

COUNTY PLANNING COMMISSION
TUESDAY, JUNE 9, 2009
BAY POINT WATERFRONT GENERAL PLAN AMENDMENT
STAFF REPORT AND RECOMMENDATIONS

I. INTRODUCTION

Contra Costa County Redevelopment Agency (Project Sponsor) – Pacific Gas & Electric Company, Bay Point Venture One, LLC, and Joyce Trost (Owners), County File #GP03-0009: A proposed amendment to the Contra Costa County General Plan (2005-2020) to support the implementation of the Bay Point Waterfront Strategic Plan. The proposed General Plan Amendment includes amending the Land Use Element: a) an adjustment to the Urban Limit Line (ULL) by shifting of the location of the ULL (involving less than 30 acres of land); b) changing the land use designations for some portions of the project site, including approximately 10 acres of Commercial Recreation (CR) and 13 acres of Open Space (OS) to be re-designated to Multiple-family Residential – Medium Density (MM), and re-designating approximately 10 acres of Open Space to Park and Recreation (PR); and c) adding clarifying language to the text under Policy # 3-77, “Policies for the Bay Point Area”, to incorporate and reference the provisions of the Bay Point Waterfront Strategic Plan as providing additional guidance for the development of the waterfront area. A final component to the proposed General Plan Amendment includes amending the Transportation and Circulation Element: a) adding the extension of two roads, Pacifica Avenue Extension and Alves Lane Extension; and, b) updating the Bicycle Facilities Map to reflect new, proposed bicycle facilities to serve the waterfront area. These changes to the General Plan would allow for the reconfiguration of the marina, development of marina-related residential neighborhood, and development of new park and recreation area and provide consistency between the General Plan and the Bay Point Waterfront Strategic Plan. Finally, the proposal also includes a modification to the Development Plan (County File #DP00-3003), amending the Land Use Map for the Bay Point Planned-Unit District consistent with changes to the General Plan Land Use Element.

The approximately 190-acre Strategic Plan Area, which is partially within the adopted Bay Point Redevelopment Area (Redevelopment Area), is located north of the Union Pacific Railroad tracks, at the terminus of McAvoy Road in the Bay Point area of eastern Contra Costa County. Assessor’s Parcel Numbers 098-020-023, 098-020-024, 098-020-025, 098-250-013, 098-250-019 and 098-250-020.

II. RECOMMENDATION

Staff recommends the County Planning Commission forward a recommendation to the Board of Supervisors amending the General Plan as follows:

- A. That on the basis of the whole record before it, including the Initial Study and the comments received, the County Planning Commission finds that there is no substantial evidence that the project will have a significant effect on the environment and that the Final Environmental Impact Report reflects the County’s independent judgment and analysis.
- B. Find that the Mitigated Negative Declaration is adequate for the project and adopt the Mitigation Monitoring Program.

- C. Amend the Urban Limit Line map in the Land Use Element, as more fully described in Section V.A.1 of this report, as a minor change or modification to the Urban Limit Line that will more accurately reflect topographical characteristics or legal boundaries, which will not cause a violation of the 65/35 Land Preservation Standard.
- D. Amend the Land Use Element Map designations of the Bay Point waterfront area, as more fully described in Section V.A.2 and shown in Figure 5 of this report.
- E. Amend the Land Use Element text under “Policies for the Bay Point Area”, as described in Section V.A.3 and shown in Exhibit 7 of this report.
- F. Amend the Transportation/Circulation Element including the Roadway Network Map to extend and add new collector streets and the Bicycle Facilities Network Map to include new Class II bicycle lane and proposed bicycle facility as part of the future railroad grade separation of the Alves Lane extension, as more fully described in Section V.B of this report.
- G. Approve a modification to the Development Plan, County File #DP00-3003, by amending the General Plan Land Use Designation map for the Bay Point Planned-Unit Zoning District Program to reflect the same changes as described in Section V.A.2 and shown in Figure 5 of this report.

