

2947 Piedmont Ave.

Berkeley, CA 94705

Jim.levine@upstream.us.com

Upstream is a LLC so they are trying to protect themselves from being sued before they even start!

Richmond Mayor Gail McLaughlin

510 412 2070 fax

Richmond City Council members

Tom Butt , Maria , Jim, *other members are not responsible*Richmond Planning Department Richard Mitchell *unresponsible*

510 620 6858 fax

Contra Costa Supervisors

John Goia *unresponsible and has already been bought off 5/26/2010*

11780 San Pablo Av, Ste D

El Cerrito, CA 94530

510 374 3231 message machine

United States Department of the Interior

Ken Salazaar

202 789 2345 always busy

Office of the Governor

Sacramento, CA 95814

916 445 2841

Arnold Schwarzenegger

Rejection of Idea and Plans

The Casino is a poor idea for land use in any location. This particular location is worse than most. Thank you for permitting the people of Richmond to vote in November. It doesn't take too much imagination to see they will vote it down. Then, the Planning Department will still try to process plans for the Permits to start construction, and a protest will be staged against the decision. So far, the Casino Interests have bought with money (\$5,000) the churches they could as an excuse to have meetings there. No telling how much money they have given the County Board of Supervisors, or what threats (like death) they have on top of the bribes, but they will not stop at any reasonable means of achieving their goal to build the Casino.

SUBMITTAL # 5

Judgment

We are asking you to put your Integrity and perhaps your life on the line to keep this horrible mistake from being carried out.

Toxics and historic precedent

Right now, they (Upstream) is in Washington lobbying for the permission to exchange the land because a few Indians have wriggled their lies into a story that their great great grandfathers did some fishing there at Point Molate, and this is a bunch of lies, manufactured to trade forty million dollars in a supposed Navy Toxic waste site clean up process. Levine is also lying as he has before about toxic waste management. Note his fouled up lack of action demolition of a Stauffer Chemical plant on the famous Zeneca Site off Bayshore Avenue in Richmond. There, he processed a Permit himself, signing the documents himself, and completing the demolition on a Sunday, to leave pits of Toxicity for Thirty years, as of yet uncleared, in a great plume of infused mud and dust bermed around. Supposed money for removal of those wastes to a dump site in South San Joaquin Valley have been thwarted since those people living there want it no more than we did or than we do. He is trying to repeat the same pattern now at Point Molate. His deal is to give forty million dollars (\$40,000,000) to the Navy and complete the removal of the toxic material, and then the Navy is to give the forty million dollars back to Levine. First, of course, the removal of the waste is not possible, and second, he has no intention of doing any of this removal because he is a lying phony swindling greedy money grabbing cheating developer who ends up putting buildings or no buildings on or near property that has had no removal of toxic wastes at all. That is his actual intention. He has done it before. He is doing it now. He will do it again.

Plans

No Casino should be built in Richmond at all. Perhaps a Shoreline Nature Interpretive Center would be more appropriate. In this way, the natural beauty that remains will be preserved and people will be able to enjoy the Bay in a natural setting. Toxic waste areas are not permitted to be walked upon or traveled over. Moving the wastes creates more damage and just spreads the chemicals causing cancers, respiratory, and skin damage.

Indian Issue

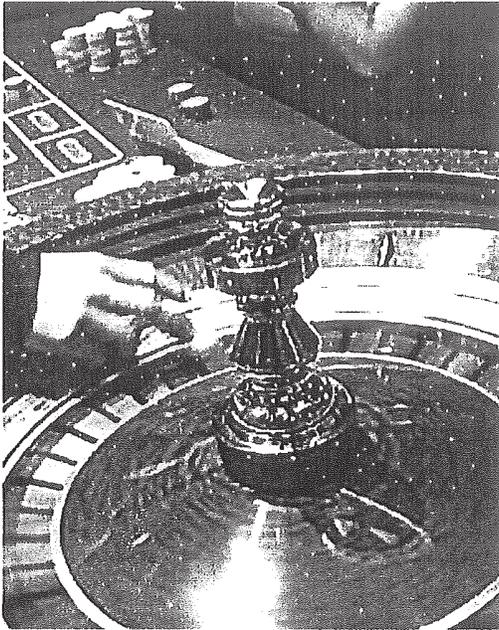
Those Indians are not even the real Indians. They are making up a story so they can work the deal with Levine. They are lying to make a piece of the millions he is trying to get from the Navy – to do nothing. There is no historic record that they ever were at that site at all. I have the records and they can be presented if you are interested.

Backers

As in many casinos, the Indians actually have nothing to do with the running of the Casino. It is run by a mob and a mafia based syndicate who then uses different middle men to keep themselves from being transparent. Our role, and keepers of the land and people of integrity (so rare in our modern day) is to prevent this from happening. It is wrong to provide a system for people of this nature to take advantage of the system, especially take advantage of the town itself; full of poor black people who live in squalor, and left to their own lack of incentive, have been dealing drugs for the most part, prostituting themselves in other cases, burglarizing in other cases such that an almost constant state of siren police car and helicopter activity envelopes to town at this time. Adding to the insult the jobs they say are going to be brought are lies, as they have always fired the locals they might hire within 6 months (*every time*) and replaced them with people from out of town. Furthermore the wages for workers at casinos is low and the work is unrewarding. People using the casino, the end users, are losers of money, and they drink and spoil their lives and their families lives by losing their money to a card table, a one armed bandit, a roulette wheel, or a bingo game, or Para mutual betting. What kind of person would back such a project? A rotten person. We will seek each of you out individually and embarrass you and turn you out so you have no work and no place to find solace, and we are pleased that you have presented this to us so we may band together against your cause and prevent added corruption unrest violence and depravity in the shadow of this corporate (Chevron) run town.

PUBLIC ALTERNATIVE OR PRIVATE SCAM?

A 'PUBLIC ALTERNATIVE' IS NOT AN OPTION WHEN A PRIVATE DEVELOPER HOLDS ALL THE CARDS, THE SINGLE SOURCE OF FUNDING IS A CASINO, AND A 'PUBLIC PROCESS' IS A SHAM SANCTIONED BY OUR CITY COUNCIL.



the facts

These 'public' workshops are paid for by and run by Upstream, the private developer representing gaming interests, whose sole source of funding for their proposed development at Point Molate is a CASINO and an Indian gaming tribe (Yocha Dehe tribe f/k/a Rumsey Wintun Indians - owners of Cache Creek casino). Upstream is the contractor for these workshops with hiring authority for any/all consultants. These workshops are not a city sponsored project, and thus the city has no responsibility to publish any information generated.

Any so-called 'alternatives' that come out of the workshop will be vetted by Upstream and they have sole discretion to submit those alternatives or NOT. If any alternative is submitted and if such alternative were to be pursued it would be as an UPSTREAM project. Upstream, a developer representing gaming interests, has full development authority over any and all alternatives considered and submitted.

No developer or group OTHER THAN UPSTREAM is allowed to present alternative proposals to the city at this time.

The timing of these workshops reflects Upstream's desire to go through the motions of soliciting 'public input' on their casino driven project. The Environmental Impact Report and Environmental Impact Statement (EIR/EIS) are already under review.

The Richmond city planning department has excised Point Molate and other shoreline properties out of the general plan to be treated as individual parcels instead of as a strategic shoreline plan in which the residents of Richmond may play a role in shaping their future.



THERE IS A TRUE PUBLIC ALTERNATIVE TO A CASINO AT PT. MOLATE. CONTACT:



Lamont Thompson

From: [REDACTED]
Sent: Friday, August 13, 2010 1:13 PM
To: Lamont Thompson
Subject: Point Molate Planning

Mr. Thompson,

I know nothing about city planning or land development and I am ill-qualified to prepare a proposal on how best to use the Pt. Molate space. Still, I thought I'd share my ideas and my vision. I'd like to see the space used for the construction of a new university or college (i.e., Richmond State University or UC Berkeley Extension - Richmond). This proposal would 1) Provide Richmond youth with opportunities for educational and career development and it will provide youth with a tangible vision of what success can look like, 2) Result in a better educated and better skilled Richmond workforce that will be more attractive to new business development (particularly within highly technical industries), 3) Stimulate short-term job growth through building construction and long-term sustainable job growth associated with university employment opportunities, 4) Provide a market for businesses that cater to young adults and a place where young professionals can congregate, 5) Protect the natural landscape and encourage recreational opportunities for all Richmond residents by embedding the university within a park setting with waterfront walking and bike paths that will connect to the Bay Trail, 6) Encourage more young professionals to come to Richmond.

I recently visited Vancouver, BC. Although it is unrealistic to compare Richmond to a city the size of Vancouver, they actually have quite a bit in common in terms of their potential. Both are or were highly industrial cities (there's a Rosie the Riveter memorial in Vancouver, too!), both have a fantastic waterfront with hills and mountains in the distance, and both have beautiful parks. Vancouver has a few things that Richmond doesn't have, but could... 1) An outstanding university that attracts youth from with the province and throughout North America and the world, 2) Maximized recreational use of its waterfront (biking and walking paths, kayak rentals, waterfront restaurants and shops). 3) A reputation as one of the "greenest" cities in North America by successfully transitioning from an industrial city to a technology-driven city.

The current state of the economy may make it difficult to develop a partnership with the State to bring a new university to Richmond. But what a wonderful place Pt. Molate would be if it could happen! What a dramatic change to Richmond's identity as city. Statewide, the CA university system is no longer able to accommodate the number of applications that it receives annually. CA needs more educational opportunities and what better place than Richmond? Aside from the very small percentage of Richmond high school students who may gain admission to UC Berkeley, there aren't many other postsecondary schools nearby - certainly not enough.

I know that my ramblings do not meet the standards for the type of proposal that the city has in mind, but thanks for taking the time to read my email. Richmond should think big (not Casino-big) and have high standards!

Cliff Kusaj
Richmond resident
Psychologist

Carey Stone

From: Lamont Thompson [Lamont_Thompson@ci.richmond.ca.us]
Sent: Monday, September 20, 2010 10:52 AM
To: Bruce Goodmiller; Dahlia Chazan; David Early; Janet Schneider; jcoho@aol.com; LaShonda Wilson; Lina Velasco; Richard Mitchell; Steve Duran; Yader Bermudez
Subject: FW: alternate d Caraway's plan for Pt Molate
Attachments: Pt. Molate 01.PDF; Pt. Molate 02.PDF



Pt. Molate 01.PDF Pt. Molate 02.PDF

All,

I believe this submittal was sent to you in a different email sent to me. Just in case there is some variation that I am not aware of I forwarding it to you.

Lamont

-----Original Message-----

From: Darrell Allen Caraway, Architect [REDACTED]
Sent: Tuesday, September 14, 2010 9:08 PM
To: Lamont Thompson
Subject: RE: alternate d Caraway's plan for Pt Molate

cc: Jim Levine, Lamont Thompson, David Early Pt Molate Alternates by D Caraway Architect
Richmond, California 510 595
4126 phone

Thanks for letting me show off some design work for this project. Hopefully I'll get the commission and we'll start construction a year? On a Site Plan for Point Molate schedule on right side of sheet uses the following A-D and 1-28 for building pad size estimates. Some of the two story are half bermed, some of the waterfront are half bermed. Buildings are all made in a matching architectural vernacular to blend in with the hillside and natural setting. A series of walks connects the entire group of buildings.

Some connector walks are completely underground. I can measure the site and put some chalk down on the ground anytime. It needs to be put to scale so inside these pads take setbacks and make your own scale for the drawing. The pads might be smaller by as much as 30% for all I know.

It's a concept that works well because of the convenience of being there with out having to leave to run to the town.

- A. 175 x 240 partial reuse U shape
- B 225 x 100 reuse
- C 200 x 150 reuse
- D 50 x 100 Reuse

1. Existign renovate 800 s.f. series of houses
2. Existing Renovate NRM Historic 225 x 1000
3. Partial reused (e) 180 x 330
4. 650 x 650 new Big Box half bermed with parking
5. 500 x 200 new
6. 325 x 300 new
7. 400 x 180 new
8. 140 x 200 new
9. 650 x 70' new
10. 55' x 120' new
11. 100' x 210' new
12. 250 x 75 Tee 2 Story new
13. 250 x 100 new
14. 300' x 100' new
15. 300' x 100' new
16. 60' x 100' Tee 2 story
17. 60' x 100' I plan
18. 140 x 75'
19. 75' x 100' 2stry duplex
20. 100' x 100' tee 2stry triplex
21. 210 x 200 2stry
22. 200 x 200 Pinwheel
23. 275 x 60 4 plex 6 units 2 stry
24. 225 x 70 6 units 2stry
25. 275 x 60' 4 plex 2 stry

- 26. " " flipped
- 27. 240 x 350 T plan
- 28. 150 x 50 open

SUBMITTAL # 7

Moms Asked to Return to School

Grant Funding May Be Available to Those That Qualify.

<http://thirdpartyoffers.juno.com/TGL3141/4c9046ddb544b9696dst02duc>

PT. MOLATE

D A CARAWAY, Architect
 1411 MARIPOSA STREET
 RICHMOND, CALIF 94804
 510-595-4126

LEGEND

KEY	DESCRIPTION
A	REUSE (E) BLDG. OFFICES
B	REUSE (E) BLDG. SHOP
C	REUSE (E) BLDG. EQUIPMENT
D	REUSE (E) BLDG. ARCHITECT
1	RENOVATE WOOD HOUSES
2	PRESERVE MASONRY BLDG.
3	ORIENTATION CENTER
4	MEETING HALL
5	COMMERCIAL SHOPS
6	RETAIL STORES
7	PROFESSIONAL OFFICES
8	RESTAURANT
9	HOTEL
10	CHLONE HISTORY CENTER
11	MARITIME FACILITY
12	STORES
13	ART GALLERY
14	RESTAURANT
15	PRE SCHOOL
16	RESTROOMS
17	POLICE
18	DAY CARE
19	PHYSICAL PLANT
20	MANAGEMENT OFFICES
21	SPA, SAUNA, AMMENITIES
22	HEALTH CLUB
23	RESIDENCES 4 FLEX
24	RESIDENCES CONDOS
25	CO OPERATIVE HOUSING
26	LOW INCOME HOUSING
27	LIGHT MANUFACTURING
28	SERVICES

ROAD TO HARBOR

WINEHAVEN CONVERT TO NATURE CENTER

EXPO HALL

EXISTING HILLSIDE

WASTE TO BE REMOVED

HOUSING

SF BAY

BAY TRAIL

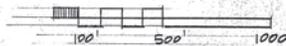
TO FREEWAY

DATE: AUGUST 27, 2010

SUBMITTED TO:
 CITY OF RICHMOND
 UPSTREAM DEVELOPMENT

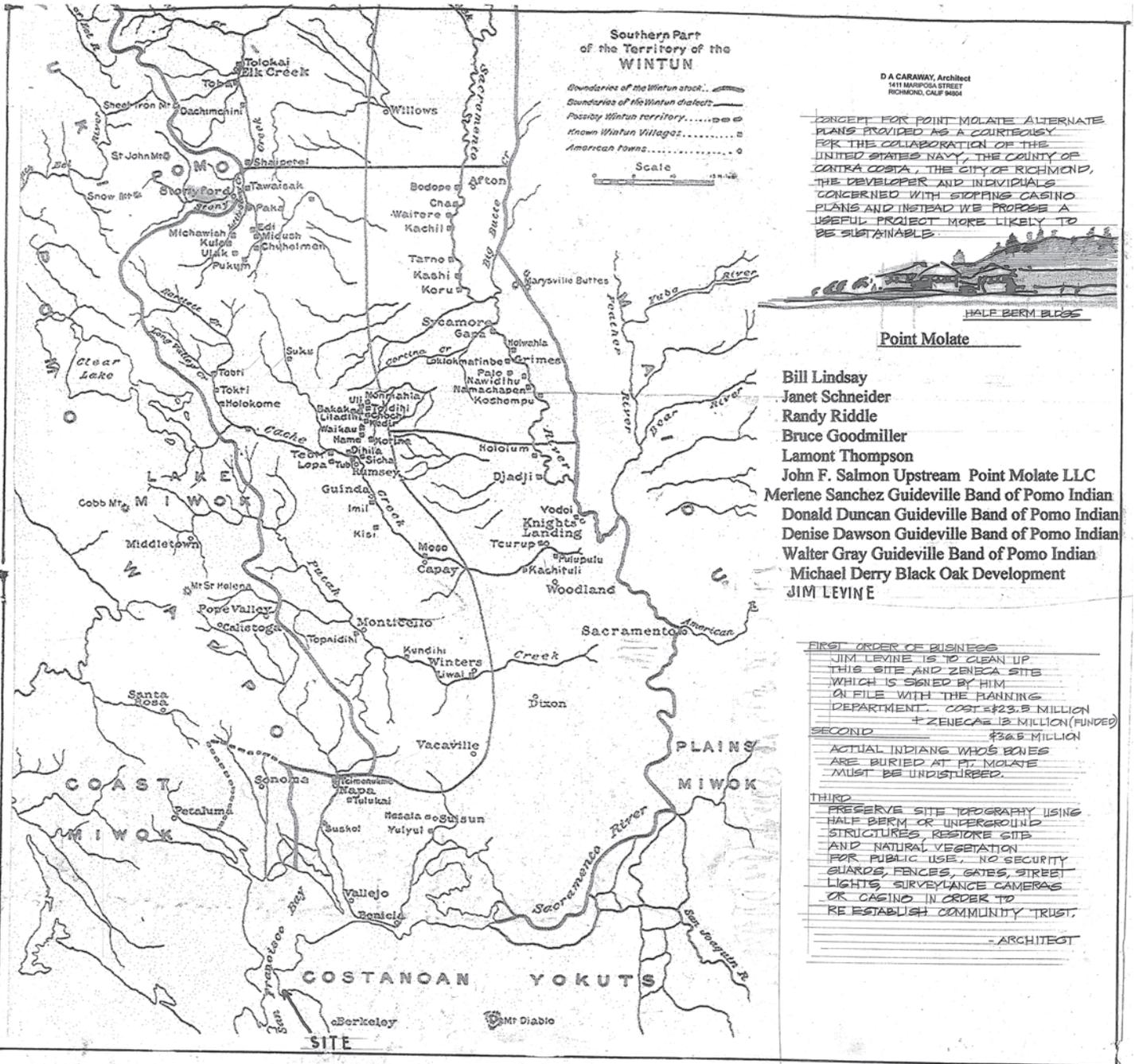
The recipient of these plans hereby acknowledges that these plans are the sole property of Darrell A. Caraway, Architect, and that no reproduction of these plans is allowed under any circumstances. Copying or other reproduction of these drawings is a violation of copyright laws as described by the California Architects Board.

DARRELL CARAWAY@JUNO.COM



PRELIMINARY SITE PLAN ALTERNATE NO 1

RECEIVED
 AUG 30 2010
 RICHMOND
 PLANNING DEPARTMENT



D A CARAWAY, Architect
111 MARPOSA STREET
RICHMOND, CALIF 94804

CONCEPT FOR POINT MOLATE ALTERNATE PLANS PROVIDED AS A COURTESY FOR THE COLLABORATION OF THE UNITED STATES NAVY, THE COUNTY OF CONTRA COSTA, THE CITY OF RICHMOND, THE DEVELOPER AND INDIVIDUALS CONCERNED WITH STOPPING CASINO PLANS AND INSTEAD WE PROPOSE A USEFUL PROJECT MORE LIKELY TO BE SUSTAINABLE.



Point Molate

- Bill Lindsay
- Janet Schneider
- Randy Riddle
- Bruce Goodmiller
- Lamont Thompson
- John F. Salmon Upstream Point Molate LLC
- Merlene Sanchez Guideville Band of Pomo Indian
- Donald Duncan Guideville Band of Pomo Indian
- Denise Dawson Guideville Band of Pomo Indian
- Walter Gray Guideville Band of Pomo Indian
- Michael Derry Black Oak Development
- JIM LEVINE

FIRST ORDER OF BUSINESS
 JIM LEVINE IS TO CLEAN UP THIS SITE AND ZENECA SITE WHICH IS SIGNED BY HIM TO FILE WITH THE PLANNING DEPARTMENT. COST \$23.5 MILLION + ZENECA \$2 MILLION (FUNDED)

SECOND \$32.5 MILLION
 ACTUAL INDIANS WHO'S BONES ARE BURIED AT PT. MOLATE MUST BE UNDISTURBED.

THIRD
 PRESERVE SITE TOPOGRAPHY USING HALF BERM OR UNDERGROUND STRUCTURES, RESTORE SITE AND NATURAL VEGETATION FOR PUBLIC USE, NO SECURITY GUARDS, FENCES, GATES, STREET LIGHTS, SURVEILLANCE CAMERAS OR CASINO IN ORDER TO RE ESTABLISH COMMUNITY TRUST.

- ARCHITECT

SUBMITTAL # 8**Carey Stone**

From: Larry Tong [LTong@ebparks.org]
Sent: Wednesday, September 01, 2010 10:32 AM
To: Lamont Thompson
Cc: Adrienne Harris; Al Green; Bruce Beyaert; C. Hamilton; Cate Bainton; Corky Booze; David Helvar; David Moore; Don Gosney; Duncan Carvey; Frances Dupont; John Garrett; Garland Ellis; Katherine Tam; Mike Parker; Nathaniel Spearman; Owen Martin; Pastor Raymond Landry; Paul Miao; Susan Glendening; Ted Smith; David Early; Dahlia Chazan
Subject: Request for Pt. Molate Alternatives

Hi Lamont-

For the Pt. Molate Alternatives, the East Bay Regional Park District requests full consideration of permanently protected and maintained parks and open space, with specific commitments to implement mitigation measures, as set forth in the San Pablo Peninsula Open Space Study and the other attached documents:

1. San Pablo Peninsula Open Space Study, with Preferred Alternative.
2. East Bay Regional Park District Economic Analysis, Executive Summary.
3. East Bay Regional Park District Comments on Pt. Molate Casino DEIR.
4. Attorney General Pt. Molate Letter.
5. Pt. Molate Settlement Agreement.
6. Pt. Molate Reuse Plan Excerpts.
7. Pt. Molate List of Additional Documents.

Please contact me if you need any of the additional documents or if there are any questions. Thanks.

**Larry Tong**

Interagency Planning Manager | Interagency Planning

East Bay Regional Park District

2950 Peralta Oaks Court, Oakland, CA 94605

Tel: 510-544-2621 | Fax: 510-569-1417

LTong@ebparks.org | www.ebparks.org

STATEMENT OF CONFIDENTIALITY | This electronic message and any files or attachments transmitted with it may be confidential, privileged, or p Regional Park District. The information is solely for the use of the individual or entity to which it was intended to be addressed. If the reader of this messag hereby notified that use, distribution, or copying of this e-mail is strictly prohibited. If you received this e-mail in error, please notify the sender immediately your system.

 Please consider the environment before you print

From: Lamont Thompson [mailto:Lamont_Thompson@ci.richmond.ca.us]

Sent: Friday, August 20, 2010 5:15 PM

To: Adrienne Harris; Al Green; Bruce Beyaert; C. Hamilton; Cate Bainton; Corky Booze; David Helvar; David Moore; Don Gosney; Duncan Carvey; Frances Dupont; Garland Ellis; John Garrett; Katherine Tam; Larry Tong; Mike Parker; Nathaniel Spearman; Owen Martin; Pastor Raymond Landry; Paul Miao; Susan Glendening; Ted Smith

Subject: During the work week of August 16 to 20 staff did not receive any Pt. Molate Alternatives

10/28/2010

SUBMITTAL # 8

All,

During the work week of August 16 to 20 staff did not receive any Pt. Molate Alternative proposals.

Thank you,

Lamont Thompson
Senior Planner
City of Richmond
450 Civic Center Plaza
P.O. Box 4046
Richmond, CA 94804-1630
(510) 620-6947

**SAN PABLO PENINSULA
OPEN SPACE STUDY**

**VOLUME I
RECOMMENDATIONS AND ALTERNATIVES
RICHMOND, CALIFORNIA**

Submitted to:

San Pablo Peninsula Open Space Committee

Funded by:

California State Coastal Conservancy
East Bay Regional Park District
Coastal Impact Assistance Program of the National Oceanic Atmospheric Agency

Prepared by:

LSA Associates, Inc.
Vallier Design Associates
Economic & Planning Systems
Charles I. Rauw Consulting Engineers

May 2005

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EXECUTIVE SUMMARY

The San Pablo Peninsula Open Space Study (Study) culminates a two-year effort to assess the potential for regional open space on the San Pablo Peninsula and to reach consensus on specific open space recommendations. The Study resulted from the collaboration of government and regulatory agencies, property owners, and citizens with an interest in open space. Participants agreed on a broad vision, identified specific land use, recreation, and open space recommendations and outlined next steps for the planning process.

At the request of the Trails for Richmond Action Committee (TRAC), the City of Richmond joined five entities to investigate the possibility of securing and developing an open space area on the San Pablo Peninsula (City of Richmond Resolution 99-01, July 17, 2001). The study area is roughly bound by the San Francisco Bay shoreline on the west, Potrero Ridge on the east, the Richmond-San Rafael Bridge on the south, and Point San Pablo on the north. The San Pablo Peninsula Open Space Committee (Committee) includes a representative from each of those six entities: City of Richmond (City), California State Coastal Conservancy (Coastal Conservancy), East Bay Regional Park District (EBRPD), Muir Heritage Land Trust, Chevron Richmond Refinery (Chevron), and TRAC.

In 2003, the Muir Heritage Land Trust, with funds from the Coastal Conservancy, EBRPD and the National Oceanic and Atmospheric Agency's Coastal Impact Program, contracted with LSA Associates, Inc. (LSA) and its Consultant Team to conduct a comprehensive open space feasibility study under the direction of the Committee.

Over the course of the study, outside parties with an interest in working with the Committee on plans for the Peninsula joined the Committee discussions. All Peninsula property owners were invited to participate and several property owners, the owners of the San Pablo Yacht Harbor and Upstream Point Molate LLC (Upstream), actively participated. As of May 2005, Upstream Point Molate LLC is under contract with the City of Richmond to purchase and develop the Point Molate Naval Fuel Depot into a hotel/gaming/retail resort complex.

The Study consists of two volumes. The first volume, Recommendations and Alternatives, represents the core of the study effort. It presents the recommendations for future uses of the Peninsula, a conceptual Preferred Alternative and analysis of five specific alternatives. The second volume, Existing Conditions, provides the background information upon which subsequent analysis was based. It describes the existing conditions on the Peninsula within the context of historic uses.

Successful collaboration between entities sharing mutual interest in preserving open space resulted in a broad vision and recommendations for future uses of the Peninsula: **A permanently protected open space and park facility on the San Pablo Peninsula is appropriate and desirable.**

The Committee translated recommendations into a conceptual Preferred Alternative (Figure 4). The Preferred Alternative incorporates: developing Point San Pablo (Terminal 4) for public recreation use, establishing a park along the Point Molate shoreline, preserving the western slopes of the Peninsula as protected open space, providing interpretive facilities to highlight the Peninsula's unique amenities,

protected open space, providing interpretive facilities to highlight the Peninsula's unique amenities, and establishing the Bay Trail along the shoreline. The Committee created the Preferred Alternative from five specific alternatives based on an opportunities and constraints analysis:

- Alternative A: Passive open space with minimal developed infrastructure;
- Alternative B: Park-related public amenities with minimal developed infrastructure;
- Alternative C: Park-related commercial recreation and development;
- Alternative D: Park-related uses compatible with commercial and industrial development as identified in the City of Richmond General Plan (1994) and the Point Molate Reuse Plan (1997); and
- Alternative E: Park-related uses compatible with the current Upstream development proposal for Point Molate.

The Committee intended to include an economic analysis of the various alternatives, but decided that a sound economic analysis was not possible at this time due to uncertainties surrounding the redevelopment of the Point Molate Naval Fuel Depot and Terminal 4 and public access to land owned by Chevron.

OVERVIEW

At present, the San Pablo Peninsula (Figure 1) is a mosaic of diverse land uses and ownerships (Figure 2). Although located on the eastern side of the Peninsula outside the study area, the Chevron Richmond Refinery is the dominant land use. On the western side the most prominent developments are at the point of the Peninsula (Terminal 4) and at the closed Point Molate Naval Fuel Depot. Other developed landmarks of interest on the western side of the Peninsula are the terminus of the Richmond-San Rafael Bridge, the Point Molate Beach Park (currently closed to the public), and the San Pablo Yacht Harbor. Undeveloped areas provide important aquatic and upland habitat and many sites from which spectacular views of San Francisco and San Pablo Bays, the Marin County shorelines, and beyond may be enjoyed.

BACKGROUND

Interest in pursuing the development of public open space on the San Pablo Peninsula grew out of the planning process to reuse the Point Molate Naval Fuel Depot, closed by the federal government in 1995. Investigations into the area uncovered several opportunities to expand the open space beyond Point Molate to include most of the western half of the San Pablo Peninsula. The City of Richmond passed resolution 99-01 (adopted July 17, 2001) supporting a cooperative study to investigate the possibility of securing and developing an open space area roughly bound by the San Francisco Bay shoreline on the west, Potrero Ridge on the east, the Richmond-San Rafael Bridge on the south and Point San Pablo on the north (see Appendix A).

This resolution resulted in the joining of six entities that saw value in the project and the potential to meet both individual and complementary goals. These entities include the City of Richmond, the California Coastal Conservancy, the East Bay Regional Park District, the Muir Heritage Land Trust, Chevron-Texaco (Chevron), and the Trails for Richmond Action Committee (TRAC). The San Pablo Open Space Committee (Committee), with a representative from each of these six entities, was established to investigate the possibility of creating public open space in the area.

In December 2003, the Muir Heritage Land Trust, relying on a Coastal Conservancy grant, contracted with LSA Associates, Inc. (LSA) and its Consultant Team to conduct a comprehensive feasibility study for the creation of a regional-scale public open space on the western half of the San Pablo Peninsula under the direction of the Committee. This report culminates that effort.

STUDY AREA

One of the first actions of the Committee was to define the Study Area. Figure 3 represents the boundaries as defined by the Committee and later amended during the planning process. The definitions of the categories shown on the map are as follows:

Figure 1: Regional Location

Figure 2: Property Ownership

Figure 3: Study Area

Primary Study Area

The Primary Study Area is the focus of analysis for park and open space facilities on the San Pablo Peninsula. The study assessed the feasibility of developing a public park with open space and examined the potential layout of facilities. The Primary Study Area includes the length of the western shoreline from I-580 to the San Pablo Yacht Harbor, the Port of Richmond's Terminal 4, Point Molate Beach Park, Red Rock Marina, and the western-facing slopes of the Peninsula.

Secondary Areas

Point Molate Development Areas

The City of Richmond (City) has identified these areas within the former Point Molate Naval Fuel Depot for redevelopment (Point Molate Reuse Plan 1997). Specifically, the City envisions recreating the vitality, commerce, and activity reminiscent of its era as a winery and village. The future redevelopment of these areas will impact the Primary Study Area. The study addressed the interface of these lands with the Primary Study Area.

Chevron Refinery Interface Areas

The Refinery lies on the eastern side of the ridge. Chevron has a vital interest in protecting the safety and security of its operations. Development of park or open space facilities within the Primary Study Area would affect areas owned by Chevron. The study considered these areas while recognizing and respecting potential safety and security concerns as they relate to public access.

Water and Submerged Parcel Areas

Water areas and submerged parcel areas adjacent to the study area are essential to developing a regional park on the Peninsula. These adjacent water areas create unique opportunities to enhance the recreation experience for visitors (*i.e.*, water access, views, interpretive opportunities).

STUDY PRODUCTS

Two separate, but related, documents constitute the final product of this effort. Each document is described below:

Recommendations and Alternatives (Volume I)

The Recommendations and Alternatives report describes the key recommendations and conclusions. It outlines the areas of general agreement on how open space development should unfold and provides specific land use, recreation, open space, and related recommendations that should be implemented. The report includes specific action items related to the land and its resources, and outlines the next steps needed to proceed.

Analysis of several land use alternatives led to the recommendations and conclusions. Based upon the Existing Conditions Report (Volume II), the Consultant Team identified the site opportunities and constraints considering biological sensitivity, accessibility, visual resources, safety and security. The opportunities and constraints are included as Appendix A of this report. The opportunities and constraints informed the development of different open space, recreation, and land use alternatives for the San Pablo Peninsula Open Space Committee. The five concepts considered by the Committee are briefly described in the Alternatives Analysis chapter and detailed in Appendix B of this report.

Existing Conditions (Volume II)

The Existing Conditions report was developed as a resource document to guide and inform the Recommendations and Alternatives Analysis and is provided under separate cover. It is a compendium of information from existing sources on the resources and circumstances of the San Pablo Peninsula. The report covers land use, visual resources, recreational resources, infrastructure, traffic and circulation, safety and security, biological resources, hydrology, cultural resources, soils and geology, and noise.

Relevant Richmond General Plan policies and programs are included (in part) within this document; these policies form an important starting point for the development of the Preferred Alternative for the Peninsula (Figure 4).

SUMMARY OF ALTERNATIVES

INTRODUCTION

Based on the information provided in the Existing Conditions report (Volume II), the Consultant Team developed an opportunities and constraints analysis for the site and used that analysis to formulate several alternative development scenarios for open space and recreation facilities on the San Pablo Peninsula. The opportunities, constraints, and alternatives were designed to facilitate an analysis of key issues, challenges and trade-offs associated with development and implementation of park and open space facilities. In particular, the alternatives analysis reflects the complexity of issues related to the needs and desires of the various landowners on the Peninsula and the uncertainty regarding the future of Point Molate and Point San Pablo/Terminal 4. The opportunities, constraints, and alternatives are described briefly below and provided in detail in Appendix B.

The Consultant Team presented four alternatives to the Committee at a meeting on September 14, 2004. A lively discussion resulted in consensus that the discussion of alternatives required a second meeting, October 20, 2004. Committee members made comments on the alternatives at each of these two meetings and also submitted comments in writing. The alternatives were then refined to reflect the Committee's feedback and an additional alternative was added to address the current development proposal for Point Molate.

OPPORTUNITIES AND CONSTRAINTS ANALYSIS

The Opportunities and Constraints analysis considered biological sensitivity, accessibility, visual resources, safety and security. It acknowledges project goals and objectives and is consistent with the Consensus document prepared by the Committee in 2002 (Appendix C). The analysis considers potential uses and facilities as well as compatibility with adjacent land uses.

Opportunities

- Historic Interpretation
- Outstanding Views
- Future Use of Terminal 4
- Access to East Brother Light Station
- Natural Resource Recreation and Interpretation
- Public Access to Piers
- Redevelopment of Point Molate
- Improvement of Point Molate Beach Park
- Inactive Railroad Lines
- Western Drive Alignment
- Accessibility
- Bay Conservation and Development Commission (BCDC) Jurisdiction

Constraints

- Private Ownership
- Accessibility
- BCDC Jurisdiction
- Pier Conditions
- Protection of Aquatic Resources
- Railroad Right-of-Way
- Ridgeline Security Buffer
- Hazardous Materials
- Protection of Sensitive Natural Communities/Wetlands

DESCRIPTION OF ALTERNATIVES

The Consultant Team developed and refined five distinct project alternatives for the study area. Alternatives include passive open space with minimal developed infrastructure, park-related public facilities, park-related commercial recreation, and park-related uses compatible with other commercial and industrial development.

Alternative A: Passive Open Space with Minimal Developed Infrastructure

Alternative A emphasizes minimal infrastructure improvements with no new construction, development, or reuse of existing buildings or infrastructure. Passive open space on the hillsides would allow for visual access only; physical access would be prohibited. The existing roadways would form the spine of a Class II trail system. Class I trail alignments along the shoreline zone of Point Molate would use the existing railway alignment and access key shoreline vista points. Terminal 4 would remain in industrial use; therefore, public access to Point San Pablo would be prohibited.

Alternative B: Park-Related Public Amenities with Minimal Developed Infrastructure

Alternative B centers on reclaiming and redeveloping Terminal 4 as a park-related asset with a shoreline trail system. Point Molate Beach Park would be improved and reopened for public use with sufficient funds for appropriate maintenance and supervision. The Point Molate and Point Orient Piers would be improved and opened for general public use, with fishing and other water-related activities available at Point Molate Pier. A controlled access trail system would be developed along the western-facing slopes of the Peninsula. Limiting public access to these areas would protect natural resources, ensure public safety and protect the security of the neighboring refinery.

Alternative C: Park-Related Uses with Commercial Development

Alternative C focuses on the maximum development of park-related facilities to include commercial and recreation-related development with interpretive amenities. Point Molate Navy Fuel Depot buildings would be renovated for public recreation and interpretation, providing for a Discovery Center, overnight cabins, a meeting or conference facility, a restaurant, and small shops. A commercial venture, such as a bait shop at the base of the Point Molate Pier and a kayak and sailboat concessionaire at Point Molate Beach Park would supplement public use of these facilities. Industrial use at Terminal 4 would be discontinued; park-related facilities would include Class I trails to access the ridge and an interpretive display at the historic whaling station.

