



Citizens for East Shore Parks

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July 29, 2019

Lina Velasco
Director of Planning and Building Services
450 Civic Center Plaza
Box 4046
Richmond CA 94804

RE: Point Molate SEIR;
N.O.P. Preliminary Comments by Citizens for East Shore Parks.

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Dear Ms. Velasco,

The following comments are from Citizens for East Shore Parks (CESP) regarding the Notice of Preparation for the SEIR for Point Molate.

There are two reports that have been released in the past year that change everything about planning in our cities, our states, our country.

First:

4 to 8.5 degrees increase in temperature worldwide.

The official U.S. government body charged with assessing the impact of human activity on our climate issued this warning in November 2018:

Based on the trajectory we are going, unless we reversed the trend, we would see a worldwide temperature increase of 4.2 – 8.5 degrees Fahrenheit (2.4 – 4.7 degrees celsius) by the end of this century.

The consequences of this will be global collapse of the oceans, seas and bays due to acidity; mass extinction; global droughts leading to crop failure worldwide; massive increase in the force of hurricanes, tornadoes, typhoons leading to coastal devastation and inland disasters; melting of the glaciers worldwide; melting of the tundra in the arctic region causing the release of tons of methane gas that will accelerate increasing temperatures worldwide to a point that that the damage cannot be reversed.

Citation: The report of the U.S. Global Change Research Program, Washington, DC, USA, 133–160. doi:[10.7930/J0WH2N54](https://doi.org/10.7930/J0WH2N54)

For a quick synopsis: [News Article - Washington Post](#):

https://www.washingtonpost.com/energy-environment/2018/11/23/major-trump-administration-climate-report-says-damages-are-intensifying-across-country/?noredirect=on&utm_term=.ac50ded68992

Second:

10 to 12 years window left to fix or too late.

In plain words, we have 10 – 12 years to fix the climate crisis before it reaches the tipping point where we can no longer adapt as a species and we will lose the planet.

Supporting organizations include: Golden Gate Audubon Society— Sierra Club—Save the Bay— Oakland Waterfront Coalition— Berkeley Partners for Parks—California Native Plant Society—Ecology Center—Environmental Defense—Citizens Committee to Complete the Refuge—Friends of Aquatic Park—Oceanic Society—Regional Parks Association—Urban Creeks Council—CA State Parks Foundation—Citizens for the Albany Shoreline

More scientifically, the world's leading climate scientists estimate we have 10 to 12 years to act to get the carbon levels slowed and stopped. If we do not, the increases will take us to the tipping point at which we cannot stop the devastation from happening as the earth warms beyond our capacity to adapt. We and most species will face mass extinction.

For synopsis:

(IPCC, 2018: Summary for Policymakers. In: *Global Warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty* [Masson-Delmotte, V., P. Zhai, H.-O. Pörtner, D. Roberts, J. Skea, P.R. Shukla, A. Pirani, Moufouma-Okia, C. Péan, R. Pidcock, S. Connors, J.B.R. Matthews, Y. Chen, X. Zhou, M.I. Gomis, E. Lonnoy, Maycock, M. Tignor, and T. Waterfield (eds.)]. *World Meteorological Organization, Geneva, Switzerland, 32 pp.*)

See News Article - Guardian:

<https://www.theguardian.com/environment/2018/oct/08/global-warming-must-not-exceed-15c-warns-landmark-un-report>

Why this matters to the decisions Richmond faces in dealing with Point Molate

We are in a crisis where we have to address the climate crisis both locally and as a society. That means making planning decisions that are in harmony with protecting our environment and the people within it. And making these decisions simultaneously on a local and societal level.

Now is the time to plan for development that will not be auto dependent, that is near mass transit, that reduces carbon emissions. We must plan to protect and help with the fight to save our oceans and bays, helps to protect fish, wildlife and crop growing, while providing affordable, attractive housing at transit supported locations. This is the battle - to save a workable planet for our children and grandchildren.