III. BACKGROUND

A. SITE SETTING AND DESCRIPTION

The community of Bay Point is located in eastern Contra Costa County, west of Pittsburg (Figure 2). Bay Point is a waterfront community, located to the south of Suisun Bay (part of the Sacramento River Delta). Most of Bay Point is located to the north of State Route 4 (SR 4). It is approximately 35 miles northeast of San Francisco and 28 miles northeast of Oakland (See Figure 3 below). Regional access is available along SR 4, a major east-west freeway that links Bay Point to the rest of the San Francisco Bay Area. Bay Point provides connections to Route 24, Interstate 680, and Interstate 80.

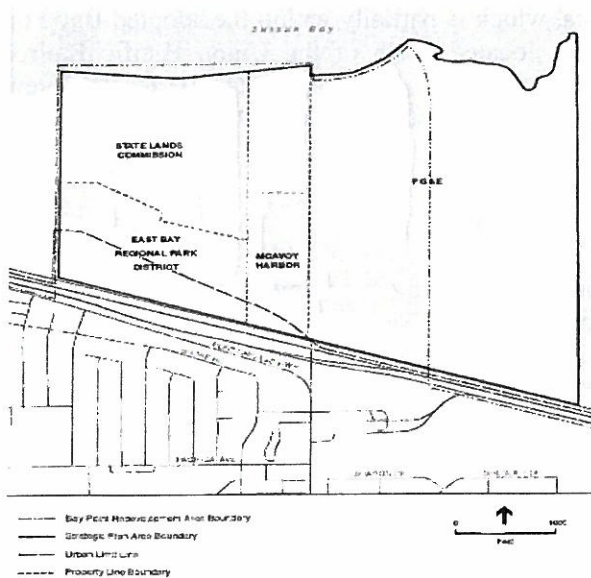


FIGURE 1



FIGURE 2

The Strategic Plan area is located along the waterfront in Bay Point, north of the Union Pacific Railroad tracks, at the terminus of McAvoy Road. The only point of entry to the Plan Area is McAvoy Road via the Port Chicago Highway. Four active railroad lines separate the Plan Area from the rest of town with an at-grade crossing. The Plan Area properties are currently owned by four parties (see Figure 1 above): the East Bay Regional Parks District (EBRPD), the California State Lands Commission, the Trost family (owners of McAvoy Harbor), and Pacific Gas and Electric Company (PG&E). Much of the western portion of the Plan Area (the EBRPD and State Lands Commission properties) is considered marshland. The State Lands Commission property is currently open space with trails and the EBRPD property is being planned for a passive use park.

