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August 16, 2020

Via Email to City of Richmond Planning Commission:

SUBJECT: Point Molate Mixed-Use Project

Dear Chair Tucker and Members of CPC,

TRAC, the Trails for Richmond Action Committee, would like to recommend the following conditions of approval and improvements to the entitlement documents proposed for the Point Molate Mixed-Use Project to ensure that the project will benefit the City of Richmond and those who live, work and play in our city.

Bay Trail

TRAC is very pleased that the Development Agreement (DA) includes construction, maintenance and operation of the Bay Trail and Shoreline Park as part of the Article 2 Public Benefits Master Infrastructure and Master Developer Amenities. However, important, referenced sections of the DDA have not been provided and couldn't be reviewed, while several DA sections should be modified as follows:

DA Sect. 2.1.3.1 Construction of Bay Trail On-Site Portion: The Developer's contribution should be increased from \$3.0 to \$3.2 million to represent the cost of building the approximately 1.5 miles of trail on City of Richmond property. The \$3.0 million figure represents only the cost for the trail between Point Molate Beach Park and the northern border of City property at Stenmark Drive. There is another 770 feet of trail between the Beach Park and the Chevron property line where East Bay Regional Park District has a trail easement. Also, the Developer should be required to provide 50% of the estimated cost of construction within 60 days of receiving notice that the City or its designee has elected to construct the on-site Bay Trail. Construction of the Bay Trail by the City would open Point Molate's shoreline for public use and enjoyment showcasing the property in 2021, long before any of more ambitious plans for residential housing, adaptive reuse of the Winehaven Historic District, shoreline parks and hillside open space could be implemented with their long lead times for planning, design, permits, CEQA compliance, funding and the virtual certainty of litigation.

DA Sect. 2.1.3.2 Construction of Bay Trail Off-Site Portion: The Developer's obligation to fund the off-site Bay Trail should be increased from \$750,000 to \$1.0 million. This increase will fully fund construction of the Bay Trail section linking the on-site portion on the Bay Trail to the spine Bay Trail at the Richmond-San Rafael Bridge. Extending the Point Molate Trail to the Bay Trail spine at Stenmark Drive near the Richmond/San Rafael Bridge will provide pedestrian and bicyclist access to Point Molate from the East Bay via Point Richmond and the North Bay via the

RSR Bridge Trail. The Developer should be required to provide \$1.0 million to the City with 60 days of receiving notice that the City or East Bay Regional Park District have elected to construct the off-site Bay Trail.

DA 3.3.1 Timing of Development: Please add the following after the sentence stating “Developer shall have the right (without the obligation and subject to the provisions of this Development Agreement), to develop the Property in such order and at such rate and at such times as Developer deems appropriate within the exercise of its subjective business judgment.”:

However, the Developer shall not deviate from Condition of Approval 6.a. requirement that the onsite Bay Trail and Shoreline Park facilities shall be substantially constructed and open to unfettered public access as part of the initial development phase prior to issuance of the first certificate of occupancy.

DDA Schedule of Performance and Site Phasing Plan Exhibits 2.5.2-A, 2.5.2-B, 2.5.2-C 2.5.6-A, 2.5.6-B & 2.5.6-C: This important DDA Schedule and these critical DDA Exhibits are not included in the DA for public review as cited in Section 2.1.1 Disposition and Development Agreement Obligations, Sect. 2.1.1.6 Operation and maintenance of Public Benefits and Appendix I “Master Developer Amenities” and “Offsite improvements” providing required components of for each Site Improvement Phase. They must be consistent with COA 6.a. stating “The onsite Bay Trail and Shoreline Park facilities shall be substantially constructed and open to unfettered public access as part of the initial development phase prior to issuance of the first certificate of occupancy.”

Exhibit H - Conditions of Approval: Please amend item 6 BayTrail to add the following underlined phrase:

- a. The onsite Bay Trail and Shoreline Park facilities shall be substantially constructed and open to unfettered public access as part of the initial development phase prior to issuance of the first certificate of occupancy.

The term “substantially constructed” alone is vague and could easily be misconstrued by the developer.

