

2950 PERALTA OAKS COURT P.O. BOX 5381 OAKLAND CALIFORNIA 94605-0381
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August 10, 2009

Michael Murray, Chair
Contra Costa County Planning Commission
C/O Department of Conservation and Development
631 Pine Street, 4th Floor North Wing
Martinez, CA 94553

RE: Bay Point Wetlands Regional Shoreline/Great California Delta Trail
Bay Point Waterfront Strategic Plan/Proposed General Plan Amendment
County Files #GP03-0009 & DP00-3003

Dear Chair Murray:

East Bay Regional Park District appreciates the Planning Commission's favorable consideration of the Park District's request for a continuance of the public hearing on the above-referenced project. The Park District also appreciates county staff's efforts to address the Districts' concerns.

The addition of a land use designation for the Great California Delta Trail in the proposed General Plan Amendment as well as the modification of the language under Land Use in section 3.77 fully addresses the District's concerns regarding the trail. Including a land use designation for the trail will improve the Park District's ability to complete the development of the trail in Bay Point as a component of the redevelopment project.

However, the Park District does not support the proposed modification of the Urban Limit Line. The purpose of the ULL was to create a limited development envelope within Contra Costa County and preserve the remaining open space. The District understands that there are provisions in the ULL initiative that allow for adjustments. It is the Park District's position that this proposed exchange of existing parkland within the ULL to allow for the development of land currently outside the ULL results in a net increase of developable land, and is not in keeping with the spirit or intent of the voter-approved Urban Limit Line.

Thank you for your consideration.

Yours truly,

Jim Townsend
Trails Development Program Manager
510-544-2602

cc: Bob Doyle, EBRPD Assistant General Manager

Board of Directors

Ted Radke President Ward 7	Doug Siden Vice-President Ward 4	Beverly Lane Treasurer Ward 6	Carol Severin Secretary Ward 3	John Sutter Ward 2	Whitney Dotson Ward 1	Ayn Wierskamp Ward 5	Pat O'Brien General Manager
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County Planning Commission
Attn: Debbie Sittser
651 Pine St. 4th floor North Wing
Martinez, CA 94553

August 10, 2009

Re: Comment on Bay Point Waterfront General Plan Amendment

Dear Commissioners,

Greenbelt Alliance protects open spaces and creates vibrant places throughout the San Francisco Bay Area. We work in partnership with diverse coalitions on public policy development, advocacy, and education.

We want to thank you and the Bay Point community for recognizing the importance of revitalizing this important waterfront area. Greenbelt Alliance agrees that it is extremely important to have good mixed use development that includes affordable housing in the Bay Point Community. The Bay Point Waterfront Strategic Plan does a good job in promoting good development. Greenbelt Alliance is supportive of the Waterfront Strategic Plan and is excited at the opportunity that it creates for local jobs, affordable housing and the economic vitality that the project brings to the Bay Point Community.

At the same time, Greenbelt Alliance is extremely concerned about the proposed expansion of the urban limit line. Greenbelt Alliance and many allies have worked for decades on ensuring that growth in Contra Costa County is controlled through the implementation of a strong urban limit line. Greenbelt Alliance understands that the urban limit line language allows for altering the line if it's less than 30 acres. However, all modifications no matter how big and large affect future decisions and project proposals. This expansion in Bay Point has the potential to open up the entire county to additional less than 30 acre expansions based on this Bay Point decision.

With the information provided in the staff report, it is unclear on whether or not an expansion of the urban limit line is truly necessary for this Bay Point Waterfront Strategic Plan to be successful.

Because of the countywide ramifications of altering the urban limit line, Greenbelt Alliance requests that the Planning Commission provide more information on why the five acre expansion is necessary before approving the General Plan Amendment. Greenbelt Alliance requests that the following questions are answered before approving an expansion to the urban limit line:

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SOUTH BAY OFFICE • 1922 The Alameda, Suite 213, San Jose, CA 95126 • (408) 983-0856 • Fax (408) 983-1001
EAST BAY OFFICE • 1601 North Main Street, Suite 105, Walnut Creek, CA 94596 • (925) 932-7776 • Fax (925) 932-1970
SONOMA OFFICE • 555 5th Street, Suite 300B, Santa Rosa, CA 95401 • (707) 575-3661 • Fax (707) 575-4275
MARIN OFFICE • 30 North San Pedro Road, Suite 285, San Rafael, CA 94903 • (415) 491-4993 • Fax (415) 491-4734

INFO@GREENBELT.ORG • WWW.GREENBELT.ORG

1. What exact topographical and legal boundaries require the expansion of the line?
2. Couldn't the project just alter the footprint to avoid these topographical features without expanding the urban limit line?
3. Why can't the development proposal increase the densities of the project; thus, reducing the footprint enough to where expanding the urban limit line by 5 acres would be unnecessary?