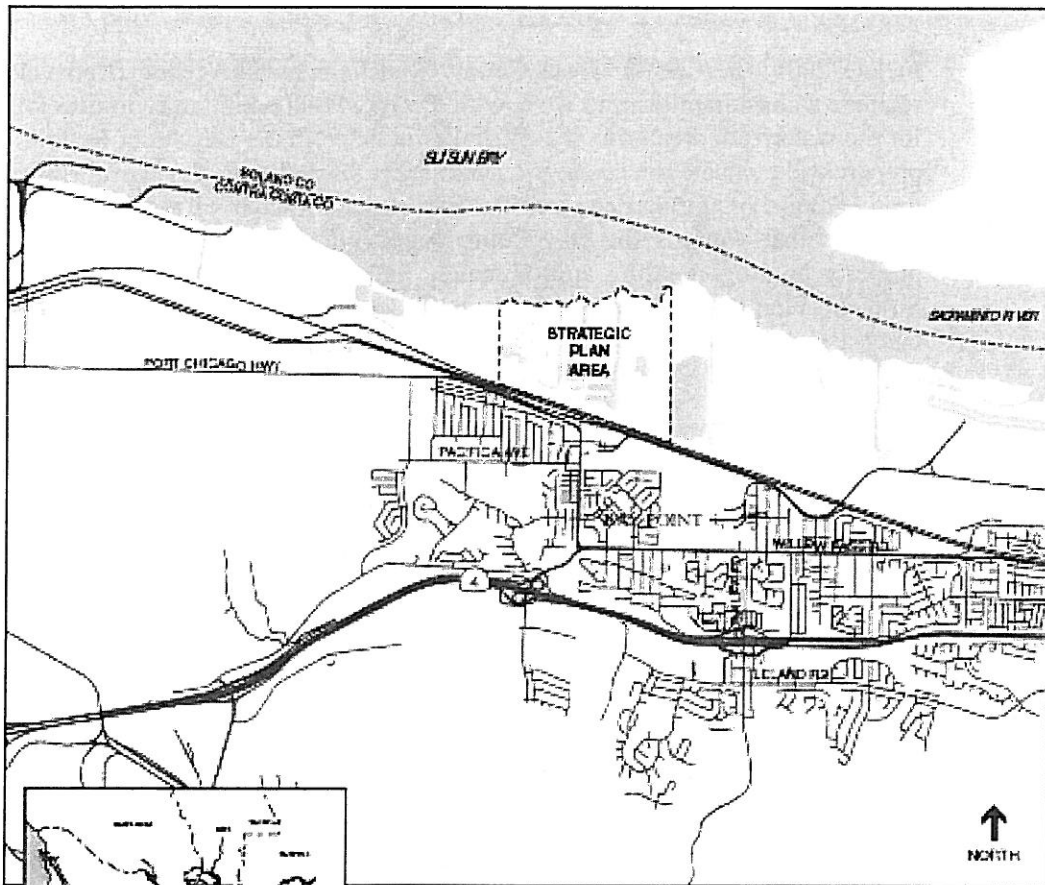


Figure 3

The harbor area has few buildings; one building being a vacant former restaurant building on the McAvoy Harbor property. The former Harris Yacht Club building, a metal-sided building currently exists on the PG&E property. The McAvoy Harbor marina, while in generally poor condition, exists as an operable facility. The marina contains 300 boat slips (240 are covered and 60 are open) ranging from 20 feet to 45 feet. In addition, the marina also provides storage space for about 250 boats on trailers, a launching ramp, a guest dock, two boat clubs, a small café, and a fuel dock. A marina with boat docks and ramps that are not currently used are located on the PG&E property. The PG&E property, to the east of the Harris Yacht Harbor, includes grazing land with some outdoor storage. Land uses in the vicinity of the Plan Area include Suisun Bay to the north, open space to the east and west, and a mix of industrial, residential, and commercial uses to the south.

B. WATERFRONT STRATEGIC PLAN

In late 2001, the Contra Costa County Redevelopment Agency (Redevelopment Agency) retained a consultant team to work with the Bay Point community to develop a Strategic Plan for the waterfront area (which is partially included in the Bay Point Redevelopment Plan), to prepare and evaluate the economic and market feasibility analysis of the area, and to evaluate the condition of the marinas and the infrastructure needs of the Bay Point waterfront. The result of that work is the Bay Point Waterfront Strategic Plan, which encompasses four property holdings totaling approximately 290 acres of land (the Strategic Plan Area); the Strategic Plan proposes a new land use concept plan for two of the four property holdings comprising approximately 190 acres. The Strategic Plan does not propose to alter existing uses on the EBRPD and State Lands Commission properties.

In pursuing the development of the Strategic Plan, the Redevelopment Agency empanelled a Task Force comprised of community residents, members of the Bay Point Municipal Advisory Council, the Bay Point Project Area Committee, and other local citizens with an interest in improving the community's waterfront. The Redevelopment Agency worked closely with the Task Force over the period from December 2001 through September 2002 to gather information, address issues, and create a strategic plan that would result in a compelling, economically achievable, and high-quality environment that would be the object of civic pride for Bay Point.