Open Space & Shoreline Park Acreage

Parcelization Dwg. C3.0 of the proposed Vesting Tentative Map dated 7/24/20 shows that the project would have only 31.94 acres of Shoreline Park whereas 35.3 acres is recommended per the attached Table 2 from the Reuse Plan. Related to this, Parcelization Dwg. C3.0 shows that Suncal is attempting to designate the following 10 acres of land within Development Areas as public Open Space:

Development Parcels 1 - 13:	8.60 acres
Parcel A water storage tank	1.0
Parcel M1 Stenmark Drive	<u>0.58</u>
Total	10.18 acres

Considering Neighborhood and Local Parks as public open space per the Open Space and Parks Illustrative on page 2-27 of Section 2.0 Community Design Guidelines con-

flicts with the Reuse Plan, which states “The framework for the Plan is the open space, which connects all the development areas” (emphasis added), rather than tot lots and such within development areas. The attached Figure 6 from the Reuse Plan shows clearly that park and open space lands are outside of development areas.

The City’s General Plan 2030 states:

- “In the former Point Molate Navy Fuel Depot area, improvements to public areas should be guided by the 1997 Point Molate Reuse Plan.”
- “Open Space and Parks and Recreation to reflect the conceptual land uses in the adopted 1997 Point Molate Reuse Plan.”

Pocket and neighborhood parks would be controlled by a HOA and would not qualify as Open Space under RMC 15.04.206.010, because they are not “publicly owned lands” and will not be “set aside as permanent open space”.

To remedy this problem, TRAC requests that the Planning Commission adopt the following conditions of approval:

1. PM-PAD Definitions Sect. 1.030 C.1. shall be revised as follows: The PM-PAD requires that seventy (70) percent of the above-water land in the PM-PAD area be open space and is referred to herein as the PM-PAD Open Space. The PM-PAD Open Space consists only of areas, other than street rights-of-ways, public utility facilities and stormwater handling and treatment features, in the PMOS, PMPR, and PMPR- S subdistricts ~~and publicly accessible areas within the other subdistricts that permit active or passive recreation and other uses, as described in the Parks and Open Space section of the Point Molate Design Guidelines.~~ (Strike through words deleted.)
2. The following Definition shall be added to the Design Guidelines Glossary: **PM-PAD Open Space** PM-PAD Open Space consists only of areas, other than street rights-of-ways, public utility facilities and stormwater handling and treatment features, in the PMOS, PMPR, and PMPR-S subdistricts.
3. The Vesting Tentative Map, General Plan & Zoning amendments and PM-PAD Zoning Map Attachment 2 shall be revised to provide at least 193.2 acres in total of PMPR, PMPR-S & PMOS lands of which at least 35.3 acres shall be Shoreline Park land.
4. Design Guidelines shall be revised to eliminate all references to Compact Parks, Neighborhood Parks and Pocket Parks as Open Space for purposes of the 70% PM-PAD Open Space requirement, e.g. on pages 1-3, 2-25 & 2-27.

The above conditions of approval are necessary to support adoption of the following Findings and Statements of Fact contained in Draft Resolution No 20-12:

III C.: The proposed amendment retains the internal consistency of the General Plan and is consistent with other adopted plans, unless a concurrent amendment to those plans is also proposed and will result in consistency.
Proposed Statement of Fact: “The proposed General Plan amendment is also consistent with the Base Reuse Plan developed by a 45-member Blue Ribbon Advisory Committee and approved by the City Council, acting as the Local Reuse Authority, in 1997.”

IV. B. The subject site is physically suitable for the type and intensity of the land use being proposed. Proposed Statement of Fact: “The DRB notes that the development would be restricted to no more than 30% of the above water project area and approximately 70% of the site would be preserved as open space.”

IV. F.5. The proposed development in demonstratively superior to the development that could occur Item 5. Provision of Open Space. Proposed Statement of Fact: “The Project sets aside approximately seventy percent (70%) of the above-water Project Site as open space and recreational areas. The open space and park system is designed to connect and buffer neighborhoods providing trails and access from shoreline areas to hillside overlooks.”

