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August 3, 2009

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Ms. Lina Velasco, Senior Planner  
City of Richmond Planning Division  
P.O. Box 4046  
Richmond, CA 94804

Dear Ms. Velasco:

TRAC, the Trails for Richmond Action Committee, appreciates the opportunity to comment on the DEIS/DEIR for Point Molate Mixed-Use Tribal Destination Resort and Casino. TRAC's mission is to "Complete the San Francisco Bay Trail in Richmond, assuring that it is linked to public parks and population centers and maintained in perpetuity". Hence, our comments are limited to completion and use the Bay Trail for both transportation and recreation with aesthetic enjoyment of the trail and related park lands.

In summary, TRAC finds that the DEIS/DEIR should be revised to:

1. provide Bay Trail connections between the project site and the community in order to comply with the City of Richmond General Plan and implement mitigation measures needed to reduce significant transportation and air quality impacts and
2. recognize, evaluate and mitigate the severe aesthetic impacts of Alternatives A, B, C and D on users of the Bay Trail and shoreline parks.

### **Bay Trail Connection With The Community**

The Point Molate mixed use project and proposed mitigation measures are designed to facilitate motor vehicle traffic. The project definition includes widening of Western/Winehaven Drive to five lanes between I-580 and the project site, and specific traffic mitigation measures are proposed at intersections of I-580, the Richmond Parkway and I-80 as distant as Blume Drive and in Marin County. **However, the project definition does not provide any pedestrian or safe bicycle access to the site, leaving it isolated from the community.**

**Currently, it is impossible to walk between City of Richmond residential areas and the site of the Point Molate mixed use development. Moreover, bicycling on the freeway is very hazardous as demonstrated when a motorist veered out of the vehicle lane on I-580 killing one bicyclist and severely paralyzing another. A Bay Trail connection with the community is needed for compliance with the General Plan and also to reduce the project's motor vehicle traffic and emissions of air pollutants.**

The Richmond General Plan contains many strong provisions requiring that new projects provide pedestrian and bicyclist access in general and the Bay Trail specifically as detailed in the Attachment entitled "Richmond General Plan Provisions for Pedestrian and Bicycle Access and Completion of the San Francisco Bay Trail". Consistency of projects with General Plans and other planning documents is an essential component of CEQA review. For example, CEQA requires the DEIR to discuss inconsistencies with general and regional plans. (Guidelines § 15125(d))

General Plan Circulation Element Map 2 specifies a Class I trail, i.e. the Bay Trail, along the shoreline from the project site to the existing trail under the Richmond San/Rafael Bridge and continuing to Point Richmond, as well as bike lanes on Western Drive north of I-580. Moreover, General Plan Goal OSC-S states:

"Establish public routes that enhance non-motorized circulation and that complement the City's Circulation Plan." with Implementation Program 1:

**"City will require all new ... developments to provide public access where a local or regional trail (e.g, Bay Trail ...) is planned (emphasis added)."**

Quotations from other especially relevant requirements of Richmond's General Plan include (emphasis added):

- Promote access to the City's recreational areas, shoreline area ....
- Maintain a safe, effective and attractive bicycle and pedestrian circulation system with particular emphasis on the San Francisco Bay and the Bay Area Ridge Trails and **ensuring that new or existing developments are interconnected.**
- Provide a network of bicycle routes offering safe and easy access to all portions of the City.
- Establish right-of-way for the Bay Trail ... in cooperation with the EBRPD and the respective trail council.
- City will coordinate with EBRPD and ABAG on the design and development of trail links.

For the Shoreline, the General Plan states:

- Promote more effective movement of people to and within the shoreline areas by ... development of convenient bicycle and foot trails.
- Promote circulation facilities in the shoreline areas that will assist inland residents in taking advantage of the shoreline.
- Encourage development of a system of hike/bike trails through the shoreline

**area as shown on Circulation Plan Map 2.**

The Community Facilities Element for the West Shoreline states “Encourage the creation of a recreational corridor along the western shore of Point San Pablo through trail connections between parks and commercial recreation sites.”

A Bay Trail connection with the community is required to both implement these provisions of the General Plan and implement Mitigation Measures such as MM 3-17 f. requiring “The Tribe shall provide and fully fund showers for employees bicycling and walking to work” and MM 3-18 g. stating “The Proposed Project would be located within one-half mile of an existing/planned Class I or Class II bike lane.