Three public workshops were held in Bay Point throughout 2002. The results of those workshops, in addition to extensive analysis of site conditions, market feasibility, infrastructure needs, and alternative development scenarios, guided the preparation of the Refined Concept Plan that is the foundation of the Strategic Plan. A final revision of the Strategic Plan was completed in August 2003, which included a plan for a full-scale marina and open spaces, as well as medium-density housing. Due to the site's proximity to the Pittsburg/Bay Point BART Station, the potential for home ownership in a high value location near the waterfront, and added safety and economic viability due to increased public presence, a residential component was included in the Strategic Plan to allow for an efficient pattern of development.

IV. PROJECT DESCRIPTION

A. PROJECT OVERVIEW

The Bay Point Waterfront Strategic Plan (Strategic Plan) is intended to guide redevelopment that would create a new full-scale marina with approximately 568 berths, parking areas for

trailers, dry storage for boats, a new boat launch location, and other support uses consisting of a fuel dock, centrally located harbor master building, restroom, laundry, and showers, chandlery store with bait and tackle, administrative offices, café/snack bar, and yacht club. The Strategic Plan would also allow for development of up to 450 new medium-density (i.e., 20 units per acre), multiple-family residential units. Public improvements such as open spaces and infrastructure would also be developed.

Parking would be located throughout the site with the largest area set aside for boat trailer parking near the boat launch. Significant parking areas would also be located at all support facilities and public areas. Parking for the marina areas would be 1 space for every 1.67 berths and parking for the residential area would be 2 spaces per dwelling unit.

The Strategic Plan envisions new land use designations that would be more intensive than those currently contemplated under the General Plan. A General Plan Amendment would be required to accommodate the uses, densities, and intensities proposed to achieve the development pattern and character envisioned in the Strategic Plan. An adjustment to the existing Urban Limit Line is also proposed to further preserve non-urban agriculture, open space, and other pristine areas by establishing a modified boundary within which urban growth can occur.

It is anticipated that implementation would occur incrementally due to the complex and expensive nature of the Strategic Plan. The Strategic Plan specifies the harbor as the component that could be developed initially as a catalyst for subsequent investment. Completion of the harbor is anticipated by 2012, and full build out of the Strategic Plan is expected to occur by 2020. However, including the first phase of the project, full realization of the development outlined in the Strategic Plan would ultimately depend on future market conditions, private initiative, and both public and private investment.

B. PROJECT OBJECTIVES

The project objectives, consistent with the principles used in the development of the Concept Plan in the Strategic Plan and the objectives of the Redevelopment Agency, include:

- Create a compelling, economically achievable, and high-quality environment that will be the object of civic pride for Bay Point;
- Improve access to the marina area;
- Connect the Plan Area with the upland community;
- Enhance public access to waterfront areas;
- Ensure the financial viability of the project;
- Spur revitalization of the waterfront;
- Allow water-oriented residential uses to enhance the economic viability of the project;
- Maximize environmental education opportunities; and
- Protect environmentally sensitive areas.

C. MARINA USES

The Strategic Plan proposes to rebuild the marina with approximately 568 berths, 80 percent of which would be covered. No more than 55 of these berths would be available for live-aboard boats. The two columns of berths at the main entry to the marina would remain uncovered to allow an unobstructed view of the marina from the main entry plaza. The

majority of the berths would be located on the south end of the marina with the largest berths to the east nearest the main channel. The slip sizes would range from 30 to 50 feet and the average slip length would be 35 feet. There would be a large parking area for trailers as well as dry storage area on the east end of the marina site where there would also be a new boat launch location. In addition, the Strategic Plan proposes various other support uses at the marina, including a restaurant, other commercial retailers, pedestrian promenade, environmental education center, view pier adjacent to the water, and future ferry terminal. As no specific studies were conducted in regards to the ferry terminal, the Strategic Plan only designated an area for this potential service at the end of the proposed view pier. If plans for a ferry terminal are formally proposed, a separate environmental review would have to be conducted at that time.