The Association of Bay Area Governments, the Metropolitan Transportation Authority and the State of California require us to plan intelligently – to include infrastructure availability in our decisions, to enhance public transit solutions in our planning, and to reduce dependency on automobiles.

Moreover cities are required to prepare proper studies, and we are morally bound to do proper evaluation, of environmental impacts, impacts of fire risk, impacts on: air quality, water quality, solid and sewer waste disposal, traffic and circulation, economics impact, impact on school districts and education, impacts on housing needs, effect on the habitat of species – especially those of special concern.

These are among the subjects that the City of Richmond is obligated to account for and study in any planning for Point Molate. This is the chance for Richmond to help with the battle to save the planet.

To best serve our community and the residents of Richmond, the city should be planning and constructing housing near the BART station and other transit hubs, near existing infrastructure and with an eye toward the type of housing residents can afford.

N.O. P. concerns to address:

Regarding Point Molate development being considered at this time there are concerns that CESP would like to address. Below is a partial list.

1 – **Illegal Agreement:** The City of Richmond entered into a purported settlement with Developers Upstream and the Guideville Indian Tribe and the City of Richmond attempted to ratify this settlement in a secret proceeding, in violation of California’s Open Meeting Act. The City then and failed to cure this violation despite written demand. This entire process and agreement between the Developer and the city of Richmond is legally null and void.

2 – **SEIR INADEQUATE:** This SEIR cannot legally rely on the purported FEIR for the prior project. That project was never approved; an agency cannot certify an EIR for a project that was never approved. Further, several Significant Unavoidable and Unmitigable adverse environmental impacts were identified in the purported FEIR for which there was no Statement of Overriding Considerations adopted by certifying agency to justify certification of the purported FEIR. Therefore, the purported FEIR is a null and void document and has no legal relevancy for the current project.

3 – **New Conditions:** The purported FEIR also has no relevancy; what is proposed in the SEIR is an entirely new project under dramatically different environmental and social circumstances, with new data and scientific climate information, and consequentially substantially different impacts.

4 – **Outdated EIR:** The City of Richmond is signaling that it intends to rely on an old outdated FEIR. This will ignore the events and scientific information of the past ten years. It is a mistake the City of Richmond cannot afford, the public will not abide and the law does not permit. A new EIR is required.

5 – **Climate Crisis:** Given the critical condition of the planet from climate change, a new EIR for Point Molate needs to address the immediate and cumulative climate impacts of housing construction at the site. Moreover the EIR must address the long term effects on all aspects of the biological resources at Point Molate. The potential losses to biodiversity at Point Molate must be examined in advance of entering into any agreement regarding development at Point Molate.

6 – **Eelgrass as essential habitat:** Point Molate eelgrass is unique and is one of, if not, the most important beds along the Western coast. The plants are used in eelgrass restoration projects in the SF Bay area and are also part of long-term research studies. They protect the Point Molate shoreline, prevent erosion, modify sea rise impacts, reduce acidification, are a nursery for Dungeness crabs, form the foundation for the food chain at Point Molate. Eelgrass mitigates the effects of climate change by removing and storing carbon and eelgrass is understood to in some situations remove and sequester carbon from the atmosphere more effectively than even rain forest.

7 – **Loss of Wetlands and habitat:** The bays along the west coast have lost and are losing wetlands and eelgrass over the past century. The causes of the loss are only partially understood but the fact that eelgrass is essential to healthy aquatic life in San Francisco Bay is known. The new EIR needs to thoroughly address the potential impact of housing on the eelgrass, the impact of housing on the watersheds above the eelgrass beds, the impact of construction in the watershed, the impact of thousands of new residents being sited within the watershed that feeds the eelgrass beds, the potential impact of damage or loss of eelgrass to the aquatic life at Point Molate, The potential impact of damage to the eelgrass to the aquatic life at Point Molate. These impacts need to be addressed for Point Molate, for the San Francisco Bay, and for any existing and proposed restoration sites.