Greenbelt Alliance urges the County Planning Commission to probe more into whether or not the urban limit line expansion is necessary. With such little detail on what topographical feature is there, there is reason to believe that the County Planning Commission could approve a successful Plan without expanding the urban limit line. By inquiring more about the necessity of the expansion, the County Planning Commission is ensuring that the urban limit line remains strong and that their decision does not subject the urban limit line to infractions.

Thank you for allowing us to comment on this important matter. If you have any questions please feel free to contact me by e-mail at cwong@greenbelt.org or by telephone at (925) 932-7776.

Sincerely,



Christina Wong
East Bay-Solano Field Representative

CC: Contra Costa County Board of Supervisors

Dave Custodio, Bay Point Resident

Ray O'Brien, Bay Point Resident

Jim Townsend, East Bay Regional Park District

Seth Adams, Save Mount Diablo

Lech Naumovich, California Native Plant Society, East Bay Chapter



2950 PERALTA OAKS COURT PO BOX 5381 OAKLAND CALIFORNIA 94605-0381 T. 1 888 EBPARKS F. 510 569 4319 TDD. 510 633 0460 WWW.EBPARKS.ORG
June 3, 2009

Patrick Roche
Contra Costa County Department of Conservation and Development
651 Pine Street, 4th Floor North Wing
Martinez, CA 94553

RE: Great California Delta Trail
Bay Point Waterfront Strategic Plan/Proposed Proposed General Plan
Amendment County Files #GP03-0009 & DP00-3003

Dear Pat:

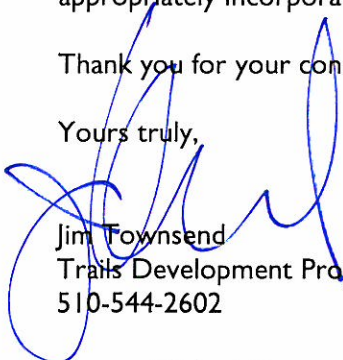
I am writing in regard to agenda item #4 on the Planning Commission agenda for June 9th, a public hearing regarding the Bay Point Waterfront proposed general plan amendments. The Park District appreciates the opportunity to review the staff report for the proposed general plan amendment required to support the implementation of the Bay Point Waterfront Strategic Plan. East Bay Regional Park District operates the Bay Point Wetlands Regional Preserve located within the plan area, and is in the early stages of planning for the Great California Delta Trail which will traverse the plan area.

It appears that, because strategic planning for the waterfront area was underway well before the Delta Trail moved from concept to the planning stage, the plan does not reflect the current state of Delta Trail planning. The strategic plan and proposed general plan amendment does not include a land use designation for the trail, nor does the proposed revision to the Bicycle Facilities Network (Figure 9 in the staff report) incorporate the proposed alignment for the Delta Trail.

For those reasons, East Bay Regional Park District respectfully requests that the public hearing on the general plan amendment application scheduled for June 9th be continued to a future date that will allow the Park District to work with county staff to appropriately incorporate the Delta Trail into the planning process.

Thank you for your consideration.

Yours truly,

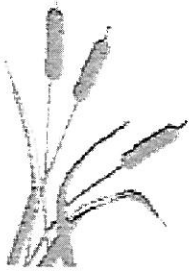

Jim Townsend
Trails Development Program Manager
510-544-2602

cc: Michael Murray, Chair, Contra Costa County Planning Commission

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JUN 10 2009
EAST BAY REGIONAL PARK DISTRICT

Board of Directors

Ayn Wieskamp President Ward 5	Ted Radke Vice-President Ward 7	Doug Siden Treasurer Ward 4	Nancy Skinner Secretary Ward 1	Beverly Lane Ward 6	Carol Severin Ward 3	John Sutter Ward 2	Pat O'Brien General Manager
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Friends of the Great California Delta Trail



What is the Delta Trail?

