

San Francisco Bay Conservation and Development Commission

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October 29, 2020

TO: Design Review Board Members

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SUBJECT: **Point Molate Mixed-Use Development Project; First Pre-Application Review**
(For Design Review Board consideration on November 9, 2020)

Project Summary

Project Proponents

City of Richmond (Property Owner) and Winehaven Legacy LLC (Developer)

Project Representatives

Lina Velasco, Community Development Director (City of Richmond); Christian Marsh and Hina Gupta, CEQA Counsel (Downey Brand LLP); Bibiana Alvarez and Pete Bontadelli (Analytical Environmental Services); Marc Magstadt, Vice President and Chief Operating Officer (Winehaven Legacy); Nicole M Emmons, AIA and Daniel Bucko, AICP (Hart Howerton); Linda C. Klein and Daniel M. Engler (Cox Castle Nicholson); Jacob Nguyen, PE (BKF Engineers)

Project Location

The project site is located on the eastern side of the San Pablo Peninsula in the City of Richmond, Contra Costa County. The site is bounded by the San Francisco Bay (Bay) to the west, private parcels to the north and south, and the Chevron®-Richmond Refinery to the east, with the Potrero Ridge separating the refinery from the project site. Approximately 136 acres of the approximately 412-acre project site are submerged in the Bay, leaving approximately 276 acres above mean high water. The project site is approximately 1.5 miles north of Interstate 580 (I-580) and the Richmond–San Rafael Bridge, and has direct freeway access via Stenmark Drive, a City-owned roadway. The project site includes approximately 1.5 miles of shoreline, resulting in approximately 18.5 acres of land located within the Commission’s 100-foot shoreline band which includes the Point Molate Beach Park.

Project Overview

The proposed project, described further below, would include the development of up to 2040 residential units in three distinct neighborhoods, overall commercial uses ranging from 40,000 to 624,572 square feet, and over 193 acres of open space and parkland including a 35-acre shoreline park.



Project Site

Site History

The Point Molate site and Bay waterfront has a rich and varied human history, from the Ohlone Native Americans to Chinese shrimp camps to a winery and a naval fuel storage installation. Facilities related to the historic winery (Winehaven Historic District) were designated on the National Register of Historic Places in 1986 and remain at the site today. Following the use of the project site by the U.S. Navy for fuel storage and transfer for over 50 years, the Navy transferred the property to the City of Richmond in 2003 with a development reuse plan with approximately 670 residential units and commercial uses and preservation of approximately 70 percent of the land (191 acres) within the Point Molate Site as open space. The reuse plan was the basis for the project's original environmental review documents. Please read Attachment A for further information on the site history.