Point San Pablo Proposed General Plan Amendment

The last page of Exhibit C proposes a General Plan amendment to change the land use designation for Point San Pablo from Marine and Waterfront Commercial to Residential and Commercial uses other than “areas closet to the shoreline”. It is highly irregular, inappropriate and probably unlawful to slip this in as part of the entitlement package proposed for Point Molate without public notice or CEQA compliance. Point San Pablo is a major regional landmark with Point San Pedro in Marin County defining the San Pablo Straits separating San Francisco and San Pablo Bays. Its land use deserves careful consideration with ample opportunity for public review, comment and CEQA compliance, along with consideration of **The San Pablo Peninsula Open Space Study** conducted by the City of Richmond, California State Coastal Conservancy, Chevron, East Bay Regional Park District, Muir Heritage Land Trust and Trails for Richmond Action Committee.

Attached for convenient reference is a Summary List of Conditions recommended by TRAC.

Sincerely,



Bruce Beyaert, TRAC Chair

Attachments:

Summary List of Amendments Recommended by TRAC
Point Molate Reuse Plan Fig. 6 & Table 2 Land Use Areas

**Summary List of Amendments Recommended by TRAC
CPC 8/17/20 Consideration of Point Molate Mixed-Use Project**

Bay Trail

Development Agreement:

2.1.3.1 Construction of the Bay Trail On-Site Portion: The cost and financial contribution in Line 6 and the last line shall be revised to be Three Million and Two Hundred Thousand Dollars (\$3,200,000) and the following sentence shall be added to the end of the paragraph:

Within sixty (60) days of receiving notice that the City or its designee has elected to construct the on-site Bay Trail, the Developer shall provide the City with One-Million and Six Hundred Thousand Dollars (\$1,600,000).

DA Sect. 2.1.3.2 Construction of Bay Trail Off-Site Portion: The Developer's obligation in line 5 and the last line shall be revised to read One Million Dollars (\$1,000,000) and the following sentence shall be added to the end of the paragraph:

Within sixty 60 days of receiving notice that the City or East Bay Regional Park District have elected to construct the off-site Bay Trail, the Developer shall provide the City with One Million Dollars (\$1,000,000).

3.3.1 Timing of Development: The following sentence shall be added after the sentence stating "Developer shall have the right (without the obligation and subject to the provisions of this Development Agreement), to develop the Property in such order and at such rate and at such times as Developer deems appropriate within the exercise of its subjective business judgment.":

However, this shall not allow deviation from the requirement that the onsite Bay Trail and Shoreline Park facilities shall be substantially constructed and open to unfettered public access as part of the initial development phase prior to issuance of the first certificate of occupancy.

Disposition and Development Agreement:

The Schedule of Performance and Site Phasing Plan Exhibits 2.5.2-A, 2.5.2-B, 2.5.2-C 2.5.6-A, 2.5.6-B & 2.5.6-C shall be consistent with COA 6.a. stating "The onsite Bay Trail and Shoreline Park facilities shall be substantially constructed and open to unfettered public access as part of the initial development phase prior to issuance of the first certificate of occupancy."

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3. PM-PAD Zoning Map Attachment 2 shall be revised to provide at least 193.2 acres in total of PMPR, PMPR-S & PMOS lands.
4. Design Guidelines shall be revised to eliminate all references to Compact Parks, Neighborhood Parks and Pocket Parks as Open Space for purposes of the 70% PM-PAD Open Space requirement, e.g. on pages 1-3, 2-25 & 2-27.

Exhibit C Point San Pablo Proposed General Plan Amendment

Delete the proposed amendment to land use designation for Point San Pablo on last page of Exhibit C.