Currently, much of the Delta is inaccessible except by boat, or in some cases, by car. Delta Protection Commission surveys over the past ten years have found that there are many unmet recreational needs for the Delta region—including trails for hiking and bicycling, facilities for wildlife observation and education, water sports access, bank fishing areas, and improved historic and cultural sites with interpretive information.

In 2006, Senator Tom Torlakson introduced SB 1556, which Governor Schwarzenegger signed into law to create the concept of a “Great California Delta Trail.” This Delta Trail will be a continuous recreational corridor from Martinez to Sacramento and a unique recreation, education, and economic resource for our county. The Delta Trail will link the parks, wildlife areas, communities, and businesses of the Delta. It will also provide public access to, and education about, our wonderful Delta resource.

The Great California Delta Trail in Contra Costa will provide a dedicated bicycle and pedestrian trail, beginning at the San Francisco Bay Trail terminus in Martinez, and stretching across our Contra Costa waterfront and linking West, Central, and East County.

We currently have a number of existing and planned park, recreation, and wildlife education opportunities in Contra Costa County that can link with the Delta Trail, including the Point Edith Wildlife Area, the Bay Point Waterfront Park, Big Break, the Delta Science Center, and the marina parks in Pittsburg, Antioch, and Discovery Bay.

The Great California Delta Trail concept is formally supported by the Contra Costa County Board of Supervisors, the Bay Point MAC, the Ambrose Recreation & Park District, the Discovery Bay Town Council, the cities of Martinez, Pittsburg, Antioch, Concord, and the East Bay Regional Park District.

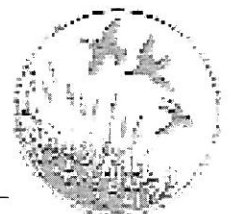
Why should I join “Friends of the Delta Trail?”

The goal of “Friends of the Delta Trail” is to support efforts to provide waterfront access in Bay Point, starting with the Waterfront Park at McAvoy Harbor and the first link of the Great California Delta Trail.

Right now, none of the Bay Point waterfront is accessible to the public for free. The Bay Point Waterfront Park and Delta Trail will change that.

The Delta Trail requires an investment by our local jurisdictions to jumpstart the planning process and the ultimate building of the Trail network.

Friends of the Delta Trail will be working with our partners at the County, East Bay Regional Parks District, and surrounding cities to build the Great California Delta Trail here in Contra Costa County.



Senate Bill No. 1556

CHAPTER 839

An act to add Chapter 12 (commencing with Section 5852) to Division 5 of the Public Resources Code, and to amend Section 99234 of the Public Utilities Code, relating to parks and recreation.

[Approved by Governor September 30, 2006. Filed with
Secretary of State September 30, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1556, Torlakson. Parks: The Great California Delta Trail System.

Existing law establishes the Delta Protection Commission to preserve, protect, maintain, and enhance the Sacramento-San Joaquin Delta region's environmental resources and quality, including preserving and protecting agriculture, wildlife habitats, open spaces, outdoor recreational activities, public access, and use of public lands.

This bill would additionally require the Delta Protection Commission to establish a continuous recreation corridor, including bicycle and hiking trails, around the delta, as defined. The bill would also require the plan to link the San Francisco Bay Trail system to planned Sacramento River trails in Yolo and Sacramento Counties.

Existing law requires local transportation planning agencies to allocate funds in the local transportation fund, as defined, for establishing and maintaining pedestrian and bicycle trails. Existing law authorizes the Metropolitan Transportation Commission to allocate those funds to establish a recreation corridor, including a bicycle and hiking trail, around the perimeter of the San Francisco and San Pablo Bays.

This bill would authorize the transportation planning agencies that allocate those funds to the cities and counties with jurisdiction or a sphere of influence within the delta, to allocate those funds to the Delta Protection Commission for specified activities around the delta.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature hereby finds all of the following:

(1) The Great California Delta region is a wondrous state and national treasure, with its natural resources and fertile soils for agriculture, its access to recreation and science research, and its rich history and beauty.

(2) The California Delta provides two-thirds of the state's drinking and irrigation water, that flows through the delta's over 1,000 miles of waterways, levees, and shorelines.