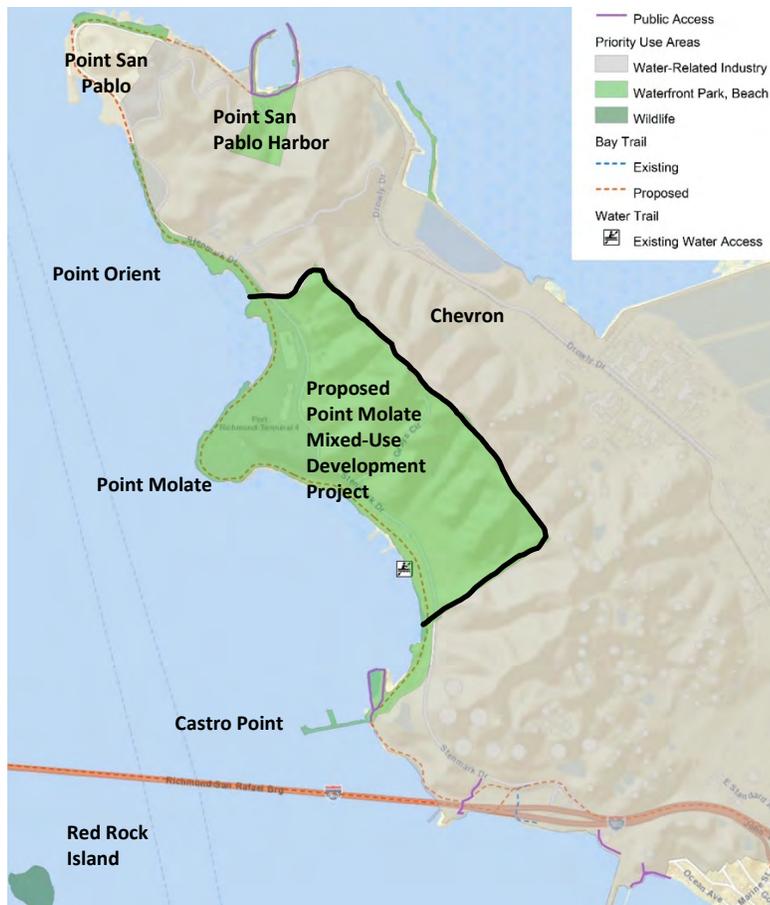


Figure 1. Site map with priority use area (PUA) overlay and Bay Trail and Water Trail locations. Proposed project aligns approximately with the PUA.

Existing Conditions

The project site is accessed by a poorly maintained two-lane public roadway, Stenmark Drive, that has no bicycle lanes or sidewalks, and which is only accessible by the Bay Trail landing at the Richmond San Rafael Bridge and Interstate 80. Stenmark Drive is a scenic waterfront drive that weaves along the rolling hill topography moving closer to and further away from the shoreline with sweeping views of the Bay and Mt. Tamalpais. The road extends along the shore to Point San Pablo, but is only accessible to the public until the gate to the Chevron Rod and Gun Club at Point Orient, north of the project site.

There are three main geographic areas within the project site, which have also been used to structure the proposed development: Point Molate Beach Park, Point Molate, and the Winehaven Historic District.

Point Molate Beach Park is a City-owned publicly accessible park. It includes beachfront access, lawn areas and shade trees, picnic tables and grills, and 22 (including 2 ADA) parking spaces. The Beach Park has no permanent restrooms, but one ADA porta-potty. The Beach Park is frequently used on weekends, by picnickers, nature observers, anglers, and people using kayaks, canoes, and paddleboards. The northern strand of the Beach Park, above the unused Quonset huts, is not publicly accessible. There is a fenced wetland mitigation area that blocks access to this area.

Point Molate has an abandoned Navy Fuel Pier that extends from the point approximately 1,500 feet in a westerly direction into the Bay. An approximately 1,000-foot long “T” section extends from the west end of the main causeway in a north-south direction. The point and the pier are not publicly accessible. Upland of the project site is a hilly topography that was the location for the Navy fuel storage tanks that have since been removed.

The Winehaven Historic District, although not publicly accessible, is visible from Stenmark Drive and the Bay. This site contains 35 buildings that contribute to the historic designation of the area.

Views of the Bay

Stenmark Drive is identified in the Bay Plan as a scenic drive. The “first view” of the bay plays a key role in the movement sequence along Stenmark Drive. There are views revealed along Stenmark Drive at the Point Molate Beach Park. Coming around Point Molate heading north, the first view of the Bay is over the existing building 6 at Winehaven, and then again after passing building 1, there are views to the Bay heading towards the small point at the northern property line.

Social and Environmental Context

The Commission has developed a Community Vulnerability Mapping Tool to help inform its analysis of how socioeconomic indicators and contamination burdens contribute to a community’s vulnerability. The mapping tool collects information at the level of Census blocks, and is used by the Commission to help identify certain disadvantaged and vulnerable communities. These communities include those disproportionately affected by environmental pollution and hazards that can lead to negative public health effects, exposure, or environmental degradation, as well as with higher concentrations of people with socioeconomic characteristics indicative of a higher degree of social vulnerability.