Alternative D: Park-Related Uses Compatible with Commercial/Industrial Development

Alternative D relies on the City of Richmond General Plan (1994) and the Point Molate Reuse Plan (1997). Terminal 4 would revert to industrial use, prohibiting public access to Point San Pablo. The City of Richmond would retain ownership of Point Molate and develop it for mixed use according to the Point Molate Reuse Plan (1997). Alternative D would include Class I and Class II trails along the shoreline, hiking trails on the hillsides, and a spur trail from the San Pablo Yacht Harbor to an interpretive vista point overlooking the historic whaling station. Point Molate and Point Orient Piers would be improved for public access. A shoreline park would follow the entire length of the Point Molate waterfront, including the Point Molate Pier and the existing Point Molate Beach Park.

Alternative E: Park-Related Uses Compatible with Proposed Casino Development of Point Molate

Alternative E provides programming elements that would be compatible with the proposed Upstream Point Molate LLC (Upstream) casino development for Point Molate. The Upstream development would feature first class destination resort and gaming facilities, including entertainment and conference, hotel, and retail space, together with public-serving uses, park and open space (Land Disposition and Development Agreement, 2004). This alternative assumes a similar commercial development for Terminal 4. Alternative E would include a Class I trail system along the shoreline within the existing railroad right-of-way, redevelopment of Point Molate Beach Park (open for public use), public access to Point Orient Pier, and public access to key vista points along the shoreline and in the hillside open space areas.

RECOMMENDATIONS

The Committee discussed Existing Conditions (Volume II) in the context of providing public open space and recreational facilities. This analysis resulted in a series of recommendations that form the basis for open space planning. The Committee determined that a range of open space futures were feasible and developed a Preferred Alternative (Figure 4) incorporating elements of Alternatives B, C, and D. The Preferred Alternative, as depicted in Figure 4, conceptually corresponds to the recommendations below. Decisions regarding the specific location and type of recreation facilities should be resolved with a Park Master Plan process to be initiated after the land rights to the area are secured. Site-specific decisions need to be made with public participation and cost estimates for proposed improvements. Consequently, only the most important facility recommendations are described below.

The recommendations are summarized in general categories and are not intended to be mutually exclusive. These recommendations focus on the Primary Study Area but refer to the adjacent Secondary Areas where appropriate.

VISION

A permanently protected open space and park facility on the San Pablo Peninsula is appropriate and desirable. The majority of the Primary Study area should be dedicated to open space and recreational uses, including portions of the Point Molate Development area, Point San Pablo (Terminal 4), and Chevron properties as shown on Figure 4 and described below.

LAND USE RECOMMENDATIONS

- No new development on the western side of the Peninsula should occur except as provided on portions of Point Molate as described below.
- The 53 acres of scenic, but derelict, City of Richmond property commonly known as Terminal 4 is key to the success of an open space plan for the Peninsula. The area of Terminal 4 offers a unique Bay experience with panoramic views of the San Francisco Bay. If Terminal 4 has a similar use to that described in the approved Development Agreement on Point Molate, the amount of open space remaining on the Peninsula would be disproportionately small. Hikers, bikers, and small craft boaters would have the large-scale features of hotels and casino in the foreground to the entire open space experience. If Terminal 4 were to revert to industrial use then the public would not have access to it for safety and security reasons. The BCDC Bay Plan (as amended 2002) notes that as this area is not needed for a marine terminal use, it should be developed for recreational use.

Figure 4: Preferred Alternative

- Commercial recreation uses can be consistent with a major park or open space facility on the Peninsula. Specifically, the San Pablo Yacht Harbor is an important recreational component in the area. Efforts to support facility improvements are desirable.
- The upper hillsides of the Peninsula need to be protected as permanent open space.
- The land uses that are ultimately approved by the City for development areas at Point Molate should be designed to support and complement park and open space development within the Primary Study Area and should be integrated into that development.
- All remaining lands on the Bay side of Western Drive should be protected as park lands.
- The core ridgeline along the Peninsula should emphasize passive open space uses (*i.e.* provide visual amenities but not necessarily be available for public access).

TRAILS

- Development of the San Francisco Bay Trail spur from the Richmond-San Rafael Bridge to the San Pablo Yacht Harbor should be expedited to resolve right-of-way issues, complete the final design, and initiate construction. The section within Point Molate should be completed when that area redevelops.
- Interior trails throughout the Primary Study Area need to be jointly designed by the implementing agency(ies), Chevron, and other affected organizations or private entities, to ensure that refinery safety concerns are addressed.
- Access to some hiking trails on the western-facing slopes may be controlled for resource protection and the safety and security of the refinery. Further studies need to be initiated to determine what restrictions would be appropriate, including addition or deletion of trails in these areas.

RECREATIONAL FACILITIES

- Small-scale picnic areas, benches, restrooms and related facilities should be located along the Spur Bay Trail and at Point San Pablo (Terminal 4).
- The shoreline park should be developed as part of the Point Molate project. The existing Point Molate Beach Park should be redeveloped and reopened for public access as part of developing the shoreline park. Operation and maintenance costs should be a responsibility of the Point Molate project.
- The Point Molate Pier with its tremendous views and unique access to the Bay should remain a public resource, not just to benefit private uses. The potential for ferry service to this pier should continue to be evaluated and encouraged if feasible over time. Reservation of space for future parking facilities associated with ferry service should be explored as part of the Point Molate planning and environmental review process.
- While not currently a public resource, Point Orient Pier could also provide tremendous views and unique access to the Bay. Public access to Point Orient Pier should be considered, depending on pier condition and structural integrity.

CULTURAL AND HISTORICAL OPPORTUNITIES

- The San Pablo Peninsula presents a tremendous opportunity to interpret a continuum of history for the East Bay. Remnants of some of these periods still exist and should be protected. The Bay Trail should include interpretive panels describing these interesting historical periods and the geologic history of the Bay's formation.
- Point Molate historical facilities are well documented in City of Richmond and Federal documents. Support for the preservation of these historic facilities, where feasible, should be a cornerstone to redeveloping Point Molate.

SAFETY AND SECURITY

- All facilities and proposals should be reviewed for public safety and security concerns, whether from terrorism, normal law enforcement issues, fire safety or industrial emissions. Facilities needing special consideration include the Refinery and the Richmond-San Rafael Bridge.
- A public safety and security policing program should be developed for the San Pablo Peninsula. With limited points of public access, a coordinated program by the City of Richmond, Chevron, the East Bay Regional Park District (assuming they will operate the Bay Trail), California Highway Patrol, Coast Guard, and the developers of Point Molate is essential and desirable.
- Environmental review for new project proposals should emphasize public safety and security issues to ensure that these issues are considered in the development of new facilities.

LAND PRESERVATION AND OWNERSHIP ISSUES

- Research should be encouraged into ownership of railroad rights-of-way throughout the study area to facilitate anticipated construction of the Bay Trail alignment along the shoreline. If railroad right-of-way does not become available, adjacent land should be acquired to provide for the shoreline trail.
- Chevron should be encouraged to work with potential park operators (*e.g.* East Bay Regional Park District) to transfer lands on the shore side of Western Drive to a public entity for park and recreation purposes.
- Property owners should be encouraged to work with public agencies or land trusts to protect rare habitats (*e.g.*, coastal terrace prairie) on their lands using conservation easements to ensure long term open space protection.
- The entire range of land holding options (*e.g.*, transfer and sale restrictions, easements, long term leases) should be considered for allowing limited recreation facilities and open space preservation.
- Conservation easements should be secured by the City of Richmond on all hillside open space and shoreline areas of Point Molate. A recreational use easement should extend over the Point Molate Beach Park.
- Continued physical and visual access to East Brother Light Station should be supported.

NATURAL RESOURCES

- Extensive clean-up remains to be done. Underground tanks should be remediated to prevent impacts to natural resources.
- Significant natural resource areas (grasslands, eel grass beds, coastal brackish marsh) should be managed for habitat protection. Specific protocols and plans should be developed to address the management of these sensitive areas and to provide guidance on potential habitat restoration and/or enhancement efforts (*i.e.*, invasive species eradication).
- Interpretive panels should be placed near or adjacent to natural communities to provide educational opportunities and foster stewardship of the land and its resources.
- Overall visual quality and hillside views should be preserved for public use and interpretation, to the extent feasible.

TRANSPORTATION AND INFRASTRUCTURE

- Large-scale reuse of the San Pablo Peninsula will require major reconstruction of traffic facilities consistent with modern traffic standards for safety, level of service and lane requirements.
- Industrial reuse of Terminal 4, especially truck traffic, would be inconsistent with efforts to upgrade the character of the area for uses being considered by the City for the Point Molate redevelopment.
- Point Molate's utility infrastructure is inconsistent with modern standards and should be upgraded.
- Obsolete and unused aboveground industrial tanks scattered throughout the Peninsula should be removed. New structures should be screened to preserve the visual quality of the area.
- Electrical lines should be put underground, where feasible.
- Extension of Western Drive as a shoreline scenic route beyond Terminal 4 to the San Pablo Yacht Harbor should be explored.
- The obsolete railroad line running from the Chevron Richmond Refinery toward Terminal 4 should be abandoned and considered for use as a Class I trail.

BAY CONSERVATION AND DEVELOPMENT COMMISSION

The San Francisco Bay Conservation and Development Commission (BCDC) Bay Plan provides guidance related to land planning issues along the shoreline.

The Bay Plan was adopted by BCDC in 1968, enacted by the California legislature in 1969, and revised in 1998. Since 1998 BCDC has adopted a series of maps for specific areas called the Bay Plan Maps. These Bay Plan Maps are based on the Bay Plan and show how to apply Bay Plan policies for specific areas. The Bay Plan Policies listed with each Bay Plan Map are enforceable policies.

Plan Map 4 Central Bay North (as amended 2002) is the relevant Bay Plan Map for this study area (Figure 5). This map designates the area north from Castro Point, including Pt. Molate, as “Waterfront Park, Beach.” A strip along the shoreline around Point San Pablo to the whaling station is also designated as “Waterfront Park, Beach.” The map designates the upland areas of the Peninsula as “Water-Related Industry.” Terminal 4 has not been given a priority use designation.

The accompanying Bay Plan Policies (as amended 2002), relevant to the San Pablo Peninsula are summarized below:

- As not needed for marine terminals, redevelop Point San Pablo for recreational uses (Bay Plan Policy #3)
- Preserve the Brothers Islands and Lighthouse. Access by boat only (Bay Plan Policy #4)
- From Point Molate to Point Richmond, develop the Bay Trail as a multi-use trail (Bay Plan Policy #5)
- Develop Naval Fuel Depot Point Molate for park use. Landward of Western Drive should be developed for recreation use. Provide a trail system linking shoreline park areas and vista points in 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 recreation boats, excursion craft and small watercraft. Protect existing eelgrass beds. (Bay Plan Policy #6)

In 2003, BCDC amended the Seaport Plan to remove the Port of Richmond’s Terminal No. 4, from the Port Priority Use areas of the Seaport Plan. Even though BCDC omitted Terminal 4 from Port designation in the Seaport Plan, the relevant Plan Map 4 Central Bay North (described above) has not yet been amended to redesignate Terminal 4 with a different use. **The removal of Terminal 4 from the Port Priority Use designation allows for consideration of alternative uses, such as recreation use in this area.**

Figure 5: Bay Plan Map 4

NEXT STEPS

The recommendations provide guidance to implementing agencies regarding options for open space, parks, and recreation programs and facilities on the San Pablo Peninsula. A series of actions are needed to move the San Pablo Peninsula open space program forward over the next few years. Many can proceed concurrently and are described below:

ECONOMIC ANALYSIS

The extent and nature of recreation development will, in part, be determined by the future of Point Molate and Terminal 4. This study has concluded without the benefit of economic analysis of the alternatives because of the uncertainties surrounding the development of Point Molate and Terminal 4, and the unknowns related to public use of lands owned by Chevron. A critical first step toward implementation of the open space program will be an accurate assessment of program costs, including land acquisition and improvement costs as well as ongoing operations and maintenance costs.

TERMINAL 4

Terminal 4 is a derelict, underutilized facility. In reference to Terminal 4, the City's General Plan is inconsistent with the City's recent approach toward redevelopment of the San Pablo Peninsula reflected in its 2004 actions relating to Point Molate. With limited financial resources available to the City for rectifying the site, the City should consider a partnership with the State Lands Commission, the Muir Heritage Land Trust, and other agencies. Jointly, these groups could sponsor grants to clean up the site, acquire it for recreation use and fund capital facilities to make it the focal point of the San Pablo Peninsula Open Space System.

LAND PROGRAM

The East Bay Regional Park District and the Muir Heritage Land Trust should initiate discussions with all Peninsula property owners on land use arrangements that balance the needs and concerns of property owners with the open space recommendations contained in this document. All land ownership options should be considered.

BAY TRAIL IMPLEMENTATION

The City of Richmond, East Bay Regional Park District and Point Molate developers should initiate a cooperative program toward advancing the construction of the Spur Bay Trail on the Peninsula. This process could occur once current legal issues are resolved.

RICHMOND GENERAL PLAN REVISIONS

The Richmond General Plan, dated 1994 (updated 1998) appears for the most part to support the San Pablo Peninsula Open Space program. The General Plan designates the vast majority of the Peninsula for recreation and open space use. Other lands on the Peninsula are designated for Heavy Industry, Light Industry, and Port/Marine Terminal. However, these land use designations do not accurately reflect existing and historic uses or the realities of land ownership. In some instances, lands are designated as recreation but are not necessarily available for public access. Neither the Point Molate Reuse Plan (1997) nor the recent Upstream Point Molate LLC development proposal (2005) are reflected in the City's current General Plan (1994).

The existing General Plan shows water areas designated for industrial or other uses. These designations may have been implemented prior to the formation of BCDC or are merely the result of limitations in graphic technology at the time. Consequently, in reference to the Peninsula, the Richmond General Plan should be revised. A revision consistent with these open space recommendations is strongly desired, including changes to show Terminal 4 with a Recreation land use designation.

ZONING DISTRICT BOUNDARIES

The zoning district maps do not conform to the general plan category boundaries. A program to bring zoning into conformance with the revised General Plan (discussed above) for the Peninsula should be concurrent with the General Plan review.

POINT MOLATE

Point Molate development applications should be reviewed to ensure that these future projects incorporate the San Pablo Peninsula Open Space Recommendations. Specifically they need to:

- Improve the Point Molate Beach Park and make it available for public use; provide a recreation easement on the site to the City; and provide for operation and maintenance funds.
- Provide conservation easements over the hillside lands adjacent to the Refinery to ensure their permanent preservation. Agreements on limiting access to this area need to be included within the easements. (Joint policing could be encouraged.)
- Construct the Bay Trail Spur across Point Molate consistent with Association of Bay Area Government (ABAG) Bay Trail design standards.
- Protect historically significant buildings to the extent feasible.
- Allow for public use of the Point Molate pier including potential future ferry service.
- Underground electrical lines across the site.
- Ensure funding to maintain the Bay Trail and public use areas and to manage resources.



LSA

FIGURE 4



*San Pablo Peninsula
Open Space Feasibility Study
Preferred Alternative*

SOURCE: Vallier Design Associates 2005

P:\MUI430\g\PrefAlt.cdr (5/31/05)



October 22, 2009

Ms. Lina Velasco, Senior Planner
City of Richmond Planning Division
450 Civic Center Plaza
Richmond, CA 94804

Re: Comments on Point Molate Mixed-Use Tribal Destination Resort and Casino Draft EIS/EIR

Dear Ms. Velasco:

I am transmitting the comments of the East Bay Regional Park District (Park District) on the Draft EIS/EIR for the Point Molate Mixed-Use Tribal Destination Resort and Casino. While the Park District is not opposed to the proposed project, the Park District believes that the Draft EIS/EIR needs to be revised to meet the CEQA legal standards.

The Park District has detailed its concerns and has suggested mitigation measures in the enclosed CEQA Comment letter. We are requesting implementation of the Point San Pablo Peninsula Open Space Study recommendations that were approved by the City of Richmond, Coastal Conservancy, and the Park District. We are also requesting specific commitments to implement the mitigation measures.

The Park District looks forward to continuing to work with the City to provide public benefits to its open space, wildlife, shoreline and parks and to further increase and improve the Regional Parks and Trails within the City. We would be happy to meet with the City and/or the applicants to resolve the concerns we have. Please ask the City representative to contact me at 510/544-2601 to begin this important dialogue.

Sincerely,

Robert E. Doyle

Enclosure

cc J. Levine
B. Lindsay, Richmond City Manager

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Via FedEx

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Mr. Dale Morris, Regional Director
Bureau of Indian Affairs
Pacific Region
2800 Cottage Way
Sacramento, CA 95825

Re: Comments of the East Bay Regional Park District on the Draft
EIS/EIR for the Point Molate Mixed-Use Tribal Destination Resort
and Casino

Dear Ms. Velasco:

We have been retained by the East Bay Regional Park District ("the District") to submit comments on the Draft Environmental Impact Statement/Environmental Impact Report ("DEIS/R") prepared in connection with the destination resort and casino project proposed for Point Molate ("the Project") by Upstream Point Molate LLC and the Guidiville Band of Pomo Indians of the Guidiville Rancheria ("the Tribe"). In 2005, we submitted scoping comments on behalf of the District on the Notice of Preparation/Notice of Availability for the DEIS/R. We incorporate those comments here by reference.

Although the DEIS/R has responded to some of the points raised in our scoping comments, many key issues remain unaddressed or are not adequately addressed. Moreover, the DEIS/R does not meet the stringent standards of the California Environmental Quality Act ("CEQA"), Public Resources Code sections 21000 *et seq.*, the

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CEQA Guidelines, and the National Environmental Policy Act ("NEPA"), 42 U.S.C. § 4321 *et seq.*

The issues that concern the District most are those that relate to the provision of open space and outdoor recreation in Richmond and throughout the East Bay. The District's Master Plan calls for the establishment of a regional shoreline on the proposed Project site, in part because of its great scenic beauty. The DEIS/R, however, does not provide a full and accurate analysis of the Project's aesthetic impacts on the site's largely undisturbed vistas. The site also contains many of the biological resources that the District seeks to protect and restore, but the DEIR/S does not consider several important categories of impacts to these resources, including impacts on eel grass beds and burrowing owl habitat. And of great concern to the District, the DEIS/R does not analyze the Project's compatibility with several important regional plans, such as the Point Molate Reuse Plan, the San Pablo Peninsula Open Space Plan, and the District's own Master Plan. The required careful analysis of these plans would show that the Project is inconsistent with many aspects of them.

The District is also concerned about the possibility of a future version of the Project that proposes only housing, but no hotel, casino, or other source of substantial revenue. The DEIS/R has not evaluated the potential environmental impacts of such a development. Moreover, the mitigation measures identified in the document appear to rely on the hotel and casino for funding. Without the hotel and casino (or a similar revenue source), the mitigation measures would be ineffective. Thus, any housing-only project would require a thorough reanalysis, including a rethinking of mitigation funding. The present DEIS/R does not provide the needed analysis and could not support approval of a housing-only project.

Many opportunities remain for the City to identify and adopt strong mitigation measures to reduce the Project's unquestionably substantial impacts on the environment. For example, in order to mitigate the Project's aesthetic impacts and its incompatibility with the District's Master Plan, the DEIS/R should consider the permanent protection of comparable parkland that could provide the outdoor recreation experience that the Project would preclude. The District looks forward to working with the City, the Bureau of Indian Affairs ("BIA"), and the applicants to develop this and other important measures.

THE EAST BAY REGIONAL PARK DISTRICT

EBRPD is a special district created under the Public Resources Code section 5500 *et seq.* The District's jurisdiction extends to all areas of Alameda and Contra Costa counties, including the City of Richmond. The District is charged with

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acquiring, planning, developing, improving, operating, and maintaining a high quality, diverse system of interconnected regional parklands and regional trails. The proposed Project would be located within the District's jurisdiction, at Point Molate on the San Pablo Peninsula in Contra Costa County.

The District has adopted a Master Plan, including a Master Plan Map, defining the vision, mission, and priorities for the Park District across its jurisdiction. The District's vision set forth in the Master Plan is to preserve natural and cultural resources, open space, parks, and trails, and set aside areas for recreation, guided by an environmental ethic.

The District operates a regional park system that covers over 98,000 acres (more than 150 square miles) of parklands with 65 parks and over 1,100 miles of trails in Alameda and Contra Costa counties. The regional park system balances public use and educational programs with protection and preservation of natural and cultural resources.

ANALYSIS

I. THE DOCUMENT BURIES IMPORTANT INFORMATION IN TECHNICAL APPENDICES.

CEQA requires that technical appendices be used to provide supporting secondary material. The reader should not be required to ferret out relevant information from technical appendices. *See Cal. Oak Found. v. City of Santa Clarita*, 133 Cal. App. 4th 1219, 1239 (2005) (“[I]nformation ‘scattered here and there in EIR appendices,’ or a report ‘buried in an appendix,’ is not a substitute for ‘a good faith reasoned analysis.’”) (quoting *Santa Clarita Org. for Planning the Env't. v. County of Los Angeles*, 106 Cal. App. 4th 715, 722 (2003)).

Here, the DEIS/R uses appendices to provide the primary material and analysis, requiring the reader to flip back and forth between sections of the document and appendices to gain a complete understanding of a particular subject. This use of technical appendices to provide essential information about the Project's impacts violates CEQA.

II. THE DEIS/R PROVIDES INADEQUATE ANALYSIS OF AND MITIGATION FOR THE PROJECT'S POTENTIALLY SIGNIFICANT IMPACTS.

The discussion of a proposed project's environmental impacts is fundamental to an EIR. *See CEQA Guidelines § 15126.2(a)* (“[a]n EIR shall identify and focus on the significant environmental effects of the proposed Project”) (emphasis added). As explained below, the DEIS/R's environmental impacts analysis is deficient

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under CEQA because it fails to provide the necessary facts and analysis to allow the City and the public to make informed decisions about the Project. An EIR must effectuate the fundamental purpose of CEQA: to “inform the public and responsible officials of the environmental consequences of their decisions before they are made.” *Laurel Heights Improvement Assn. v. Regents*, 6 Cal. 4th 1112, 1123 (1993). To do so, an EIR must contain facts *and* analysis, not just an agency’s bare conclusions. *Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal. 3d 553, 568 (1990). Thus, a conclusion regarding the significance of an environmental impact that is not based on an analysis of the relevant facts fails to fulfill CEQA’s informational goal.

Likewise, NEPA requires that federal agencies “consider every significant aspect of the environmental impact of a proposed action . . . [and] inform the public that [they have] indeed considered environmental concerns in [their] decision-making process[es].” *Earth Island Inst. v. U.S. Forest Serv.*, 351 F.3d 1291, 1300 (9th Cir. 2003) (citations omitted). The requirement that agencies prepare an environmental impact statement (“EIS”) ensures that “the agency, in reaching its decision . . . will carefully consider[] detailed information concerning significant environmental impacts” and “guarantees that the relevant information will be made available to the larger audience that may also play a role in both the decisionmaking process and the implementation of that decision.” *Robertson v. Methow Valley Citizens*, 490 U.S. 332, 349 (1989).

Additionally, an EIR must identify feasible mitigation measures to mitigate significant environmental impacts. CEQA Guidelines § 15126.4. CEQA’s central mandate is that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects.” *Berkeley Keep Jets Over the Bay Comm. v. Board of Port Comm’rs*, 91 Cal. App. 4th 1344, 1354 (2001) (quoting Pub. Res. Code § 21002). CEQA requires lead agencies to identify and analyze all feasible mitigation, even if this mitigation will not reduce the impact to a level of insignificance. CEQA Guidelines § 15126.4(a)(1)(A) (discussion of mitigation measures “shall identify mitigation measures for each significant environmental effect identified in the EIR”).

NEPA similarly requires that agencies consider mitigation when preparing an EIS. 40 C.F.R. § 1502.14 (in the alternatives analysis, the agency must “[i]nclude appropriate mitigation measures not already included in the proposed action or alternatives”); *Robertson*, 490 U.S. at 352 (NEPA requires a “reasonably complete discussion” of potential mitigation to ensure that the severity of adverse impacts has been fully evaluated). The discussion of mitigation measures must be thorough. *Neighbors of Cuddy Mountain v. U.S. Forest Serv.*, 137 F.3d 1372 (9th Cir. 1988) (mitigation must contain details about how the measures would be undertaken and their effectiveness).

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A. The DEIS/R Fails to Adequately Evaluate the Project's Impacts on Aesthetics.

The Project would place several large, modern buildings between San Francisco Bay and currently undeveloped hillside. It would involve mass grading of the hillside and construction of a massive cluster of high-rise buildings and parking structures over twelve stories tall. The architectural rendering (DEIS/R Fig. 2-5) depicts gleaming, brightly colored structures with modern rectilinear designs.

This development would substantially alter the existing, predominantly natural viewshed and natural terrain and would deviate substantially from the form, line, color, and texture of existing elements that contribute to the visual quality of the San Pablo Peninsula hillside and shoreline.

The interruption of both the seaward and landward vistas is, as the DEIS/R acknowledges, a potentially significant impact. The proposed Project would have a substantial adverse effect on the San Pablo Peninsula, which the Richmond General Plan designates a Scenic Corridor with a predominantly natural hillside and 1.4-mile shoreline. It would, moreover, substantially degrade the existing visual character and quality of the Winehaven historic district, which the Richmond General Plan similarly designates a historic landmark. These visual impacts would be highly visible to a variety of viewers, including the drivers of the 74,000 average daily vehicles travelling eastbound from Marin County into Richmond on I-580 (a Scenic Freeway), recreational users on the planned San Francisco Bay Water Trail, travelers along Western Drive (a Scenic Thoroughfare), hikers, bicyclists, and other recreational users of the proposed shoreline regional trail, and from recreational users visiting the proposed shoreline park. The proposed Project would, moreover, create a new source of substantial light and glare from the modern casino and hotel buildings which would adversely affect the day, evening and nighttime views of the predominantly natural hillside and shoreline.

The document, however, does not provide sufficient analysis and disclosure of these impacts. It provides no photosimulations to show what the site would really look like after development, offering only the renderings in the Proposed Action chapter. This analysis is not sufficient to provide the public or the relevant agencies with a foundation for their informed decisionmaking.

In the absence of sufficient analysis, there is no basis for the DEIS/R's conclusion that the proposed mitigation measures would reduce the Project's aesthetic impacts to a less than significant level. Even if the DEIS/R had included the required

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analysis, however, that conclusion would still be unsupportable. Merely providing unspecified landscaping to “soften the view” and building the structures along unstated design guidelines cannot change the fact that this would be a large building where none now stands. These vague mitigation measures, lacking effective performance standards, are insufficient.

In fact, no on-site mitigation measures could effectively reduce the significant aesthetic impact of the Project. A more effective mitigation would be the permanent protection of undisturbed replacement land that includes vistas and landscapes comparable to those that the Project site provides. This type of compensatory mitigation, replacing land subject to significant impacts, follows well-accepted CEQA practice. For example, in *Endangered Habitats League v. County of Orange*, 131 Cal. App. 4th 777, 795 (2005), the Court of Appeal approved the protection of a sensitive species’ habitat as mitigation for a project’s removal of such habitat. The United States Army Corps of Engineers similarly has a longstanding policy of requiring the restoration or creation of wetlands as compensatory mitigation for projects that fill or otherwise impact such areas. *See* 33 C.F.R. § 332.3 (“General compensatory mitigation requirements”). Provision of such mitigation for the Project’s aesthetic impacts could reduce those impacts to a less than significant level.

B. The DEIS/R Fails to Adequately Evaluate the Project’s Impacts on Biological Resources.

1. The DEIS/R Does Not Adequately Consider Impacts to Eel Grass Beds.

The portion of San Francisco Bay just west of the Project area contains the most significant population of eel grass beds in the Bay. Eel grass beds are a sensitive habitat supporting birds, fish, and crustaceans. They provide spawning habitat for Pacific herring and are grazing grounds for shrimp, amphipods and other crustaceans. Recent investigations by Caltrans show that approximately 92.5 percent of the eel grass in the Bay is located west of Point San Pablo. *See* “San Francisco Bay Eel Grass Inventory,” (Merkel and Assoc. 2003). The Project area includes the largest such bed in the Bay. *Id.* Fine sediments, fertilizers and other water-borne pollutants that ultimately are discharged into the Bay from both terrestrial sources and ferries can have significant adverse impacts to this scarce resource by preventing sunlight from reaching eel grass blades and thus interfering with photosynthesis.

The DEIS/R, however, does not consider the Project’s potential impacts on eel grass beds. CEQA requires an EIR to describe the project’s “alterations to ecological systems,” such as eel grass beds. CEQA Guidelines § 15126.2(a). NEPA regulations

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similarly define effects to include “ecological [effects] (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems).” 40 C.F.R. § 1508.8.

Sediment pollutant is likely to be a particular concern due to increased shoreline erosion caused by the greater volume and velocity of runoff from the extensive areas of impervious surfaces in the proposed Project area. Sediments are deposited on the surface of eel grass leaves and fertilizers promote algal growth on eel grass leaves. These pollutants would disrupt photosynthesis and contribute to the decline of eel grass populations near the Project area. Ferries accessing the Project area will also generate wakes that could damage eel grass beds by stirring up and resuspending damaging sediments.

Section 4.3 and the mitigation measures under Hydrology and Water Quality on pages 5-3 through 5-6 do not describe the Project’s potentially significant effects on eel grass beds, nor does the DEIS/R propose mitigation measures for such impacts. There also appears to be no mention of eel grass in the “Preliminary Grading and Drainage Study” contained in Appendix H of the DEIS/R. Project-related water quality changes, however, would adversely affect eel grass beds. This reasonably foreseeable impact was identified in scoping comments provided by the District on April 14, 2005 and must be addressed in the DEIS/R.

CEQA requires that the DEIS/R provide sufficient analysis and detail about the project and environmental impacts of the proposed Project to enable informed decision-making by the City and informed participation by the public. *See* CEQA Guidelines § 15151; *Kings County Farm Bureau v. City of Hanford*, 221 Cal. App. 3d 692 (1990). The DEIS/R must also identify mitigation measures to reduce or avoid any potentially significant impacts that its analysis finds, and the City may not approve the Project without adopting any such feasible mitigation. *Berkeley Jets*, 91 Cal. App. 4th at 1354. Here, mitigation should include the permanent protection of off-site eel grass beds, in compensation for the adversely affected beds in the Project area.

2. The Description of Plant Communities Fails to Describe Perennial Grassland in the Project Area.

The Project area includes perennial grassland habitat, also known as coastal prairie. Point Molate is the type-locality for Molate fescue, a variant of *Festuca rubra*. Molate fescue is a native perennial bunch grass found in this area, which grows in association with other native perennial grasses, including California oat grass and purple needle grass. According to the plant list in Appendix J of the DEIS/R, all three of these plant species were found in the project area. Impacts to this locally scarce plant

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community would be considered significant under CEQA. CEQA Guidelines § 15065(a)(1). We noted this fact in our April 14, 2005 scoping letter.

Sea side golden yarrow, also known as lizard tail (*Eriophyllum staechadifolium*), is another locally rare plant found in the project area. The DEIS/R finds that the species is present in the beach strand. DEIS/R at 3.5-16. This plant is generally confined to narrow residual bands of coastal scrub at a handful of locations along the San Pablo and Central Bay shorelines. Brad Olson, EBRPD staff biologist, pers. obs. On-site mitigation measures should be identified to protect individuals of this species from Project impacts. In addition, the DEIS/R should consider restoration-based mitigation, either on- or off-site.

3. The DEIS/R Does Not Adequately Evaluate Project Impacts to Wildlife.

The Project area contains approximately 62 acres of eel grass beds. Significantly more eel grass habitat is found outside the Project area. As described above, eel grass is very susceptible to impacts due to sedimentation, dredging, and water-borne pollutants. Operation of a commercial ferry in this area will have significant impacts to eel grass beds and thus to the wildlife that uses this important habitat, such as sea birds and fish, including Pacific herring.

Recently studies of ferry impacts to water birds were conducted by the Water Emergency Transportation Authority. *See* Water Emergency Transportation Authority, Berkeley/Albany Ferry Terminal Study, Draft EIS/EIR 2008). These and other studies determined that rafts of larger birds, such as buffle head, scaup, and surf scoter are particularly susceptible to disturbance from ferries. This includes noise and boat wakes. This conclusion is also consistent with a 2009 report by Avocet Research, entitled "North Basin Waterbird Study." Rafting birds are typically seasonal migrants (October to April) that use sheltered areas, such as those near Point Molate. Many seasonal migrants are especially tied to foraging in eel grass beds for fish and invertebrates. Operation of ferries near bird rafting areas during this October to April time period thus may result in significant impacts to migratory birds. The DEIS/R, however, does not address this impact.

The DEIS/R similarly does not appear to address potential impacts to the western burrowing owl. Burrowing owls typically use grasslands where ground squirrels are present. However, they may also be found in rock riprap, concrete piles, under foundations, and in similar locations that provide suitable cover and a prey base. They prey primarily upon insects and small animals. Potential habitat for this species is abundant in the Project area. There are several known locations for burrowing owls in

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similar habitats along the East Bay shoreline, including Berkeley, Albany, and elsewhere in Richmond. Project impacts to burrowing owls would be considered significant under CEQA. CEQA Guidelines § 15065(a)(1). The DEIS/R must analyze and disclose such impacts.

Mitigation measures 4-15 through 4-17 do not mitigate potentially significant effects to the ground nesting burrowing owl. Burrowing owls use a variety of urban and natural habitats. Pre-construction survey and mitigation protocols for burrowing owls are different from those for other birds that may nest in the Project area. Mitigation measures should include burrow surveys, buffers around active nest locations, destruction of inactive burrows before the start of project construction, and, potentially, the permanent protection of off-site habitat.

4. The DEIS/R Does Not Fully Mitigate the Impacts of Night Lighting on Wildlife.

Due to the closure of the Point Molate Naval Fuel Depot and the few remaining uses in the Project area, wildlife in the area have habituated to a light-free and quiet nocturnal environment. Construction and operation of hotels, casino, conference center, parking lots, roads, ferries, and other facilities associated with the proposed Project could result in potentially significant effects to resident and migratory wildlife in the Project area. We raised this issue in our April 14, 2005 scoping letter.

Recently published studies have demonstrated that the introduction of artificial night lighting sources can disrupt the behavior of plants and wildlife. In 2006, Catherine Rich and Travis Longcore published a book on the effects of night lighting entitled *Ecological Consequences of Artificial Night Lighting*. According to Rich and Longcore (2006), alterations in natural patterns of light and dark from development can result in the following disruptions:

- Changes to physiological process, such as hormone production;
- Disorientation of organisms accustomed to navigating in darkness;
- Desynchronization of mating behaviors;
- Increases in predation by diurnal animals;
- Disruption in predator-prey relationships; and
- Decreases in foraging by small mammals.

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The DEIS/R identifies mitigation measures 4-15 through 4-18 for this potentially significant effect at pages 5-21 to 5-22, but these measures are inadequate. Mitigation measures 4-15 through 4-17 make no reference to night lighting effects to wildlife and would be of no value to mitigate this impact. Mitigation measure 4-18 refers to night lighting mitigation for birds, but fails to address night lighting impacts to mammals, fish, reptiles, and amphibians. The DEIS/R's conclusion that this impact will be reduced to a less than significant level lacks sufficient supporting evidence. The DEIS/R must include measures that would reduce light intrusion into open space after dark, including a ban on nighttime vehicular traffic on roads that cross open space on the Project site.

C. The DEIS/R Fails to Adequately Evaluate the Project's Impacts on Land Use and Planning.

Many land use plans contain mandates and guidance relevant to the Project site. The DEIS/R, however, provides only perfunctory analysis of two of those plans. This omission renders the analysis inadequate. A project's potential inconsistency with land use policies that were adopted to avoid or address environmental concerns must be disclosed and analyzed in an EIR. CEQA Guidelines, App. G, § IX(b). Any conflict between the project and such plans constitutes a significant environmental impact. *Pocket Protectors v. City of Sacramento*, 124 Cal. App. 4th 903, 930, 934 (2004). Here, the relevant plans include the City of Richmond General Plan, the San Francisco Bay Plan, the Point Molate Reuse Plan, the San Pablo Peninsula Open Space Study, and the District's Master Plan. The Project is inconsistent with each of these plans, but the DEIS/R does not analyze any of the conflicts.

- 1. The DEIS/R Does Not Include Adequate Analysis of the Project's Consistency With the Richmond General Plan.**
 - (a) General Plan Consistency Analysis is an Essential Part of the DEIS/R and of the City's Approval Process.**

The proposed Project is inconsistent with many of the goals, policies, guidelines, implementation programs and actions of the City of Richmond's General Plan. The City of Richmond ("the City") has made substantial policy commitments to facilitate future parks, recreation, and open space uses on the San Pablo Peninsula, including, but not limited to, hillside open spaces, shoreline parks, shoreline trails, and the protection of associated scenic vistas and visual resources. Most importantly, the City's parks, recreation, and open space commitments were formally adopted in numerous policy statements in the Richmond General Plan.