(3) The California Delta is of great ecological significance, with its two most prominent waterways, the Sacramento and the San Joaquin Rivers, carrying fresh water from the Sierra Nevada Range and the Central Valley to the San Francisco Bay.

(4) The California Delta is a key part of the Pacific Flyway, and its rich ecosystem serves as home to thousands of unique birds, fish, animals, and plants, and is enjoyed by outdoor enthusiasts, water-sport fans, hunters, fishermen, and naturalists.

(5) The California Delta is a complicated and fragile system that needs the appreciation and protection of future generations of Californians.

(6) The California Delta is characterized by its numerous scenic waterways, levee-top roadways, historic towns, idyllic marinas, eucalyptus tree windrows, and highly productive family farms.

(7) There are 22 public recreation areas in the Sacramento-San Joaquin Delta region, with fishing, park day use facilities, campgrounds, trails and boating access that support numerous recreational activities including boating, water skiing, jet skiing, windsurfing, sailing, fishing, relaxing, hiking and jogging, horseback riding, swimming, picnicking, and cycling.

(8) California is challenged by a growing obesity crisis and state and local leaders must address the need for more opportunities for exercise, movement, and recreation in public settings.

(9) The Delta Protection Commission surveys have found that there are unmet recreational needs in the delta region, including a trail for bicycling and hiking, in the Sacramento-San Joaquin Delta region.

(10) A bicycle and pedestrian trail would provide an important link between the people of California and one of our most precious natural resources.

(11) A bicycle and pedestrian trail connecting the delta region, with adjacent areas, would provide a great link between our fascinating delta communities and foster a connection between our rich histories and present challenges.

(b) The Legislature declares its support for the creation of a Great California Delta Trail, linking the San Francisco Bay Trail system and the planned Sacramento River trails in Yolo and Sacramento Counties to the present and future trailways around the delta, including, but not limited to, the delta's shorelines in Contra Costa, San Joaquin, Solano, Sacramento, and Yolo Counties.

SEC. 2. Chapter 12 (commencing with Section 5852) is added to Division 5 of the Public Resources Code, to read:

CHAPTER 12. THE GREAT CALIFORNIA DELTA TRAIL SYSTEM

5852. "Delta" means the Sacramento-San Joaquin Delta, as defined in Section 12220 of the Water Code minus the area contained in Alameda County.

5853. "Commission" means Delta Protection Commission as defined in Section 29721.

5854. (a) In accordance with the requirements of subdivision (c), the commission shall develop and adopt a plan and implementation program, including a finance and maintenance plan, for a continuous regional recreational corridor that will extend around the delta, including, but not limited to, the delta's shorelines in Contra Costa, Solano, San Joaquin, Sacramento, and Yolo Counties. This plan shall link the San Francisco Bay Trail system to the planned Sacramento River trails in Yolo and Sacramento Counties. This plan shall include a specific route of a bicycling and hiking trail, the relationship of the route to existing and proposed park and recreational facilities and land and water trail systems, and links to existing and proposed public transportation and transit. The transportation and transit links may include, but are not limited to, roadside bus stops, transit facilities, and transportation facilities. The continuous regional recreational corridor planned and executed pursuant to this chapter shall be called the Great California Delta Trail. The continuous regional recreational corridor shall include, but not be limited to, bikeway systems, and hiking and bicycling trails.

(b) The Great California Delta Trail plan shall do all of the following:

(1) Provide that designated environmentally sensitive areas, including wildlife habitats and wetlands, shall not be adversely affected by the trail.

(2) Provide for appropriate buffer zones along those portions of the bikeway system adjacent to designated environmentally sensitive areas and areas with private uses, when appropriate.

(3) Provide that the land and funds used for any purposes under this chapter are not considered mitigation for wetlands losses.

(4) Provide alternative routes to avoid impingement on environmentally sensitive areas, traditional hunting and fishing areas, and areas with private uses, when appropriate.

(5) Provide that no motorized vehicles, except to the extent necessary for emergency services, including, but not limited to, medical and structural emergencies, and for handicap access, be allowed on the trail.