According to the mapping tool, the census block (estimated population of 1700) associated with the project site falls into the “highest contamination vulnerability” category with four out of five environmental indicators ranking within the 90th percentile. These indicators include hazardous cleanup activities as well as burdens associated with impaired water bodies, groundwater threats, and hazardous waste facilities, which reflect the former military and industrial use of the area.

Along the socioeconomic scale, the project falls into the “low social vulnerability” category, with only one indicator, single parent, ranking in 70th percentile. However, it is important to note that the historically low population in this area may contribute to this low ranking.

When considering the proposed development of more than 2,000 residential units, it’s important to understand the relative geographic isolation of this area. Existing community services such as grocery stores and restaurants are located several miles away over the hills, and only accessible via Interstate 80/580 near the Richmond–San Rafael Bridge entrance.

Project Approval Process

City Entitlements

The Richmond City Council approved the Development Agreement and Zoning for the proposed project after its second reading of their adopting ordinances, on September 15, 2020. Under the City’s approvals, the developer must obtain Development Plan approval, and in the Historic District, Certificates of Appropriateness, prior to construction of commercial or residential uses. The developer is also anticipated to seek additional tentative maps to further subdivide the property. Both the Development Agreement and Disposition for Development Agreement have requirements relating to the construction of the Bay Trail, Shoreline Park, park maintenance obligations, and Historic District improvements.

Bay Plan Amendment Application

The proposed project site is located within a Waterfront Park, Beach Priority Use Area and the proposed project would therefore require an amendment to the San Francisco Bay Plan (Bay Plan). Under the McAteer-Petris Act and the Bay Plan, development within Waterfront Park, Beach Priority Use Areas must be consistent with the Bay Plan Recreation policies that describe appropriate uses and other considerations for development and management of waterfront parks. As currently proposed, the project includes residential and commercial uses that are anticipated to be inconsistent with the Bay Plan Recreation Policies, as well as the designated Waterfront Park, Beach Priority Use Area at this location. Bay Plan policies applicable to the Board’s review of the project are discussed further below. As of the publication of this staff report, a Bay Plan amendment application by the project proponents has not been received by BCDC planning staff.

BCDC Major Permit Application

Pending approval of a Bay Plan amendment by the Commission and its acceptance by the Office of Administrative Law, the proposed project would also require a major permit from the Commission. The proposed project would be evaluated for consistency with the Commission’s laws and policies as part of the permitting process.



Active Permit Applications

There are two active permit applications for improvements within the proposed project site.

1. Point Molate Beach Park Shoreline Erosion Control Project

The City is currently preparing a separate CEQA analysis to address shoreline erosion at the northern end of Point Molate Beach Park. The current proposal is to construct an approximately 300-foot-long rock revetment in the area of erosion. The Commission has received a permit application for this proposed work, and it is currently under review.

2. Bay Trail Extension from the Richmond–San Rafael Bridge

The City and East Bay Regional Park District have an active permit application for a proposed 2.5-mile Bay Trail extension from its current terminus at the I-580/Stenmark Drive exit at the Richmond–San Rafael Bridge toll station to the Winehaven Historic District. The proposed Bay Trail segment would allow for access to the Richmond–San Rafael Bridge from the project site, as well as connect to the Bay Trail network along the Richmond waterfront, including the ferry terminal at Point Richmond.

Proposed Project

The staff report briefly describes the proposed project. For a more detailed project description, please refer to **Attachment A** which is a project description provided by the project proponents. For additional information on the Design Guidelines including the Historic Conservation Plan, please visit the City's project website: <http://www.ci.richmond.ca.us/DocumentCenter/View/55251/Attachment-1-Exhibit-E---Design-Guidelines-with-Master-PA-Plan-and-Historic-Conservation-Plan>

The City also has a project page with other documents which can be accessed here: <http://www.ci.richmond.ca.us/3757/Point-Molate-Mixed-Use-Project>

Neighborhood Framework

The proposed mixed-use development project would create three distinct neighborhoods with shoreline parks and upland open spaces. The three proposed neighborhoods comprise the Promenade neighborhood, the Point neighborhood, and the Village at the Winehaven Historic District and are located in proximity to Stenmark Drive, leaving most of the uphill lands as open space. Each neighborhood is designed to maximize connectivity to open space, the shoreline, and to take advantage of the site's expansive Bay views.