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As the General Plan itself declares, “The Richmond General Plan is analogous to the City’s constitution.” See City of Richmond General Plan (“Richmond General Plan”) at p. I-1. The DEIS/R makes two questionable statements regarding the General Plan: first, it notes that the City is in the process of updating the General Plan, and second, it contends that because the Project lands would be taken into trust, local land use plans and regulations would no longer apply. DEIS/R at p. 4.9-9. Neither of these assertions, however, alters CEQA’s requirement. The current General Plan applies to the site. The DEIS/R thus must use the adopted General Plan for evaluating the impacts of the proposed Project on land use goals, policies, guidelines, implementation programs, and actions.

Furthermore, even if the land’s ultimate trust status affects the applicability of the Richmond General Plan to the Project, the City cannot simply ignore the Plan when taking its approval actions. “The propriety of virtually any local decision affecting land use and development depends upon consistency with the applicable general plan and its elements.” *Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal. 3d 553, 570 (1990). The Project would require City approval of a subdivision. DEIS/R at p. 2-14. The Subdivision Map Act requires project consistency with both general and specific plans as a prerequisite for a tentative map approval. Gov’t Code §§ 66473.5, 66474; see also Gov’t Code § 65455 (requiring consistency between tentative maps and specific plans). Thus, consistency with the General Plan is a legal prerequisite to Project approval.

Moreover, regardless of whether the General Plan is mandatory with regard to the Project, the DEIS/R must still contain the required analysis. A project may contradict guidance or advisory language as much as it may contradict directives. The question of whether a given policy is binding may affect whether the project ultimately must abide by that policy, but CEQA requires a thorough analysis of a project’s consistency with all relevant plans.

(b) The Project Is Inconsistent with the Richmond General Plan.

The Richmond General Plan Land Use Map designates sections of the proposed Project site in several different land use categories.¹ The key designations are listed below, along with the General Plan’s description of the uses appropriate for each.

¹ Figure 3.9-3 of the DEIS/R misidentifies one of these designations. The area to the west of Winehaven is designated as Recreation Lands, not Other Types of Open Space, as shown on the figure.

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- **Recreation Lands:** Open space for outdoor recreation includes areas of outstanding scenic, historic and cultural value; it also includes areas particularly suited for park and recreation purposes, including access to the shoreline, creeks, and areas which serve as links between major recreation and open-space reservations, including utility easements, banks of creeks, trails, and scenic highway corridors.
- **Port/Marine Terminal/Ship Repair:** Use of lands within this district should therefore be reserved for a wide range of municipal or private maritime marine terminals, cargo handling, ancillary manufacturing or related establishments that are dependent on direct port access for the import or export of raw materials or finished products.
- **Heavy Industry:** This category accommodates a wide variety of industrial uses including, but not limited to, oil refining, contractors' storage yards, warehouses, machine shops, co-generation plants, and other "heavy" industrial type uses. The industrial activities are traditionally larger scale and include very little to no office space.

The proposed Project is inconsistent with each of these designations. It does not include the outdoor recreation uses, maritime uses, or industrial uses that are compatible with these designations. Instead, it includes inconsistent hotel and casino uses. The residential uses included in Alternatives B and D are similarly inconsistent with the site's General Plan designation. Any further modified alternative, consisting of housing only, would continue this inconsistency while creating a car-dependent neighborhood isolated from services and amenities. The DEIS/R should identify and discuss these inconsistencies.

The proposed Project would also be inconsistent with several policies contained in the General Plan's Land Use Element. Policy LU-E.1 directs the City to "[g]ive high priority to preserving and enhancing the potential amenities of the shoreline's variety of edges and the landmark character of the regional landscape." Similarly, Policy LU-E.2 "[r]equires new development to preserve the unique view opportunities of the shoreline and ridgelines in order to maximize their availability to the public." The West Shoreline Area Specific Guidelines further call for development of public recreation and scenic roads along the shoreline prior to commerce and commercial recreation at Winehaven. Richmond General Plan at p. LU-24. The Project would not meet any of these requirements.

The Richmond General Plan Circulation Map designates sections of the proposed Project site in several different categories. The key designations are listed

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below, along with the General Plan's description of each.

- **Scenic Corridor:** The scenic corridor is the area that extends beyond the scenic route right-of-way and is of sufficient scenic quality to warrant development controls to preserve or enhance its scenic qualities.
- **Secondary Thoroughfare/Scenic:** A scenic route is a road, street or freeway which traverses a scenic corridor of relatively high visual value or a road that serves as an important visual or functional feature. It consists of both the scenic corridor and the public right-of-way. These routes serve as important visual and functional features that should be enhanced and developed to their full potential.

The proposed Project is inconsistent with each of these designations, as it fails to enhance the scenic qualities of the site. The DEIS/R should identify and discuss these inconsistencies.

The Richmond General Plan Open Space and Conservation Element (page OSC-3) includes several goals aimed at preserving the open space values of the Project site and the surrounding area. Goal OSC-F seeks to preserve the natural topographical form of the San Pablo Peninsula, and Goal OSC-G seeks to utilize the sloping lands and shoreline vistas on the San Pablo Peninsula for regional recreation purposes. Policies to implement these goals include Policies OSC-O.1 and O.5, which together call for providing the maximum feasible access to the shoreline and shoreline parks through regional trails for hiking and biking and for those who do not own automobiles. Because the Project would alter the site's topography, use the land for purposes other recreation, and fail to provide maximum feasible access to the shoreline, it is not compatible with these goals and policies. The DEIS/R should identify and discuss these inconsistencies.

The West Shoreline Area Specific Guidelines of the General Plan's Community Facilities Element calls for designating a permanent site at Point Molate for use as a beach park, developing the full recreation potential of Point Molate Beach, and encouraging the creation of a recreation trail corridor along the western slope of Point San Pablo. Richmond General Plan at p. CF-11. The Project would neither develop such a facility, nor allow such development in the future. The Project is therefore inconsistent with these guidelines.

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2. The Proposed Project Is Inconsistent with the San Francisco Bay Plan.

The DEIS/R fails to adequately address the Project's consistency—or lack thereof—with the policies of the Bay Plan adopted by the San Francisco Bay Conservation and Development Commission (the "Bay Plan"). Under CEQA, a project has a potentially significant environmental impact if it conflicts with applicable land use plans, policies, and regulations. CEQA Guidelines, App. G, § IX(b). A project's conflicts with land use policies that were adopted to avoid or address environmental concerns must be disclosed and analyzed in an EIR. *See Pocket Protectors*, 124 Cal. App. 4th at 930, 934.

Policy No. 7 of Bay Plan Map No. 4, which is described on page 3.9-3 of the DEIS/R, states that the former Naval Fuel Depot Point Molate should be developed for park use. Many of the uses that the Project proposes for this area would not be consistent with park uses, including the proposed Point Hotel. This policy also calls for using the Point Molate Pier for water-oriented recreation and incidental commercial recreation. The proposed Project, however, would use the pier primarily for ferries providing access to the resort and casino.

Bay Plan Policy No. 7 also states that existing eel grass beds adjacent to the project area should be protected. As described above, however, the Project would have adverse impacts on the area's eel grass beds.

The proposed Project also conflicts with Recreation Policy No. 4-b of the Bay Plan regarding waterfront parks and wildlife refuges with historic buildings. DEIS/R at 3.9-3. Winehaven Building No. 1 is perhaps the most significant structure in the Winehaven National Register Historic District at Point Molate. The proposed Project calls for converting this building into a casino. The Bay Plan does not contemplate gambling as a recreational use. Furthermore, the lights, noise, and traffic associated with a casino are not conducive to the quiet enjoyment of public parklands or to the wildlife that makes use of the habitats in the project area.

The DEIS/R concludes (in one sentence) that a permit can be obtained from the Bay Development and Conservation Commission ("BCDC") for the proposed Project and therefore there are no significant impacts to the "Bay's open waters and BCDC jurisdictional areas." DEIS/R at 4.5-6. As just described, the proposed Project is inconsistent with the Bay Plan. Accordingly, BCDC could not permit the Project without significant amendments to the Bay Plan and/or such substantial changes to the Project that it may no longer meet its intended purposes. Therefore, the DEIS/R does not provide substantial evidence to support its conclusion that the conflict between the Bay Plan and

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the proposed Project can be mitigated.

3. The Project Is Inconsistent with the Point Molate Reuse Plan.

The DEIS/R does not analyze the Project's consistency with the Point Molate Reuse Plan (1997) that was approved by the City of Richmond, the U.S. Department of Defense, and the U.S. Department of Housing and Urban Development (the "Reuse Plan"). If the DEIS/R had included this required analysis, it would have found that the Project is incompatible with the concepts and guidelines contained in the Reuse Plan.

The Reuse Plan states on page I-47 as follows:

Point Molate is one of the few places on the San Francisco Bay where undeveloped hillside interfaces directly with the waterfront. This high quality open space should be both preserved and used to its full advantage.

The framework for the Plan is the open space, which connects all the development areas with pedestrian linkages and serves to protect an important public resource for recreation and appreciation of the site's natural qualities (Figure 15).

The approved Reuse Plan designates much of the area as open space. A strip at least 100 feet in width running along the entire length of the waterfront, a total of 1.4 miles, is designated as a Shoreline Park of approximately 40 acres. Moreover, all terrain exceeding a 15 percent slope is categorized as Hillside Open Space. Together these open space areas cover approximately 190.8 acres. (Reuse Plan, pp. I-47 and I-48.) Other open space features of Point Molate under the Reuse Plan include four Viewpoint Facilities, several Formal Plaza Areas, the Bay Trail and Promenades; and several Tree-Lined Streets. The proposed Project, as shown in Figure 2-3 in the DEIS/R does not provide for the development of these significant elements, and therefore is incompatible with the Reuse Plan.

The Reuse Plan also includes several relevant goals for the Project site, including the following, found on page I-22 of the Plan:

- Minimize impacts of future development on natural environment.
- Limit new development to areas previously developed.
- Preserve hillsides from further development.

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- Protect natural resources with emphasis on wetland, riparian habitat and critical habitat areas.
- Preserve visual access to the bay and other features.
- Provide a variety of open space for outdoor recreation.

The Project as proposed would not advance any of these goals. It expands development to previously undisturbed areas, including placing the parking garage on the hillside, and it would neither minimize its effects on the natural environment nor protect habitat. For example, as discussed above, the Project would have potentially significant impacts on eelgrass beds and on habitat for burrowing owls. Similarly, the multi-story hotel and casino proposed in the Project would restrict views of the bay and would limit, rather than expand, the variety of open spaces uses at the site.

The Reuse Plan also includes a set of “Thematic Concepts” for the future development of the site, including the following, which are set out on page I-22:

- More than two-thirds of the site will be preserved as open space and parklands in the highly visible hillsides and along the 1.4-mile shoreline
- Development will be limited to the low-lying, relatively level portions of the site
- A network of recreational trails will provide access to the undeveloped hillsides and will be linked to the Bay Trail and promenade along the shoreline
- A waterfront park with both interpretive and traditional facilities will be located at the base of the pier

Again, the proposed Project deviates sharply from these concepts. It fails to limit development as the Reuse Plan would, and it does not provide the recreational facilities that the Plan calls for.

The Reuse Plan includes further development guidelines for the northern portion of Point Molate, the area where the Project proposes the hotel and casino.

- New buildings should be located along Western Drive, with parking in the rear, to serve the entire complex of buildings in this area.
- Buildings should be small and arranged on the site similar to the cottages: orderly, with similar setbacks along Western Drive and secondary roads.

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- They should incorporate red bricks in the facades or be painted the same colors as the cottages, and should have flat or shingled hip roofs, and small windows.
- They should be no higher than three stories.

The development proposed for the northern development area contrasts dramatically with the buildings envisioned in these guidelines. The proposed hotel and casino do not resemble the existing cottages in size, scale, or design. They are, moreover, proposed for areas a significant distance from Western Drive. The Project does not fit the Reuse Plan's vision for the site.

4. The Project Is Inconsistent with the San Pablo Peninsula Open Space Study.

The DEIS/R does not consider whether the proposed Project is consistent with the San Pablo Peninsula Open Space Study (2005) (the "Open Space Study") that was initiated at the formal request of the City of Richmond (Council Resolution No. 99-01, July 17, 2001). If the DEIS/R had included this required analysis, it would have found that the Project is incompatible with the concepts and guidelines contained in the Open Space Study.

In its resolution initiating the Open Space Study, the City stated its desire to, "in cooperation with the East Bay Regional Park District and other interested parties, explore the feasibility of creating a recreation and open space project encompassing the majority of the west side of the San Pablo Peninsula and complementing the Reuse Plan for Point Molate Naval Fuel Depot." The San Pablo Peninsula Open Space Study was the result of a two-year effort of collaboration with representatives from six entities: City of Richmond, California State Coastal Conservancy, East Bay Regional Park District, Muir Heritage Land Trust, Chevron Richmond Refinery, and Trails for Richmond Action Committee. The Study reached a consensus plan that is shown, in conceptual form, as the Open Space Study's Preferred Alternative (Figure 4).

The proposed Project is inconsistent with the overall vision of the Open Space Study, which states on page 13:

A permanently protected open space and park facility on the San Pablo Peninsula is appropriate and desirable. The majority of the Primary Study area should be dedicated to open space and recreational uses, including portions of the Point Molate Development area....

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The Project would develop portions of site critical to the envisioned “permanently protected open space and park facility.” Figure 4 of the Open Space Study identifies a number of elements crucial to the site’s recreational development, including the proposed Class I Trail, the proposed Class II Trail, the proposed Vista Points, the fishing pier, the bait shop, the interpretive center with kayak and sailboat rental facilities, and the public beach and picnic area. The Project includes none of these elements, and for several of them, it precludes the possibility of future development. It is, therefore, inconsistent with the Open Space Study.

The Open Space Study provides on pages 15 through 17 the following guidance regarding protecting the San Pablo Peninsula’s open space and other natural resources:

- The core ridgeline along the Peninsula should emphasize passive open space uses.
- Property owners should be encouraged to work with public agencies or land trusts to protect rare habitats (e.g., coastal terrace prairie) on their lands using conservation easements to ensure long term open space protection.
- Significant natural resource areas (grasslands, eel grass beds, coastal brackish marsh) should be managed for habitat protection. Specific protocols and plans should be developed to address the management of these sensitive areas and to provide guidance on potential habitat restoration and/or enhancement efforts (i.e., invasive species eradication).
- Overall visual quality and hillside views should be preserved for public use and interpretation, to the extent feasible.

The proposed Project fails to follow this guidance. It would place a parking garage on the peninsula’s “core ridgeline,” a use that degrades visual quality and is incompatible with passive open space uses. As noted above, the DEIS/R fails to analyze or provide for the protection of at least two key habitats—eel grass beds and burrowing owl habitat. This proposal does not meet the Open Space Study’s standards.

The Open Space Study also includes specific recommendations relevant to Point Molate. Any application for development there, the Open Space Study states, should include proposals for the following, which are set out on page 15 of the Study:

- The improvement of Point Molate Beach Park, which would include making it available for public use, providing a recreation easement to the City, and providing for operations and maintenance funding.

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- Conservation easements, including provisions limiting access, over the hillside lands adjacent to the Chevron refinery to ensure their permanent preservation.
- Land uses designed to support and complement park and open space development within the Primary Study Area should be integrated into that development.
- Preservation of historic facilities.
- Small-scale picnic areas, benches, restrooms and related facilities should be located along the Spur Bay Trail and at Point San Pablo (Terminal 4).
- Interpretive panels along the Bay Trail describing these interesting historical periods and the geologic history of the Bay's formation.
- Interpretive panels near or adjacent to natural communities to provide educational opportunities and foster stewardship of the land and its resources.

The proposed Project, however, does not include these elements and is, therefore, inconsistent with the Open Space Study. The DEIS/R must carefully analyze and disclose all of the Project's potential inconsistencies with this Study.

5. The Project is Inconsistent with the San Francisco Bay Trail Plan

The Bay Trail Project is part of the Association of Bay Area Governments, not a non-profit organization as the DEIS/R states. The Project proposes an alignment of the Bay Trail along Western Drive. This alignment is not consistent with the Bay Trail plan, which would place the trail along the shoreline. The shoreline route is a far more desirable and safer location than the proposed alignment on the shoulder of Western Drive. The DEIS/R should reconsider this alignment in order to create a better trail and to achieve consistency with the Bay Trail Plan. At the very least, the DEIS/R must analyze this apparent inconsistency.

6. The Project Is Inconsistent with the District's Master Plan.

The DEIS/R does not analyze the Project's consistency with the District's 1997 Master Plan (which includes the 2007 update of the Master Plan map). The Master Plan shows a series of regional parks at the Project site and in its vicinity. These include: a regional shoreline at Point Molate, the Miller/Knox-to-Wildcat-Creek and

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Wildcat-Creek-to-Point-Pinole segments of the San Francisco Bay Trail, a portion of the San Francisco Bay Water Trail, a regional park encompassing the North Richmond Wetlands as a proposed regional park and Wildcat Creek Regional Trail.

The proposed Project is inconsistent with several of these elements of the District Master Plan. A regional shoreline such as the one proposed for Point Molate must contain a variety of natural environments and manageable units of tidal, near-shore wetland, and upland areas that can be used for scientific, interpretive, or environmental purposes; and/or contain sufficient land and water to provide a variety of recreational activities, such as swimming, fishing, boating, or viewing. The proposed Project would preclude development of such a facility in the area that the Master Plan designates.

The proposed Project would, as discussed below, cause potentially significant traffic impacts, as it would lead to congestion that would hinder public access to the Master Plan's proposed North Richmond Wetlands regional parklands, the Wildcat to Pt. Pinole segment of the San Francisco Bay Trail, and the partially completed Wildcat Creek Regional Trail. By causing impacts to these proposed regional park facilities, the Project would be incompatible with the Master Plan. The DEIS/R must thoroughly analyze this inconsistency and propose mitigation to minimize or avoid it.

D. The DEIS/R Fails to Adequately Evaluate the Project's Impacts on Utilities and Public Services.

The District's Master Plan is strategically designed to meet the increasing demand for regional parks and recreation facilities by the growing population of the region. The proposed Point Molate Regional Shoreline in the Master Plan addresses the need in the proposed Project's portion of the District. The proposed Project, however, would significantly hinder or preclude the creation of Point Molate Regional Shoreline. It would thus adversely alter the balance of regional parks in the Master Plan and would present a lost opportunity for a regional shoreline.

The loss of the proposed regional shoreline park at Point Molate, combined with the ongoing increase in demand for a regional shoreline park in this portion of the District, would also lead to excess demand at existing parks. The resulting increased use of existing parks could lead to the acceleration of substantial physical deterioration of the regional parks. The DEIS/R must analyze this potentially significant impact and identify mitigation measures to reduce its severity. CEQA Guidelines, Appx. G, XIV(a).

The proposed Project and its associated park demand would, further, result in the need for a new regional park to replace the regional shoreline park at Point Molate. The construction of a replacement for the regional shoreline park at Point Molate could

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cause significant environmental impacts on other sensitive shoreline environments at the replacement site. The DEIS/R must analyze these potentially significant impacts and identify mitigation measures to reduce their severity. CEQA Guidelines, Appx. G, XIV(b).

E. The DEIS/R Fails to Adequately Evaluate the Project's Impacts on Open Space.

The proposed Project would place new structures and other facilities in or adjacent to existing and planned open space. These facilities may result in a number of potentially significant adverse impacts to open space.

The proposed Project includes new roads and structures at the edges and/or in the interior of the portion of the site that is currently open space. These facilities will physically separate portions of the open space that are now connected. This will reduce the open space values of the area by adversely affecting views and noise level while increasing night time lighting, invasive species, wildlife kills on roadways and other incursions. These factors would contribute to an overall degradation in the public enjoyment and wildlife's usage of the open space areas. The DEIS/R must analyze and disclose these impacts, and propose mitigation to reduce or avoid them. Such mitigation may include the protection of off-site open site in compensation for the Project's impacts to existing on-site areas.

Moreover, it is the District's experience that open space adjacent to developed areas is subject to a number of urban problems, including trespass, vandalism, dumping of debris, introduction of weeds and feral animals, off-highway vehicle damage and public safety concerns, such as increased risk of fire. Managing open space areas subject to these disturbances will add considerable on-going costs to the Project. Such costs must be considered in the analysis of the efficacy of mitigation.

The Project proposes to manage the open space consistent with the State of California Department of Parks and Recreation Management Plan. This standard should be better defined, especially in regard to vegetation management, as the site adjoins an oil refinery and fire could be an issue. Some type of active vegetation management, either by grazing or mechanical means, should be considered.

The DEIS/R states that the Tribe would operate and maintain the open space areas, including the Bay Trail. The DEIS/R should address the Tribe's qualifications and experience in managing public open space. It should also provide a dedicated and secure funding source, such as an endowment or assessment to cover the costs of operating the open space.

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F. The DEIS/R Fails to Adequately Evaluate the Project's Impacts on Transportation/Traffic.

The DEIS/R acknowledges that the proposed Project would have adverse impacts on several nearby intersections and freeway segments. It does not, however, discuss several locations where the Project would lead to traffic conditions that are quite degraded (Level of Service D or E) and that would adversely affect the public's ability to use area parks. These locations, which escape notice because they do not violate the DEIS/R's chosen standards of significance, include the following:

- I-580 at Marine Street
- Castro Street at Redwood Way
- Richmond Parkway at Gertrude Avenue
- Richmond Parkway at Pittsburg Avenue
- Richmond Parkway at Parr Boulevard
- Richmond Parkway at Goodrick Avenue
- I-580 (Richmond-San Rafael Bridge) Toll Plaza

Congestion at these intersections and road segments would interfere with access to several existing and proposed parks and trails. The proposed Project would significantly impair public access and traffic circulation to the potential Point Molate regional shoreline, the potential Miller/Knox to Wildcat Creek segment of the San Francisco Bay Trail, the San Francisco Bay Water Trail, the potential North Richmond Wetlands regional parklands, the potential Wildcat to Point Pinole segment of the San Francisco Bay Trail, and the partially completed Wildcat Creek Regional Trail. The DEIS/R fails to analyze these traffic impacts.

G. The DEIS/R Fails to Adequately Evaluate the Project's Impacts on Noise.

The key to understanding the Project's noise impacts is to first understand the extraordinary quiet that currently exists on the site. The DEIS/EIR states on page 3.11-9 that average ambient daytime noise levels at the Project site are approximately 50dB. This is a very low level, especially compared to Interstate 580 to the site's south and the Chevron Refinery to the east. Night time noise would be considerably less in the Project area. Furthermore, on page 3.11-11 the DEIS/R notes that only about 25 cars per

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day travel Western Drive. This is a very low level of daily traffic. Night time traffic volume is considerably less. Given these two factors, under existing conditions the Project area is very quiet both during the day and at night.

Resident and migratory wildlife in the area have adapted to the quiet conditions in the Project area. The DEIS/R, however, does not consider or mitigate the Project noise impacts on that wildlife. As the DEIS/R states on page 4.11-2, any project that causes "a substantial permanent increase in ambient noise level in the project vicinity above levels existing without the project" has a significant impact on the environment. Given the very low baseline levels of noise, an analysis of wildlife noise impacts would very likely determine that the Project has such a significant impact. CEQA requires mitigation for this significant impact. Such mitigation should include strong limitations on noise-generating activities at night.

The DEIS/R also does not consider the effect of Project noise on users of public recreation facilities following development of the Project. Public recreation users in the Project area during the day time will experience significant increases in noise levels due to the development and operation of a casino, hotels, roadways and associated facilities in the project area. The recreating public often seeks open space areas to get away from the noise associated with urban development. The proposed Project will significantly impact the public's ability to recreate in this area without noise disruption. This impact must be analyzed and mitigation identified.

H. The DEIS/R Fails to Adequately Evaluate the Project's Impacts on Cultural and Paleontological Resources.

1. The Project Will Have Significant Impacts, Both Individually and Cumulatively, on Historic Resources.

The Project site is a Historic District on the National Register of Historic Places. Removal, repair, replacement, or relocation of structures within the Historic District may compromise the historical integrity of that District. While it is clear that some structures are no longer safe and should be removed, other structures may need to be repaired and/or remodeled to allow for the proposed uses. This may include extensive seismic retrofits, new foundations, the installation of utilities, and other improvements. These alterations, while needed, may also result in significant impacts related to cultural resources and aesthetics.

Furthermore, and perhaps more significantly, changing the use of the Historic District from its past uses as Winehaven and later as the Naval Fuel Depot to a casino and destination resort will compromise the Historic District's historic integrity.

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The introduction of new traffic, noise, lighting, utilities, conflicting land uses, and 24-hour occupancy will individually and cumulatively materially impair the historic character and integrity of the District. This is a significant impact that the DEIS/R does not address. CEQA Guidelines § 15064.5(b)(2).

The analysis in the DEIS/R does not adequately address these potentially significant effects, nor does it adequately address the cumulative adverse effects of the Project on the Historic District. When taken as individual impacts, some significant Project impacts may be considered mitigable (although the DEIS/R does not propose sufficient mitigation), but when taken together in a cumulative manner, the proposed Project will materially impair the historic character of the District. The DEIS/R does not adequately address this significant impact, and is, therefore, inadequate.

I. The DEIS/R Fails to Adequately Evaluate the Project's Impacts on Geology and Soils.

1. The DEIS/R Understates the Seismic Impacts to the Winehaven Buildings.

Winehaven Building No. 1 is proposed to be the site of a casino. This building sits atop imported fill on former San Francisco Bay tidelands. The project location is in an area of "high probability of significant seismic activity." DEIS/R at 3.2-11. Table 3.6-1 on page 3.6-12 describes this building as being in "fair" condition with "significant deterioration of exterior brick work; partial roof collapse in northern addition." According to the DEIS/R, given these conditions, Winehaven Building No. 1 may be subject to significant damage during seismic events. This may place the patrons of the casino at significant risk of injury or death.

The DEIS/R states at page 3.2-8 that the Hayward Fault is approximately 4.4 miles east of the Project area. Yet the biological resources section, on page 3.5-10, states that San Pablo Ridge (or Potrero Ridge), just above the Project area, is an uplifted escarpment of the San Pablo Fault, a branch of the Hayward Fault. The close proximity of the San Pablo Fault to the Project area suggests that to the extent that the DEIS/R bases conclusions regarding seismic risk on the distance to the Hayward Fault, these conclusions must be reconsidered. The document's analysis of seismic risk is particularly important as it relates to brick and masonry buildings that have not been reinforced to current seismic standards.

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2. The Proposed Mitigation for Seismic Impacts to the Winehaven Buildings Is Inadequate.

Mitigation Measure 1-3 contains one sentence about mitigation for potentially significant seismic impacts to the Winehaven buildings. DEIS/R at 5-3. The measure calls for retrofitting those buildings to “appropriate building standards to reduce the risk of collapse during a strong seismic event.” This vague direction is insufficient to serve as a performance standard for a mitigation measure, as it leaves many key questions unanswered: What standards does the measure propose to apply? Would a one-percent reduction in risk be considered successful mitigation? This mitigation measure lacks the detail required by CEQA: a conclusion that a measure will be effective in mitigating an impact must be supported by substantial evidence. *Gray v. County of Madera*, 167 Cal. App. 4th 1099, 1115-18 (2008). Without clear direction regarding the required building standards, this measure does not provide such evidence and is inadequate.

An EIR must also discuss any significant effects that may be caused by mitigation proposed to respond to other project impacts. CEQA Guidelines § 15126.4(a)(1)(D). The DEIS/R does not describe what effect the seismic retrofit of the Winehaven buildings could have on the historic integrity and visual character of buildings and of the Winehaven District.

3. The DEIS/R Ignores Potential Landslide Impacts.

Appendix I of the DEIS/R contains a March 24, 2006 report by ENGEO which states (on page 3) that the Franciscan Formation in the Project area “contain[s] significant amounts of clay materials that are expansive. These incompetent rocks and clay rich soils form slopes [that] are particularly susceptible to land sliding.” The DEIS/R does not discuss this potentially significant effect. As noted above, “information ‘scattered here and there in EIR appendices,’ or a report ‘buried in an appendix,’ is not a substitute for ‘a good faith reasoned analysis.’” *Cal. Oak Found.*, 133 Cal. App. 4th at 1239.

4. The DEIS/R Should Include Additional Mitigation Requiring On-site Recycling of Excavated Materials.

Mitigation Measure 1-1, described on page 5-2 of the DEIS/R, should require on-site recycling program for excavated materials. For example, asphalt and concrete could be crushed and reused in suitable locations for backfill or as base rock for pavement. This would reduce the importation of aggregates and reduce the exportation of excavated materials to landfills. Another benefit of this approach would be a potential reduction in the number of truck trips on Western Drive and in associated vehicular air

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pollutant emissions.

J. The DEIS/R Fails to Adequately Evaluate the Project's Impacts on Hydrology and Water Quality.

1. The DEIS/R Does Not Describe How Stormwater Facilities Will Be Operated and Maintained.

The proposed Project will create a number of new impervious surfaces that will lead to runoff of pollutants into San Francisco Bay. This runoff would include oil, grease, sediments, and other pollutants. It could also include significant amounts of plastic and other inorganic debris. Collection and treatment facilities will be developed as part of the project. DEIS/R at pp. 5-3 through 5-5 (Mitigation Measure 2.1). However, for these facilities to serve as effective mitigation of the water pollution generated by the project, they must be properly operated and maintained. The DEIS/R fails to describe who will operate and maintain these facilities or how the lead agencies will guarantee proper operation and maintenance.

The DEIS/R must also consider the costs of maintaining the stormwater facilities: if the Project will not be able to meet the added costs of mitigation, then substantial evidence does not support the conclusion that the mitigation would be effective. This consideration would be particularly important if the Project goes forward as a housing development without the hotel-casino resort features. (This would be a further reduced version of Alternative D.) It is likely that the resort aspect of the Project would provide much of the funding for the mitigation. If the resort plan is dropped, then the feasibility and efficacy of the stormwater plans must be reassessed.²

Finally, the DEIS/R must consider whether a rising sea level could render the stormwater mitigation ineffective. If, as the Bay Development and Conservation

² The question of the availability of funding applies to all of the Project's proposed mitigation measures. The DEIS/R should include a careful consideration of whether mitigation measures would, in fact, be funded and effective under Alternative D and/or a housing-only alternative. Without a demonstration that all mitigation measures would be funded and effective under such circumstances, the present DEIS/R would be inadequate to support the approval of any version of the Project lacking casino/hotel development as a funding source for mitigation. Such a demonstration is, moreover, probably unachievable with respect to a housing-only project, as such a development would be unlikely to provide sufficient funding for mitigation. Thus, approval of a housing-only project would require an entirely revised environmental analysis.

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Commission projects, sea levels rise 55 inches in San Francisco Bay by 2100, stormwater outfalls and other facilities may no longer be effective. Without all of these required analyses, the DEIS/R does not supply substantial evidence to show that the proposed mitigation will be effective. *See Gray*, 167 Cal. App. 4th at 1115-18.

K. The DEIS/R Fails to Adequately Evaluate the Project's Impacts on Socioeconomic Conditions and Environmental Justice.

The proposed Project would have significant adverse impacts related to socioeconomic conditions and environmental justice. The proposed Project would have disproportionately adverse environmental impacts on low-income and minority populations. All of the surrounding Census Tracts within 1 mile of the proposed Project's Census Tract (3780), *see* DEIS/R fig. 3.7-1, are low-income, minority, or both. The proposed Project would have significant adverse impacts related to land use, transportation, aesthetics, and recreation. The severity of these impacts on the surrounding low-income and minority populations would be greater than the proposed Project's impact on the sub-region or the surrounding County area as a whole.

L. The DEIS/R Fails to Adequately Evaluate the Project's Impacts on Hazards and Hazardous Materials

The Project area contains a number of hazardous materials at several locations, including soil and groundwater contaminants. Of particular concern to the District are previously filled shoreline areas where trails and water access facilities, such as small boat launches, may be provided. Previously filled areas may contain contaminants that could be released into San Francisco Bay due to accelerated shoreline erosion caused by motorized boat wakes and sea level rise. The proposed Project should contain measures that protect shoreline areas from erosion and prevent the release of contaminants into the environment. These should include bioengineered slope protection measures that allow for establishment of native vegetation.

Sea level rise could also create hazards for Project users. As noted above, the BCDC projects a 55-inch rise by 2100. This could cause erosion, destabilization, and flooding of Project structures and facilities, placing occupants in danger. The DEIS/R should evaluate this hazard and identify any necessary mitigation measures.

In the District's scoping comments of April 15, 2005, we identified the need for multiple routes of evacuation from the project area in the event of a chemical release from the Chevron Refinery. Currently, Western Drive is the only means of ingress and egress from the project area. The proposed Project would also provide for a ferry connection to Point Molate. However, it is unclear how many ferries would be

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available in the event of an emergency evacuation due to a chemical release. It is also questionable if a ferry operator would be willing to enter an area subject to a chemical release that could adversely affect the ferry crew and passengers. Without specific information on the capacity and ability of a ferry system to perform even a small portion of an emergency evacuation this should not be considered a feasible, effective mitigation measure for the proposed Project.

Moreover, the DEIS/EIR states on page 4.12-10 that the Project area could be evacuated via Western Drive because there would be no traffic conflicts with Chevron employees evacuating the refinery. This analysis is flawed. It is based on the assumption that under all chemical release scenarios, Chevron employees would only evacuate inland "towards the core of Richmond." It is unlikely, however, that evacuating Chevron employees would leave in an orderly manner. Several might head west towards the Richmond-San Rafael Bridge where they might encounter evacuating traffic coming from Western Drive. Chevron, moreover, might direct its employees to evacuate to the west due to a shift in wind direction. This could add further congestion and confusion with people evacuating on Western Drive.

The DEIS/R's conclusion that impacts related to a chemical release would be less than significant is not supported by substantial evidence. This impact should be re-analyzed with a more realistic view of the potential complications in any evacuation, and further mitigation must be considered.

Finally, several mitigation measures related to hazardous materials, including measures 11-3 through 11-10, consist in whole or in part of clean-up and monitoring activities overseen by the San Francisco Regional Water Quality Control Board, a state agency. The DEIS/R concludes that these measures are necessary to reduce the Project's human health risk to a less-than-significant level. DEIS/R at pp. 4.12-10 through 11. These measures, however, will be effective only if all federal and/or tribal landowners waive sovereign immunity as to the required state regulatory activities. As noted in the October 12, 2009 letter from the Office of the Governor to the City of Richmond and the Bureau of Indian Affairs, the DEIR/S should address the need for such a waiver. Without a waiver, the existing mitigation measures will be ineffective, and the DEIS/R's conclusion of a less-than-significant impact will lack supporting evidence. The DEIS/R must, therefore, add a mitigation measure requiring the appropriate waivers of sovereign immunity.

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CONCLUSION

For all of the reasons described above, the current DEIS/R is insufficient to support approval of the Point Molate Mixed-Use Tribal Destination Resort and Casino. We urge the City and the BIA to revise the document to resolve the deficiencies identified here, and to recirculate the DEIS/R for public review of those revisions. Until the DEIS/R is revised and recirculated, we urge the City and the BIA to take no action to approve the Project. We moreover encourage the City, the BIA, and the applicant to work closely with the District in developing mitigation measures and alternatives that could reduce or avoid the Project's significant impacts on the environment.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

A handwritten signature in black ink, appearing to read 'Tamara S. Galanter', with a long horizontal line extending to the right.

Tamara S. Galanter
Gabriel M.B. Ross

cc: B. Lindsay
J. Levine



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December 15, 2009

Via Electronic and U.S. Mail

Thomas K. Butt
City Council Member
City of Richmond
117 Park Place
Richmond, California 94801
tom.butt@intres.com

RE: Point Molate, Interpretation of Settlement Agreement in
Citizens for the East Shore State Park, et al. v. City of Richmond, et al.
Marin County Superior Court, The Honorable Vernon F. Smith, Case No. CV 052241

Dear Council Member Butt:

I am in receipt of your letter dated December 13, 2009, asking for the Attorney General's Office's understanding of the obligations of the City of Richmond under a Land Development Agreement ("LDA") between the City and Upstream Point Molate LLC ("Upstream") as modified by the Settlement Agreement in the *Citizens for the East Shore State Park* litigation, also known as the "Point Molate Action." The Attorney General was a party to this action, and I was the Deputy Attorney General who personally negotiated the 2005 Settlement Agreement resolving the case. This letter summarizes our view of the purpose and intent of the Settlement Agreement and its relationship to the LDA.