(c) The commission may develop and adopt the plan and the implementation program if it receives sufficient funds, from sources other than the General Fund, to finance the full costs of developing and adopting the plan. The commission shall submit the plan and the implementation program to the Legislature and each of the counties within the commission's service area not later than two years after the commission determines that sufficient funds will be available to complete the plan and implementation program.

(d) The commission shall administer the funds used in the planning of the trail.

5855. (a) The commission shall establish a technical advisory committee that shall review the trail's planning, implementation, and funding proposals. The committee shall include members and staff of appropriate regional government associations, local jurisdictions, and

districts. Participation in the committee is voluntary and its members are not eligible for reimbursement from the state for costs incurred to participate. The committee may make recommendations, to the commission, on the trail's planning, implementation, and funding. The executive director of the commission shall convene the meetings of the committee.

(b) A cooperative working relationship shall be established with state and federal agencies, and all other cities, counties, districts, including school districts, and regional government associations that are affected by the proposed trail.

(c) The commission shall establish a stakeholder advisory committee representing groups concerned with environmental and ecological protection of the delta, groups representing agricultural, private, and other business uses of the delta's land and water, and groups representing bicycling, walking, boating, horseback riding, and other relevant recreational activities. The stakeholder advisory committee shall advise the commission on the trail's impacts on and uses for committee member constituencies. Participation in the committee is voluntary and its members are not eligible for reimbursement from the state for costs incurred to participate. The committee may make recommendations, to the commission, on the trail's planning, implementation, and funding. The executive director of the commission shall convene the meetings of the stakeholder advisory committee.

(d) The meetings of the committees established in subdivisions (a) and (c) shall be subject to the provisions of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

SEC. 3. Section 99234 of the Public Utilities Code is amended to read:

99234. (a) Claims for facilities provided for the exclusive use of pedestrians and bicycles or for bicycle safety education programs shall be filed according to the rules and regulations adopted by the transportation planning agency.

(b) The money shall be allocated for the construction, including related engineering expenses, of those facilities pursuant to procedures or criteria established by the transportation planning agency for the area within its jurisdiction, or for bicycle safety education programs.

(c) The money may be allocated for the maintenance of bicycling trails that are closed to motorized traffic pursuant to procedures or criteria established by the transportation planning agency for the area within its jurisdiction.

(d) The money may be allocated without respect to Section 99231 and shall not be included in determining the apportionments to a city or county for purposes of Sections 99233.7 to 99233.9, inclusive.

(e) Facilities provided for the use of bicycles may include projects that serve the needs of commuting bicyclists, including, but not limited to, new trails serving major transportation corridors, secure bicycle parking at

employment centers, park and ride lots, and transit terminals where other funds are unavailable.

(f) Notwithstanding any other provision of this section, a planning agency established in Title 7.1 (commencing with Section 66500) of the Government Code may allocate the money to the Association of Bay Area Governments for activities required by Chapter 11 (commencing with Section 5850) of Division 5 of the Public Resources Code.

(g) Notwithstanding any other provision of this section, the transportation planning agencies that allocate funds, pursuant to this section, to the cities and counties with jurisdiction or a sphere of influence within the delta, as defined in Section 5852 of the Public Resources Code, may allocate the money to the Delta Protection Commission for activities required by Chapter 12 (commencing with Section 5852) of Division 5 of the Public Resources Code.

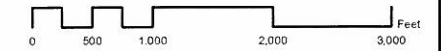
(h) Within 30 days after receiving a request for a review from any city or county, the transportation planning agency shall review its allocations made pursuant to Section 99233.3.

(i) In addition to the purposes authorized in this section, a portion of the amount available to a city or county pursuant to Section 99233.3 may be allocated to develop a comprehensive bicycle and pedestrian facilities plan, with an emphasis on bicycle projects intended to accommodate bicycle commuters rather than recreational bicycle users. An allocation under this subdivision may not be made more than once every five years.

(j) Up to 20 percent of the amount available each year to a city or county pursuant to Section 99233.3 may be allocated to restripe class II bicycle lanes.