8 - **Ocean Acidity**: The EIR must take into account the new reality. Due to steady rise in temperature of our oceans we are seeing a steady rise in the levels of acidity. We are facing ecological disaster in our waters: diminished marine food-chain production, reduced ability to store carbon, increased acidification and ability to support fish life. Our waters are changing at a much faster and deeper rate than predicted. We are in a critical situation. The new EIR specifically needs to address the impacts of the development on the Bay in light of new information of ocean crises.

9 - **Traffic conditions** have changed in the past 10 years. The new EIR requires complete and thorough impacts of current traffic conditions, including increased Richmond/San Rafael Bridge traffic and backups; vehicle miles traveled for essential services; and the project impacts on carbon emissions, and global warming.

10 - **The Bay Plan and transit hub developments**: The Bay Plan calls for five Preferred Development Areas (PDAs) in Richmond for residential development around transit nodes and centers. Point Molate is not one of the PDAs. The EIR must address why housing is proposed for an area that is not one of the five PDA's, and which will generate more traffic, more carbon emissions, and subsequently increase global warming.

11 - **Fire and poison refinery risks**: The EIR must address the fire and toxic impacts to the residents from a fire or from a toxic release from the Richmond refinery. It must address the safety of residents from 2,280 residential units evacuating under these conditions and its moral imperative not to place people in harm's way. It needs to address that Point Molate is considered a "high fire severity zone" by the Richmond Fire Department and the implications in an emergency of a two-lane road into and out of Point Molate.

12 - **Ammonia Gas risks**: The EIR needs to address the potential for Ammonia gas release from Chevron and the effect on residents. It needs to examine the implications and impact of increased flaring incidents at the refinery. There have been 3 in the month of July 2019 alone.

13 - **Economic risks and burdens project looks bad for Richmond residents**. The EIR needs to evaluate the risks of the proposed development from an economic point of view. The costs of preparation of the site, the infrastructure needs, the minimum costs of financing, the costs of the city services for fire, police, etc. for the proposed housing all indicate large economic losses that will have to be subsidized by Richmond residents, making this an economic loser for Richmond. See HATCH study provided to the City of Richmond for the Point Molate proposed project.

14 - **Imbalance in social and economic results**. The EIR needs to investigate the impacts of this proposal on the imbalance in housing and the impact on de facto segregation in Richmond. This is a planned luxury housing development for the waterfront that will require heavily investment in infrastructure and city services, all to the detriment of other development projects that are more suited to Richmond working families.

15 - **Withdrawal of City Resources from other projects**. The EIR needs to evaluate the impacts of this proposal on the needs of other housing and like kind development projects that will serve working families in Richmond. How much staff time and city attention and funding will this project require.; and how will that deprive other projects the needed resources and attention from the city staff to have those other projects advance to completion, or even to the planning stages.

16 – Sea Rise. The EIR needs to evaluate the impacts of the projected Sea Rise on this project, on Point Molate, and upon the development plans, the habitat and the park values at Point Molate. The national Oceanic and Atmospheric Administration (NOAA) projects that if we cannot reverse the current trend in the warming of the planet, we will see a 10 and a half foot rise in sea level by the end of this century. More recent evaluations point to the heating and melting as happening at an ever more accelerated rate. The effects of these atmospheric changes need to be addressed in the EIR.

17 – Air Quality.

The EIR needs to evaluate the impacts of the projected Sea Rise on the air quality of the construction on Point Molate, its habitat, its beach and parklands and on the surrounding communities, including the addition of thousands of cars if the planned development is built. The project as proposed appears to be highly car defendant and will generate multiple auto trips and these will cumulate raising the number of vehicular miles driven in Richmond and the surrounding area. The local and cumulative impacts need to be evaluated.

Additional points will be submitted in writing by CESP and its legal counsel and made orally at the NOP scoping session.

Sincerely,

A handwritten signature in black ink that reads "Robert Cheasty". The signature is written in a cursive style with a large, sweeping initial "R".

Robert Cheasty
Executive Director
Citizens for East Shore State Parks