As you are likely aware, in April 2005, the Attorney General, on behalf of the People, filed a complaint in intervention in the Point Molate Action. A copy of the Attorney General's complaint in intervention is attached for your reference. In this action, the petitioners, including a citizens group and the East Bay Regional Park District, and the Attorney General contended that the City had violated the California Environmental Quality Act ("CEQA") by entering into the November 2004 LDA without preparing an environmental document. As the Attorney General noted:

Before they made their decision, City Respondents were required to evaluate the environmental setting, e.g., whether the proposed development was consistent with applicable general and regional plans. (See 14 Cal. Code Regs., § 15125, subd. (d).) They were required to examine reasonable alternatives to the project, e.g., whether this water front property was suitable for a public beach or park (see Government Code § 37351) or for inclusion in the East Bay Regional Parks District. (14 Cal. Code Regs., § 15126.6.) And they were required to evaluate mitigation measures and incorporate them into the project if feasible. (*Id.*, see also 14 Cal Code Regs., § 15126.4.)

(Complaint in Intervention at ¶ 31 [emphasis in original].)

To resolve the litigation, all of the parties, including the developer, Upstream, signed a Settlement Agreement. A copy of the Settlement Agreement is attached for your reference. The purpose of the Settlement Agreement was to establish an interpretation of the November 2004 LDA that would not violate the law. Specifically, our objective was to insure that the LDA not create any “bureaucratic and financial momentum” in favor of the development before the City had complied with CEQA. (See *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal. 3d 376, 395.) Accordingly, the Settlement Agreement expressly stated that whatever the terms of the LDA, they could not be interpreted to restrict in any way the City’s “discretion to select any alternative use or non-use of the Point Molate site that was open to it before approval and execution of the LDA, including, but not limited to, alternatives that do not involve: a gaming and/or entertainment complex or the Project or Alternative Proposal.” (Settlement Agreement at ¶ 1.a.) Moreover, the Settlement Agreement clarified that neither the City’s exercise of that discretion, nor its decision not to transfer or lease the land to Upstream, would constitute a default under the LDA. (*Id.* at ¶ 1.b.)

As evidenced by its plain language, the Settlement Agreement was designed to create a “blank slate” so that the City could comply with CEQA. Any interpretations of the 2004 LDA that would restrict the City’s ability to consider alternative uses of the site, or alternatives that would not involve lease or transfer to Upstream, would be inconsistent with CEQA and in direct conflict with the Settlement Agreement, and must be rejected.

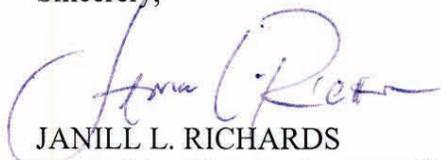
I cannot speak to any amendments to the LDA that occurred after the Settlement Agreement, except to note that if they are read to have the effect of restricting the City’s discretion, they would directly conflict with the Settlement Agreement (see, e.g., ¶¶ 1.d.i. and 1.d.ii.) and would have no force.

Thomas K. Butt
City Council Member
December 15, 2009
Page 3

SUBMITTAL # 8

Thank you for bringing this matter to our attention. Please feel free to contact me if you have any further questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Janill L. Richards". The signature is written in a cursive style with a large initial "J".

JANILL L. RICHARDS
Supervising Deputy Attorney General

For EDMUND G. BROWN JR.
Attorney General

Attachments: Complaint in Intervention; Settlement Agreement

cc: Randy Riddle, City Attorney

FILED

JAN 23 2006

MARIN COUNTY SUPERIOR COURT
BY: R. SMITH, DEPUTY

1 BILL LOCKYER
 Attorney General of the State of California
 2 TOM GREENE
 Chief Assistant Attorney General
 3 THEODORA BERGER
 Senior Assistant Attorney General
 4 KEN ALEX
 Supervising Deputy Attorney General
 5 JANILL L. RICHARDS (SBN 173817)
 Deputy Attorney General
 6 1515 Clay Street, 20th Floor
 P. O. Box 70550-0550
 7 Oakland, California 94612
 Tel.: (510) 622-2100/ Facsimile: (510) 622-2270
 8 Attorneys for THE PEOPLE OF THE STATE OF
 CALIFORNIA, ex rel. BILL LOCKYER

SUPERIOR COURT OF CALIFORNIA

COUNTY OF MARIN

**CITIZENS FOR THE EAST SHORE STATE
PARK,**

Petitioner,

v.

**CITY OF RICHMOND, a California Municipality,
CITY COUNCIL OF THE CITY OF RICHMOND,
and DOES 1 through X, inclusive,**

Respondents.

and

**UPSTREAM POINT MOLATE LLC, a California
Limited Liability Company, HARRAH'S
OPERATING COMPANY, INC., a Delaware
Corporation, and DOES XI through XX, inclusive,**

Real Parties in Interest.

**EAST BAY REGIONAL PARK DISTRICT, a
special district,**

Petitioner

v.

**CITY OF RICHMOND, RICHMOND CITY
COUNCIL, and DOES 1 through X, inclusive,**

Respondents,

and

Case No. CV 052241

**SETTLEMENT AGREEMENT
AND [PROPOSED] ORDER
DISMISSING ACTION**

Action Filed: December 15,
2004

Transferred: May 17, 2005

Dept.: F

Judge: Hon. Vernon F.
Smith

ATTORNEY GENERAL

UPSTREAM POINT MOLATE LLC, a California limited liability company, HARRAH'S OPERATING COMPANY, INC., a Delaware Corporation, and DOES XI through XX, inclusive,

Real Parties in Interest.

PEOPLE OF THE STATE OF CALIFORNIA, ex rel. BILL LOCKYER, Attorney General,

Petitioner-Intervenor,

v.

CITY OF RICHMOND, a California Municipality, CITY COUNCIL OF THE CITY OF RICHMOND, and DOES 1 through X, inclusive,

Respondents.

and

UPSTREAM POINT MOLATE LLC, a California Limited Liability Company, HARRAH'S OPERATING COMPANY, INC., a Delaware Corporation, and DOES XI through XX, inclusive,

Real Parties in Interest.

SETTLEMENT AGREEMENT

This SETTLEMENT AGREEMENT ("Agreement") is made – as of the date of the last signature below – by and among the City of Richmond and its City Council (collectively, "City"); Upstream Point Molate, LLC, a California limited liability company ("Upstream"); Harrah's Operating Company, Inc., a Delaware Corporation ("Harrah's"); the Attorney General of the State of California in his independent capacity, *ex rel.* the People of the State of California ("Attorney General"); the East Bay Regional Park District ("EBRPD"); and Citizens for the Eastshore State Park ("CESP"). The foregoing are collectively referred to as the "Parties," and each of them is referred to individually as a "Party."

Recitals

A. On November 12 and 19, 2004, the City adopted Resolution Nos. 161-04a and 162-04, by which it approved and directed the City Manager to execute and enter a Land Disposition Agreement ("LDA") with Upstream concerning certain lands located at Point Molate. A copy of

1 the approved LDA is attached to this Agreement as Exhibit A. As used in this Agreement, the terms
2 "Project" and "Alternative Proposal" shall have the meanings set forth in the LDA.

3 B. The City made a determination that the approval and execution of the LDA was not
4 subject to and was exempt from the California Environmental Quality Act ("CEQA").

5 C. On December 15 and 16, 2004, respectively, CESP and EBRPD filed the
6 above-captioned lawsuits challenging the City's approval of Resolution Nos. 161-04a and 162-04
7 and contending, among other things, that the City unlawfully determined that the LDA was exempt
8 from CEQA. By stipulation filed February 15, 2005, these lawsuits were consolidated for the
9 purposes of case management, the administrative record, and hearings. These lawsuits are
10 collectively referred to as "the Action."

11 D. On March 16, 2005, the City gave Notice of Preparation for an Environmental Impact
12 Report ("EIR") for the development of a tribal gaming facility and entertainment and retail structures
13 at Point Molate (SCH Number 2005032073). The City is in the process of completing the EIR.

14 E. On April 19, 2005, the Attorney General of the State of California filed a Complaint
15 in Intervention in the Action.

16 F. The Parties desire to settle their disputes in such a manner that obviates the need for
17 CESP, EBRPD, and the Attorney General to continue prosecuting the Action.

18 In consideration of the foregoing and in accordance with the following, the Parties agree as
19 follows:

20 **Agreement**

21 1. The City, Upstream, and Harrah's agree and acknowledge that the LDA has the
22 following legal effect:

23 a. The City retains its discretion to select any alternative use or non-use of the
24 Point Molate site that was open to it before approval and execution of the LDA, including, but not
25 limited to, alternatives that do not involve: a gaming and/or entertainment complex or the Project
26 or Alternative Proposal. The LDA in no way restricts such discretion.

27 b. The City's exercise of its discretion as described in Paragraph 1.a will not
28 constitute a default on the part of the City under the LDA. In the event the City elects not to pursue

1 and/or disapproves the Project or the Alternative Proposal, as either may be modified in the
2 environmental review or the permit process, the City is not obligated to transfer or lease the land to
3 Upstream or any other person or entity. The City's decision not to transfer or lease the land under
4 these circumstances would not constitute a default on the part of the City under the LDA, and the
5 City would not be obligated to return any consideration it has received under the LDA.

6 c. The provision in the LDA that requires the City to take specified actions to
7 support the application of the Guidiville Band of Pomo Indians of the Guidiville Rancheria (LDA,
8 Section 2.7), and the provision in the LDA that requires the City to prepare and process subdivision
9 or parcel maps (LDA, Section 1.1(e)), are contingent on the City's decision to pursue and/or approve
10 the Project or Alternative Proposal as described above.

11 d. The City will comply with CEQA. In particular:

12 i. in any EIR the City prepares (including the EIR described in Recital
13 D, above), in examining project alternatives, the City will consider a reasonable range of
14 alternatives, as that phrase is interpreted under CEQA, the CEQA Guidelines, and the case law in
15 effect at the time of any certification of the EIR, and

16 ii. prior to any decision to pursue or approve the Project or the
17 Alternative Proposal (including, without limitation, any approval of a transfer and/or lease of land
18 to Upstream or any necessary subdivision or parcel maps or any support of the tribal application,
19 as described in Paragraphs 1.a. through 1.c), the City will certify an EIR.

20 2. In the EIR described above, the City will inform the public that it retains discretion
21 to select any alternative use or non-use of the Point Molate site that was open to it before approval
22 and execution of the LDA including, but not limited to, alternatives that do not involve a gaming
23 and/or entertainment complex or the Project or Alternative Proposal, and that the City has discretion
24 to retain ownership of Point Molate or to transfer Point Molate to a party other than Upstream if the
25 City elects not to pursue and/or approve the Project or Alternative Proposal.

26 3. This Agreement does not constitute an admission by any Party that the claims in the
27 Action have, or lack, merit. In entering into this Agreement, the Attorney General, EBRPD, and
28 CESP take no position as to whether the LDA reasonably may be read to support the interpretation

1 set forth in Paragraph 1, but agree to dismiss this Action with prejudice based on the City's,
2 Upstream's, and Harrah's representations that each will abide by the Agreement, which includes the
3 interpretation of the LDA set forth above.

4 4. EBRPD's and CESP's respective Petitions for Writ of Mandate, with the exception
5 of their claims for attorneys' fees and costs, and the Attorney General's Complaint in Intervention,
6 in its entirety, shall be deemed dismissed with prejudice on the date that the Court approves and
7 enters this Agreement as an order of the Court. Within sixty days of the date that the Court approves
8 and enters this Agreement as an order of the Court, Upstream shall pay legal fees and costs to the
9 Attorney General, in the amount of \$13,740. The Parties further agree that the Court shall retain
10 jurisdiction to rule on motions for attorneys' fees and costs brought by CESP and EBRPD pursuant
11 to Code of Civil Procedure sections 1021.5 and 1032, provided that such motions are filed and
12 served within sixty days after service of notice of entry of this Order. The City, Upstream, and
13 Harrah's intend to oppose any motions for attorneys' fees and costs filed by CESP and/or EBRPD;
14 this Agreement is not an admission by the City, Upstream, or Harrah's that any claim by CESP
15 and/or EBRPD for attorneys' fees and costs has merit.

16 5. Miscellaneous.

17 a. Each individual executing this Agreement on behalf of a Party warrants that
18 she or he is duly authorized to do so and that such execution is binding upon the Party.

19 b. This Agreement shall be interpreted according to California law.

20 c. This Agreement may be executed in one or more counterparts, each of which
21 shall be deemed an original, but all of which together shall constitute one and the same instrument.
22 Photocopies and facsimiles of counterparts shall be binding and admissible as originals.

23 d. This Agreement shall not become effective until and unless each and every
24 Party has executed the signature page of the Agreement and the Court has approved and entered it
25 as an order of the Court.

26 e. Each Party represents and warrants that, in connection with the negotiation
27 and execution of this Agreement, it has been represented by independent counsel of its own
28 choosing, that is has not relied upon the advice or counsel of any other Party's independent counsel

1 in the negotiation or drafting of this Agreement, that it has executed this Agreement after receiving
2 advice of its independent counsel, that its representative has read and understands the provisions and
3 terms of this Agreement, and that it has had an adequate opportunity to conduct an independent
4 investigation of all the facts and circumstances with respect to all matters that are the subject of this
5 Agreement.

6 f. Each Party represents and warrants that it is entering this Agreement of its
7 own free will and was not subject to any coercion, duress, or similar stress. No inducement,
8 promise, or agreement not herein expressed has been made to or by the Parties.

9 g. This Agreement constitutes the entire understanding of the Parties and
10 supersedes all prior contemporaneous agreements, discussions, or representations, oral or written,
11 with respect to the subject matter hereof.

12 h. Counsel for the represented Parties have negotiated, read, and approved as
13 to form the language of this Agreement, the language of which shall be construed in its entirety
14 according to its fair meaning and not strictly for or against any of the Parties.

15 i. Whenever in this Agreement a Party is named or referenced, the legal
16 representatives, successors, and permitted assigns of that Party shall be included and all covenants
17 and agreements contained in this Agreement by or on behalf of any Party shall bind and inure to the
18 benefit of its successors and permitted assigns, whether so expressed or not.

19 j. This Agreement is made without respect to number or gender, and as such,
20 any reference to a Party hereto by any pronoun shall include the singular, the plural, the masculine,
21 and the feminine.

22 IN WITNESS WHEREOF, the Parties have executed this Agreement on the dates indicated
23 below.

24 ///
25 ///
26 ///
27 ///
28 ///

1 The City of Richmond

2 By: William A. Lindsay

3 Date: 1/11/06

4 Name: William A. Lindsay

5 Title: CITY MANAGER

6 ATTESTED:

7 By: Diane Holmea

8 City Clerk

9 REVIEWED BY:

10 By: [Signature]

11 City Attorney

12

13 Upstream Point Molate, LLC, a California limited liability company

14 By: _____

15 Date: _____

16 Name: _____

17 Title: _____

18

19 Harrah's Operating Company, Inc, a Delaware corporation

20 By: _____

21 Date: _____

22 Name: _____

23 Title: _____

24 ///

25 ///

26 ///

27 ///

28 ///

1 The City of Richmond

2 By: _____

3 Date: _____

4 Name: _____

5 Title: _____

6 ATTESTED:

7 By: _____

8 City Clerk

9 REVIEWED BY:

10 By: _____

11 City Attorney

12

13 Upstream Point Molate, LLC, a California limited liability company

14 By: *James D. Devine*

15 Date: *Jan. 11, 2006*

16 Name: *James D. Devine*

17 Title: *Managing Partner*

18

19 Harrah's Operating Company, Inc, a Delaware corporation

20 By: _____

21 Date: _____

22 Name: _____

23 Title: _____

24 ///

25 ///

26 ///

27 ///

28 ///

1 The City of Richmond

2 By: _____

3 Date: _____

4 Name: _____

5 Title: _____

6 ATTESTED:

7 By: _____

8 City Clerk

9 REVIEWED BY:

10 By: _____

11 City Attorney

12

13 Upstream Point Molate, LLC, a California limited liability company

14 By: _____

15 Date: _____

16 Name: _____

17 Title: _____

18

19 Harrah's Operating Company, Inc, a Delaware corporation

20 By: Clayton Rice II

21 Date: 1/13/06

22 Name: Clayton K. Rice II

23 Title: Vice President Associate

24 General Counsel

25 ///

26 ///

27 ///

28 ///

1 People of the State of California, *ex rel.* Bill Lockyer, Attorney General

2 By: Jan L. Porel

3 Date: 1/13/06

4 Name: Janill L. Richards

5 Title: Deputy Attorney General

6

7 East Bay Regional Park District

8 By: _____

9 Date: _____

10 Name: Pat O'Brien

11 Title: General Manager

12 REVIEWED BY:

13 By: _____

14 Ted Radosevich, District Counsel

15

16 Citizens for the Eastshore State Park

17 By: _____

18 Date: _____

19 Name: _____

20 Title: _____

21 REVIEWED BY:

22 By: _____

23 Name: _____

24 Title: _____

25 ///

26 ///

27 ///

28 ///

1 People of the State of California, *ex rel.* Bill Lockyer, Attorney General

2 By: _____

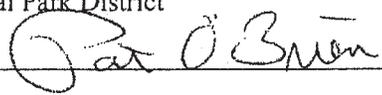
3 Date: _____

4 Name: Janill L. Richards

5 Title: Deputy Attorney General

6

7 East Bay Regional Park District

8 By:  _____

9 Date: 1-12-06 _____

10 Name: Pat O'Brien

11 Title: General Manager

12 REVIEWED BY:

13 By:  _____

14 Ted Radosevich, District Counsel

15

16 Citizens for the Eastshore State Park

17 By: _____

18 Date: _____

19 Name: _____

20 Title: _____

21 REVIEWED BY:

22 By: _____

23 Name: _____

24 Title: _____

25 ///

26 ///

27 ///

28 ///

1 People of the State of California, *ex rel.* Bill Lockyer, Attorney General

2 By: _____

3 Date: _____

4 Name: Janill L. Richards

5 Title: Deputy Attorney General

6

7 East Bay Regional Park District

8 By: _____

9 Date: _____

10 Name: Pat O'Brien

11 Title: General Manager

12 REVIEWED BY:

13 By: _____

14 Ted Radosevich, District Counsel

15

16 Citizens for the Eastshore State Park

17 By: Robert C. Cheasty

18 Date: 1-13-06

19 Name: Robert C. Cheasty

20 Title: President

21 REVIEWED BY: Stephan C. Volker

22 By: _____

23 Name: Stephan C. Volker

24 Title: Counsel

25 ///

26 ///

27 ///

28 ///

ORDER

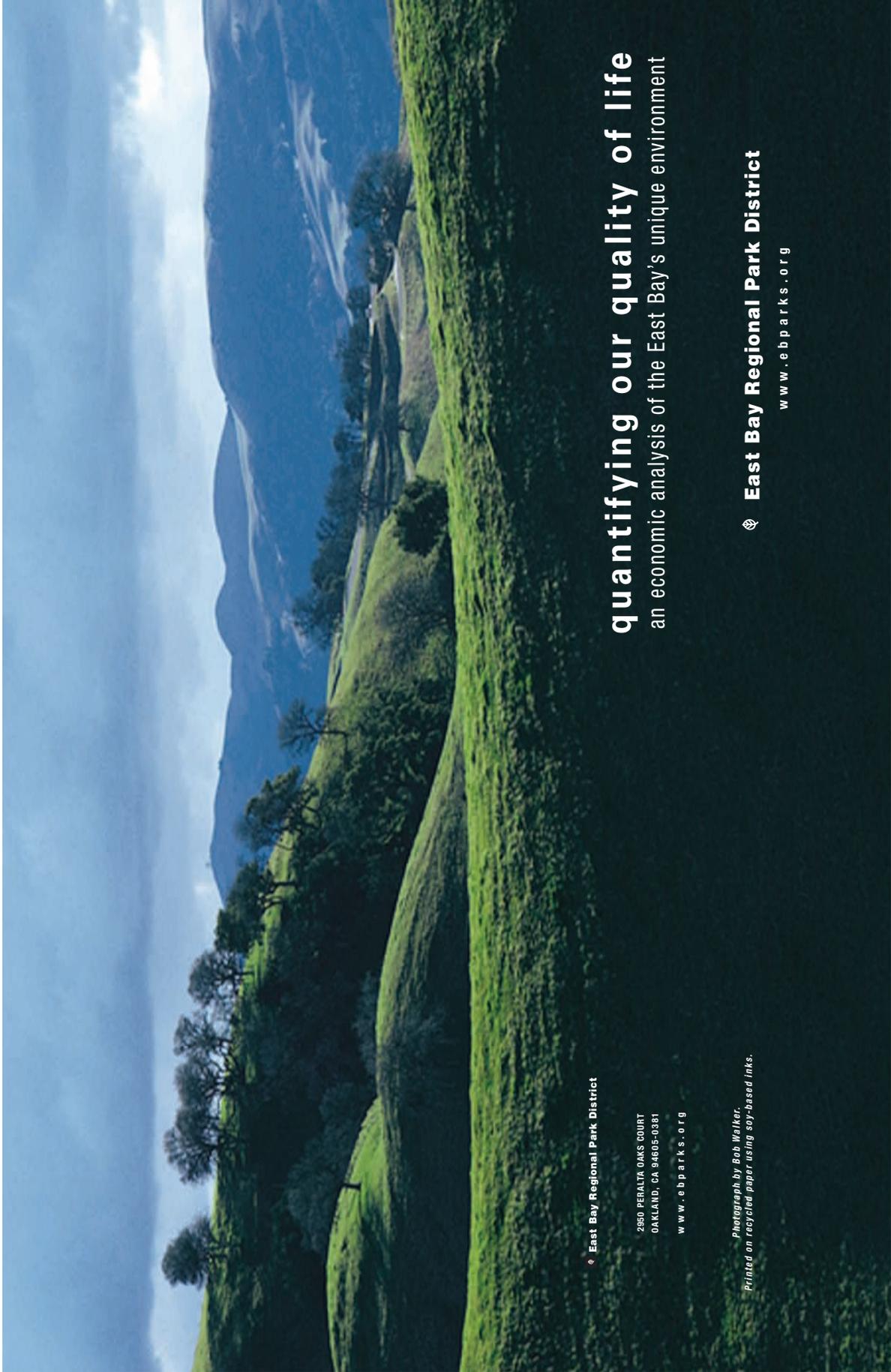
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The Agreement among the City of Richmond and its City Council; Upstream Point Molate, LLC, a California limited liability company; Harrah's Operating Company, Inc., a Delaware corporation; the Attorney General of the State of California in his independent capacity, *ex rel.* the People of the State of California; the East Bay Regional Park District ("EBRPD"); and Citizens for the Eastshore State Park ("CESP") hereby is approved and entered as an order of this Court. The Action hereby is DISMISSED, with the exception of CESP's and EBRPD's claims for attorneys' fees and costs. The Court retains jurisdiction to rule on motions for attorneys' fees and costs by CESP and EBRPD pursuant to Code of Civil Procedure sections 1021.5 and 1032, provided that such motions are filed within sixty days after service of notice of entry of this Order.

Dated: **JAN 23 2006**

VERNON F. SMITH

Judge of the Superior Court



◆ East Bay Regional Park District

2950 PERALTA OAKS COURT
OAKLAND, CA 94605-0381
www.ebparcs.org

*Photograph by Bob Walker.
Printed on recycled paper using soy-based inks.*

quantifying our quality of life

an economic analysis of the East Bay's unique environment

◆ **East Bay Regional Park District**

www.ebparcs.org

quantifying our quality of life
an economic analysis of the East Bay's unique environment

QUALITY OF LIFE
IS AN ESSENTIAL,
YET ELUSIVE, FACTOR
IN A REGION'S
ECONOMIC HEALTH.

CAN WE AFFORD
TO OVERLOOK
THE ROLE OUR
REGIONAL PARKS
PLAY IN SUSTAINING
LIVABILITY AND
RETAINING A DESIRABLE
JOBS/HOUSING BALANCE?

East Bay
Regional
Park District

BOARD OF DIRECTORS

JEAN SIRI
WARD 1

JOHN SUTTER
WARD 2

CAROL SEVERIN
WARD 3

DOUG SIDEN
WARD 4

AYN WIESKAMP
WARD 5

BEVERLY LANE
WARD 6

TED RADKE
WARD 7

PAT O'BRIEN
GENERAL MANAGER

RESEARCH AND TEXT
PROVIDED BY:



ECONOMIC &
PLANNING SYSTEMS

AND



STRATEGY
RESEARCH INSTITUTE

introduction



Open space, parks, trails & recreational facilities are essential to the economic vitality and quality of life throughout the East Bay.

The East Bay Regional Park District commissioned Economic & Planning Systems (EPS) to conduct a study of the economic benefits the District confers on the East Bay region.

The philosophy underlying this effort is that open space, parks, trails and other recreational facilities are an essential part of the urban fabric of the East Bay, conferring broad benefits to residents, businesses, and other government agencies; that the vital economy of the region is linked directly to “quality of life” benefits; and that future efforts to “sustain the region” as it continues to mature and develop rely on maintaining and improving open space, parks, trails and other recreational facilities.

This notion of “sustaining the region” is a challenge faced by the combined residents, businesses, and local government agencies in the region. While the East Bay is enjoying phenomenal economic success, it is important to recall what lies at the root of this success: a desirable place to live and do business. Moreover, this economic success should be managed in a way that preserves what is valuable to residents and addresses specific problems such as environmental degradation and social inequities.

This study classifies and evaluates the economic benefits provided to the East Bay by the open space, parks, trails and other recreational facilities created and maintained by the Regional Park District. These economic benefits are described for residents, businesses, cities and other public agencies located within the Regional Park District. Documentation of the Park District’s facilities, and information about general demographic, economic and land use trends of the East Bay region are included to establish a context for the discussion of economic benefits and to define the challenges faced by the Regional Park District as it continues to pursue its mission.¹

The study and the subsequent outreach efforts are part of a broader effort by the Regional Park District to assure its continued vitality and responsiveness to the needs of its constituents.

This study considers the economic and quality of life benefits received by District residents in return for their annual property tax investment in the District. In the year 2000, this investment is estimated to average \$78.40 per household², equivalent to \$6.55 each month. In addition, this study focuses on the rationale for sustaining and enhancing more than 91,000 acres of parks, open space, and trails.

Information gained through the study will assist the Park District’s elected officials, the general manager and professional staff in their continuing efforts to serve the public, enhance quality of life, and contribute to the region’s phenomenal economic success. For a copy of the full economic analysis, contact the Public Affairs Department at Park District headquarters in Oakland (510) 544-2200.

¹ EPS used data from park user surveys and voter surveys conducted over a period of several years to corroborate the District’s reported usage patterns. These surveys were conducted by Strategy Research Institute (SRI) of Fullerton, California.

² About \$15.70 of this amount is associated with Bond Measure AA.

CAROL SEVERIN
PRESIDENT
BOARD OF DIRECTORS
EAST BAY REGIONAL
PARK DISTRICT

PAT O'BRIEN
GENERAL MANAGER
EAST BAY REGIONAL
PARK DISTRICT

executive summary

The overall conclusions of the present study conclude that the regional park system of open space, parks, trails and recreational facilities are:

- *An essential part of the urban fabric of the East Bay and key to future efforts to “sustain the region” as it continues to mature and develop.*
- *A fundamental component of the region’s “quality of life” that is inextricably linked to the vitality of the East Bay’s economy.*

The East Bay Regional Park District’s comprehensive network of open space, parks and trails provide economic and quality of life benefits to virtually all East Bay residents; some of these benefits are easily quantifiable, others are less so. Many of these benefits were made salient in the present study that was designed to quantify, as much as possible, the impact of the Regional Park District on the East Bay economy and on the quality of life residents enjoy here. These include, but are not necessarily limited to, the following:

QUALITY OF LIFE. District parks, open space and trails contribute to the high quality of life in the East Bay and the greater San Francisco Bay Area. This high quality of life attracts new businesses and retains existing ones, driving local and regional economic growth and generating jobs and income for area residents.

PROPERTY VALUES. District parks, open space, and trails, by increasing the quality of life in the East Bay, enhance the property values of homes throughout the District. In addition, they directly increase property values of homes adjacent to the parklands due to the views and immediate access provided.

USER UTILITY. User utility is the value park users place on their experience. The total user utility received by District park visitors is estimated at about \$74 million each year, or nearly \$5.30 per visit. These values are generally provided to a diverse set of park users at zero cost or well below the actual cost of provision.

AGRICULTURAL PRODUCTION. While there are some differing points of view regarding the appropriateness of grazing, the District’s existing policy permitting grazing generates benefits including \$740,000 in gross pasture and range production value each year, enhancement of the ranching industry as a whole through the creation of larger contiguous areas for grazing uses, protection of other grazing lands from urban encroachment, wildland management and fire protection benefits.

ECOSYSTEM SERVICES. The District’s preservation of lands and natural resources in effect provides ecosystem services to the region, including climate regulation, air quality, water supply, erosion control, nutrient recycling and waste treatment. Without this land preservation, public costs would be incurred through the need for additional wastewater treatment capacity. Private costs might be incurred through the need for water filtration systems, or as the result of property damage due to landslides.

URBAN FORM. The District’s provision of regional parks, open space, wildlife habitat and recreational facilities is an integral part of the East Bay’s urban fabric, creating a positive and permanent urban edge. District lands, along with other public open spaces, define urban form throughout the East Bay, and in so doing, contribute to a sustainable future for our cities and towns.

HEALTH, EDUCATION, PUBLIC SAFETY AND TRANSIT BENEFITS. The District provides a variety of benefits that accrue to both public sector entities charged with providing a range of services, and to individual park users and the broader community. These include health benefits through increased exercise, educational benefits through the environmental interpretive programs, public safety benefits through police, fire and wildland management services, and transit benefits through regional trails connecting parks, homes, employment centers and shops.

executive summary

REPLACEMENT VALUE. A highly conservative estimate of the “replacement value” of District land (the cost of preserving District lands today if they had not been preserved in the past) is \$960 million. The District actually spent \$365 million in year 2000 dollars to acquire this land.

USER EXPENDITURE ECONOMIC IMPACTS. The presence of the Park District results in total direct expenditures by park users in the East Bay of about \$254 million each year on durable and non-durable goods. About \$74 million, or 25 percent, represents net new direct expenditures in the East Bay economy – i.e. total expenditures on all goods in the East Bay are \$74 million higher due to the presence of the District lands and facilities. The total annual economic impact of these net new expenditures is \$148 million, when multiplier effects are taken into account.

DISTRICT EXPENDITURE ECONOMIC IMPACTS. The District currently spends about \$80 million each year, including \$59 million on operations and maintenance and about \$21 million on capital projects. A total of 540 permanent and 215 seasonal employees work for the District. The majority of these expenditures are funded through local taxation, though about \$9.1 million represents net new annual expenditures funded by non-local grants and charges for services paid by non-District residents. The total annual economic impact of these net new expenditures is \$18.2 million, when multiplier effects are taken into account.

Taken together, the major findings from the economic analysis demonstrate the Regional Park District’s significant contribution to the historic and continuing vitality of the East Bay.



Environmental education, fire protection and park maintenance are three of the many public services the Park District provides.

description of EBRPD

The regional park system operated and managed by the District is the backbone of the East Bay’s “green” infrastructure, representing 9.5 percent of the two-county land area and almost 50 percent of all land protected through ownership of development rights in the two counties. This “green infrastructure,” and associated environmental preservation, ensures environmental and aesthetic quality in the region. In addition, it provides outdoor recreation and educational and cultural opportunities to all East Bay residents, residents of adjacent counties, and tourists.

The East Bay Regional Park District (EBRPD or the “District”) owns, manages, and operates a large system of parks, open space, and trails that provides a broad range of recreational opportunities and conserves a significant array of ecosystems. Established in 1934, the jurisdiction of the District has grown from a subset of Alameda County to the full two-county (Alameda and Contra Costa) area. In particular, the District has grown from managing 2,000 acres of former watershed lands in the East Bay hills – declared surplus by EBMUD – to being responsible for over 91,000 acres of parks, open space, and trails, including 59 regional parklands and 1,000 miles of trails.

The District owns 90 percent of this land, about 82,000 acres, and operates and manages the remaining 9,500 acres for a variety of owners, including the cities of Richmond, Fremont, Martinez, San Pablo, and Lafayette, the Alameda, Contra Costa, and San Francisco Water Districts, EBMUD, the State of California, and the federal government, among others. Strategic District and local government acquisition decisions over time have resulted in a high degree of contiguity between State, regional, and, in some cases, local parks and open space, enhancing the aesthetic and recreational value of park use as well as the region’s environmental quality and sustainability.

District lands fall into five categories (see chart below), each defined separately based on size, location, environmental resources, and suitability for recreational uses. Land classification types range from recreation areas (2 percent of total acreage) – which are smaller parkland areas considered suitable for recreational development and able to withstand intensive public use – to regional preserves (42.5 percent of total acreage), primarily dedicated to the protection and preservation of resources with significant natural, cultural, regional, and scientific value.

Regional trails represent a distinct category and provide non-motorized, multiple-use connections from District Parks to parks of other agencies, as well as to transit centers, schools, colleges, civic centers, employment centers, commercial complexes, or residential areas. Regional trails outside the regional parklands represent about 170 miles of the total 1,000 miles of regional and internal trails.

The growth over time of the regional parks system through acquisitions and dedications is presented in the chart on the next page. From a gradual start, the District added 76,000 acres (83 percent of the total) over the second half of its lifetime to date, representing an average annual addition of 2,300 acres. Over the last decade, parkland acquisition has become increasingly challenging as continued urbanization has pushed up land prices and the District has needed to put an increasing proportion of its financial resources into managing, maintaining, and operating its growing land assets. The passage of Bond Measure AA allowed the District to continue to acquire land over the last decade at similar rates to prior periods.

DISTRICT LAND BY PARK TYPE

PARK TYPE	# PARKS & TRAILS
RECREATION AREAS	9
REGIONAL PARKS	16
REGIONAL PRESERVES	19
REGIONAL SHORELINES	15
REGIONAL TRAILS	15
TOTAL	74



description of EBRPD

Since 1967, the District has directed substantial financial resources towards the establishment of a regional shoreline parks system and a regional trails system, while continuing to invest in its regional parks, preserves, and recreation areas. These acquisitions have added a new breadth to the types of parklands provided and the associated recreational activities. The regional shoreline parks have diversified the types of ecosystems preserved by the District, and they have also attracted high levels of visitation, as they are mostly located adjacent to intensely urbanized areas. Regional trails have also been very popular, attracting large numbers of visits, often from frequent users, many of them transit-related.

LAND ACQUISITION BY PERIOD IN YEAR 2000 DOLLARS*

LAND TYPE/ITEM	1934-44	1945-55	1956-66	1967-77	1978-88	1989-2000	TOTAL
RECREATION AREA							
Acres	44	82	298	805	272	196	1,698
Price	\$228,450	\$396,000	\$0	\$3,164,066	\$757,841	\$3,897,955	\$8,444,312
Price/acre	\$5,142	4,829	\$0	\$3,930	\$2,789	\$19,888	\$4,974
REGIONAL PARK							
Acres	3,647	1,379	6,229	10,390	6,576	6,980	35,201
Price	\$10,677,800	\$2,634,102	\$10,311,563	\$44,100,679	\$34,543,997	\$66,318,670	\$168,586,892
Price/acre	\$2,928	\$1,910	\$1,655	\$4,245	\$5,253	\$9,501	\$4,789
REGIONAL PRESERVE							
Acres	0	0	3,500	13,729	12,259	9,483	38,971
Price	\$0	\$0	\$2,900,858	\$21,987,992	\$13,134,556	\$26,961,688	\$64,985,892
Price/acre	\$0	\$0	\$829	\$1,602	\$1,071	\$2,843	\$1,668
REGIONAL SHORELINE							
Acres	0	0	383	4,058	1,549	7,287	13,278
Price	\$0	\$0	\$0	\$29,253,546	\$12,973,871	\$69,326,546	\$111,553,963
Price/acre	\$0	\$0	\$0	\$7,208	\$8,373	\$9,513	\$8,401
REGIONAL TRAIL							
Acres	0	0	0	635	289	1,461	2,386
Price	\$0	\$0	\$0	\$667,389	\$770,326	\$9,744,690	\$11,182,404
Price/acre	\$0	\$0	\$0	\$1,051	\$2,663	\$6,668	\$4,687
TOTAL							
Acres	3,700	1,500	10,400	29,600	20,900	25,400	91,500
Price	\$10,906,000	\$3,030,000	\$13,212,000	\$99,174,000	\$62,181,000	\$176,250,000	\$364,753,000
Price/acre	\$2,948	\$2,020	\$1,270	\$3,350	\$2,975	\$6,939	\$3,986

sources: East Bay Regional Park District; Economic & Planning Systems, Inc.

* Historical acquisitions are expressed in terms of current year 2000 purchasing power

This large and diverse set of preserved land and water that constitutes the regional parks system and the backbone of the East Bay’s “green” infrastructure serves two key functions that, in turn, provide a range of economic and quality of life benefits.

ENVIRONMENTAL PRESERVATION. Environmental preservation is primarily focused on the 76,500 acres of District land (over 80 percent of the total) that provide only limited public access. As of 1996, the District had identified more than 500 sites on District lands that contain distinctive or irreplaceable resources and require conservation or special management. These include sites containing species of plants or animals listed as rare, threatened, or endangered by the state

description of EBRPD

or federal government, sites with species included on a District list of special concern, sites having notable geological or paleontological features, and locations identified as unique natural habitat.