August 16, 2020



POINT MOLATE REUSE PLAN

City of Richmond

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Figure 6:
Land Use Areas

- Development Area
- - - Historic District Boundary
in Northern Development Area

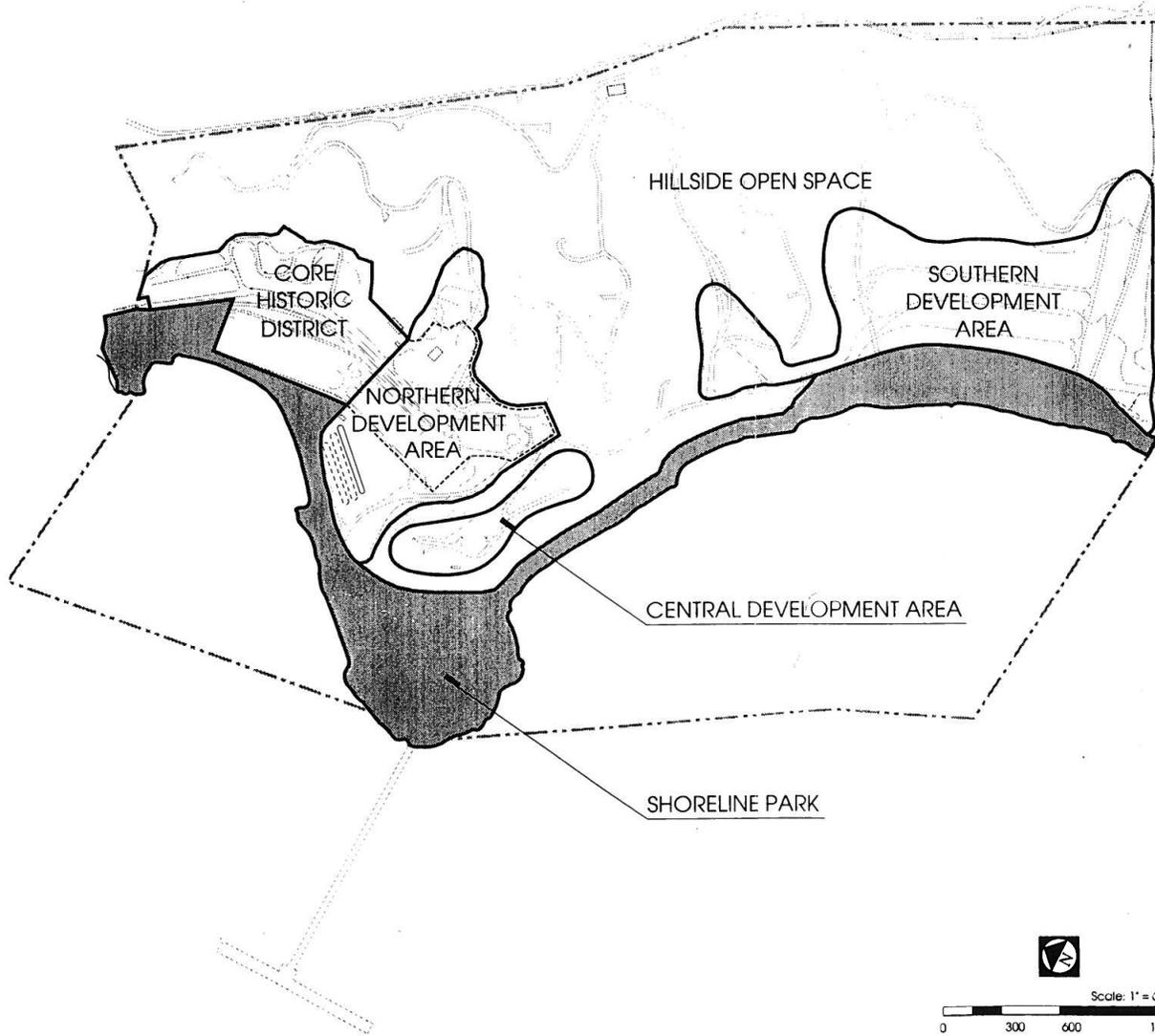


Table 2 continued

Area/Building	Proposed Uses	Potential Users/Developers	Acreage/SF	Density	# Units	Estimated Parking
Central Development Area			6 AC			
	Multi-Family Residential	Private Industry	6 AC	20	120	
Southern Development Area			35 AC			
	Single Family Residential/Light Industrial	Private Industry	27 AC	12	324	
	Multi-Family Residential	Private Industry	5 AC	20	100	
	Entrance Area	Private Industry	3 AC			
Open Space/Park			191 AC			
Hillside Open Space	Recreation	City of Richmond/EBRPD	156 AC			
Shoreline Open Space	Retreatment	City of Richmond/EBRPD	14.4 AC			
Shoreline Park	Recreation	City of Richmond/EBRPD	20.9 AC			200
Total			275 AC		670	742

* May be demolished pending further investigation.