The proposed project would include up to 2,040 residential units, ranging from single-family to mid-rise multi-family types in eight planning areas. The number of residential units could fluctuate up to 20 percent in most of the planning areas as long as the total number of units for the project does not exceed 2,040. Commercial areas would be generally allowed in relation to the number of residential units in each neighborhood ranging from 40,000 square feet up to 624,572 square feet for the entire project. Building heights would range from 35 feet to 105 feet with siting criteria. Approximately 70 of the land acreage would be reserved for parks and open space. The 35 contributing historic structures in the Winehaven Historic District would be incorporated into the proposed neighborhood at that location.

Circulation and Transportation

The project proposes to widen and improve Stenmark Drive, creating a two-lane road with sidewalks and bike lanes. Circulation would be achieved with a “Complete Streets” design, intended to be multi-modal and equitably serve pedestrians, bicyclists, private vehicles and transit.

Bay Trail

The project proposes to make a financial contribution to the construction of the proposed Bay Trail extension that would run through the project site, which is currently under a separate permit application.

BART Shuttle and Potential Water Taxi

Public bus, rail, and ferry services are located approximately two miles away from the project site and the Richmond BART Station is approximately five miles away. According to the draft Transportation Demand Management Plan, the project would include shuttle service to the Richmond BART Station and facilities for bicycle commuters. In addition, the existing pier at Point Molate would be retrofitted to accommodate future water taxi service. It is anticipated that a water taxi would take passengers to San Francisco during weekdays and Marin on the weekends.

Open Space and Parks

Over 193 acres of open space and parkland would be created, including a 35-acre shoreline park. The design intent for the parks and open spaces is to restore and enhance disturbed areas, and create access to the waterfront, neighborhood centers, Winehaven Historic District, and new recreational resources for the public and future residents.

Shoreline Park

The new 35-acre shoreline park would consist of five sections, from south to north, all connected by the Bay Trail and inward towards the proposed neighborhoods and upland trails:

1. **Point Molate Beach Park South.** The existing 11-acre Point Molate Beach Park may include new programs and facilities such as small picnic areas, adventure play elements, restrooms, and a fenced dog run. The Bay Trail would run north/south along the shoreline to meet up with the approximate alignment of Burma Road.
2. **Point Molate Beach Park North.** The five-acre open space at the northern end of Point Molate Beach Park would be vegetated open space with an existing stormwater wetland mitigation area. Interpretive signage would inform users of the low-impact stormwater management systems in the area. The Bay Trail would follow the north/south shoreline in the Burma Road alignment. Water access to the Bay is limited by the naturally rocky edge. This is also the location of the active permit application for shoreline erosion control.
3. **Shoreline Park at the Point.** The proposed project would include flexible community spaces along the Point Molate shoreline with an emphasis on the pedestrian scale. Vehicular access would be limited to a public parking area via a roadway connection to the Village. A water access program is being considered at this location as the established eel grass communities are

not present in this area and there is an existing water access ramp. This section of Shoreline Park has also been identified by the project proponents as the preferred location for a public art program that would respond to the Bay or surrounding hills. An accessible trail would connect the shoreline parks and parking areas to the upper bluff overlook.