The DEIS/DEIR recognizes the need for this Bay Trail connection between the project site and the community in recommending:

- MM 3-17 c. “The Tribe shall provide and fully fund sidewalks and/or paths, connected to adjacent land uses, transit stops, and/or community-wide network”,
- MM 3-17 h. “The Tribe shall provide and fully fund safe, attractive pedestrian access from project to transit stops and adjacent developments, and
- MM 3-20 h. “The Tribe shall assist in funding the improvements necessary to connect the Bay Trail south of I-580 to the proposed segment north of the freeway.”

**Mitigation measures MM 3-17 c & h and 3-20 h need to be made enforceable by clarifying that this mitigation includes both of the following two necessary Bay Trail segments:**

- 1. from the combined Golden Gate and AC Transit bus stop at Castro Street and Tewksbury Avenue to the existing trail under the Richmond/San Rafael Bridge and**
- 2. from the north side of the trail under the bridge along the shoreline to the southern border of the project site at Point Molate Beach.**

**As described below, design, permitting and construction of these two Bay Trail segments is expected to cost about \$18 million. The Point Molate project should provide funding to design, permit and construct these Bay Trail segments representing its proportion of total trips to/from the Point San Pablo Peninsula based on implementing the 1994 Richmond General Plan and 2005 San Pablo Peninsula Open Space Study.**

Bay Trail South of I-580:

The City of Richmond has committed about \$1.8 million to prepare a project study report and construction documents for closure of the Bay Trail gap between the bus stop at the intersection of Castro Street and Tewksbury Avenue and the existing trail under the Richmond/San Rafael Bridge. It is estimated that an additional \$15 million will be required to prepare environmental documents, obtain necessary permits and build this trail segment.

## Bay Trail Between I-580 and Point Molate:

The Point Molate mixed use project includes widening Western/Winehaven Drive to five lanes in order to facilitate motor vehicle flow between I-580 and the project site; however, does not include the Class I Bay Trail linkage needed along the shoreline between the existing trail under the Richmond/San Rafael Bridge and the southern border of the Point Molate property at Point Molate Beach Park. The DEIS/DEIR states on page 2-24 first paragraph that “Connection of the Bay Trail from the Interstate 580 underpass and the southern border of project site .... is beyond the scope of the Proposed Project”.

The project’s proposed widening of Western/Winehaven Drive as shown in Figures 2-6 a & b does not provide for construction of sidewalks or bike lanes even though Circulation Element Map 2 specifies bike lanes on Western Drive north of I-580 and General Plan Circulation Element Policy C.4 requires “Integrate bike facilities in new roadways”. Also, General Plan Goal OSC-S Implementation Program 2 states “City will incorporate trail design in the street standards to be adopted for new collector roads and for the improvements to other existing streets ..” This failure to comply with the General Plan should be mitigated by funding completion of the Bay Trail between the project site and the bus stop at the intersection of Tewksbury Avenue and Castro Street.

As shown on General Plan Circulation Map 2, the planned Bay Trail route follows the shoreline of San Francisco Bay, rather than going inland from I-580 over a steep hill past Chevron tanks as does Western Drive. The DEIS/DEIR errs on page 2-24 first paragraph in assuming that the Bay Trail “... would likely be a spur along Western/Winehaven Drive.” It even contains the erroneous statement on page 4.9-10 paragraph one that construction of the Bay Trail on the shoreline would be inconsistent with the General Plan.

The planned Bay Trail route along the shoreline as shown on Circulation Element Map 2 is consistent with General Plan OSC-S.4. stating “Protect hiking and biking paths from conflicts with motorized vehicles to the greatest extent possible”. Fortunately, East Bay Regional Park District has been working to acquire the right of way needed to develop the planned Bay Trail from the I-580 corridor along the shoreline to the City’s Point Molate property and also northward from the project site around Point San Pablo to the yacht harbor as called for in their Master Plan.

The Final EIS/EIR should specify mitigation funding to design, permit and build the Bay Trail segment needed to connect the project site with the existing trail under the Richmond/San Rafael Bridge. Based upon escalation of costs in ABAG’s September 2005 San Francisco Bay Trail Gap Analysis Study, this trail segment is estimated to cost about \$1.2 million.

## **Aesthetic Impacts on Enjoyment of Bay Trail and Related Park Lands**

Alternatives A through E include construction and operation of the Bay Trail with 35 to 45 acres of park lands along the shoreline of the project site. Richmond General Plan West Shoreline Area Specific Guideline states “Preserve views of the Bay and the regional landscape from the trails and open spaces along the shoreline areas”. However, the DEIS/DEIR, e.g. Sections 2.9, 3.13 and 4.13, does not recognize and evaluate aesthetic impacts of development alternatives on users of the Bay Trail and shoreline park lands.