OPPORTUNITIES FOR CREATIVE OUTDOOR RECREATION. These opportunities are recreational, educational, aesthetic, and cultural and take place on a subset of the 15,000 acres (16.5 percent of the total) permitted for recreational use. A broad spectrum of activities is offered, ranging from walking to boating, picnicking to equestrian uses, environmental education to golfing. These opportunities appealed to an estimated 2.8 million users in 1999, including East Bay and non-East Bay residents, for a total of nearly 14 million visits. Estimates of 1999 visitation by type of activity are shown in the table below. About 290,000 of these visits (2 percent of the total) are associated with the environmental education programs provided at the visitor centers, about 750,000 (5 percent) are estimated to be transit uses on the regional trails, and about 3.35 million uses (24 percent) are from non-East Bay residents.



Fishing and picnicking rank high as recreational activities with regional park visitors.

6



AVERAGE ANNUAL PARK VISITATION*

ACTIVITY	PARK ^A VISITS	TRAIL VISITS	TOTAL VISITS
WALKING, HIKING, RUNNING, ETC.	2,795,000	1,745,000	4,540,000
BICYCLE RIDING	785,000	1,330,000	2,115,000
DOG WALKING	1,525,000	425,000	1,950,000
OTHER ^B	1,410,000	135,000	1,545,000
PICNICKING	1,320,000	0	1,320,000
FISHING	490,000	10,000	500,000
SWIMMING	450,000	10,000	460,000
EQUESTRIAN	290,000	90,000	380,000
ENVIRONMENTAL EDUCATION ^C	290,000	0	290,000
MEADOWS	250,000	0	250,000
CAMPING	240,000	0	240,000
GOLFING	190,000	0	190,000
BOATING/WINDSURFING	100,000	0	100,000
RENTAL FACILITIES ^D	80,000	0	80,000
SPECIAL RECREATION ^E	30,000	0	30,000
TOTAL	10,245,000	3,745,000	13,990,000

A The use of "Parks" refers to use of all parks and open space, all trails internal to these parks and all recreational facilities associated with these parks.

B Includes general use not specifically associated with any other category.

C Includes visits associated with visitor centers' program participation.

D Includes use of facilities for meetings, banquet and food services.

E Special recreation includes archery, marksmanship, model trains and boats.

SOURCES: Park District Operations Department; Strategy Research Institute; Economic & Planning Systems, Inc.

*Average annual park visitation represents the mid-point of high (15.5 million) and low (12.5 million) visitation estimates for 1999. This range was derived using three independent sources of data. These include visitation estimates by East Bay Regional Park District unit managers, as well as medium and high propensity voter surveys and the Longitudinal Monitoring Study, both conducted by Strategy Research Institute.

context of the EBRPD

As the area served by the District has grown, so has the population of this region changed; the District itself has expanded in size and significance, and new opportunities and challenges have arisen. In order to understand the constituency currently being served, the benefits being provided, and the challenges the District will face over the next 20 years, it is important to consider the existing and future context of the District.

The District currently serves an ethnically diverse group of 2.40 million East Bay residents, not counting the 700,000 non-East Bay residents who are estimated to take advantage of the outdoor opportunities offered by the District each year.

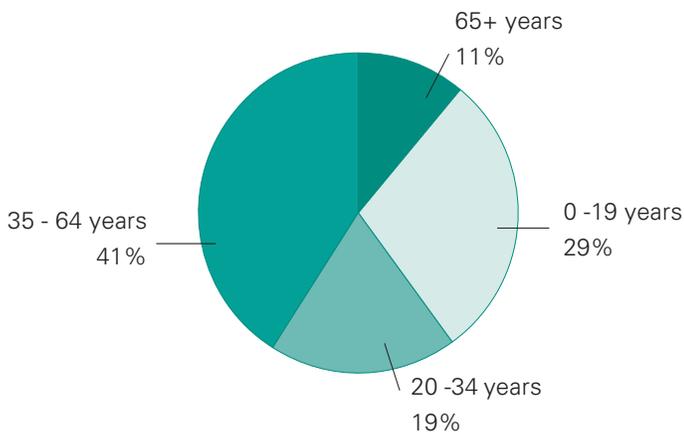
DEMOGRAPHIC/SOCIO-ECONOMIC CONTEXT^{i, ii}

EXISTING

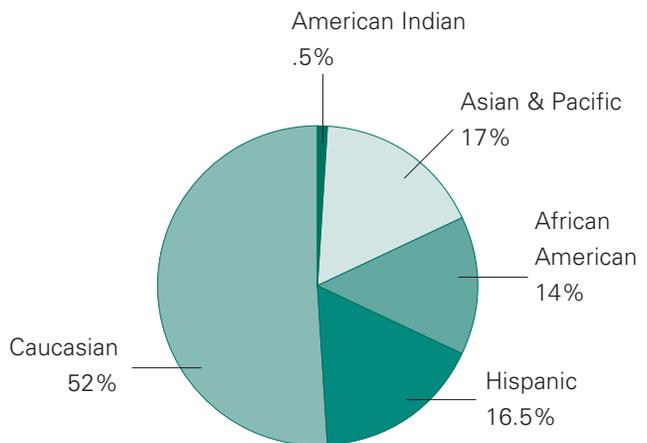
The two-county jurisdiction of the Regional Park District includes about 2.4 million persons in 850,000 households, with an average household income of \$71,500. Of the more than one million East Bay jobs 725,000 are in Alameda County and 360,000 are in Contra Costa County.

East Bay residents include a wide diversity of ages and ethnicities. About 29% are under 19 years of age, 19% are between the ages of 20 and 34, 41% between the ages of 35 and 64, and 11% over 65 years of age. About 0.5 % are American Indian, 17 percent Asian or Pacific Islander, 14 percent African American, 16.5 percent Hispanic, and 52% Caucasian.

**DISTRICT AGE BREAKDOWN
ALAMEDA & CONTRA COSTA COUNTIES**



**ETHNIC BREAKDOWN
ALAMEDA & CONTRA COSTA COUNTIES**



SOURCE: California Department of Finance.

context of the EBRPD

FUTURE

The East Bay, in a manner similar to the rest of the San Francisco Bay Area, is expected to grow significantly over the next 20 years. During this time, 360,000 new jobs are expected to be added, a 33% increase. An increase of about 435,000 new District residents is expected, an 18% increase.

The majority of job growth will occur in Alameda County, although the proportionate growth in jobs will be greater in Contra Costa County. Population growth will be more weighted towards Contra Costa County, with 227,000 new residents and a 24% growth rate, relative to Alameda County’s 209,000 new residents and 14% growth rate.

**REGIONAL GROWTH
2000-2020**

AREA	POPULATION				HOUSEHOLDS				JOBS			
	2000	2020	GROWTH	% CHANGE	2000	2020	GROWTH	& CHANGE	2000	2020	GROWTH	& CHANGE
ALAMEDA	1,462,700	1,671,700	209,000	14%	514,620	578,830	64,210	12%	725,790	945,340	219,550	30%
CONTRA COSTA	941,900	1,169,000	227,100	24%	338,860	420,740	81,880	24%	360,090	500,680	140,590	39%
DISTRICT TOTAL	2,404,600	2,840,700	436,100	18%	853,480	999,570	146,090	17%	1,085,880	1,446,020	360,140	33%

SOURCE: Association of Bay Area Governments

Significant changes are expected in the age and ethnic profiles of East Bay residents. While the absolute number of persons in each age range is expected to increase as population growth occurs over the next 20 years, the continued aging of the “baby boom” generation will shift the age distribution significantly upwards, with the proportion of residents over 65 years increasing from 11 percent to 19 percent, and from 276,000 to 540,000 persons.

Ethnically, diversity is expected to increase over the next twenty years. The existing majority Caucasian population will decrease slightly in absolute terms, but significantly in proportionate terms, from 52 percent to 41 percent of East Bay residents. At the same time, the non-Caucasian population will grow in absolute and proportionate terms, with 275,000 net new Asian and Pacific Islander residents, 225,000 net new Hispanic residents, 70,000 net new African Americans, and 13,000 net new American Indians.

LAND CONTEXTⁱⁱⁱ

EXISTING

There are about 943,000 acres of land in the East Bay, including 476,000 acres in Alameda County and 467,000 acres in Contra Costa County. Currently, about 280,000 acres of this land, about 30%, is developed or “urbanized,” including

context of the EBRPD

CHAPTER IV

Demographic and economic growth and change are expected to be pronounced in the next 20 years in the East Bay, and, as a result, pressures on land will intensify. New land will be sought for housing, work places, and other developments, while existing and new residents will expect more parks and open space to maintain park levels of service and their quality of life.

The intensity of future land use conflicts between development pressures and environmental preservation efforts will depend, in part, on land use decisions by local policy-makers.

139,000 acres in Alameda County and 141,000 acres in Contra Costa County. The remaining 663,000 acres are either farmland or open space, some of which will be topographically suitable for development or other uses. Much of the non-urban land, about 421,000 acres (about 64 percent), is considered grazing land, including about 250,000 acres in Alameda County and 173,000 acres in Contra Costa County.

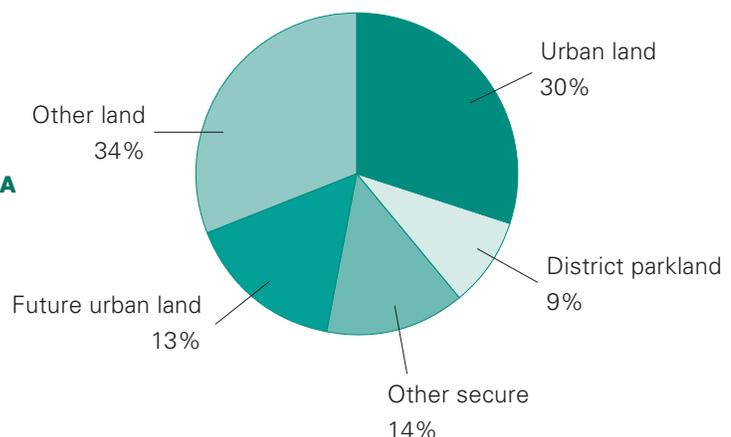
About one-third, or 220,000 acres, of this non-urbanized land is protected through development rights ownership, including the 91,500 acres operated by the District. This District land represents nearly ten percent (about 9.5%) of all land in the East Bay, and 42% of currently protected land. It also includes 57,400 acres of grazing land, which is 14% of total East Bay grazing land.

FUTURE

The 436,000 new residents and 360,000 new jobs projected in the East Bay over the next 20 years will lead to a demand for new development, including housing and workplaces, as well as a demand for more parks, open space, and outdoor recreational options. Some of this growth will be accommodated through infill or brownfield development that will not require additional development of non-urbanized lands: however, some will consume unprotected open land

The Greenbelt Alliance has identified lands that it considers to be under pressure of development over different periods of time. These assessments indicate that about 120,000 acres or 27% of non-urbanized, non-protected land in the East Bay may be developed over the next 20 years. If developed, this represents an additional 43% of urbanization above existing levels. About 35,000 of these acres are in Alameda County and 85,000 are in Contra Costa County. The proportionate breakdown of the East Bay’s land area between lands currently urbanized or protected (District and other), lands potentially developable over the next 20 years, and other lands is shown below.

LAND INVENTORY ALAMEDA & CONTRA COSTA COUNTIES



SOURCE: Greenbelt Alliance

economic benefits

Quality of life is one of the key elements that drives sustainable, regional, economic growth. Areas and regions that ignore the importance of these quality of life factors attract and retain fewer businesses and workers, and, over time, can expect to experience lower rates of economic growth in addition to a lower quality of life.

The District lands and facilities and their associated environmental, recreational and educational functions generate a number of benefits to a cross-section of East Bay residents. Some of these benefits, such as regional quality of life benefits, are gained by all District residents and businesses, while others, such as user utility benefits, accrue to a subset of residents, i.e. only those who use the parks system. Some of the benefits described below are inter-related, while others are independent.

Quality of Life

Quality of life¹ has long been an important feature in determining regional economic growth rates, and its significance is strengthening. As the number of large metropolitan areas expand and markets become more dispersed, regions such as the San Francisco Bay Area and the East Bay subregion increasingly compete for businesses and skilled workers on the basis of quality of life.

The literature on the economic impacts of quality of life has shied away from the quantification of increases in economic growth rates associated with different quality of life factors.² Instead, it focuses on surveys of business leaders, workers, and the general public to ascertain the importance of quality of life. These surveys and studies have all identified quality of life factors, including the presence of recreational activities, parks and open space, as key forces behind an area's ability to attract businesses.

It is a recognized fact that the San Francisco Bay Area and the East Bay subregion enjoy a high quality of life. The area consistently ranks at or close to the top of the list of "best places to live" both in national and international studies. Not coincidentally, it also ranks high on lists of "best places to do business." The provision by the District of parks, open space, and trails, and associated recreational and educational opportunities, environmental and cultural preservation, alternative transit modes, and sprawl-limiting characteristics all form part of the strong quality of life in the East Bay. As a result, the attraction and retention of businesses and skilled workers in the East Bay is strong, bolstering the economy and providing broad economic benefits for all area residents.

In summary, regional parks, open space, and trails contribute to the high quality of life in the East Bay and the greater San Francisco Bay Area. This high quality of life attracts new and retains existing businesses, driving local and regional economic growth and generating jobs and income for District and other Bay Area residents.

¹ "Quality of Life" is a term that has taken on a broad meaning in urban affairs and planning. It generally refers to the "livability" of an area or region, as defined by a variety of factors, including, but not limited to, public safety, traffic congestion, environmental quality, educational and cultural resources, and recreation opportunities.

² However, some of these quality of life benefits are indicated by other benefits of parks, including property value increases, user utility values, and urban form benefits.

economic benefits

economic benefits

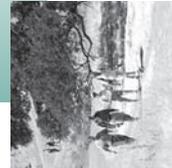


Regional parks offer a multitude of activity opportunities such as camping, horse-riding, back riding & windsurfing.



“User Utility” is defined as the value an individual park user places on a park visit or participation in an interpretive or recreation program. Applying available data and methodologies to District visits by recreational activity, the total user utility or value from the 14-million park visits each year is estimated at \$73.6 million.

Hiking and running on the trails are the major reasons people visit the regional parks, with total user utility of \$73.6 million annually.



ANNUAL USER UTILITY* FROM DISTRICT PARK & REGIONAL TRAILS

ACTIVITY	PARKS VISITORS	PER VISIT USER UTILITY*	PARKS USER UTILITY*	REG. TRAILS VISITORS	PER VISIT USER UTILITY*	REG. TRAILS USER UTILITY*	TOTAL VISITS	TOTAL USER UTILITY*
WALKING, HIKING, RUNNING, ETC.	2,795,000	\$4.50	\$12,577,500	1,745,000	\$1.25	\$2,181,250	4,540,000	\$14,758,750
BICYCLE RIDING	785,000	\$4.50	\$3,532,500	1,330,000	1.25	1,662,500	2,115,000	5,195,000
DOG WALKING	1,525,000	\$2.50	\$3,812,500	425,000	1.25	531,250	1,950,000	4,343,750
OTHER A	1,410,000	\$2.50	\$3,525,000	135,000	1.25	168,750	1,545,000	3,693,750
PICNICKING	1,320,000	\$5.00	\$6,600,000	0	0.00	0	1,320,000	6,600,000
FISHING	480,000	\$4.50	\$2,205,000	10,000	4.50	45,000	500,000	2,250,000
SWIMMING	450,000	\$4.50	\$2,025,000	10,000	4.50	45,000	460,000	2,070,000
EQUESTRIAN	290,000	\$40.00	\$11,600,000	90,000	25.00	2,250,000	380,000	13,850,000
ENVIRONMENTAL EDUCATION B	290,000	\$25.00	\$7,250,000	0	0.00	0	290,000	7,250,000
MEADOWS	250,000	\$4.50	\$1,125,000	0	0.00	0	250,000	1,125,000
CAMPING	240,000	\$7.50	\$1,800,000	0	0.00	0	240,000	1,800,000
GOLFING	190,000	\$42.00	\$7,980,000	0	0.00	0	190,000	7,980,000
BOATING/WINDSURFING	100,000	\$20.00	\$2,000,000	0	0.00	0	100,000	2,000,000
RENTAL FACILITIES C	80,000	\$7.50	\$600,000	0	0.00	0	80,000	600,000
SPECIAL RECREATION D	30,000	\$5.50	\$165,000	0	0.00	0	30,000	165,000
TOTAL	10,245,000	\$6.52 ^E	\$66,797,500	3,745,000	\$1.84 ^F	\$6,883,750	13,990,000	\$73,681,250 ^G

A Includes general use not specifically associated with any other category.
 B Includes visits associated with visitor centers, public programs.
 C Includes use of facilities for meetings, banquet and food services.
 D Special recreation includes archery, marksmanship, model trains and boats.
 E Weighted average, total parks user utility divided by total parks visitors.
 F Weighted average, total trails user utility divided by total regional trails visitors.

G Total park visit (parks and trails combined) user utility is \$5.30 (\$73.6 million divided by 13.9 million visits)
 H Includes visits associated with Bay Regional Park District, Strategy Research Institute, Economic & Planning Systems, Inc.
 * User Utility is defined as the value an individual user places on a visit to a park. It represents a perceived value.

District parks, open space, and trails enhance the property values of homes throughout the District. In addition, they increase property values of homes adjacent to the parklands due to the views and immediate access provided.

Scientific surveys have shown that regional trails often enhance the value of adjacent private property.



Property Values

Property values reflect the willingness of buyers to pay for property. The willingness to pay for an individual property is a function of a number of variables, including the desirability of the area or region as a whole, the number of alternative properties on the market, the size and features of the property, and its location relative to a variety of positive and negative features. Parks, open space, and trails affect property values in the region as a whole, in individual communities, and in adjacent areas.

To the extent that parks, open space, and trails add to the quality of life in a community and region, economic growth, housing demand, and property values will all be higher. Properties in neighborhoods adjacent to parks, open space, and trails will be more directly affected. Views and access to the outdoors and recreational amenities will enhance property values, while noise, congestion, and undesirable activities may reduce value.

Two primary methodological approaches have been employed, including multi-variant regression analysis, which uses statistical analysis to isolate and measure the impact of parks, open space, and trails on property values, and survey-based assessment, which draws conclusions based on the opinions of landowners and real estate professionals. In general, the literature suggests that the property value impacts of parks, trails, and open space are most positive when they focus on open space with some recreational access rather than high-use recreational facilities, and provide high levels of security and maintenance.

The following examples provide a compelling argument for the existence of a quantifiable relationship (both positive and negative) between property values and park/trail amenities and open space in terms of sustaining a healthy regional economy.

PARKS AND OPEN SPACE: Regression analyses conducted during the 1970s concluded that properties adjacent to large parks and open spaces, with minimum noise, traffic, and user conflicts, derive as much as 30% of their value from these amenities, with a general range of 10% to 30%. The value attributed to parks and open space drops with distance from these amenities, generally falling to insignificant levels when over one-half mile away (about 2,500 feet). Properties 1,000 feet away tend to derive between 5% and 10% of their value from these amenities, with an average value contribution in the 5% to 7.5% range for all properties within one-half mile.^{iv, v}

TRAILS: With higher levels of use, trails often generate concerns among property owners about their potential negative impacts on property values. Surveys of property owners and real estate professionals, however, have established that trails generally increase a property's value, whether adjacent or nearby. Adjacent properties tend to be more susceptible to the negative impacts from noise or trespassing, although they rarely show overall losses in value.^{vi}

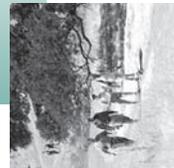
URBAN/SHORELINE PARKS: Urban/shoreline parks have higher use rates and can be more susceptible to public safety concerns. Property value impact studies have established both positive and negative impacts from these parks, primarily dependent on the levels of maintenance and public safety.^{vii}

economic benefits



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Hiking and running on the trails are the major reasons people visit the regional parks, with total user utility of \$73.6 million annually.



economic benefits

Regional parks offer a multitude of activity opportunities such as camping, horse-riding, back riding & windsurfing.



ANNUAL USER UTILITY* FROM DISTRICT PARK & REGIONAL TRAILS

ACTIVITY	PARKS VISITORS	PER VISIT USER UTILITY*	PARKS USER UTILITY*	REG. TRAILS VISITORS	PER VISIT USER UTILITY*	REG. TRAILS USER UTILITY*	TOTAL VISITS	TOTAL USER UTILITY*
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SWIMMING	450,000	\$4.50	\$2,025,000	10,000	4.50	45,000	460,000	2,070,000
EQUESTRIAN	290,000	\$40.00	\$11,600,000	90,000	25.00	2,250,000	380,000	13,850,000
ENVIRONMENTAL EDUCATION B	290,000	\$25.00	\$7,250,000	0	0.00	0	290,000	7,250,000
MEADOWS	250,000	\$4.50	\$1,125,000	0	0.00	0	250,000	1,125,000
CAMPING	240,000	\$7.50	\$1,800,000	0	0.00	0	240,000	1,800,000
GOLFING	190,000	\$42.00	\$7,980,000	0	0.00	0	190,000	7,980,000
BOATING/WINDSURFING	100,000	\$20.00	\$2,000,000	0	0.00	0	100,000	2,000,000
RENTAL FACILITIES C	80,000	\$7.50	\$600,000	0	0.00	0	80,000	600,000
SPECIAL RECREATION D	30,000	\$5.50	\$165,000	0	0.00	0	30,000	165,000
TOTAL	10,245,000	\$6.52^E	\$66,797,500	3,745,000	\$1.84^F	\$6,883,750	13,990,000	\$73,681,250^G

A Includes general use not specifically associated with any other category.
 B Includes visits associated with visitor centers, public programs.
 C Includes use of facilities for meetings, banquet and food services.
 D Special recreation includes archery, marksmanship, model trains and boats.
 E Weighted average, total parks user utility divided by total parks visitors.
 F Weighted average, total trails user utility divided by total regional trails visitors.

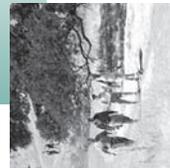
G Total park visit (parks and trails combined) user utility is \$5.30 (\$73.6 million divided by 13.9 million visits).
 H Includes visits associated with Bay Regional Park District, Strategy Research Institute, Economic & Planning Systems, Inc.
 * User Utility is defined as the value an individual user places on a visit to a park. It represents a perceived value.

economic benefits



"User Utility" is defined as the value an individual park user places on a park visit or participation in an interpretive or recreation program. Applying available data and methodologies to District visits by recreational activity, the total user utility or value from the 14-million park visits each year is estimated at \$73.6 million.

Hiking and running on the trails are the major reasons people visit the regional parks, with total user utility of \$73.6 million annually.



economic benefits

Regional parks offer a multitude of activity opportunities such as camping, horse-riding, back riding & windsurfing.



ANNUAL USER UTILITY* FROM DISTRICT PARK & REGIONAL TRAILS

ACTIVITY	PARKS VISITORS	PER VISIT USER UTILITY*	PARKS USER UTILITY*	REG. TRAILS VISITORS	PER VISIT USER UTILITY*	REG. TRAILS USER UTILITY*	TOTAL VISITS	TOTAL USER UTILITY*
WALKING, HIKING, RUNNING, ETC.	2,795,000	\$4.50	\$12,577,500	1,745,000	\$1.25	\$2,181,250	4,540,000	\$14,758,750
BICYCLE RIDING	785,000	\$4.50	\$3,532,500	1,330,000	1.25	1,662,500	2,115,000	5,195,000
DOG WALKING	1,525,000	\$2.50	\$3,812,500	425,000	1.25	531,250	1,950,000	4,343,750
OTHER A	1,410,000	\$2.50	\$3,525,000	135,000	1.25	168,750	1,545,000	3,693,750
PICNICKING	1,320,000	\$5.00	\$6,600,000	0	0.00	0	1,320,000	6,600,000
FISHING	480,000	\$4.50	\$2,205,000	10,000	4.50	45,000	500,000	2,250,000
SWIMMING	450,000	\$4.50	\$2,025,000	10,000	4.50	45,000	460,000	2,070,000
EQUESTRIAN	290,000	\$40.00	\$11,600,000	90,000	25.00	2,250,000	380,000	13,850,000
ENVIRONMENTAL EDUCATION B	290,000	\$25.00	\$7,250,000	0	0.00	0	290,000	7,250,000
MEADOWS	250,000	\$4.50	\$1,125,000	0	0.00	0	250,000	1,125,000
CAMPING	240,000	\$7.50	\$1,800,000	0	0.00	0	240,000	1,800,000
GOLFING	190,000	\$42.00	\$7,980,000	0	0.00	0	190,000	7,980,000
BOATING/WINDSURFING	100,000	\$20.00	\$2,000,000	0	0.00	0	100,000	2,000,000
RENTAL FACILITIES C	80,000	\$7.50	\$600,000	0	0.00	0	80,000	600,000
SPECIAL RECREATION D	30,000	\$5.50	\$165,000	0	0.00	0	30,000	165,000
TOTAL	10,245,000	\$6.52^E	\$66,797,500	3,745,000	\$1.84^F	\$6,883,750	13,990,000	\$73,681,250^G

A Includes general use not specifically associated with any other category.
 B Includes visits associated with visitor centers, public programs.
 C Includes use of facilities for meetings, banquet and food services.
 D Special recreation includes archery, marksmanship, model trains and boats.
 E Weighted average, total parks user utility divided by total parks visitors.
 F Weighted average, total trails user utility divided by total regional trails visitors.
 G Total park visit (parks and trails combined) user utility is \$5.30 (\$73.6 million divided by 13.9 million visits) excluding the Bay Regional Park District. Strategy Research Institute, Economic & Planning Systems, Inc.
 * User Utility is defined as the value an individual user places on a visit to a park. It represents a perceived value.

economic benefits

Available park use data indicates that 90%¹ of East Bay residents visit the parks at least once each year, obtaining some user utility and user surplus, while the average resident park user visits five times each year. The range of facilities offered and the locations of different parks and trails also suggest a general spread of benefits throughout a cross-section of the East Bay population.

User Utility

Parks, open space, and trails generally offer a wide range of recreational options, at zero or below actual cost of provision. Every time an individual visits a park he or she gains a “user utility” equal to the value placed on the experience. To the extent that these individuals value the experience more than the amount they are required to pay, they gain a “net positive return” on each park visit.

Many studies have been conducted that seek to estimate the value of a park visit to a user. The analysis of these values is made challenging by the fact that there are rarely private sector comparables (the most common method for estimating value) for most park uses, as the private return on a parks system will, in most cases, be insufficient to cover the costs of acquisition, development and operations and maintenance. Most methods use a combination of what park users actually do pay, what they say they are willing to pay, and the travel costs they incur getting to the park to estimate user utility.

Private sector market comparables are available for only a select group of activities such as golf. In most cases, District or other local agency charges are all that is available, which often do not take into account the full cost of provision.

Considering the range of recreational activities offered by the District and the per visit user utility estimates implied by available data, user utility by recreational activity at parks and regional trails was estimated, and is shown on pages 12 and 13. The summary statistics are as follows:

- A conservative estimate of total user utility associated with visits to EBRPD facilities in dollar terms approaches \$74 million each year.
- The majority of this user utility is associated with parks usage, \$67 million or about \$6.52 per visit, and the remainder associated with regional trails use, \$7 million or \$1.84 per visit.
- User utility is spread across all activity types with the highest overall user utilities associated with activities with the most visits or the highest per visit utility.
- A significant proportion of this user utility will accrue to non-resident users, with \$18 million or 24% representing a low estimate given the proportion of non-resident visits, based on user surveys, and the fact that they expend more dollars travelling to use the lands and facilities.

The user utility obtained over and above recreational use charges represents the difference between total user utility and the entrance or use charges. At present, the Park District obtains about \$5.7 million through use charges, including entrance fees, parking fees, and facility use charges, and concessionaires obtain about \$10.4 million. As a result, a conservative estimate of the “user utility net surplus” on park use, the benefit over and above the amount paid in use or entry fees, is about \$58 million.

¹ Inference based on general park-use studies combined with high- and medium-propensity voter surveys conducted by Strategy Research Institute.

economic benefits

The low or no cost entrance fees to most parks, open space and trails also has a positive social equity component, offering as it does recreational opportunities to all, independent of income. The breadth of facilities and activities offered by the District, the no or low cost use fees, the paratransit options provided, and the location of parks throughout the East Bay, ensure the District lands and facilities serve a broad cross-section of East Bay residents, including a range of socioeconomic, ethnic, gender, age and ability groups.

Agricultural Production

Preserved parkland and open space can provide several potential benefits to agricultural producers and ranchers. First, by providing buffers to urban development, much privately owned land used for agricultural production, including ranching, will be protected from the pressures of urbanization. Second, in permitting use of parkland for agricultural production or ranching, economic opportunities are presented on land that is indefinitely protected from development. This permits larger scale operations if preferable. Third, grazing can provide land management services in the form of fire control and can generate revenues for other park operations.

The District protects over 91,000 acres in the two-county area, a significant proportion of which lies adjacent to city boundaries. These parklands provide a buffer between urbanization and other privately owned land used for agricultural production. The District permits grazing on 57,400 acres of its own land. This grazing area represents about 14 percent of the total grazing inventory in the East Bay of 420,000 acres.

County agricultural commissioners' reports^{viii} for the East Bay imply a total gross pasture and range production value of \$5.4 million. On a per acre basis, this represents \$12.90 per acre across the 420,000 acres considered grazing land by the State Department of Conservation. The District land permitted for grazing will be more productive than the average for the East Bay as much of the grazing inventory is hilly, remote and marginal in economic terms. As a result, application of this average value per acre results in a very conservative estimate of gross District pasture and range production value of \$740,000 each year. This estimate does not take into account likely multiplier effects from this production value.

While there are differing views of grazing, the District's policy to permit grazing generates benefits including:

- *\$740,000 in gross pasture and range production value each year*
- *the support of the ranching industry as a whole through the creation of larger contiguous areas for grazing uses*
 - *wildland management and fire protection benefits and cost savings.*

Park District open space acts as a buffer to urban development. Grazing is one of several land management techniques used by the Park District to reduce fuel load and thus wildfire danger.



public benefits

The District's preservation of land and environmental resources, and associated recreational, educational and transit functions, all provide benefits of a public nature. These benefits, in effect, represent public investments that, but for the presence of the District, would have to be undertaken by local jurisdictions if a similar level of environmental and public service quality were to be maintained. These public investment benefits, including ecosystem services, urban form enhancement, public service provision, and service cost reduction, ultimately feed back to District residents and businesses in the form of a higher quality of life.

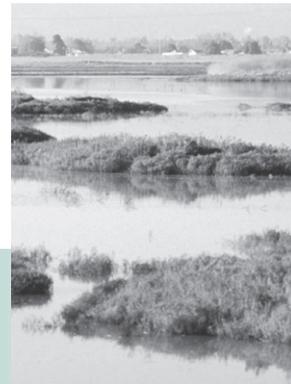
Ecosystem Services

The natural resources conserved by the Park District as passive, undisturbed habitat have significant environmental, social and cultural value for which no accurate quantification technique exists. A subset of these benefits is captured by considering the array of "ecosystem services" provided through natural resource conservation, such as flood control, water treatment and air quality, and the associated public cost savings.

Without ecological life-support systems, including breathable air, fresh water, fertile soil, and an amenable climate, communities and their economies would cease to exist and function. While the clearing of natural resources for development in specific locations will not alone halt economic growth and prosperity, every time a natural resource is destroyed, the useful "ecosystem services" provided by the natural resources are diminished. These ecosystem services may include climate and air quality regulation, water supply, erosion control, nutrient recycling, waste treatment, food production, and genetic resources, not including the recreational and cultural value of the resources.

Ecosystem services, thus the natural resources that provide them, have an economic value. Without these resources and services, a number of costs may be incurred. Public costs may include the need for additional wastewater treatment plants; private costs may include the need for water filtration systems or property damage due to landslides. In addition, the overall quality of life of a region may suffer due to worsening air quality, which, in turn, could reduce economic growth.

Park District wetlands provide critical wildlife habitat and other ecological benefits.



public benefits

The District parks, open space, trails, and shoreline protect a significant set of natural resources. These resources provide the East Bay, adjacent counties, and the region as a whole with several ecosystem services. For example, coastal and freshwater wetlands provide significant economic value through disturbance regulation, water supply, and waste treatment services. Lakes also provide important water regulation and supply services. Other valuable ecosystem services include the impact of trees on air quality and watersheds on flood control. While it is difficult to value these services quantitatively, their value is clearly high and significant. Both private and public sector decisions concerning development and natural resource depletion should take these ecosystem service values into account. Without the recognition of these ecosystem service values in addition to the other non-economic social and cultural benefits of environmental preservation, land use decisions may be made that negatively impact the East Bay and the region, both environmentally and economically.

A number of case studies have been conducted seeking to place value on the ecosystem services provided by particular resources in particular areas, and the value of the ecosystem services of natural resources has, on occasion, been demonstrated by considering the replacement cost of certain services.

For example, the cost to New York City of building the filtration plant required if upstate watershed lands are developed and their waste treatment ecosystem service is lost is estimated at \$6 to \$8 billion, significantly higher than the \$1.5 billion estimated cost of buying the watershed lands.^{ix}

Estimates of the economic value of an acre of wetlands range from \$50,000 to \$200,000, in terms of water supply, flood control and storm protection.^{x,xi}

The permanent establishment of an “urban edge” is one public policy objective that has recently become an important aspect of community planning and development. The EBRPD lands, along with other public open spaces, define urban form throughout the East Bay and, in so doing, contribute to a sustainable future for our cities and towns.

Urban form

The District’s provision of regional parks, open space, wildlife habitat, and recreation facilities is an integral part of the East Bay’s urban fabric, providing positive spatial definition and conferring broad benefits to adjoining urban and suburban residents. These open lands have multiple functions and benefits associated with providing scenic backdrops and buffers, passive and active recreational resources, preservation of traditional resource-based land uses such as farming, ranching, and forestry, and the protection of endangered and threatened species.

The concept of “urban form” includes consideration of how an urban area is organized and developed internally and also the overall “shape” of the area and how it interfaces with surrounding areas. “Sprawl” is the common term describing a condition of ill-defined, jumbled, and inefficient urban land use. Compact urban form, spatial separation of cities and towns, distinct urban edges, and efficient deployment of urban infrastructure and services are land use policies counteracting the tendency toward urban sprawl. Achieving these policies confers many social and economic benefits including creating a sense of community identity, enhancing community health and welfare, reducing costs of public facilities and services, and enhanced property values.

public benefits

A report produced by Bank of America, the California Resources Agency, Greenbelt Alliance, and the Low Income Housing Fund found that sprawl has a number of negative consequences. The social, environmental, and economic costs of sprawl include: higher business costs; a loss of worker productivity; underutilized investments in older communities; a loss of land, species, ecosystem services, and natural beauty; and air pollution.^{xii}

The benefits of the urban form definition provided by the EBRPD lands can be measured primarily by the “avoided cost” of individual local jurisdictions making such acquisitions themselves, likely at a time when such acquisitions would be prohibitively expensive. A conservative estimate of the average cost of acquiring an acre of “urban edge” land is the average price per acre paid by the District over the last decade for an acre of shoreline park, \$7,000, adjusted for inflation. In reality, lands along the urban edge will cost well above this average as development pressures add significant speculative value. Precise measurements of regional parklands that form part of the “urban edge” were not available, but as an approximation 4,000 acres of regional shoreline (30 percent of total regional shoreline park acres) and an additional 4,000 acres of other parklands (5 percent of the other regional parklands), were conservatively estimated to contribute to the definition of urban edge. This implies a conservative historical urban edge investment value of about \$56 million.

Health, Education, Public Safety and Transit Benefits

The East Bay Regional Park District provides health benefits through increased exercise opportunities, educational benefits through the environmental interpretive programs, public safety benefits through police and fire services and wildland management, and transit benefits through regional trails connecting homes, employment centers, and shops.

HEALTH: Most District park and trail recreational uses involve physical exercise, which improves the user’s physical and mental health. While there are other opportunities for exercise in the East Bay outside of the regional parks, the presence of the District with its broad array of recreational opportunities encourages and likely increases the physical exercise taken by the East Bay and other area populations. This physical activity will improve individual quality of life and reduce health costs to individuals and local governments.

EDUCATION: The District provides a well-respected range of educational programs, at six nature/visitor centers employing 26 full-time and 24 part-time environmental interpreters. These educational programs are popular with schools in the District, attracting visits from over 550 schools. The use of these programs provides education that might not otherwise be available, and at a significantly subsidized cost. Additional public cost savings may be induced by the actions of program users whose sensitivity to the environment has been increased.