4. **Winehaven Shoreline Park and Open Space.** A 3.5-acre crescent-shaped public park would be constructed, spanning from the shoreline Bay Trail to the historic Winehaven buildings. Programming proposed for this area includes both active and passive recreation, including sports and athletics, games, picnicking, and events such as outdoor movies, festivals, and live music. A publicly accessible civic plaza would be constructed adjacent to the shoreline park, connecting the site back to Stenmark Drive.
5. **Winehaven North Shoreline.** At the northern terminus of Point Molate, the Bay Trail would pass east of an elevated point jutting into the Bay that would remain as unimproved open space. Programs may include picnic spots or small gathering destinations where people can come to enjoy the view of the Bay from a more isolated location. Pedestrian trails would be gravel and Bay access would be limited due to the steep coastline.

View Corridors and View Impacts

The project proposes to maintain the views of the bay along Stenmark Drive at the Point Molate Beach Park, but may be partially obscured by park programming including any utilities that may be placed in the park. The project proposes 8 overlooks in the upland hills for views of the Bay, and an overlook at the top of the bluff above Point Molate. The 'first views' of the Bay along Stenmark Drive over Building 6 and past Building 1 would be blocked by development. The project proposes to offset these views with the plaza located between Buildings 6 and 1. Views of the Bay from the Bay Trail and the pier would provide panoramic vistas with varied viewing opportunities along the entire shoreline park.



Point Molate Design Guidelines View Corridors Diagram Page 2-35 from the Draft Guidelines dated July 17, 2020

Resilience and Adaptation to Rising Sea Level

For site planning purposes, the project proponents have used the following sea level rise estimate: 1.9 feet by 2050, and 6.9 feet by 2100, which is consistent with the medium-to-high risk aversion category in the State of California’s 2018 Sea Level Rise Guidance document, and assumes the high emissions scenario. Most of the project site is not anticipated to experience significant flooding from current events or future sea level rise given the overall high elevation of the project site. However, the beach and lower shoreline areas will experience some flooding by mid-century and more at the end of century projections, with the eventual loss of the beach. The shoreline stability due to erosion and wave action over time would need to be assessed to ensure the continued structural stability for the Bay Trail and shoreline parks and open spaces. The project proposes no improvements at the immediate shoreline edge; however, the shoreline edge would be further assessed during design of the Bay Trail to determine proper maintenance and if reconstruction may be required to stabilize specific areas, reduce erosion, and protect future improvements. These objectives include elevating the Bay Trail above expected extreme tides, storm surges, and flood levels, and designing the Bay Trail to tolerate occasional flooding, as needed.

Community Engagement

The project team conducted numerous community engagement meetings and outreach efforts during the project’s City entitlement process. A full description of these actions can be found in the project proponent’s description in Attachment A.

Project Phasing, Maintenance & Management

The proposed project would be divided into two phases. Phase One would include development of the Point and Promenade neighborhoods at Point Molate and Point Molate Beach Park, the construction of the Shoreline Park at the Point and the improvements to the Point Molate Beach Park, and construction of the Bay Trail throughout the site. Work to the Winehaven Historic District would commence following provision of sufficient access and utilities to that site after the first phase of infrastructure work. Phase Two would include new construction and any remaining rehabilitation to historic buildings within the Winehaven Historic District. The 35-acre shoreline park would be owned by the City and maintained by funding through a Community Facilities District and Master Association Agreement.

Applicable Policies, Findings, and Guidelines

San Francisco Bay Plan Policies

The *San Francisco Bay Plan* (Bay Plan) **Public Access** policies state, in part, that “...maximum feasible access to and along the waterfront and on any permitted fills should be provided in and through every new development in the Bay or on the shoreline...” Further, these policies state, in part: “[a]ccess to and along the waterfront should be provided by walkways, trails, or other appropriate means and connect to the nearest public thoroughfare;” and that “... improvements should be designed and built to encourage diverse Bay-related activities and movement to and along the shoreline, should provide barrier free access for persons with disabilities, for people of all income levels, and for people of all cultures to the maximum feasible extent, should include an ongoing maintenance program, and should

be identified with appropriate signs – including using appropriate languages or culturally-relevant icon-based signage.¹ These policies also state, in part, that “public access should be sited, designed and managed to prevent significant adverse effects on wildlife,” and that, “whenever public access to the Bay is provided as a condition of development, on fill or in the shoreline, the access should be permanently guaranteed.”