EAST BAY REGIONAL PARK DISTRICT
CALIFORNIA DELTA TRAIL
Bay Point Wetlands to
Marina Park



H o n k e r B a y

S a c r a m e n t o R i v e r

Bay Point
Wetlands

Study Area

PACIFIC GAS & ELECTRIC CO

PACIFIC GAS AND ELECTRIC CO

PACIFIC GAS & ELECTRIC CO

SOUTHERN
ENERGY
DELTA LLC

CC
WATER
DISTRICT

SOUTHERN ENERGY
DELTA LLC

SOUTHERN ENERGY DELTA LLC

SOUTHERN ENERGY DELTA LLC

PACIFIC GAS &
ELECTRIC CO

Mc Avoy
Yacht
Harbor

Potential Trail Route

Pre-Proposal
Site Visit
Location

LP CATALYST
HOLDINGS LLC

BORBA SCOTT L

Marina
Park

PITTSBURG
REDEVELOPMENT
AGENCY

WILLOW PASS ROAD



EAST BAY REGIONAL PARK DISTRICT
CALIFORNIA DELTA TRAIL
Bay Point Wetlands to
Marina Park



H o n k e r B a y

S a c r a m e n t o R i v e r

Bay Point
Wetlands

Study Area

PACIFIC GAS & ELECTRIC CO

PACIFIC GAS AND ELECTRIC CO

PACIFIC GAS & ELECTRIC CO

SOUTHERN
ENERGY
DELTA LLC

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WATER
DISTRICT

SOUTHERN ENERGY
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SOUTHERN ENERGY DELTA LLC

PACIFIC GAS &
ELECTRIC CO

Mc Avoy
Yacht
Harbor

Potential Trail Route

Pre-Proposal
Site Visit
Location

BORBA SUOTT

Marina
Park

WILLOW PASS ROAD

QUESTIONS FOR ECRPC BAY POINT WATERFRONT STRATEGIC PLAN STUDY SESSION: MAY 11, 2009

1. How does staff expect the commission to study the Waterfront Strategic Plan and its EIR when the commissioners have not seen the plan?
2. How does staff justify omitting McAvoy Harbors berth rates from the list of Marinas between Vallejo and Antioch on page 18 of the Plan?
3. If the Plan goes through I will have to move my boat away from my home town marina to a more distant marina, I will not be able to afford the Plan's berth rental rates. These questions relate to EIR Comment letter P item 3.
 - a) How does staff justify a plan that approximately doubles berth rates in Bay Point, changing berth rent from the current least expensive in the S.F. Bay area to the most expensive between Vallejo and Antioch?
 - b) Does staff believe it appropriate that the poorest community on the river between Vallejo and Antioch should sport the most expensive berth rents?
 - c) Why does Staff continue to pursue the Waterfront Plan when that Plan indicates that it does not pay for itself

(SWP p25) and even under the rosiest scenario using fudged numbers (SWP p28) does not meet the state loan target for funding.

- d) Why does staff's EIR response to these questions say that the EIR answers these questions, when the EIR makes no mention of the issues raised?
- e) How can this Commission study these aspects of the waterfront plan when the commission has not seen the plan?

4. Relating to EIR Letter P comment 20 and Letter M comment 3. Why does staff continue to pursue a project that will result in more students at the already overcrowded and underperforming Shore Acres Elementary School, especially when the only reason staff includes luxury apartments (SWP p 24) in the plan is to help pay for the plan?
5. Has staff assessed the probability that anyone who can afford to live in the luxury apartments proposed in the plan will choose to live where their children will go to the lowest performing elementary, middle and high schools in the Mount Diablo School District?
6. Has staff conducted and published the "detailed feasibility study" the Plan recommends on page 21 ? What did it say?

7. Looking at the distribution Soft Bird's Beak, a Federal and State listed endangered species Soft Bird which grows in only three small areas in Contra Costa County one of which is in the plan area, How does staff expect to duplicate habitat for this very particular plant? Why is its distribution absent from the EIR?

8. Considering

a) staff's award winning record in "brownfield" development
b) its apparent desire to build a high berth rent marina in the poorest community it could find

c) and the existence of the 70 acre "Shell Pond" currently administered by the Department of Toxic Substances Control and the Department of Fish and Game right next to the Plan area

d) and considering the routing of the Great Delta Trail which will run very close to the pond:

Has staff considered cleaning up the pond and building its Marina there where it will benefit future boaters, hikers and bicyclists and not harm the boaters McAvoy Yacht Harbor boaters?

Please keep me apprised of the progress of this ambitious waterfront project.

David Custodio davecusto@sbcglobal.net.