PUBLIC SAFETY: The District invests significant resources in the public safety component of managing and maintaining its lands, including police and fire operations. About 50 full-time law enforcement officers ensure a secure environment throughout the parklands that would otherwise have to be monitored by city or county officers. The presence of these public safety officers in and around the parks also enhances the

The District provides a variety of benefits that accrue to both public sector entities charged with providing a range of services, and directly to individual park users and the broader community. These include health benefits through increased exercise, educational benefits through the environmental interpretative programs, public safety benefits through police and fire services and wildland management, and transit benefits through regional trails connecting homes, employment centers and shops.

public benefits

The value of lands acquired by the Park District since its inception in 1934 has increased far beyond the original purchase prices.



security of neighborhoods adjacent to the parks. The District's willingness to commit its public safety resources, including law enforcement officers, helicopter etc., in aid of local jurisdictions in times of crisis has helped in a number of emergencies.

Officers also provide public safety services to water districts with lands in the East Bay. District maintenance and management of its parklands also reduces risks from fire, costs that would otherwise be borne by local jurisdictions.

TRANSIT: The extensive District regional trail system provides environmentally friendly transit corridors and modes, used by thousands of people each year for hundreds of thousand of trips. Regional trails connect neighborhoods with other neighborhoods, employment centers, commercial districts, inter-modal transportation centers, schools, and District, local and State parks. Transit uses of regional trails are estimated at about 750,000 visits annually.

Replacement Value

Replacement value is a valuation method that considers the cost of replacing an asset as an estimate of the value of the asset. In the case of parkland, replacement value is defined as the expense of replacing a park system, or, in other words, creating it from scratch. This approach to valuation is narrow in scope but does provide one simple proxy for asset value.

District lands are an example of an asset that has been acquired over time through strategic and opportunistic acquisitions and would cost significantly more to replace at this point in time. The table on page 5 presents an acquisition history by acreage, park type, and land cost (in 2000 dollars). These land costs do not include all the soft costs involved in land acquisition, including the costs of appraisal, negotiation, and land assembly. Transaction costs have added as much as 25 percent to total acquisition costs in some cases. Furthermore, the District has invested significant financial resources in the construction of certain recreational and visitor facilities. These investments are also not captured in the land acquisition costs.

Without the District, it is likely that some of the parklands would have been developed, depleting natural resources areas irreversibly and permitting a more dispersed pattern of development. As a result, pure replacement would not be possible, and even partial replacement would require massive land acquisition costs, environment restoration costs, and complex acquisition negotiations and land assembly efforts. A highly conservative estimate of the replacement value of the land in the park system can be made based on available data. Applying the average cost of District land purchases of about \$7,000 per acre over the last decade, increased by a highly conservative 50 percent¹ to \$10,500, to the total District acreage of 91,500 acres results in a total land replacement value of \$960 million.

¹ This 50% increment represents a conservative estimate of the additional land replacement costs associated with speculative value, soft costs, and environmental restoration costs.

benefits of user expenditures

The total annual economic impact of net new expenditures is \$148 million, when multiplier effects are taken into account.

The presence of the Park District results in total direct expenditures by park users at East Bay retail businesses of about \$254 million each year; of that, \$213 million is in durable goods and \$41 million is in non-durable goods.

About \$74 million, or 25 percent, represents net new direct expenditures in the East Bay economy (\$10 million non-durable and \$64 million durable) – i.e. total expenditures on all goods in the East Bay are \$74 million higher due to the presence of the Park District.

Recreational opportunities, in addition to providing user utility also induce a series of expenditures in the local economy, including expenditures on durable and non-durable goods and services. Park users, including local residents and tourists, spend money on non-durables, such as gas, food, lodging, and equipment rentals, as well as on durables, such as bikes, clothing, and footwear. Some of these expenditures represent net new expenditures in the local economy that would not have occurred without the presence of the parks, open space and trails, and others would have occurred in association with a different local recreational activity.

Further, these net new expenditures generate net new employment and income, as well as additional expenditures and economic benefits associated with businesses purchasing supplies and workers spending their wages.

Moore et al's *The Impact of Rail-Trails* study conducted for the National Park Service in 1992 considered the EBRPD's Lafayette/Moraga Trail.^{vi} The findings of their study, adjusted into year 2000 dollar estimates, imply an average per visit expenditure of \$4.85 per person on non-durables, primarily on food, drink and automobile-related expenditures. The Lafayette/Moraga trail study also estimated annual per user expenditures of about \$140 on clothing, footwear, equipment, and accessories due to the presence of the trail. Thus, an estimate of \$100 expended on durables per user each year due to the presence of the regional parks and trails is conservative.

Based upon the above assumptions, the following economic impact estimates associated with East Bay Regional Park District usage can be drawn:

Non-Durables

- Applying an average per visit expenditure on non-durable goods of \$4.85 per visit to the estimated 14 million annual visits generates a total direct expenditure estimate approaching \$68 million.
- Of this amount, about 60% or \$40.75 million is estimated to occur in the East Bay, based on the Moore et al study and an EPS adjustment to expand the zone of capture from Contra Costa County to the entire East Bay.
- The proportion of non-East Bay resident users of EBRPD land and facilities is about 25%. This proportion can serve as an approximation of the proportion of expenditures in the East Bay that are net new – i.e. that would not occur without the park system – and result in a net new direct expenditure estimate on

benefits of user expenditures

non-durable goods in the East Bay of about \$10 million. Applying a 1.0 multiplier indicates a total net new expenditure on non-durable goods in the East Bay of \$20 million each year, due to the presence of the EBRPD.

Durables

- Applying an average annual per user expenditure on durable goods of \$100 to the estimated 2.8 million users each year generates a total direct expenditure estimate of \$280 million. About 76% or \$213 million is spent by East Bay residents and \$67 million by non-East Bay residents.
- Given the East Bay's specialization in recreation/sporting goods stores and the location of the regional parklands in the East Bay, it is reasonable to assume that 95% of East Bay user and 50% of non-East Bay user park-related durable goods expenditures are captured by East Bay stores. This results in a capture of \$236 million in the East Bay, with \$202 million in East Bay residents' expenditures and \$34 million in non-resident expenditures.
- The presence of the park system induces significant expenditures on durable outdoor-recreation goods. The expenditures associated with non-residents, \$34 million, can be assumed to be net new, as without the park system this disposable income would have been spent either on a different set of goods or on a similar set of goods in a different location. Net new expenditures by East Bay residents are less clear. Without the park system, there would be fewer expenditures on outdoor-recreation goods, and a greater proportion of expenditures would occur outside the East Bay. However, much of the disposable income would be expended anyway, possibly on a different set of goods, and, in part, in the East Bay. As a result, a conservative estimate of net new expenditures by East Bay residents is 15% of all East Bay resident expenditures in the East Bay, 15% of \$202 million, or \$30 million. As a result, net new direct expenditures total \$64 million.
- In total about \$64 million in net new direct expenditures on durable goods occur in the East Bay due to the presence of the Park District. Applying a 1.0 multiplier implies total net new expenditures on durable goods in the East Bay of \$128 million each year.



The presence of Park District facilities and programs stimulates expenditures on park-related durable goods, with a resulting boost to the region's economy.

benefits of district expenditures

Net new direct expenditures by EBRPD represent about \$9.1 million each year, including \$3.9 million in charges for services paid by non-residents and \$5.2 million in non-local grant funding. Accounting for multiplier effects, the total net new impact on the East Bay economy is about \$18.2 million each year.

The District currently spends about \$80 million each year, including \$59 million on operations and maintenance (\$45 million on personnel and \$14 million on supplies and services) and about \$21 million on capital expenditures (\$13.7 million on land acquisition and \$7.3 million on capital improvements). A total of 540 permanent employees and 215 seasonals work for the District.

The majority of these expenditures are funded through local taxation; as a result, the expenditures of funds from local taxation are unlikely to have a significant net impact on the local economy, as without the taxation a significant portion of these funds would also have been spent in the local economy. However, expenditures of funds from outside sources, such as non-local resident payments for charges for service and State and Federal grants, will have a net new positive economic impact.

Thus, non-local grants and District and concessionaire charges for services paid by non-residents represent net new expenditures in the East Bay economy – i.e. without the presence of the Park District these expenditures would occur elsewhere.

The direct expenditures, the net new direct expenditures, and the total net new economic impacts associated with the District are described below:

- Operations and maintenance expenditures cover personnel, supplies, and services and total \$59 million each year. Expenditures include \$45.3 million on personnel and \$13.7 million on supplies and services.
- Operations and maintenance funding is primarily through taxes and assessment, \$53.5 million or 86%, with \$5.7 million from charges for services and the remainder from other sources.
- Concessionaires obtain an additional \$10.4 million in entrance fees, which implies total charges for service of \$16.1 million. About 24% or \$3.9 million, is associated with non-resident users, and therefore, represents net new expenditures.
- Capital expenditures cover land acquisition costs and capital development projects and total \$21 million each year. About 25% of the revenues, or \$5.2 million, are from grants, primarily non-local State grants, and represent net new expenditures. The remainder of the revenue is from bond issuances, 59%, and District or other sources at 16%.
- As a result, total direct District expenditures, including O&M (operations and maintenance) and capital expenditures, are \$80 million each year, of which about \$9.1 million or 11% are net new expenditures. Based on a conservative multiplier of 1.0, the total economic impact of net new expenditures is \$18.2 million each year.

future challenges



With new facilities such as Camp Arroyo, now under construction in Livermore, the Park District is broadening its efforts to serve the needs of a growing and increasingly diverse constituency.

The growth of the East Bay Regional Park District lands, since its inception in 1934, has been phenomenal. Similarly, the growth and change that is projected for the next 20 years in the East Bay, and throughout the entire San Francisco Bay Area, is equally phenomenal.

There are five specific challenges that are uniquely tied to the mission of the EBRPD linked to this expected growth and change:

- The need to accommodate future growth will put pressure on limited open land resources, challenging the entire region and all entities concerned with environmental quality to preserve key areas of environmental and recreational value.
- The new residents and employees in the region, attracted in part by the existing regional *quality of life*, will expect this quality to be maintained, including the parks and open space levels of service provided by cities, counties, and the District. For example, additional land will have to be acquired if the District wishes even to maintain its current level of service measured by acres of regional parkland per 1,000 population over the next 20 years. Specifically, the new 435,000 residents will generate an additional requirement of 16,750 acres of parkland.
- The future distribution of growth throughout the East Bay will lead to changing geographic demands for local and regional parks and new opportunities to connect areas with regional trails.
- The changing ethnic and age distribution of the population will require and expect a broad and diverse range of recreational opportunities and facilities.
- As development continues and habitat loss mitigation is required by State and Federal agencies, the District will continue to face the challenge/opportunity of integrating these mitigation lands and habitat enhancements with its existing holdings and becoming responsible, through comprehensive management agreements, for their operations and maintenance.

With growth comes change. With change comes both challenges and opportunities. As the area served by the District has continued to grow and change, the District too has grown in size and in significance. True to its mission, District officials and professional staff alike must continue to remain cognizant of the dynamics that are driven by economic forces, especially those that will determine how well the District succeeds in keeping the East Bay one of the most desirable places on earth to reside, work and do business.

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quantifying our quality of life

an economic analysis of the East Bay's unique environment

QUALITY OF LIFE
IS AN ESSENTIAL,
YET ELUSIVE, FACTOR
IN A REGION'S
ECONOMIC HEALTH.

CAN WE AFFORD
TO OVERLOOK
THE ROLE OUR
REGIONAL PARKS
PLAY IN SUSTAINING
LIVABILITY AND
RETAINING A DESIRABLE
JOBS/HOUSING BALANCE?

East Bay
Regional
Park District

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AYN WIESKAMP
WARD 5

BEVERLY LANE
WARD 6

TED RADKE
WARD 7

PAT O'BRIEN
GENERAL MANAGER

RESEARCH AND TEXT
PROVIDED BY:

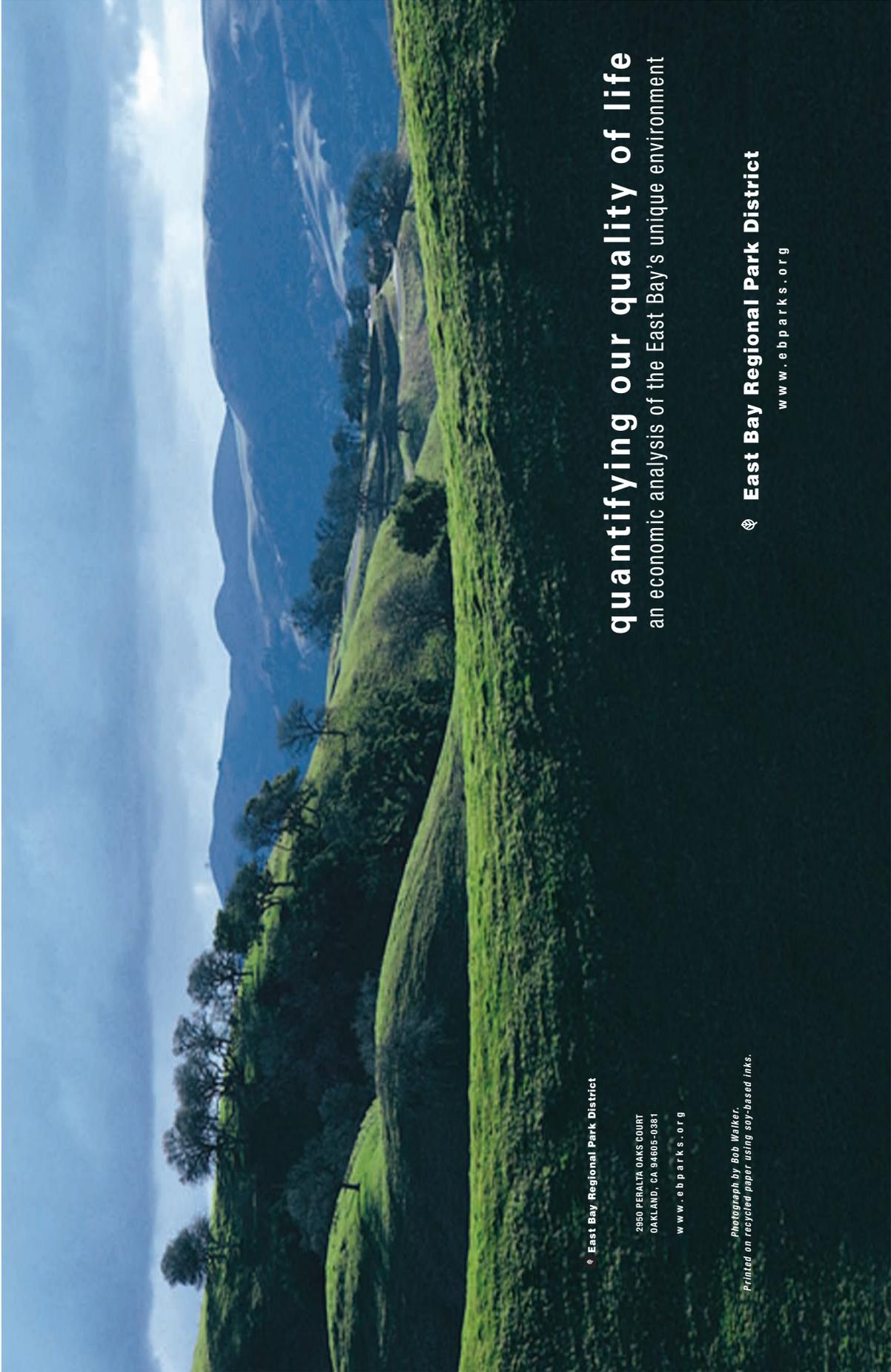


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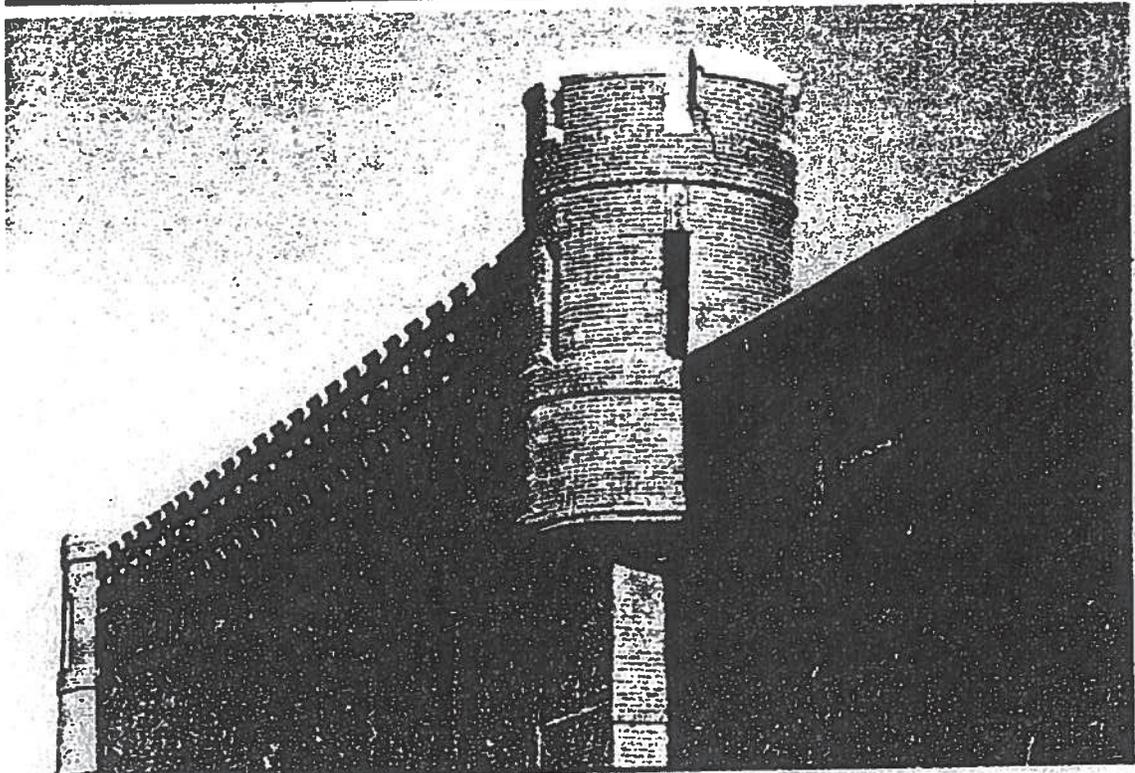
an economic analysis of the East Bay's unique environment

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EXCERPTS FROM:

POINT MOLATE REUSE PLAN



R I C H M O N D • C A L I F O R N I A

MARCH, 1997



POINT MOLATE REUSE PLAN
R I C H M O N D • C A L I F O R N I A

■ ■ ■

SUBMITTED TO THE :
CITY OF RICHMOND

PREPARED BY :
CITY OF RICHMOND
BRADY AND ASSOCIATES, INC.

SUBMITTED IN CONJUNCTION WITH :
DINWIDDIE & ASSOCIATES
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THE ENVIROSYSTEMS GROUP
ARCHITECTURAL RESOURCES GROUP

MARCH, 1997



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**Chapter I
REUSE PLAN**

■ ■ ■

A. Introduction

In 1995, the Point Molate Navy Fuel Depot (Point Molate) was listed for closure and disposition under the Defense Base Closure and Realignment Act of 1990. The process formally began with the President's approval on July 14, 1995, and Congressional approval on September 28, 1995. Point Molate ceased operations on September 30, 1995.

The Point Molate Reuse Plan (Plan) serves as the guide for reuse and development of Point Molate by establishing a conceptual land use plan that balances economic needs with community goals and objectives. The Plan allows for the orderly and phased development of the site for civilian use over the next 20 years. The Plan, along with the Homeless Assistance submission and summary of public comments, is required to be submitted to and approved by the Department of Defense (DOD) and the Department of Housing and Urban Development (HUD) prior to conveyance of the property to the City of Richmond.

1. Reuse Vision

Closure of Point Molate offers the City a unique opportunity to take advantage of the exceptional location and historical attributes of this site. It also poses a number of challenges. The types of uses that can be accommodated are somewhat limited because of the steep topography, vehicular access constraints, contamination from past Naval operations, and neighboring heavy industrial use.

Point Molate will play an important role in enhancing the economic base of Richmond, enhancing Richmond's regional presence, expanding open space and recreational opportunities, and creating a new City neighborhood with a mix of uses. The City of Richmond envisions the site recreating the vitality, commerce, and activity reminiscent of its era as a winery and village. To that end, the City hopes to:

-
- Retain and promote the historic significance of Winehaven and the other historic buildings on the property;
 - Create and attract job and business opportunities;
 - Preserve and promote the enjoyment of the natural resources of the area; and,
 - Improve the overall quality of life for Richmond residents.

Potential themes for the reuse and development of Point Molate were established during a Visioning Workshop held on November 18, 1995 (Appendix A). All of these themes have been incorporated into the conceptual plan. These include:

- Natural and Recreational Uses
- Education and Research
- Conference Center
- Tourism/Visitor Attraction
- Arts and Cultural Uses
- Business Opportunities
- Reuse of Existing Structures

The overall vision, thematic concepts, and specific recommendations of the Plan are consistent with President Clinton's Five Point Plan for achieving successful conversion and reuse of closing military bases, which emphasizes job creation and economic development.

2. Point Molate Setting

The Point Molate site covers approximately 290 acres of land above the mean higher high water line in the Potrero Hills on San Pablo Peninsula on the eastern shore of San Francisco Bay (Figures 1 and 2). Point Molate is located in the northwest portion of the City of Richmond and is about 1.5 miles north of the Richmond-San Rafael Bridge. The site is approximately three miles from the intermodal Richmond BART and Amtrak Station in downtown Richmond. Western Drive provides the only road access to Point Molate. It is directly accessible to westbound traffic on I-580 but only indirectly accessible to eastbound traffic. The City of Richmond has a 40-foot easement along the road to the site.

Point Molate is surrounded on the north, east and south by Chevron. Chevron's property to the north and south is used to store and transport petroleum products. To the east, on the other side of Potrero Ridge, is part of Chevron's oil refinery, where the more active and intensive industrial uses

open space designated in the Plan will act as a buffer between proposed Point Molate development and Chevron's nearby refinery and storage tanks.

1. Thematic Concepts

The land use plan is founded on a number of concepts that reflect the goals and objectives developed by BRAC (as described in Chapter I) and site opportunities and constraints (Figures 3 and 4). These are described as follows:

a. Preservation of Historic Resources. Buildings listed in the National Register of Historic Places (NRHP) that can be economically upgraded and maintained to meet current building code and seismic requirements, and renovated to serve new uses without adversely affecting the historical integrity of the architecture, will be preserved. Buildings that are seismically and structurally unsound, and cannot be economically upgraded, will not be reused. It may be desirable to demolish one or more of these buildings to make room for new development.

Point Molate's historical period as a winery is preserved in its architectural character. The architecture of the main, three-story Winehaven building is unique to the Bay Area, if not to the country at large, for it resembles a Rhineland castle with its red brick crenelated parapet and corner turrets (Figure 5). Several additional concrete buildings also have crenelated parapets. The wood frame houses represent the turn-of-the-century period architectural style, with simple gable roofs, enclosed porches, brick chimneys, and wood floors. An area of approximately 71 acres, which includes these buildings, was listed in the National Register of Historic Places in 1978.

This historical period, represented by the remaining 35 buildings (Table 1), is the inspiration and theme for reuse at Point Molate. The two primary warehouse buildings are most suited for winery usage because their unique building construction ensures constant internal temperature and humidity, which minimizes operational costs. The reuse vision for Winehaven includes a single winery, or a consortium of winery interests that will use the facility to promote their own products (see Chapter II, Section B). The reuse vision emphasizes public visitation to the Winehaven building, support facilities, and to the site itself. The intent is to capture that portion of the tourism market directed at visitors who have time only to visit places of interest within the immediate Bay Area. In this way, the City will generate regional interest in the little known historical site and increase public access.

In addition to the winery era, other historical periods will be interpreted and reflected in reuse facilities and programs, but to a lesser extent. These include the early occupation of the site by Native Americans and Chinese shrimpers, and the post-winery Naval operation as a fuel depot.

b. Mixed Use Village. The winery will be supported and supplemented by a mix of other uses, not unlike the original rural village. The historical buildings (and the one contemporary building - Building 123 - that is in good condition) will be shared by a combination of winery, commercial entertainment, cultural, educational, and overnight uses. Recreational, residential, and special light industrial uses will be accommodated elsewhere on the site as new development. Residential use will be sited and designed to reinforce the village concept and complement public use of the site without creating a perception that Point Molate is privately owned. To reinforce the village concept and the existing architectural style and scale of development, new buildings will retain a small-scale, reinforcing the sense of a town with buildings sited along a main street, and in campus-like clusters determined by site topography and related use. New construction will be compatible with the existing architectural vernacular, and will "borrow" similar architectural features and materials.

c. Preservation of Open Space and Visual Resources. To provide local and regional recreational opportunities, attract visitors from around the Bay Area as well as from Richmond, protect the scenic quality of the site, and promote Point Molate as a western gateway to the City of Richmond, more than two-thirds of the site will be preserved as open space and parkland in the highly visible hillsides and along the 1.4-mile shoreline. Development will be limited to the low-lying, relatively level portions of the site. Most facilities and use areas will be oriented to the waterfront and views of the bay.

d. Promotion of Public Access and Use. A network of recreational trails will provide access to the undeveloped hillsides and will be linked to the Bay Trail and promenade along the shoreline. The 1,450-foot pier will be renovated to provide access by private boat and public ferry. Commercial recreation facilities will be allowed on and around the pier. A waterfront park with both interpretive and traditional facilities will be located at the base of the pier. Other outdoor visitor attractions may include a public plaza, amphitheater, and a publicly-oriented agricultural enterprise. Indoor attractions will include the winery and associated functions, a museum, a performing arts center, a restaurant and bar, retail, and retreat facilities.

e. Attraction of Regional Interest. Early reuse of the site will focus on increasing public access to the site. This will establish regional visibility and help attract business interests from around the region which can provide more long-term financial support and jobs.

f. Accommodation of Interim Use. The Plan takes into consideration near-term uses that will not preclude long-term use, and uses that will require minimal upgrading of buildings and infrastructure and may occur before full environmental clean-up is accomplished. Use of at least some of the existing buildings will likely occur before any new development if funding can be obtained to make them safe for occupation. Such uses should be attractive and enhance the marketability of the property for preferred long-term uses.

g. Long-Term Economic Viability. The Plan attempts to balance low-cost, non-profit or low-revenue generating uses with those uses that can finance site-wide infrastructure improvements through sales and leasing. The timing of these two types of uses will be critical to the financial success of the project. It may be necessary to provide for some new development before all the existing buildings can be fully utilized in order to finance necessary infrastructure improvements.

h. Job Training. Closure of NFD Point Molate did not create a significant loss in jobs. However, the City of Richmond does have a relatively high unemployment rate for the Bay Area. Therefore, one of the City's primary goals for the site is to provide for vocational training by encouraging businesses and educational institutions that will provide job training. In this way, the City hopes to help the unemployed.

i. Market Flexibility. While some of the uses, such as the winery, are quite specific, others are more generalized so that the Plan can respond to changing market conditions over the next 20 years. The Plan also specifies alternative land use options in certain areas for even greater flexibility. Because redevelopment costs are largely unknown at this point in time, flexibility is especially important to ensure financial feasibility.

j. Homeless Assistance. Relative to other bases around the Bay Area which have been or soon will be closed, Point Molate's supply of buildings for reuse is quite small. This is also the case for housing units, which will require the least amount of upgrading. Consequently, the demand for the existing cottages for a variety of purposes is competitive. Allocation of the housing units to the homeless is considered a low priority because Richmond already provides a relatively large share of this kind of assistance and because of the distance of Point Molate from the community services upon which the

homeless depend. Further, new residential use will not be at the lower end of the market because of the high value waterfront location and the need to offset the high cost of infrastructure improvements site-wide. However, proposed residential development will fulfill a moderate to high end segment of the City's housing needs.

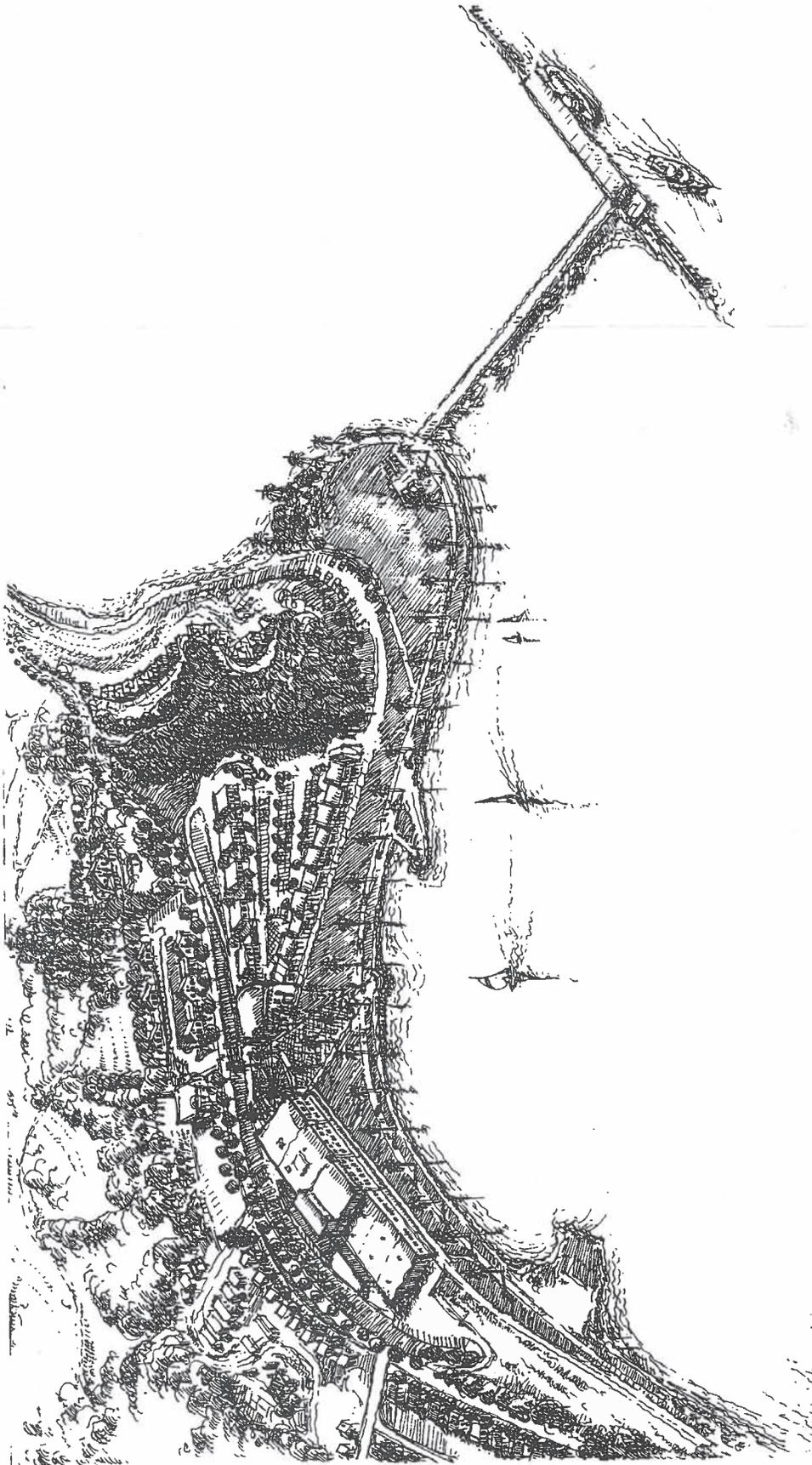
In summary, the Historic District is the central focus of Point Molate, providing the themes for reuse and the appearance of new development. It is in the village core of the Historic District and immediate surrounding area where use will be the most diverse, intensive, and public oriented. The historical village core will be supported by the Shoreline Park and hillside open space which will visually dominate the site. New development will be nestled amid the hills.

2. Land Use Overview

Following is an overview of the Plan and how the goals and objectives established for Point Molate will be physically implemented.

For the purposes of the Plan, the site was divided into five distinct land use areas. These are shown in Figure 6 and include: the Core Historic District; the Northern Development Area; the Central Development Area; the Southern Development Area; and the Shoreline Park and Hillside Open Space Areas. It should be noted that part of the recently approved Historic District actually extends into the middle of the Northern Development Area. The conceptual land use plan is illustrated in Figures 7 through 9, and summarized in Table 2.

All but a few of the buildings at Point Molate are located within the Historic District. As shown in Table 2, 33 buildings in the proposed Core Historic District will be reused along with a small number of additional buildings in the Northern Development Area. In addition, several buildings along the shoreline may be reused including the sewer treatment plant that may be reactivated, buildings at the end of the pier that may be used in conjunction with park or commercial recreation use, and a quonset hut that may be used temporarily until the Southern Development Area is developed for either residential use or light industry. Historical Buildings 6 and 17 need further evaluation to determine whether or not they should be demolished. Remaining buildings and other structures on the site are proposed for demolition.



POINT MOLATE REUSE PLAN
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Figure 8:
Bird's eye view looking southeast



Figure 9:
Bird's eye view looking northeast



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If light industrial use is pursued, buildings should not be massive or have large blank walls, but should appear more like typical office and commercial buildings. Parking should be located against the hillside or to the sides, preferably in several small lots rather than in one large one, to minimize visibility from Western Drive. Landscaping should be liberally employed to help screen unsightly features and further reduce the visibility of buildings.

The smaller residential site could be creatively developed by stepping the multi-family housing up the slopes. Parking could be provided at ground level or off to the sides or rear of the development.

The Chinese Shrimp Camp is believed to extend from the shoreline past Western Drive to the east (Figure 4). Prior to excavation of the site for development, a full evaluation must be completed to determine the potential for the site to be recorded on the NRHP. If the site is found to be not eligible, the site may be excavated with the supervision of a monitoring archaeologist and artifacts found used for an on-site museum. If the site is found to be eligible for the NRHP, avoidance of historic resources is recommended by the SHPO.

7. Open Space, Parks, and Public Access

Point Molate is one of the few places on the San Francisco Bay where undeveloped hillside interfaces directly with the waterfront. This high quality open space should be both preserved and used to its full advantage.

The framework for the Plan is the open space, which connects all the development areas with pedestrian linkages and serves to protect an important public resource for recreation and appreciation of the site's natural qualities (Figure 15).

a. Description of Area. Open space is provided along the shoreline and throughout the west facing hillside. The proposed Shoreline Park, approximately 40 acres in size, is a strip at least 100 feet in width running along the entire length of the waterfront, a total of 1.4 miles. There are several buildings within the shoreline area, as previously described. At the south end is the City-leased park (Figure 16). It has aging recreation facilities and a beach. At the north end is an emergency heliport.

All terrain exceeding a 15 percent slope is categorized as Hillside Open Space. In the central portion of the site, the Shoreline Park and Hillside Open Space adjoin one another. There are 19 underground fuel tanks, above and below ground fuel pipelines, and two elevated water tanks in the hillside area (Figure

5-2 in Appendix B), as well as numerous steep and narrow roads that are in poor condition (Figure 17).

At the base of the pier (Figures 18 and 19) is a broad, flat, paved area bordered along the south side by a low, excavated hill. The area is ideal for more intensive park uses and commercial recreation facilities because of its central location on the shoreline, proximity to the pier, and site characteristics. Of the four buildings in this area, two may be usable.

There is another building, a Navy quonset "hut" on the shore side of Western Drive near the existing park. It was once used as a laboratory. To the south of the building is a large parking lot for the park.

All together these areas cover approximately 190.8 acres.

b. Proposed Allowable Uses. A trail is recommended along the shoreline which will eventually be incorporated into a Bay Trail extension from the Richmond-San Rafael Bridge northward. This extension is provided for in the EBRPD Master Plan, the Bay Trail Plan adopted by ABAG, the San Francisco Bay Plan adopted by BCDC, and the Richmond General Plan.

A significant portion of this trail is already in place where a road parallels the shoreline, beginning just north of the quonset hut and continuing to a point near the Winehaven building. At the south end of Point Molate, the Bay Trail could follow the edge of the existing Shoreline Park parking lot, or be developed along the railroad right-of-way. The trails would provide opportunities for walking, bicycling, and rollerblading. A secondary trail is proposed on the top of an existing elevated berm through the park.

Trails are also proposed throughout the hillside along existing roadways for hiking. These connect with the various development areas and Shoreline Park. Some of the tank sites near the Historic District and Northern Development Area could be used for group camping once their condition is evaluated and proper steps are taken to remove any hazards. Agricultural use of the open space should also be encouraged, if the soils and climate are suitable. Potential agricultural uses include a demonstration vineyard, fruit orchard, and Christmas tree farm, and are permissible where there are no known unique habitat areas, or habitats for sensitive plants or animals.