Additionally, the Bay Plan Public Access policies provide that “[p]ublic access should be sited, designed, managed, and maintained to avoid significant adverse impacts from sea level rise and shoreline flooding,” and that access should be designed consistent with the physical and natural environment. These policies further state that, “[a]ny public access provided as a condition of development should either be required to remain viable in the event of future sea level rise or flooding, or equivalent access consistent with the project should be provided nearby.”

The proposed project is located within a Bay Plan-designated Waterfront Park, Beach Priority Use Area. The Bay Plan Recreation policies state, in part: “Diverse and accessible water-oriented recreational facilities, such as launch ramps, beaches, and fishing piers, should be provided to meet the needs of a growing and diversifying population, and should be well distributed around the Bay and improved to accommodate a broad range of water-oriented recreational activities for people of all races, cultures, ages and income levels...”

The Bay Plan Recreation findings and policies further encourage certain facilities over others within waterfront parks. Facilities are to “capitalize on the attractiveness of their bayfront location,” and are to “emphasize hiking, bicycling, riding trails, picnic facilities, swimming, environmental, historical and cultural education and interpretation, viewpoints, beaches, and fishing facilities,” over facilities that do not need a waterfront location. “Public launching facilities for a variety of boats and other water-oriented recreational craft, such as kayaks, canoes and sailboats, should be provided in waterfront parks where feasible.” “Limited commercial recreation facilities, such as small restaurants” are permitted “provided they are clearly incidental to the park use, are in keeping with the basic character of the park, and do not obstruct public access to and enjoyment of the Bay.” The Bay Trail is to be developed along “an alignment as near to the shore as possible, consistent with Bay resource protection.” Public transportation is to be provided to waterfront parks, as is public parking “in a manner that does not diminish the park-like character of the site.” “Interpretive information describing natural, historical and cultural resources should be provided in waterfront parks where feasible.” Public utilities and services are allowed “provided they would be unobtrusive, would not permanently disrupt use of the site for recreation, and would not detract from the visual character of the site.” The policies concerning historic buildings in waterfront parks state, in part, that they

¹ Emphasis added to highlight recently amended Bay Plan policies focused on Environmental Justice and Social Equity.

In waterfront parks with historic buildings, the Bay Plan Recreation policies state, in part, that these parks “should be developed and managed for recreation uses to the maximum practicable extent,” and that “[p]hysical and visual access corridors between inland public areas, vista points and the shoreline should be created, preserved or enhanced.” At this point in time, it is unclear how and if the historic buildings will be considered in relation to the amended Waterfront Beach Park priority use area. In the current configuration, the buildings are within the priority use area and as such, the following Recreation policy is applicable: “Historic structures and districts listed on the National Register of Historic Places or California Registered Historic Landmarks should be preserved consistent with applicable state and federal Historic Preservation law and should be used consistent with the Bay Plan recreation policies. Public access to the exterior of these structures should be provided. Public access to the interiors of these structures should be provided where appropriate.”

For the Point Molate site, Bay Plan **Map No. 4** states “Former Naval Fuel Depot Point Molate - Develop for park use. Landward of Western Drive should be developed consistent with recreation policy 4-b *[related to facilities in waterfront parks with historic buildings]*. Provide 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 recreational boats, excursion craft and small watercraft. Protect existing eelgrass beds.” Bay Plan Map No. 4 also identifies Stenmark Drive as a Scenic Drive.