The document errs in asserting that “Potential impacts to the aesthetic character of the project site and surrounding area would be similar for Alternatives A through D and would be less than significant with implementation of the recommended mitigation” (Section 2.9 page 2-71). It is inconceivable that the aesthetic impacts of Alternatives A, B, C and D on scenic vistas and the visual character or quality of the site and its surroundings could be reduced to a less than significant level by implementation of landscaping MM 12-1 and design MM 12-2.

It simply is not credible to claim that landscaping and design could eliminate aesthetic impacts upon views of Winehaven Historic District buildings caused by adding:

- a 160 feet high new Casino Hotel structure adjacent to the historic Winehaven building containing a casino, 800-room hotel, and 2,500-seat entertainment complex,
- a 275-room Point Hotel 105 feet high with associated parking near Point Molate,
- a “Retail Village” of 300,000 square feet -- only slightly smaller than Corte Madera Town Center -- parallel to the shoreline, etc.

all visible from the shoreline park and Bay Trail.

The DEIS/DEIR does not provide visual data to illustrate whether/how aesthetic impacts of the proposed alternatives could be reduced to less than significance through landscaping and design. Indeed, Figure 2.5 portrays a large, adverse visual impact. The inclusion of a 12 to 14 story hotel, casino, retail and entertainment complex directly adjacent to the two story historic Winehaven building would make it very difficult to have a minimal impact on historic resources.

Mitigation 12-2 also should have requirements for a substantial setback around the main Winehaven structure, i.e. there should be enough of a setback so that new structures are seen as separate when viewed from the Bay, Bay Trail and park lands.

Table 2-8 on page 2-66 misleads the public, as well as lead and responsible public agencies, in stating that Alternatives A, B, C, D & E all have “similar” aesthetic impacts. For perspective, the document should clearly state that Alternatives A & B

have the most severe adverse aesthetic impacts whereas Alternatives E and F have the least. Among casino alternatives A, B & C, Alternative C Reduced Intensity has the least aesthetic impact with its less intensive development of hotel, conference, entertainment and retail facilities, including elimination of the Point Hotel with its related parking, casitas, etc. near the shoreline.

### **Land Use Planning Impacts**

The EIS/EIR should recognize that Alternative C offers the benefit of increasing shoreline park acreage from 35 to 45 acres and Hillside Open Space from 145 to 191 acres. It also should be highlighted that Alternatives A, B and D do not provide the 156 acres of Hillside Open Space called for in the Reuse Plan.

Thank you very much for considering TRAC's comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Beyaert". The signature is fluid and cursive, with a long horizontal stroke at the end.

Bruce Beyaert, TRAC Chair

Attachment - Richmond General Plan Provisions for Pedestrian and Bicycle Access and Completion of the San Francisco Bay Trail

cc: Bill Lindsay  
Janet Schneider  
Richard Mitchell

**Attachment**  
**Richmond General Plan Provisions for Pedestrian and Bicycle Access and  
Completion of the San Francisco Bay Trail**

To quote, the Richmond General Plan requires:

CIR-A.5: Promote access to the City's recreational areas, shoreline area ....

CIR-B.3: Maintain a safe, effective and attractive bicycle and pedestrian circulation system with particular emphasis on the San Francisco Bay and the Bay Area Ridge Trails and ensuring that new or existing developments are interconnected.

CIR-C.3: Provide a network of bicycle routes offering safe and easy access to all portions of the City.

CIR-C.4: Integrate bicycle facilities in new roadways.

OSC-S: Establish public routes that enhance non-motorized circulation and that complement the City's Circulation Plan.

Implementation Programs:

1. **City will require all new ... developments to provide public access where a local or regional trail (e.g, Bay Trail ...) is planned** (emphasis added).
2. City will incorporate trail design in the street standards to be adopted for new collector roads and for the improvements to other existing streets ...

Shoreline - General

- Promote more effective movement of people to and within the shoreline areas by ... development of convenient bicycle and foot trails.
- Promote circulation facilities in the shoreline areas that will assist inland residents in taking advantage of the shoreline.
- Encourage development of a system of hike/bike trails through the shoreline area as shown on **Circulation Plan Map 2**.
- Ensure that adequate bicycle and pedestrian pathways and crossings, linked to shoreline trails ... are built in connection with highway improvements.

Community Facilities - West Shoreline: Encourage the creation of a recreational corridor along the western shore of Point San Pablo through trail connections between parks and commercial recreation sites.