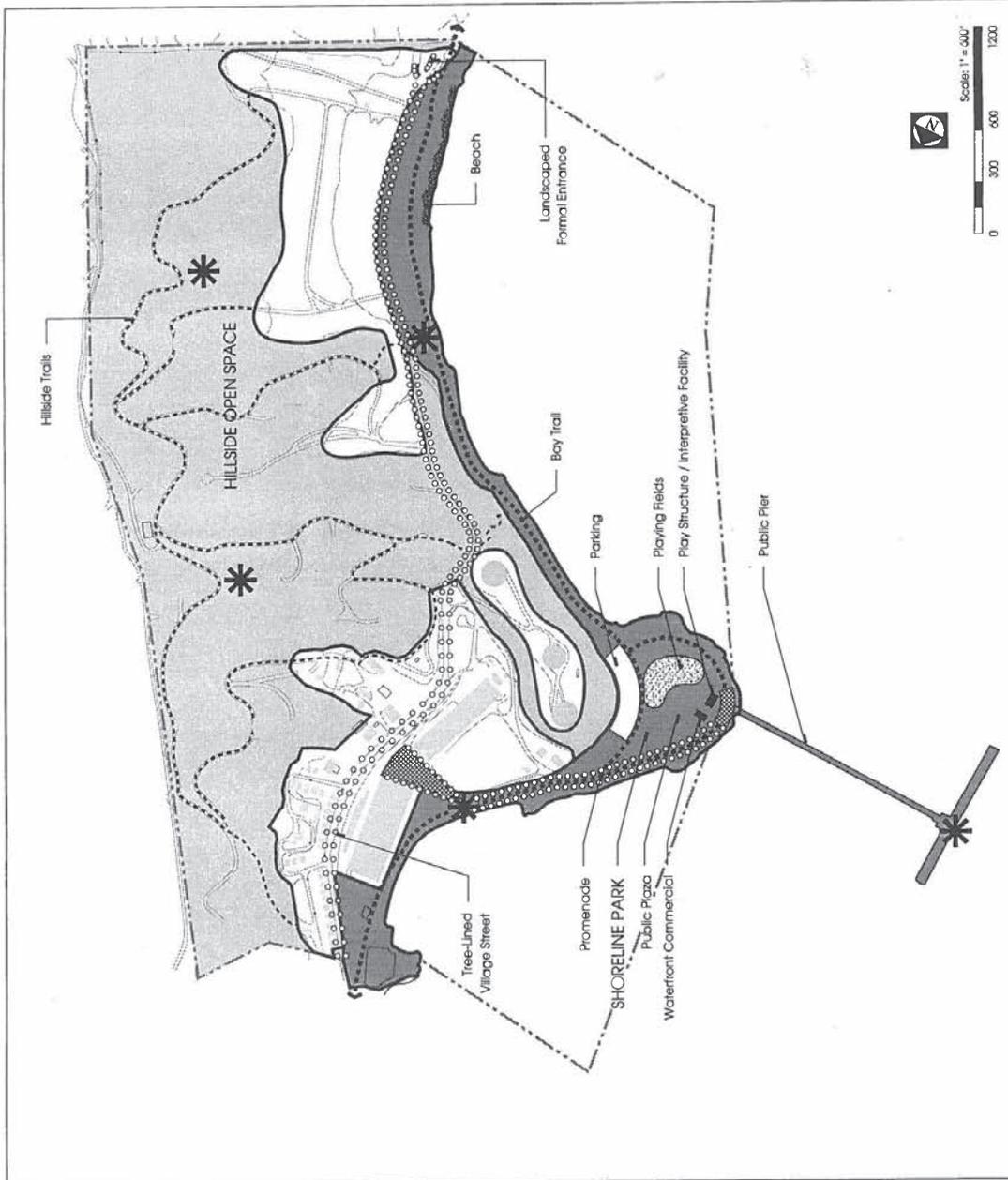
The existing City park would be absorbed into the larger Shoreline Park. The portion proposed at the end of the end of the pier could potentially include some traditional facilities such as playfields, picnic areas, and children's play equipment. In addition, there could be an amphitheater for concerts and



POINT MOLATE REUSE PLAN
City of Richmond

Figure 15:
Conceptual Open Space Plan

-  Formal Plaza Areas
-  Viewpoint Facilities
-  Bay Trail and Promenade
-  Tree-Lined Streets / Promenade



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PROFESSIONAL ARCHITECTS



Figure 16: Photograph of Existing Shoreline Park



Figure 17: Photograph of Hillside Open Space

Figures 16 & 17:
Photograph of Existing Shoreline park
Photograph of Hillside Open Space



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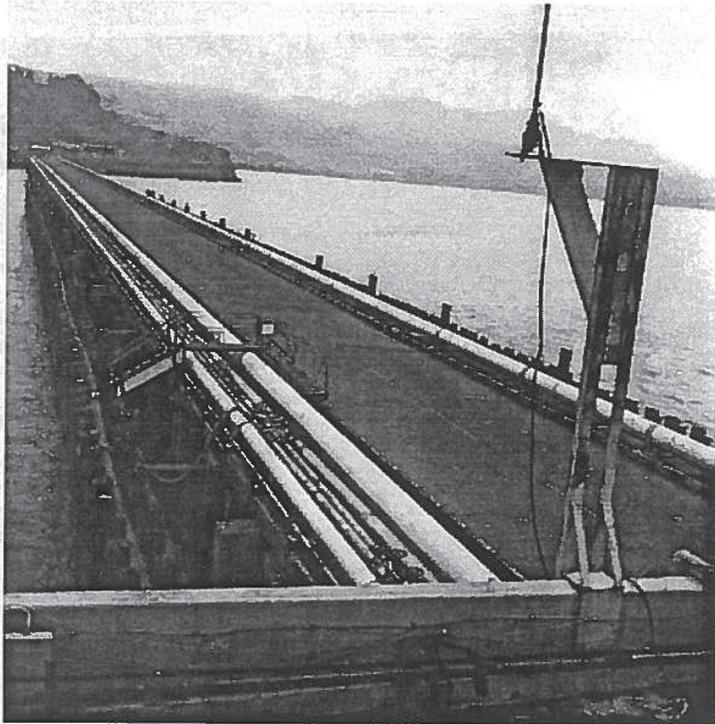


Figure 18: Photograph of Pier Close-up

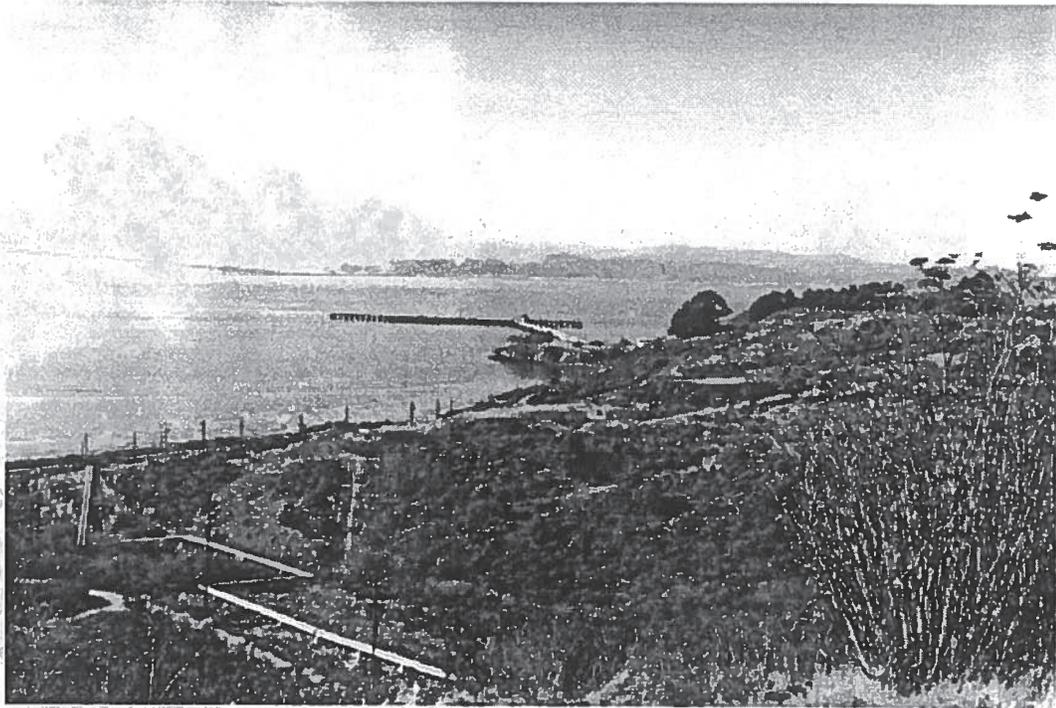


Figure 19: Photograph of Pier from Hillside

Figures 18 & 19:
Photograph of Pier Close-up
Photograph of Pier from Hillside



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other special events here or in the hillside open space in association with the winery or college. A significant portion of the pavement could be preserved for large public gatherings uses such as a weekly fresh seafood/produce market or flea market, and infrequent events like art fairs and carnivals. Parking is planned around the bottom of the slope, hidden from the rest of the park by the raised berm.

The park would have an interpretive component. A number of historical features could be located within the park, including a railroad car once used to haul in grapes, wine making machinery, and a model of the old Chinese Shrimp Camp or artifacts from the camp. Once cleaned, a maze of oil pipes colorfully painted in yellow and purple could serve to interpret the Naval fuel supply period and be used as a children's play structure. In addition, an existing coastal bluff plant community could serve as an educational feature. The SS Red Oak Victory ship could be docked at the pier, if it is determined to be appropriate and economically viable.

Building 132, which was used as part of oil operations, has 2,688 square feet of space, is in good condition, and may be reused in support of the park or commercial recreation. Building 89 was used as a drum storage shed and could be used as a park shelter. However, due to its unattractiveness and potential contamination it is recommended for demolition, rather than reuse as a shelter. The quonset hut could be used temporarily, until the area is developed for residential or industrial use.

In support of this Plan, the City intends to promote ferry and private boat access to Point Molate. To encourage tourists and other visitors to walk the distance from the pier to the Winehaven building, a promenade linking the pier and the public plaza is proposed. Certain commercial recreation facilities would be allowed on the pier and adjacent to the promenade and park. These would be managed by the City or other entity as leases. Such uses may include a "bait and tackle" or similar type of marine/sports supply shop; a "crab shack", waterfront cafe, or other kind of food concession; public restrooms; and a public recreation center, watercraft rental shop, boating center or school and other marine-related facilities. While a waterfront hotel is not proposed, it should be considered as an allowable use depending upon market demand at the time of Plan implementation. Public use of the dock will be encouraged. A private marina could be considered if the demand for one should increase in the future. In this case, a breakwater would be needed. However, transient mooring should be accommodated at the pier, off-shore buoys, and possibly a number of floating docks. Ramps would be needed to facilitate access from boats to the top of the pier. Long-term

mooring of large vessels at the pier could be made available to help meet a current bay-wide need, assuming no dredging is required.

The public plaza and formal gardens described under the Historic District section would extend slightly into the Shoreline Park.

c. Design and Development Considerations. Residual pavement along the shoreline should be removed, along with any other unattractive site features such as fuel pipes, fences, overhead power lines, recreation facilities in disrepair, and eventually the quonset hut. Paved, graveled, and disturbed vegetative areas should be rehabilitated and planted with native species. Unstable cut slopes should be stabilized and seeded where practical. Where slopes are stabilized and seeded, native plants should be used. Trees along the entire length of the shoreline could be considered to help establish a special identity for Point Molate, as seen from the water and Richmond-San Rafael Bridge.

The Bay Trail should be located to help separate the Shoreline Park from proposed residential development. The residential developer should be required to install attractive fencing to further partition private property from public land.

In the Hillside Open Space, unsightly features and aboveground pipelines should be removed to the extent practical. If the Navy fails to remove the above ground pipelines, they should be painted a color that blends in with the landscape. Prior to removal, the potential for impacting sensitive species needs to be evaluated. The tops of the fuel tanks should be seeded with native grasses and the entrances to the tanks should be fully secured shut. A resource management program is recommended to slowly replace non-native vegetation with indigenous species and to control the spread of eucalyptus woodland, pampas grass, and coyote bush to reduce fire hazards.

The pier will require restraints to prevent people from accidentally falling off. This may entail the removal of existing pipelines and replacement with a railing. It is recommended that the pipes, as well as the vapor recovery system and loading arms at the ends of the wharf, be removed, as they will require high maintenance and may become an environmental hazard. Low level lighting should be provided on the pier and along the promenade. The promenade should be a wide, tree-lined, walkway with special pavement, benches, and other amenities. Local artists should be considered to design unique public features (such as benches and lighting standards) that will enhance the unique quality of the site and establish a special identity.

Point Molate List of Additional Documents

1. East Bay Regional Park District: Economic Benefit Analysis: Final Report, Nov. 1, 2000
2. 2007 East Bay Regional Park District Master Plan Map
3. 1997 East Bay Regional Park District Master Plan
4. Point Molate Reuse Plan, March, 1997

SUBMITTAL # 9**Carey Stone**

From: David Early
Sent: Wednesday, September 08, 2010 4:29 PM
To: Dahlia Chazan; Carey Stone
Subject: FW: pt Molate land use

From: Lamont Thompson [mailto:Lamont_Thompson@ci.richmond.ca.us]
Sent: Tuesday, September 07, 2010 5:12 PM
Subject: FW: pt Molate land use

The following is an alternative land use.

From: [REDACTED]
Sent: Sunday, September 05, 2010 10:31 AM
To: Lamont Thompson
Subject: pt molate land use

Dear Mr. Thompson,

Thank you for asking for alternatives to the casino at Pt. Molate.

How about making it a park, to preserve and promote the natural beauty for visitors? How about adding a teaching garden for school kids to visit, and outdoor education, as in being done at Walker Creek? Perhaps you could also add Therapeutic Horseback riding to help kids with disabilities?

I must admit I have not been to Pt Molate. But if you will make a park out of it, e-mail me, and I will volunteer to help.

Sincerely,

m campos

SUBMITTAL # 10 & 11**Carey Stone**

From: David Early
Sent: Wednesday, September 08, 2010 3:27 PM
To: Carey Stone; Dahlia Chazan
Subject: FW: Public floats alternative ideas to hotel-casino in Richmond
Attachments: 10_0405_Concept.pdf

I am not sure if Lamont sent this to the two of you.

David

From: Lamont Thompson [mailto:Lamont_Thompson@ci.richmond.ca.us]
Sent: Wednesday, September 08, 2010 11:58 AM
Subject: FW: Public floats alternative ideas to hotel-casino in Richmond

All,

Councilmember Butt has provided an alternative for consideration, see comments written below and attached concept plan.

Thank you,
Lamont Thompson

From: Butt, Tom [REDACTED]
Sent: Sunday, September 05, 2010 10:43 AM
To: Lamont Thompson
Subject: Public floats alternative ideas to hotel-casino in Richmond

Lamont,

Although I will have abundant opportunity to weigh in on this through the City Council, I also want to go on the record as a part of the visioning process that you are managing. These proposals have already been suggested by others, but I am not sure that they will participate in this particular process.

Some are suggestions for improving the official Upstream design, and the other is a totally different development approach.

Improving the Upstream Design

It has become clear that Upstream's current plan is to build a casino, an attached 4,000 car parking structure and a modest hotel as Phase 1 of the project. The emphasis is on maximizing cash flow. It is only in a conjectural Phase 2, if ever, that the proposed cultural and retail components of the project would be added. The current plan calls for razing over 30% of the floor area of buildings in the historic district and destroying its integrity.

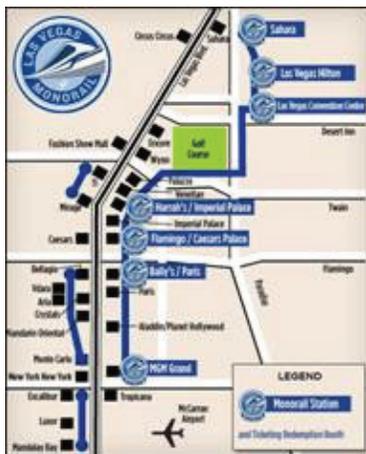
Cachet is the stock in trade of successful gaming projects, and most try to manufacture it out of thin air using fanciful architectural themes. With Point Molate, the cachet of the California wine industry and its rich history is built in, but Upstream plans to ignore it. From a site planning perspective, the single

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biggest challenge is the 4,000 car parking structure. This is the primary reason that Upstream is prepared to sacrifice the integrity of the historic district. Upstream is obsessed with the idea that all parking has to be adjacent to or under the hotel and casino. I have suggested moving most of the parking to a structure in the area on the south end of Point Molate, just inside and to the east of the entry road. This area is relatively flat and, unlike the locations Upstream is proposing, would require minimal excavation and would cast much less. A short shuttle ride to the hotel and casino would be part of the experience and could be a rail structure or a tram as well as conventional vehicles.

For examples., look at Sterling Vineyards in Calistoga or the Mandalay Bay Tram in Las Vegas that services the Mandalay, Luxor, and Excalibur or the Las Vegas Monorail that stops at the Sahara, Las Vegas Hilton, Las Vegas Convention Center, Harrah's, Imperial palace, Flamingo, Caesars Palace, Ballys, Paris and MGM Grand.



We have also looked at alternative plans (see attached "10_0405 Concept") that move the hotel, attached parking and casino out of the historic district with a "hill town" design concept. Upstream seemed to like this but was not willing to commit to it. One of the features of this plan is a thematic

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Winehaven arrival focal point and then integrating the legacy of building 6 the Winehaven building into the Casino. The uniqueness of the site is its legacy of Viticulture, Chinese shrimp camps, Indians, railroads, manufacturing, whaling, and fueling. Celebrating this historical gift is the key to a great plan. The intent is to extract the visual and thematic icons of this history as an arrival experience, like for instance, planting vineyards on both sides of the entry road, key symbolic viticulture art symbols either in architectural form or in focal point art, or celebrating the old railroad by aligned building 6 and its rail cars up with the main geometries of the Casino.

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In short, Upstream has continued to be myopic in its consideration of design schemes that address more than the single objective of a traditional stand-alone casino. Several architects with impressive hotel and casino experience have told me that Upstream's plans reflect thinking that went out in the 1970s.

An Alternative to Upstream

It has been suggested by more than one credible individual that Richmond approach Point Molate like the [Presidio Trust](#). A corporation controlled by the City would be set up. Without the casino, it could be integrated into Richmond's redevelopment areas. Richmond did something like this once in the 1970s. It's called Marina Bay. The City could use tax increment financing and special districts to install the necessary infrastructure and perform basic structural rehabilitation of the historic buildings. Portions of the property would be sold or long-term leased to developers and end users as the market allows, but the City would maintain control. This would avoid having to seek one large developer with the resources to pay for the whole project. The East Bay Regional Park District would collaborate with development and operation of recreation and open space resources. We should have done this ten years.

11

Public floats alternative ideas to hotel-casino in Richmond

By [Katherine Tam](#)
[Contra Costa Times](#)

Posted: 09/03/2010 08:40:09 PM PDT

Updated: 09/05/2010 03:04:27 AM PDT

A giant marijuana farm. A college campus. A mixed-use development boasting offices, shops, eateries, a winery, museum, convention center and housing, sans casino.

Richmond city planners have received a half-dozen ideas in writing since they opened a monthlong window for the public to submit alternatives to building a Las Vegas-style casino-hotel resort at the waterfront Point Molate Naval Fuel Depot.

Submissions range from a description a few sentences long to maps. The window closes Sept. 15.

Design, Community & Environment, a Berkeley firm, will assess the ideas to see if they differ from the casino-hotel resort and the five alternatives in the draft environmental impact report. The consultant also will assess whether they are feasible and should be included in the environmental report for more study.

The consultant's recommendations will be vetted by city staff members and developer Upstream, which is proposing the casino-hotel resort with the Guidiville Band of Pomo Indians. Critics have raised

SUBMITTAL # 10 & 11

concerns that viable alternatives won't survive this process, but city Community Economic Development Director Steve Duran has promised that Upstream won't have veto power over proposals.

The findings will be unveiled at a Nov. 17 public meeting. A report will reach the City Council in December or January.

So far, ideas include:

- Grow, package, distribute, store and sell marijuana in Point Molate's historic district. Organic crops can be grown on land outside the district. Revenue could come from selling or leasing the land as well as from sales revenue.
- A university or college campus, such as a Richmond State University or UC Berkeley extension.
- A shoreline nature interpretive center.
- A combination of commercial uses including a winery, museum, conference center, restaurants, shops, performing arts and a recording studio, plus industrial uses such as warehousing. It would include housing and open space.
- Commercial development that includes an Ohlone history center, maritime facilities and art galleries.
- The East Bay Regional Park District wants consideration of permanently protected and maintained parks and open space as outlined in the San Pablo Peninsula Open Space Study completed in 2005. A map of the study's preferred alternative shows interpretive centers, picnic space, commercial recreation such as kayaking and an area labeled "Point Molate mixed-use development." At the time of the study, the mixed-use development was still being determined.

The five alternatives already in the draft environmental report are: the casino-hotel resort with 35 acres of housing, a portion of which would be for the tribe; the casino-hotel resort but with fewer hotel rooms and more open space; a commercial development with a convention center, offices, restaurants, shops, housing and open space; all parkland; and do nothing.

Katherine Tam covers Richmond. Follow her at [Twitter.com/katherinetam](https://twitter.com/katherinetam).

If You Go

What: Public meeting on alternative ideas for Point Molate

When: 7-9 p.m. Wednesday

Where: Multipurpose room, 440 Civic Center Plaza, Richmond

- Richmond will accept development ideas for Point Molate through Sept. 15. Submissions can be e-mailed to planner Lamont Thompson at Lamont_Thompson@ci.richmond.ca.us or mailed to the city's Planning Department, 450 Civic Center Plaza, second floor, Richmond, 94804.

Tom Butt
Richmond City Councilman

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10/28/2010

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Page 5 of 5

employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited, and you are requested to please notify us immediately by telephone at [REDACTED] and delete this message forthwith.

Thank you for your cooperation.

Tom Butt

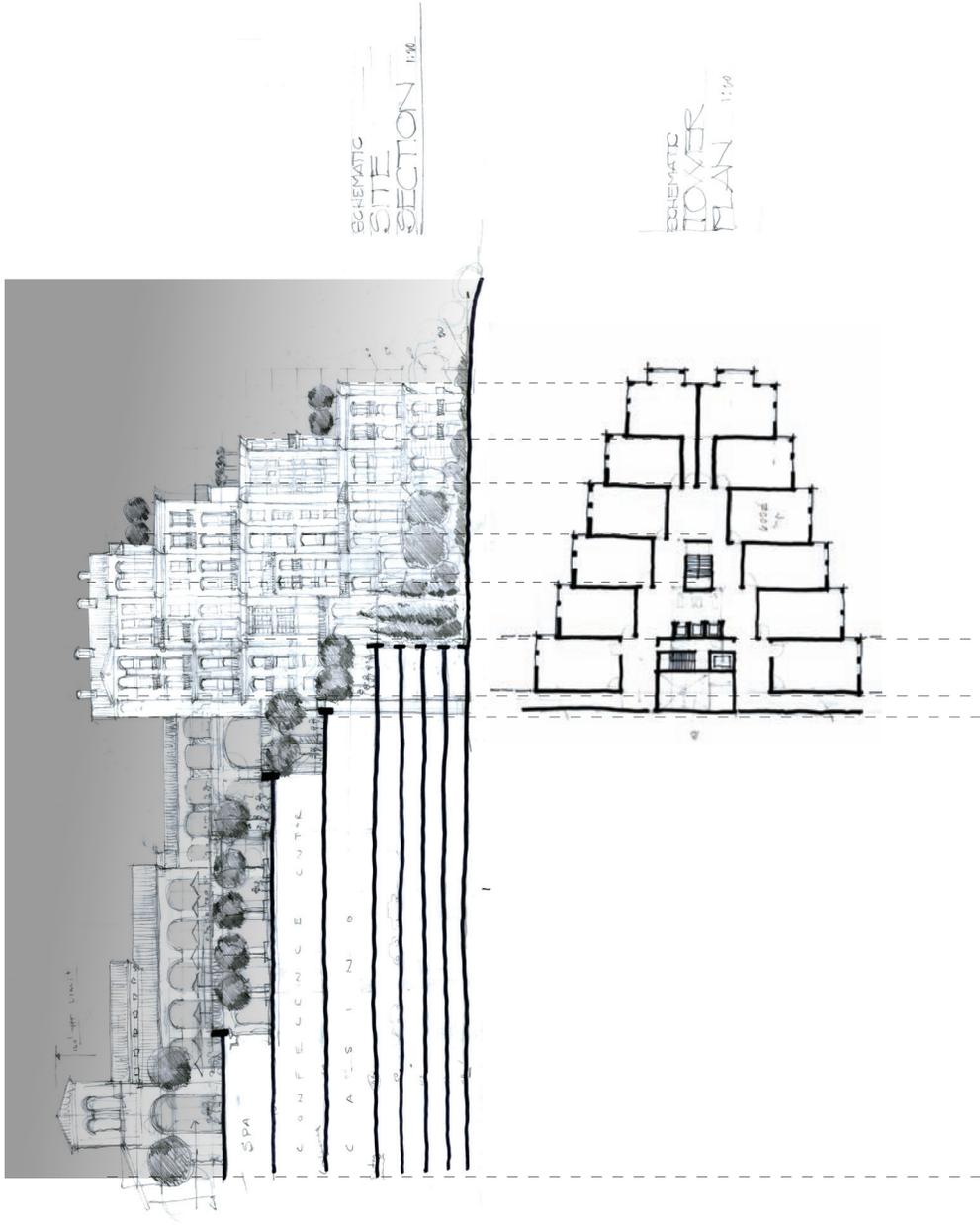
SUBMITTAL # 10 & 11



- Richmond Waterfront Museum**
On Historic Axis
- Historic Railcar Alignment**
Aligned to Hotel/Casino Arrival
- Recreational Trailhead**
Connects to Ridge/Line Tank Pad Trail
- Signature Thematic Focal Element**
Richmond + Winehaven Icon

20100405
MOLATE
Investments LLC
DARLIN GROUP
ARCHITECTS

SUBMITTAL # 10 & 11



Carey Stone

From: Dahlia Chazan
Sent: Tuesday, September 07, 2010 3:25 PM
To: Carey Stone
Subject: FW: Online form submission for alternate land use - Point Molate

Attachments: CFSPM Alternate Land Use Submission under Workshop Program - online form - 9-5-10.pdf



CFSPM Alternate
Land Use Submi...

-----Original Message-----

From: Joan Garrett [REDACTED]
Sent: Sunday, September 05, 2010 5:35 PM
To: Dahlia Chazan
Subject: Online form submission for alternate land use - Point Molate

Dear Dahlia

Citizens for a Sustainable Point Molate submits the attached form-fill .pdf under the Point Molate Alternate Land Use workshop program. A further detailed letter has been submitted to Lamont Thompson, Senior Planner, Planning and Building Services, City of Richmond.

Regards
Joan Garrett
Citizens for a Sustainable Pt. Molate

Point Molate Land Use Alternatives

Submittal Form

This form is intended to assist with the submittal of ideas and proposals for the Point Molate project site. Proposals will be accepted between August 5, 2010 and September 15, 2010. Submittals will be accepted online at www.ci.richmond.ca.us/pointmolate; via e-mail at Lamont_Thompson@ci.Richmond.ca.us; via mail at City of Richmond, Planning Division, 450 Civic Center Plaza - 2nd Floor, Richmond, CA 94804; or by fax at (510) 620-6858.

For background about the site and the alternatives that are already under study, please refer to the Point Molate Project Background Handout, which gives an overview of the project, describes site constraints, and outlines the proposed project alternatives contained in the DEIS/R. This handout is located online at www.ci.richmond.ca.us/pointmolate.

Each proposal will be evaluated using the criteria below.

- Financial feasibility.
 - ◊ Need for public funding
 - ◊ Ability of the proposal to pay land purchase price and related infrastructure costs.
- Number and type of jobs created.
- Fiscal benefit or impact on City of Richmond.
- Provision of parks, open space, and trails.
- Rehabilitation of historic buildings.
- Ability to pay for unanticipated remediation.
- Likelihood of the proposal to generate off-site economic development.

The Map below shows the boundary of the Point Molate Project site. If you wish, you may draw your land use proposal on this map.



SUBMITTAL # 12

Please describe your land use proposal ideas in the space below. If you need additional space, please attach your idea or proposal to this document. All types of submittals are welcome including drawings, studies, and other information. You may also draw your proposal on the map on the front of this document.

As submitted separately via letter and email dated September 6, 2010 addressed to Lamont Thompson, Senior Planner, Planning and Building Services, 450 Civic Center Plaza, P.O. Box 4046, Richmond, CA. 94804-1630

by
Citizens for a Sustainable Pt. Molate
P.O. Box 71212
Richmond, CA. 94807

What are the advantages of your idea?

Citizens for a Sustainable Pt. Molate has developed a land use proposal and development plan for Point Molate that incorporates, complements, and stewards the natural geographic features of Point Molate, incorporates environmental remediation strategies and methods that are more comprehensive, less intrusive, and ultimately more effective than the remediation strategies and methods proposed by Upstream for DEIS/EIR Alternatives A-D, all within a rehabilitation and development project that will engage the public on a city, regional, and national level, provide direct social and community benefit for Richmond residents, and provide economic enrichment for the city and region via a combination of regionally impactful nexus based economic generators, taxation, land occupation and visitation fees.

CFSPM's land use proposal for Point Molate follows best practices in:

LID - Low Impact Development, including storm water runoff management
Sustainable Development Principles - as per U.S. National Research Council, Policy Division, Board on Sustainable Development of the US National Academy of Sciences and the Wellbeing Index
Green Remediation Best Practices as defined by the US EPA
US EPA ER3 Initiative recommended practices in brownfield re-development
Smart Growth sustainable development principles for urban areas
OECD principles for sustainable economic development
US Green Building Council

Submit by Email



CITIZENS FOR A SUSTAINABLE POINT MOLATE

September 6, 2010

Lamont Thompson
Senior Planner
Planning and Building Services
450 Civic Center Plaza
P.O. Box 4046
Richmond, CA. 94804-1630

Re: Comments on Revised Evaluation Criteria and Submission under the Point Molate Land Use Alternative Workshop Program

Dear Mr. Thompson,

Via the 6th amendment to the LDA between Upstream and the City of Richmond which was generated by a city council vote on May 18th, 2010, a series of workshops to collect the public's input on possible alternate projects for Point Molate was instituted.

The first of those workshops occurred on August 4 at which time the workshop and presentation process was explained and attendees gave feedback to consultants DC&E on the evaluation criteria that was planned to be used to evaluate the various proposals.

Unfortunately the feedback was not incorporated into the revised criteria, save for one point – the requirement to comply with Navy transfer terms – a foregone conclusion/requirement for any proposal. Indeed the revised criteria that were issued on 8/16/10 not only neglected to include participants feedback, it transformed many of the original criteria from being classed as guidelines to being classed as required, and added additional criteria that were never even discussed during the August 4, 2010 workshop, such as a requirement that alternate proposals be 'substantially different' from existing alternatives A-F in the DEIS/EIR in order to be considered. What defines substantial difference appears to be up to DC&E and Upstream to decide.

The workshop process provides for a deadline of proposal submissions of September 15th, yet the next workshop scheduled for tomorrow, Sept 8th, 2010 is aimed at receiving 'verbal input from the public and written proposals on land use ideas for Point Molate'. How can all the various proposals be discussed if they haven't been received yet?

The workshop process and evaluation criteria are deeply flawed, and are not providing a true opportunity for city residents to democratically participate in development and refinement of alternate land uses for Point Molate. Attendants' feedback to date has been ignored, and the process does not provide adequate





CITIZENS FOR A SUSTAINABLE POINT MOLATE

opportunity for submission of alternate ideas in a time frame that will accommodate review by participating residents. Finally, under the terms of the 6th amendment to the LDA and the language of the amended K-1 motion passed on May 18th, 2010 all alternate proposals and land use ideas can only be executed and implemented by Upstream.

For these reasons, while Citizens for a Sustainable Point Molate have developed a comprehensive plan for Point Molate, the details, renderings, and data from this plan will be submitted separately to the City of Richmond to review.

The Citizens for a Sustainable Pt. Molate(CFSPM) have developed a land use proposal and development plan for Point Molate that incorporates, complements, and stewards the natural geographic features of Point Molate, incorporates environmental remediation strategies and methods that are more comprehensive, less intrusive, and ultimately more effective than the remediation strategies and methods proposed by Upstream for DEIS/EIR Alternatives A-D, all within a rehabilitation and development project that will engage the public on a city, regional, and national level, provide direct social and community benefit for Richmond residents, and provide economic enrichment for the city and region via a combination of regionally impactful nexus based economic generators, taxation, land occupation and visitation fees.

CFSPM's land use proposal for Point Molate follows best practices in:

- LID - Low Impact Development, including storm water runoff management
- Sustainable Development Principles - as per U.S. National Research Council, Policy Division, Board on Sustainable Development of the US National Academy of Sciences and the Wellbeing Index
- Green Remediation Best Practices as defined by the US EPA
- US EPA ER3 Initiative recommended practices in brownfield re-development
- Smart Growth sustainable development principles for urban areas
- OECD principles for sustainable economic development
- US Green Building Council
- Integrated Total Impact Economic Modeling

CFSPM's alternate land use proposal and development plan provides the following benefits -

- World class geo, eco, and cultural tourism and recreation destination that is economically accessible for all.
- Habitat preservation - biodiversity.
- Diverse, sustainable economic system with multi-generational extent, which includes nexus targeted creation of local and regional additive economic systems.
- Sustainable job creation.
- Energy self-sufficiency.
- Job and economic development programs that extend and reduce costs to the City of Richmond's existing economic and workforce development programs.





C I T I Z E N S F O R A S U S T A I N A B L E P O I N T M O L A T E

- Educational development, - in situ, apprenticeships, and internships across multiple disciplines.
- Analogic natural design and aesthetics that compliment and extend the Bay Area's iconic collection of natural and manmade structures
- Rehabilitation and preservation of the Winehaven district.
- Phased and paced implementation process that is both naturally triggered and accretive with adaptive re-use design.
- Social equity via cultural, health, educational, economic and recreational development models.

The anticipated economic impact, when including the necessary integrated components that will provide a Total Economic Impact picture, such as infrastructure rehabilitation and remediation costs, health and wellness key indicator improvements, reduction in social services costs, financing costs, local and regional economic impact, local and regional valuation impacts, revenue production by participating entity, maintenance costs, etc., constitute by default - a complex - and by necessity - a living model that cannot be adequately measured by simplistic direct and induced job creation projections based on a project's anticipated fully loaded capacity. The economic analysis of CFSPM's alternate land use and development proposal does not isolate job creation apart from societal and community costs and benefits - an area in which the project analysis contained in the current DEIS/EIR is woefully lacking.

We look forward to the opportunity to present our project plan for Point Molate including a total economic impact analysis that incorporates all economic factors – and consequences, and equally look forward to the publication of a total economic impact analysis of items A-D in the current DEIS/EIR.

Regards,
Joan Garrett

Citizens for a Sustainable Point Molate
jgarrett@cfspm.org



SUBMITTAL # 13a

From: Dahlia Chazan
Sent: Wednesday, September 22, 2010 8:47 AM
To: Carey Stone
Subject: FW: Pt Molate - LBNL second campus

From: Lamont Thompson [mailto:Lamont_Thompson@ci.richmond.ca.us]
Sent: Tuesday, September 21, 2010 4:28 PM
To: Bruce Goodmiller; Dahlia Chazan; David Early; Janet Schneider; jcoho@aol.com; LaShonda Wilson; Lina Velasco; Richard Mitchell; Steve Duran; Yader Bermudez
Subject: FW: Pt Molate - LBNL second campus



From: Marilyn Saarni [REDACTED]
Sent: Thursday, September 09, 2010 7:32 PM
To: Lamont Thompson
Subject: Pt Molate - LBNL second campus

I cannot tell whether the online form is working; possibly duplicate text below:

Marilyn Saarni
 [REDACTED]

Lawrence Berkeley National Laboratory's Director Paul Alivisatos has announced a search for a second -- and probably larger -- campus for LBNL. See <http://hosting2.epresence.tv/LBL/1/watch/110.aspx> for announcement. Dr. Alivisatos can be reached at APAlivisatos@lbl.gov, [REDACTED] (executive asst Lorraine). The scale of Point Molate is big enough, while the transit time (25 min) to the Berkeley site is just at the limit of the decision factor. Public transit has limitations -- but the potential for building or modifying to LBNL's need at Point Molate is as good as it can get.

For Richmond, it would be an incredible acquisition. Clearly the incubator effect for green technology firms would be huge. The most likely divisions to move to the new campus would be Energy and Environmental Technologies, Earth Sciences (heavily involved in Climate Change), Advanced Genome (on long term lease in Walnut Creek), Life Sciences (on varying length leases in Emeryville). Talking about an educated work force, of course, on the LBNL site. LBNL has an excellent track record of sponsoring volunteers within public education systems, which would be tremendous advantage for Richmond.

You can better assess the incubator effect than I, but I already know of a couple of startups that were

SUBMITTAL # 13a

file:///L:/996-Pt.Molate/02_Background%20Data/Comment%20Letters/S...

considering small scale offices at Point Richmond because it was within a reasonable commute distance of LBNL/UC Berkeley, SF, and venture capitalist offices in Silicon Valley, yet with decent costs and quality of life. One group was coming from an office in Boston, but knew already they wanted housing (and schooling) in Marin County.

