

Environmentalists sue over Richmond casino plan – SF Chronicle – Bob Egelko – 1/29/09

RICHMOND -- Opponents of a planned Nevada-style casino at Point Molate in Richmond - a \$1.5 billion project with 1,500 hotel rooms and as many as 3,000 slot machines - are back in court accusing the city of giving a go-ahead to the developer without an environmental study required by a 2006 legal settlement.

In a suit filed Monday in Contra Costa County Superior Court, opponents argued that Richmond made a commitment to the casino project in September when the City Council assigned responsibility for cleaning up the shoreline site to the developer, an Emeryville firm called Upstream. The site is a former Navy depot.

By relying on the developer and an Indian tribe that would operate the casino to pay for the cleanup, the city has effectively approved the project without first completing an environmental impact report, the suit said. It was filed by Citizens for East Shore Parks and an allied group that wants the site preserved for a park.

"The majority of the Richmond council ignored the concerns of the public regarding the environmental degradation the Upstream plans would visit upon Point Molate," said Robert Cheasty, president of the park advocacy group, whose earlier suit over the proposed casino-hotel resulted in the 2006 settlement requiring environmental review.

"This project sacrifices the East Bay's most spectacular public shoreline to intensive commercial development," said the plaintiffs' lawyer, Stephan Volker.

But a city official and the developer both denied Wednesday that the September agreement amounted to approval of the project and said the environmental study will be issued next month before Richmond enters into any commitment.

The cleanup plan, and an agreement with the Navy in July to transfer the rest of its Point Molate property to the city, "do not approve any proposed land use or development," said Janet Schneider, administrative chief in City Manager Bill Lindsay's office. "None of the environmental review steps will be skipped or overlooked."

The two agreements actually mean the Navy would provide funding, if the project goes ahead, "so that the city can accomplish a more comprehensive and speedier cleanup of waste that the Navy left behind," said James Levine, president of Upstream.

He said the casino and accompanying development would create about 17,000 jobs, 40 percent of them for local residents, and would be environmentally friendly. The Guidiville Band of Pomo Indians, which would run the casino, describes it on its Web site as a "super-green development."

The City Council first voted to sell the 412-acre site to the developer in 2004, over opposition from both environmentalists and opponents of gambling alarmed at the proliferation of urban casinos. Point Molate is 4 miles from San Pablo Lytton Casino, which is operated by the Lytton Band of Pomo Indians and has 1,050 electronic bingo machines.

In this week's lawsuit, opponents said the project would deprive the public of shoreline access and the potential "crown jewel" of East Bay shoreline parks.

The suit says the development would cause traffic backups, accompanied by noise and air pollution, on the eastern approach to the Richmond-San Rafael Bridge, and would violate land-use plans adopted by both the city and the Bay Conservation and Development Commission that designate the site for noncommercial uses.

The suit asks a judge to prohibit development until the city completes its environmental report, including alternatives to the project, and considers public comments.

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