The Bay Plan **Appearance, Design and Scenic Views** policies state, in part, that, “all bayfront development should be designed to enhance the pleasure of the user or viewer of the Bay” and that “maximum efforts should be made to provide, enhance, or preserve views of the Bay and shoreline, especially from public areas, from the Bay itself, and from the opposite shore.” These policies also state, in part, “that views of the Bay from vista points and from roads should be maintained by appropriate arrangements and heights of all developments and landscaping between the view areas and the water...[P]articular attention should be given to all waterfront locations, areas below vista points, and areas along roads that provide good views for the Bay travelers , particularly areas below roads coming over ridges and providing a ‘first view’ of the Bay.” The policies also note, “access to vista points should be provided by walkways, trails, or other appropriate means and connect to the nearest public thoroughfare where parking or public transportation is available. In some cases, exhibits, museums, or markers would be desirable at vista points to explain the value or importance of the areas being viewed. In addition, the policies state, in part, that “parking areas should be located away from the shoreline.”

The Bay Plan **Other Uses of the Bay and Shoreline** Policy 3 states, “Wherever waterfront areas are used for housing, whenever feasible, high densities should be encouraged to provide the advantages of waterfront housing to larger numbers of people.”

The Bay Plan **Shoreline Protection** policies state, in part, that, “[a]ll shoreline protection projects should evaluate the use of natural and nature-based features such as marsh vegetation, levees with transitional ecotone habitat, mudflats, beaches, and oyster reefs, and should incorporate these features to the greatest extent practicable. Ecosystem benefits, including habitat and water quality improvement, should be considered in determining the amount of fill necessary for the project

purpose. Suitability and sustainability of proposed shoreline protection and restoration strategies at the project site should be determined using the best available science on shoreline adaptation and restoration.” The policies also state, in part, that “[a]dverse impacts to natural resources and public access from new shoreline protection should be avoided. When feasible, shoreline protection projects should include components to retain safe and convenient water access, for activities such as fishing, swimming, and boating, especially in communities lacking such access. Where significant impacts cannot be avoided, mitigation or alternative public access should be provided.”

Public Access Design Guidelines

The Commission’s **Public Access Design Guidelines** state partly that public access should be designed “so that the user is not intimidated nor is the user’s appreciation diminished by large nearby building masses....” Furthermore, “public access improvements should be designed for a wide range of users,” should “provide basic public amenities, such as trails, benches, play opportunities, trash containers, drinking fountains, lighting and restrooms that are designed for different ages, interests and physical abilities,” should maximize user comfort by designing for weather and day and night use, and that each site’s historical, cultural and natural attributes provide opportunities for creating projects with a “sense of place” and a unique identity. The guidelines also state that viewing the Bay is the “most widely enjoyed ‘use’ and projects should be designed to “enhance and dramatize views of the Bay.”

Board Questions

The Board’s advice and recommendations are sought on the design proposal in consideration of the seven public access objectives in the Shoreline Spaces Guidelines, which are:

1. Make public access **public**.
2. Make public access **usable**.
3. Provide, maintain, and enhance **visual access** to the Bay and shoreline.
4. Maintain and enhance the **visual quality** of the Bay, shoreline, and adjacent development.
5. Provide **connections** to and **continuity** along the shoreline.
6. Take advantage of the **Bay setting**.
7. Ensure that public access is **compatible with wildlife** through siting, design, and management strategies.

In more specific terms, the Board’s advice and recommendations on sought on the following issues related to the design proposal:

1. Does the arrangement of the development between Stenmark Drive and the shoreline result in the best possible configuration in terms of circulation and views to the Bay?
2. Are the components of the 35-acre Shoreline Park an appropriate enhancement to the waterfront? Are they distributed and designed to meet and balance the needs of the public? Are there any additional considerations to make the waterfront an inviting space for the public to enjoy?

3. Do the proposed public access improvements create diverse recreational opportunities for people of all races, cultures, ages, abilities, and income levels?
4. What advice do you have for designing the public access areas and amenities to be resilient and adaptive to sea level rise, including the beach and proposed shoreline erosion control at Point Molate Beach Park?