This is such a recent decision on LBNL's part that Richmond could, for once, get organized enough to offer a win-win situation to LBNL.

LBNL folks are among the few local large scale groups that could best make use of Point Molate lands and collaborate with Chevron Refinery to assure public safety. LBNL would have a better attitude towards working to the public weal than the casino, that's for sure.

LBNL needs a cohesive stretch of land for its new site, where it can build a collaborative research campus. And Richmond desperately needs to shift to green technologies, and call in serious R&D industry. It needs to build jobs for the future, not more dead-end service jobs like the casino.

I hope someone will have the gumption to follow this up.

Lamont Thompson

From: Steve Duran
Sent: Wednesday, September 15, 2010 12:03 PM
To: Lamont Thompson
Cc: Bruce Goodmiller; Maria Viramontes - external
Subject: Point Molate Alternative Use

Lamont,

Councilmember Viramontes has added the following alternative to the Point Molate use analysis:

Single or multiple user campus for office, research & development, laboratory, studio/media production, software development, light manufacturing and/or related uses and ancillary uses, such as food services and service retail.

Square footage should be maximized as high as reasonably possible – 4,000,000 square feet.

- sd

Steven Duran
Community & Economic Development Director
RCRA Executive Director

Richmond Community Redevelopment Agency
440 Civic Center Plaza, Suite 200
P.O. Box 4046
Richmond, California 94804

SUBMITTAL # 13c**Carey Stone**

From: Lamont Thompson [Lamont_Thompson@ci.richmond.ca.us]
Sent: Monday, September 20, 2010 10:32 AM
To: Bruce Goodmiller; Dahlia Chazan; David Early; Janet Schneider; jcoho@aol.com; LaShonda Wilson; Lina Velasco; Richard Mitchell; Steve Duran; Yader Bermudez
Subject: FW: Pointe Molate - a preliminary proposal

All,

See below

Lamont

From: Bruce Kaplan [REDACTED]
Sent: Wednesday, September 15, 2010 9:04 PM
To: Lamont Thompson
Cc: Jeff Ritterman; Gayle McLaughlin; Tom Butt - external; jim rogers; Maria Viramontes; Ludmyrna Lopez - external; Bill Lindsay; Nat Bates - external
Subject: Pointe Molate - a preliminary proposal

September 14, 2010

To: The City of Richmond
 Planning Department
 Attn: Lamont Wilson
 450 Civic Center Plaza – 2nd Floor
 Richmond CA 94804

As a resident of Richmond living just a few miles from the proposed development at Pointe Molate, I have been tracking the Upstream LLC proposal for the casino development there. Based on the DEIR, I believe that the proposal has significant social, ecological and other detriments that have not been given adequate study. So I am pleased to see the City looking at other ideas. I hope that the current effort to review alternate proposals is more than a pro forma process for appearances. It is important that the City and its residents be given a chance to consider alternate ideas to the Upstream proposal.

That said, this is less than a full proposal, but the beginning of a viable concept for an Alternative Energy Center at Point Molate. I propose that the Pointe Molate be developed with the following uses in mind. The development would have four key components:

1. Headquarters for an established alternate energy businesses.
2. A business incubator facility for start-up alternative energy companies. The established energy company could offer space, other infrastructure, and make angel and round 1 investments with rights to license the resulting technologies or otherwise acquire the companies that are successful in developing commercially valuable technology.
3. A museum, institute or demonstration center for energy and alternative energy. This organization would have primarily an educational mission and would bring visitors to learn about the history

SUBMITTAL # 13c

of energy sources, and their relative methods, by products, costs of production, etc. There could be an academic partnership with Cal, Stanford or another university.

4. The shoreline area would be restored and made available to the public as a park and recreational area. Limited tourist accommodations could be built for out of town guests to enjoy the area.

The benefits to the community would be many:

- Create technical, administration and support jobs in the construction, staffing and operation of the Alternative Energy R&D/Business Center
- Create technical, curatorial, operational and hospitality jobs for the operation of the Alternative Energy Museum/Demonstration Center
- Establish Richmond as a leading center for green energy R&D and eventually, production
- Gain a legitimate museum type attraction for attract visitors to Richmond
- Provide for the restoration of the shoreline recreational areas and substantially preserve the coast line with medium intensity use.

This is not an inexpensive proposal. Who has the money and interest in this kind of plan? I am aware that Chevron made an earlier proposal to purchase the Point Molate property. It was rejected because it lacked a plan to develop the area and provide additional jobs and other economic benefits to the City. Its fair to say that despite its ongoing friction with the city, Chevron is probably the best candidate to purchase the land and implement the plan to develop an alternative energy center.

Does Chevron have the resources to develop the site? That almost goes without saying. Yes. Are there compelling reasons for Chevron to work with the city to do this? Certainly, Chevron already has an enormous stake in the community and strategic interest in controlling the real estate around Point Molate. In fact, there would be numerous benefits to Chevron including:

- Demonstrate Chevron's commitment to the public for future clean energy production.
- Establish competitive advantage by investing in early stage start-ups, some of which will produce marketable technologies. Send a powerful message internally ("We are working on a future when oil is not our primary product") and to the public ("We are working on a cleaner greener future.")
- Control the real estate immediately around the refinery with a use that would have less concentrated impact on the area and less liability in the event of an accident or hazardous event
- Improve relationships with the city and demonstrate its commitment to being a good neighbor to the community
- Compete with BP's partnership with UC Berkeley

I have made informal inquiries through Heather Kulp Chevron regarding this proposal. What she told me is that Chevron could not even discuss this idea while the Upstream agreement is in place, for fear of a suit from Upstream. I urge the City to terminate or renegotiate the contract with Upstream so that other interested parties can explore ideas (including the above) without fearing a legal challenge from Upstream.

In closing, I want to emphasize that I am not anti-development or anti business, and don't think that Richmond is or should be either. Although I am not a developer, I have started and managed two companies each with revenues in the low millions. I believe that there is an opportunity to build a project that has lasting economic value to the City, enhances its standing in the greater Bay Area without adding to the misery index by creating an urban attraction for gambling addicts, prostitution and excessive consumption. Further, I believe that this beautiful piece of coast line warrants a development that is scaled appropriately and is of an appropriate intensity so as to avoid exposing the

SUBMITTAL # 13c

city it neighbors to an overdose of traffic and other threats to our ecological balance (i.e. sewage, etc).

I appreciate your serious consideration of this concept, and would be pleased to make myself available to discuss it at anytime.

Sincerely,

Bruce Kaplan



SUBMITTAL # 13d

Carey Stone

From: Lamont Thompson [Lamont_Thompson@ci.richmond.ca.us]
Sent: Monday, September 20, 2010 10:34 AM
To: Bruce Goodmiller; Dahlia Chazan; David Early; Janet Schneider; jcoho@aol.com; LaShonda Wilson; Lina Velasco; Richard Mitchell; Steve Duran; Yader Bermudez
Subject: FW: Some Modest Proposals for Pt. Molate

All,
 See email below.

Lamont

From: michael beer [REDACTED]
Sent: Wednesday, September 15, 2010 12:43 PM
To: Lamont Thompson
Subject: Some Modest Proposals for Pt. Molate

Richmond, CA
 September 15,

2010

Lamont Thompson
 Planning Department
 City of Richmond

Dear Lamont,

The following are ideas I think worth exploring as alternative proposals for the jewel in Richmond's crown - Pt. Molate - as opposed to the lackluster rhinestone that is the "resort/casino".

1. Convert the varied terrain of Pt. Molate into a world-class golf course with a yearly international golf tournament drawing the same world famous players as the Bridgestone International, etc. Continue to build luxury housing and affordable housing, shops and entertainment center.

20

2. Build on Pt. Molate a socially integrated retirement community with markets and shops and accessible transportation. Discuss this concept with the Golden Rain Association of Leisure World, CA. and with Rossmore management.

21

3. Create a world-class wild life preserve where, unlike a zoo, the animals roam freely in their own habitats, and visitors are driven in electric cars through the grounds. A family-oriented experience.

22

4. The Smithsonian Institution in Washington, D.C. has a number of satellites, but none on the West Coast. They also have thousands of objects than they can ever put on exhibit for lack of space. We need only create a shell to house them, and we might have our choice of treasures currently in storage.

23

5. I suggest a California First Peoples Living Museum along the lines of Williamsburg, VA or Plimoth Plantation in Massachusetts. Because of its many rich and diverse ecological niches, California was home to more than 150 distinct tribes. This Museum could honor this heritage and also (like L.A.'s Tolerance Museum) attempt to redress the crimes of Spanish conquistadores and Anglo miners against them.

24

In addition, the bands of Pomo who currently advocate an urban casino can take a leadership role in their putative homeland to help create this homage museum.

The museum might also become the site of a quarterly pow-wows and an annual Thanksgiving meeting of major American tribes.

6. Pt. Molate can become the site of a unique industrial park, a Consortium of Research and Development of Green Technology. It can become an academic and entrepreneurial center along the lines of a public Manhattan Project, an umbrella campus where individuals, academic institutions and companies working on, for example, fuel cells, ethanol from kelp, the Anaconda project, VIVACE, alternative transportation systems, hybrid construction materials, etc. can set up shop, live and work together, exchange ideas, hold international conferences.

13d

Obviously all these people would need housing, markets and services.

Allied to this would be a Museum of Technology and Society with hands-on exhibits part of which would be an on-going open-ended demonstration of the latest ideas in social and economic models and applied science.

Cf. David Blume (ethanol from kelp), SolarBotanic's nano-leaves, Solaren Corporation's orbiting panels, etc.)

Here are six viable ideas concocted by one individual, myself. Imagine how many ideas would be possible if the imagination and creativity of Richmond and the greater Bay Area were encouraged after the city council has permanently shelved the atavistic, ghoulish "business" of a Las Vegas-type casino and casino mentality in this our city of pride and purpose.

A better

Richmond is possible,

Michael Beer

SUBMITTAL # I3d

Page 2 of 2

cc: Mayor Gayle McLaughlin
Members of the City Council
City Manager Bill Lindsay



10/28/2010

SUBMITTAL # 13e

Fax

To: *City of Richmond*
LAMONT THOMPSON From: *Russell Jenkins*

Fax: *1.510.620.6858* Date: *09/15/2010*

Phone: _____ Pages: *(3)*

Re: *P. Mulate Land Use*

- Urgent
- For Review
- Please Comment
- Please Reply
- Please Recycle

•Comments:

SUBMITTAL # 13e

Point Molate Land Use Alternatives (copy and paste from Richmond city website submittal form)

September 14th, 2010
Russell Jenkins

Richmond has the second largest oil refinery in California (putting out around 5,000,000 tons of CO2 and other gases). This combined with AB32 kicking into effect January 1, 2012 we may see Chevron paying an enormous amount of money in the form of Carbon credits with little to no improvement in local air quality.

I am humbly proposing at this time that productive green technologies that not only clean the local air, but provide jobs be given consideration.

One such technology (found on the Eprida.com website, which I am not affiliated with) involves using biomass (shredded city tree prunings, green bin waste, other green waste sources) to scrub gases while producing hydrogen, bio-oil and a type of soil amendment. Production of hydrogen is especially useful to Chevron because they need it for their fossil fuel refining process.

This technology may involve the city and/or more likely Chevron buying *some part* of the Point Molate land. (It may also be that Chevron doesn't need any part of Point Molate to incorporate this technology. According to Wikipedia in 2002 they were able to process 340,000 barrels of crude oil per day, but are now down to 240,000 barrels per day). Therefore it may be they have sufficient reserve capacity left both at their refinery and their long wharf to handle any increased loads.

Advantages:

Alternative energy technologies may help Chevron maintain reasonable profits over time. This would ensure a stable taxable income to the city.

The local air would get cleaner by some degree. (less CO2, oxides of nitrogen, sulfur oxides, heavy metals).

The soil amendment produced in the process of scrubbing gases could be used to further "Green" Richmond (as well as other cities). This, of course, would go towards to producing even more biomass.

With that being said, more members of the community would need to get involved with respect to researching and collaborating with Chevron and City Hall. At the moment I am approaching some local non-profits with this idea in order to get feedback. Obviously, a

SUBMITTAL # 13e

lot of work needs to be done and the technical hurdles will no doubt be extremely large. However, I have faith that a large company such as Chevron (working with the community) has the technical expertise to get this or some other clean air technology *eventually* working.

9/13/10 Laura Graham

Born in Richmond

Hosp, grammar school, Mid Sch, HS - all torn down

Pt Mokai is beautiful, should be preserved

Used to be traffic jam due to ferry to San Rafael

Casino would make things worse -
bad enough as it is

Wants Trust for Public Land/Sanoma Land Trust or
similar to own and preserve land

Winchaven was first winery in CA,
s/ be preserved

make a museum out of it or rent out to winery
or some other use

Cottages could become B&B

^{Some} Casinos in Reno have folded; Las Vegas having trouble too
No need for add'l casinos -

~~one or two~~ exist, San Pablo enough

(e) Buildings on it Moke side that you see
from the bridge s/ be painted green —

(e) Long white stripe
sticks out like sore thumb

RECEIVED

SEP 13 2010

RICHMOND
PLANNING DEPARTMENT

SUBMITTAL # 15

Carolyn Ashe Stokes

(Recovering from stroke)

To: Loretta Thompson-

It has been a long time that I have favored
a Casino - Hotel - Library, Housing for Promo Indians,
and the greater community, and a Cruise ship
that connect with others.

I have always pursued a Diversity Quest
because of my family Diversity and my
JFK University Master's in Consciousness and
the Arts. Having a Diversity Component
as the current trend, can encourage
many people to come to this area. It could
be a trend for the future.

I have a library now with over 5000 books
which I will donate to the Library.

I have two books that have been printed
which deal with a "Parent, Teacher, Mentor
Guide. Richmond has always been my
current focus for many projects, since
the early fifties.

Thankyou!

SUBMITTAL # 16

Carey Stone

From: Lamont Thompson [Lamont_Thompson@ci.richmond.ca.us]
Sent: Monday, September 20, 2010 11:07 AM
To: Bruce Goodmiller; Dahlia Chazan; David Early; Janet Schneider; jcoho@aol.com; LaShonda Wilson; Lina Velasco; Richard Mitchell; Steve Duran; Yader Bermudez
Subject: FW: Alternative Ideas for Point Molate

All,

See email below.

Lamont

From: [REDACTED]
Sent: Tuesday, September 14, 2010 3:55 PM
To: Lamont Thompson
Subject: Alternative Ideas for Point Molate

Hello Mr. Thompson,
My name is Patricia Rose and I am a homeowner, resident and parent in Richmond. I have been living, working and been a concerned community member for approximately 23 years. I believe a good use of the Point Molate area would be something similar to Lamade Stadium which is in South Williamsport, Pennsylvania. It holds 45,000 spectators whom view the Little League World Series each year and brings in quite a bit of revenue to the area. It is quite an impressive facility and provides jobs for people in the region as well as revenue for hotels, restaurants and other business. The community as a whole needs to be consulted in terms of our welfare and the welfare of our children. Let's look at the good of the entire community. Thank you in advance for your time.

Netscape. Just the Net You Need.

Point Molate Land Use Alternatives

Submittal Form

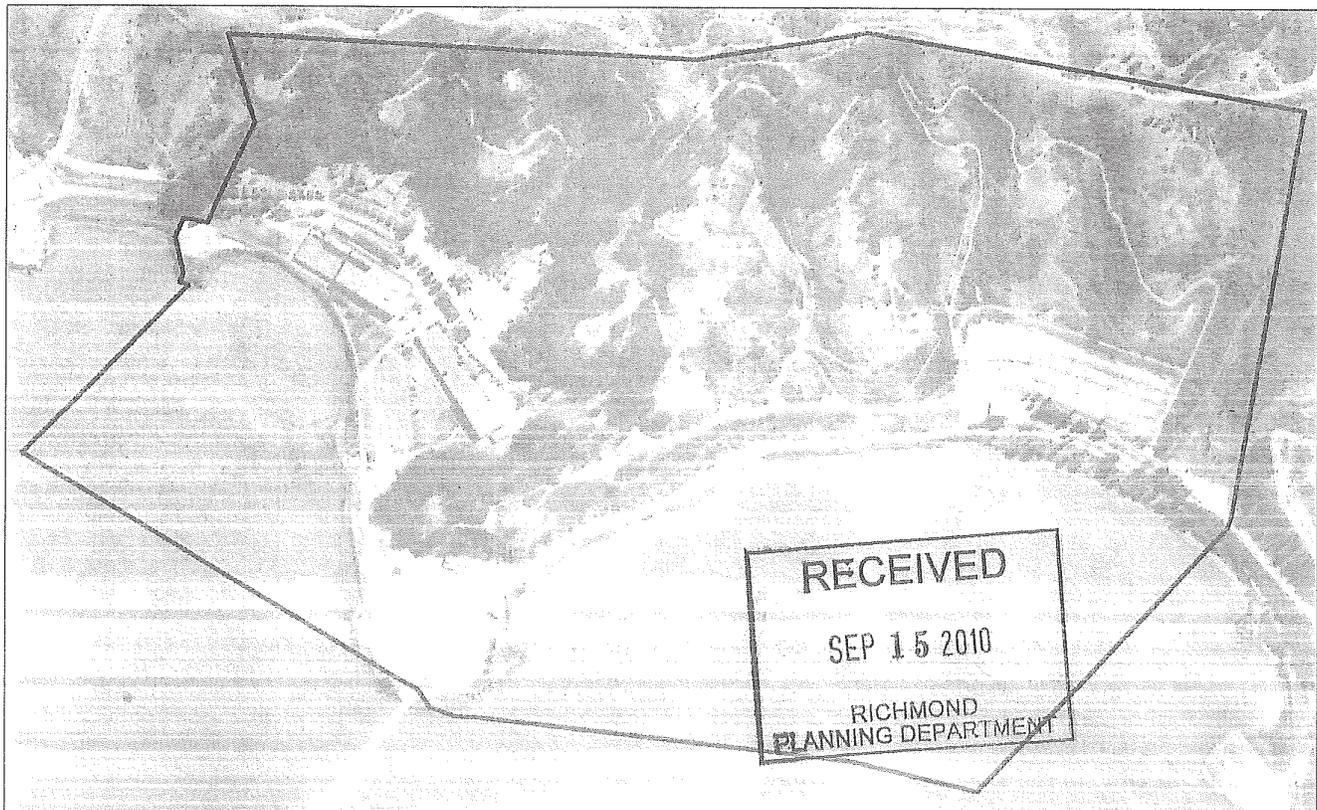
This form is intended to assist with the submittal of ideas and proposals for the Point Molate project site. Proposals will be accepted between August 5, 2010 and September 15, 2010. Submittals will be accepted online at www.ci.richmond.ca.us/pointmolate; via e-mail at Lamont_Thompson@ci.Richmond.ca.us; via mail at City of Richmond, Planning Division, 450 Civic Center Plaza - 2nd Floor, Richmond, CA 94804; or by fax at (510) 620-6858.

For background about the site and the alternatives that are already under study, please refer to the Point Molate Project Background Handout, which gives an overview of the project, describes site constraints, and outlines the proposed project alternatives contained in the DEIS/R. This handout is located online at www.ci.richmond.ca.us/pointmolate.

Each proposal will be evaluated using the criteria below.

- Financial feasibility.
 - ◊ Need for public funding
 - ◊ Ability of the proposal to pay land purchase price and related infrastructure costs.
- Number and type of jobs created.
- Fiscal benefit or impact on City of Richmond.
- Provision of parks, open space, and trails.
- Rehabilitation of historic buildings.
- Ability to pay for unanticipated remediation.
- Likelihood of the proposal to generate off-site economic development.

The Map below shows the boundary of the Point Molate Project site. If you wish, you may draw your land use proposal on this map.



SUBMITTAL # 17

Please describe your land use proposal ideas in the space below. If you need additional space, please attach your idea or proposal to this document. All types of submittals are welcome including drawings, studies, and other information. You may also draw your proposal on the map on the front of this document.

See attached

Tarnel Abbott

What are the advantages of your idea?

**POINT MOLATE ALTERNATIVE PLAN: MUNICIPAL UTILITY WIND FARM
and more ...**

September 8, 2010
Tarnel Abbott



Like other communities struggling with economic hard times (including increasing utility rates) and the local impact of global warming, Richmond should look at the potential of the city owned property at Point Molate to be developed for community benefit as a municipal utility using state of the art technologies to harness renewable energy resources: Wind, solar and possibly tidal.

WIND: According to *WIND POWER FOR MUNICIPAL UTILITIES* A report by the Office of Energy Efficiency and Renewable Energy (EERE) -Department of Energy, cities across the nation are harnessing the wind in profitable ways. Most municipalities start small with just a few wind turbines. One 750 kw wind turbine costs about \$800,000 installed, each year it produces between \$80,000 to \$100,000 worth of electricity. Federal renewable energy subsidies are available to municipal power utilities up to 350,000 payable over 10 years.

Annual income from generated electricity	80,000. to 100,000.
Annual renewable energy production incentive	35,000.
Gross income in first ten years	1,150,000. to 1,350.000

With westward facing exposure, Point Molate should be a suitable location for a wind farm.

SOLAR: On April 14, 2010, the U.S. Department of Energy (DOE) announced up to \$10 million in funding over 5 years for two organizations to help accelerate the adoption of solar energy among local governments (http://www.solaramericacities.energy.gov/about/technical_outreach/). In 1998,

From the City of Alameda :

In 1998, _____ installed a 4-kilowatt solar photovoltaic (PV) system, consisting of 78 Solarex PV panels located on the roof of our facility. These panels are installed at the optimum angle to the sun at 40 degrees, (Alameda's latitude). This maximizing exposure to the sun, and energy collection. The system output feeds directly into AMP's Service Center where it is monitored 24/7.

Of the total cost of our system (\$28,000 excluding data equipment), almost 40% was off set by a DOE Utility PV TEAM-UP Grant.

SUBMITTAL # 17

In the years since we installed our system, the cost of PV systems has continued to decline, as manufacturing has become more efficient and demand has risen. Having no fuel costs being almost maintenance free also makes solar one of the most cost-effective energy delivery system.”

There are many examples of cities which have turned to renewables using natural resources to benefit the entire community and create clean energy and green jobs. This is the type of investment which will continue to benefit us for many years.

AND....

2. The land along the shoreline should be used as a park. It could become part of the East Shore State Park or an East Bay Regional Park District.
3. Partnering with educational institutions such as colleges/universities for a San Francisco Bay marine biology center could be explored.
4. In partnership with educational institutions or nonprofits, Winehaven could become a renewable energy campus, or an arts campus.

The Native American archeological remains should be left undisturbed. A cultural/historical center honoring the indigenous Huichin band of Ohlone Indians should be incorporated into the site plan.

ADDENDUM 9/10/10 a nice example that we could adapt at Point Molate:

<http://www.contracostatimes.com>

Oakley regional park project nears completion

By Hannah Dreier

Contra Costa Times

Posted: 09/09/2010 01:48:17 PM PDT

Updated: 09/10/2010 04:51:44 AM PDT

East Bay Regional Park District landscape architect Ren Bates looks over work in progress at Big...

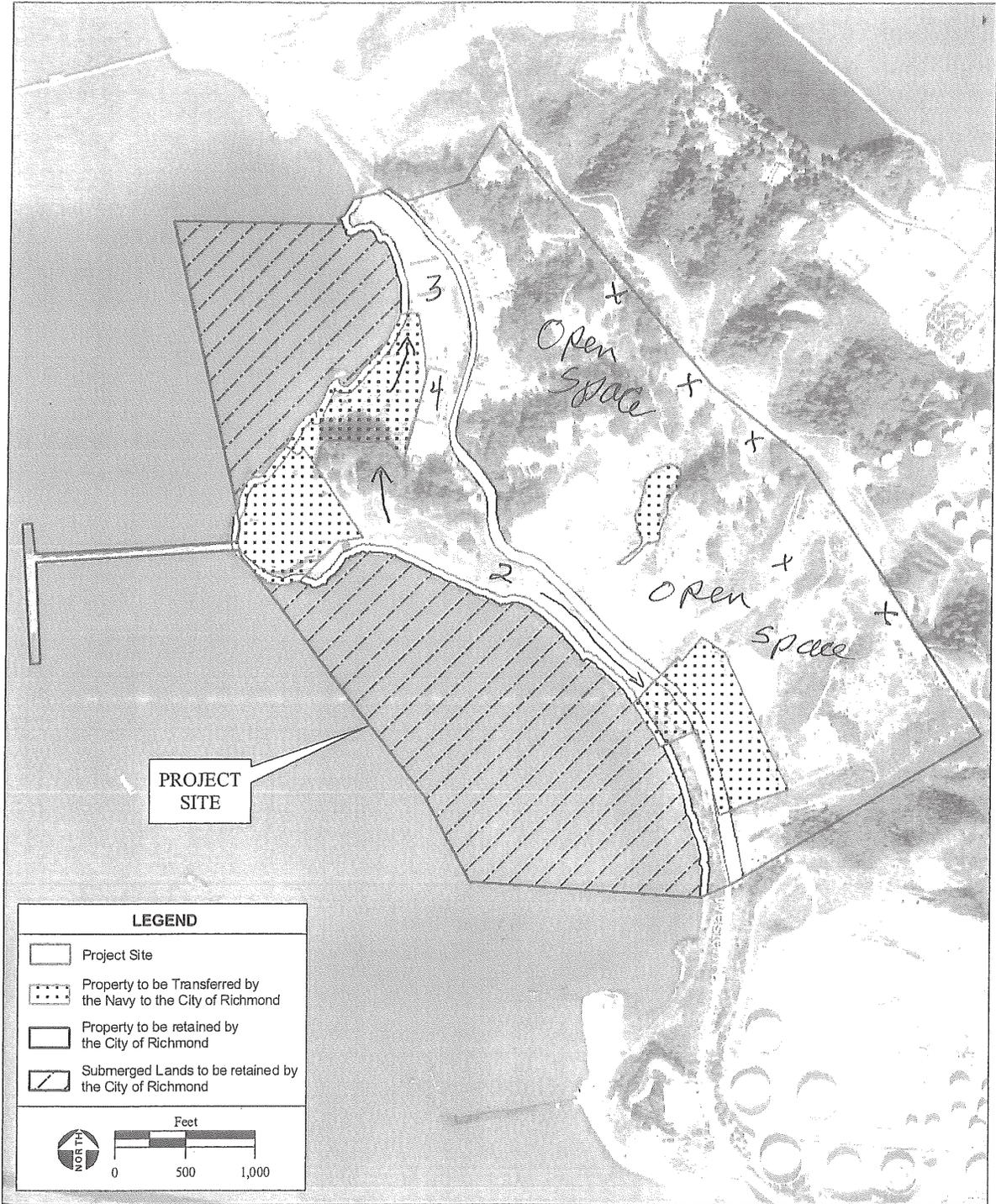
OAKLEY -- In a few months, people will be able to take kayak classes, attend presentations and explore an enormous scale model of the area's waterways at the new Delta Discovery Experience at Big Break Regional Shoreline. The project has been in the works for nearly two decades, but the East Bay Regional Park District only recently secured the \$2 million in state grants required to fund the facility.

SUBMITTAL # 17

Construction began this summer on 4 acres of parkland off Big Break Road, and should be completed by the end of the year, officials said.

The facility will include a shaded amphitheater that can double as an outdoor classroom, picnic tables, interactive exhibits, kayak storage and launch areas, a sandbox, and plenty of native plants and trees.

The area's centerpiece will be a 35-by-50-foot scale model of the entire Delta built by Scientific Art Studios, the Richmond-based company



X = 1 Wind turbine
Approximate locations

2 = Park
3 & 4 = Marine Bay Biology
or other Campuses

SOURCE: GlobeExplorer Aerial Photograph, 2/27/2004; Geomatrix, 1/2/08; AES, 2008

Point Molate Mixed-Use Tribal Destination Resort and Casino / 204536

Figure 1-4
Aerial Photograph

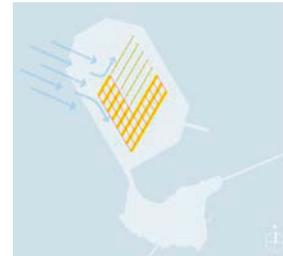
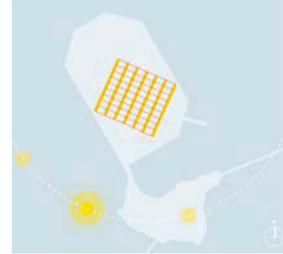
Tarnel Abbott

Point Molate Land Use Alternative

Taking Alternative D from a non-sustainable community to a sustainable community with a unique identity and a regional destination

Like Alternative D, an initial plan for Treasure Island proposed a community too small to be sustainable. Over the course of several years, the redevelopment plan for Treasure Island evolved into a plan for a sustainable neighborhood of 6000 residential units. The goal of that plan is to qualify for LEED gold certification in neighborhood development. Features of the plan include the following:

- Maximize solar access by rotating the street grid.
- Diffuse the wind by skewing the street grid and deflect the wind by creating “wind rows” of trees and buildings.
- Reduce automobile dependence by making it easy to walk, bike, and take public transportation, while making it difficult to drive and park.
 - Congestion management pricing for vehicles entering and exiting the island.
 - Maximum one parking space per housing unit. Parking unbundled from unit and not near unit.
 - Free bicycle share center at transit hub. Free shuttle to transit hub.
 - Bicycle and pedestrian network.
 - Frequent ferry and bus service at transit hub.
- Restore significant historic buildings for historic use or rehabilitate them for adaptive re-use, including re-using large, low buildings as parking garages.
- All residential units within 15 minute walk of transit hub and town center, and within ½ mile of school.
- No development on steep slopes. No development on significant habitat.
- Open community with no gated enclaves.
- Diversity of uses including residential, retail, religious, educational, commercial, and hotel.
- Diversity of housing types from detached to high-rise towers. No more than 50% of a complex designed by same architect.
- 63% affordable rental housing to up to 60% area median income. 17% to 33% affordable for-sale housing.
- 50% open space. All buildings will be within ½ mile of open space.



SUBMITTAL # 18

- Regional sports park. Ecological park with constructed wetlands for purifying stormwater. Art park and Bay Trail at water's edge. Native habitat and hiking.
- Urban organic farm, community gardens, native plant nursery.
- On-site renewable energy from photovoltaics, small vertical axis wind turbines, and solar hot water heating, with the possibility of bio-gas power generation from the waste water treatment plant.
- Goal of zero waste within two years of completion of final phase.
- Reduced light pollution.

The plan for Treasure Island will be implemented in four phases:

1. Years 1-5: seismic stabilization, utility system, environmental remediation, ferry quay
2. Years 5-7: 1800 new residential units, school, marina, transit hub, retail, water and waste treatment facilities
3. Years 7-9: 1625 new residential units, hotel, recreation fields, retail, historic building renovation
4. Years 9-10: 2575 new residential units, high-rise towers, urban farm, parks

Source

“Transfer and Redevelopment of Former Naval Station Treasure Island: Public Information and Documents.” Treasure Island Development Authority. 2002-2007.

Note: Since Treasure Island is larger than the subject area on Point Molate, Point Molate would require a higher proportion of high-rise towers. Tower height should not exceed the height of the hills.

OLIVER & COMPANY
1300 South 51st Street, Richmond, CA 94804
Tel: (510) 412-9090 Fax: (510) 412-9095
Fax Cover Sheet

DATE: 9/15/2010 PAGES: 2
TO: LAMONT THOMPSON Including Cover Sheet
FAX: (510) 620-6858
PHONE: _____
FROM: Steven H. Oliver
SUBJECT: Point Molate Land Use Alternatives

- | | | |
|--|---|---------------------------------------|
| <input checked="" type="checkbox"/> For Your Use | <input type="checkbox"/> For Approval | <input type="checkbox"/> As Requested |
| <input checked="" type="checkbox"/> For Review & Comment | <input type="checkbox"/> Information Needed | <input type="checkbox"/> For Pricing |

REMARKS:

Please contact Steven H. Oliver immediately at (510) 412-9090 x201
if you did not receive all the pages.

Thank you.

CONSTRUCTION, MANAGEMENT, DEVELOPMENT

OLIVER & COMPANYA CALIFORNIA CORPORATION
BERKELEY/RICHMOND

September 15, 2010

*Fax (510) 620-6858*Lamont Thompson
Senior Planner
City of Richmond Planning Division
450 Civic Center Plaza - 2nd Floor
Richmond, CA 94804

Re: Point Molate Land Use Alternatives

Dear Mr. Thompson:

We are a construction and real estate development company located in Richmond with more than 65 years experience in building, purchasing, leasing, developing and selling real estate projects.

The Point Molate property, 400 acres on the shores of the Bay, is a unique and valuable resource. Potential uses could include retail shops, bed and breakfast establishments, small hotels, community centers, open space and trails, conference centers, and office space; industrial uses including manufacturing, sales and distribution businesses, wholesale services, warehousing, data processing, telecommunications, and research and development, including for green industries.

The City will probably never again have the opportunity to direct the development of a special property like Point Molate. However, we understand that the City is unwilling at this time to receive any development proposals from professional development companies like ours or others for the Point Molate property. Despite our interest in the property's potential, we therefore are unable to submit any plans to you for developing the property, although plainly the property can be developed in unique ways for the benefit of the City, and its residents, including job creation and recurring revenue for the City.

We regret that the City's framework for this process does not even allow us to participate.

Sincerely,

Steven H. Oliver
President1300 SOUTH 51ST STREET
RICHMOND, CA 94804OFFICE 510-412-9090
FAX 510-412-9095www.oliverandco.net

STATE OF CALIFORNIA CONTRACTOR'S LICENSE NO. 276682

TOTAL P. 02

Carey Stone

From: Lamont Thompson [Lamont_Thompson@ci.richmond.ca.us]
Sent: Monday, September 20, 2010 10:34 AM
To: Bruce Goodmiller; Dahlia Chazan; David Early; Janet Schneider; jcoho@aol.com; LaShonda Wilson; Lina Velasco; Richard Mitchell; Steve Duran; Yader Bermudez
Subject: FW: Some Modest Proposals for Pt. Molate

All,
See email below.

Lamont

From: michael beer
Sent: Wednesday, September 15, 2010 12:43 PM
To: Lamont Thompson
Subject: Some Modest Proposals for Pt. Molate

Richmond, CA
September 15,

2010

Lamont Thompson
Planning Department
City of Richmond

Dear Lamont,

The following are ideas I think worth exploring as alternative proposals for the jewel in Richmond's crown - Pt. Molate - as opposed to the lackluster rhinestone that is the "resort/casino".

1. Convert the varied terrain of Pt. Molate into a world-class golf course with a yearly international golf tournament drawing the same world famous players as the Bridgestone International, etc. Continue to build luxury housing and affordable housing, shops and entertainment center.

20

2. Build on Pt. Molate a socially integrated retirement community with markets and shops and accessible transportation. Discuss this concept with the Golden Rain Association of Leisure World, CA. and with Rossmore management.

21

3. Create a world-class wild life preserve where, unlike a zoo, the animals roam freely in their own habitats, and visitors are driven in electric cars through the grounds. A family-oriented experience.

22

4. The Smithsonian Institution in Washington, D.C. has a number of satellites, but none on the West Coast. They also have thousands of objects than they can ever put on exhibit for lack of space. We need only create a shell to house them, and we might have our choice of treasures currently in storage.

23

5. I suggest a California First Peoples Living Museum along the lines of Williamsburg, VA or Plimoth Plantation in Massachusetts. Because of its many rich and diverse ecological niches, California was home to more than 150 distinct tribes. This Museum could honor this heritage and also (like L.A.'s Tolerance Museum) attempt to redress the crimes of Spanish conquistadores and Anglo miners against them.

24

In addition, the bands of Pomo who currently advocate an urban casino can take a leadership role in their putative homeland to help create this homage museum.

The museum might also become the site of a quarterly pow-wows and an annual Thanksgiving meeting of major American tribes.

6. Pt. Molate can become the site of a unique industrial park, a Consortium of Research and Development of Green Technology. It can become an academic and entrepreneurial center along the lines of a public Manhattan Project, an umbrella campus where individuals, academic institutions and companies working on, for example, fuel cells, ethanol from kelp, the Anaconda project, VIVACE, alternative transportation systems, hybrid construction materials, etc. can set up shop, live and work together, exchange ideas, hold international conferences.

13d

Obviously all these people would need housing, markets and services.

Allied to this would be a Museum of Technology and Society with hands-on exhibits part of which would be an on-going open-ended demonstration of the latest ideas in social and economic models and applied science.

Cf. David Blume (ethanol from kelp), SolarBotanic's nano-leaves, Solaren Corporation's orbiting panels, etc.)

Here are six viable ideas concocted by one individual, myself. Imagine how many ideas would be possible if the imagination and creativity of Richmond and the greater Bay Area were encouraged after the city council has permanently shelved the atavistic, ghoulish "business" of a Las Vegas-type casino and casino mentality in this our city of pride and purpose.

A better

Richmond is possible,

Michael Beer