Close to the marina entry gateway, berths, and parking, two buildings on the southwest end of the marina site would house the majority of the proposed support uses, including restrooms, laundry, and showers, a chandlery store with bait and tackle, administrative offices, a café/snack bar, and a yacht club. The harbor master building would be located on the far west of the marina, centrally located between the north and south clusters of berths. The restaurant is proposed opposite other proposed support uses nearest the marina main entry and plaza. In total, these marina support buildings would be a maximum of 28,000 square feet (or 0.64 acres). In addition, there would be a small gazebo that would serve as a gathering/meeting area for the public near the beach area sharing the site of a potential future ferry terminal. An environmental education center is also proposed where classes regarding the surrounding ecosystem would be held, and an adjacent plaza area would be located in the northeastern portion of the marina site near the boat launch and parking area. All shoreline areas within the development would be protected from erosion by rip-rap, geotextile fabrics, or planting, or a combination of these measures.

D. PARKS AND RECREATION

The Strategic Plan proposes that the two parcels owned by the East Bay Regional Park District the State Lands Commission in the western portion of the plan area will remain designated as Parks and Recreation (PR). While a 10-acre portion of the PG&E property designated as Open Space (OS) will be re-designated to PR to allow for new various recreational uses. Some of the proposed project recreational amenities include two to three baseball fields, two soccer fields, and a parking area in the eastern portion of the plan area. There will be a beach area at the end of the main channel to the north and west of the residential area that will provide for waterfront activities. Three Hiking/Nature trails are tentatively proposed, pending biological studies: one would extend northward originating from the northwest corner of the marina and another would extend from the proposed baseball fields northwesterly through the PG&E property. Another trail, the Great California Delta Trail, is proposed to be aligned through the site connecting areas to the east with the marina area and beyond. In addition, a new launch ramp will be installed to the north of the residential area on the eastern side of the marina. The launch ramp would be constructed to serve the needs of area fishermen and trailerable boat owners, constructed in conformance with the Department of Boating and Waterways Guidelines, and provide a four-lane ramp with boarding floats to service ingress and egress of trailered boats. An adjacent parking area would accommodate 15 truck/trailer rigs per launch lane, or a minimum of 60 spaces. Adjacent to the main launch ramp, a car-top boat launch is proposed within a sandy area that would allow for launching of car-top boats such as sunfish, kayaks, and canoes.

E. PEDESTRIAN CIRCULATION / PUBLIC ACCESS

The Strategic Plan emphasizes public access with a large continuous boardwalk along the entire marina waterfront. Beginning with a plaza and overlook area in front of the environmental education center, the proposed pedestrian promenade would continue south and would run adjacent to the residential area on the east of the marina. There, the promenade would narrow following the oval beach area. Overlooks from the promenade would provide views of the beach and main channel of the marina. A large overlook located on the northwest edge of the beach could serve as a future ferry terminal. From the ferry terminal heading west, the promenade would narrow again slightly before opening into a central landscaped plaza area at the main gateway to the marina. The promenade would continue west to the edge of the marina and then continue north past the harbor master up to the fuel dock and northern berths.

F INFRASTRUCTURE

Under the Strategic Plan, basic infrastructure would be extended from the south edge of the Plan Area (on the south side of the railroad tracks at Port Chicago Highway) to provide adequate urban services and to meet fire flow requirements. While some existing utility lines exist, they would require repair and/or upgrade to serve the Plan Area and its proposed development. Section 4.4, *Utilities* and Section 4.10, *Hydrology* of the EIR has additional information regarding planned upgrades and additions to the existing infrastructure onsite.

G. PROJECT CONSTRUCTION AND PHASING

Project construction is expected to begin in 2012. Since the marina is the central focus of the Strategic Plan, construction would begin with the marina including berths, docks, and support facilities for boating users. During the first phase of construction, utility infrastructure upgrades and improvements would be completed. Since it is anticipated that the residential portion of the Strategic Plan would be developed by a private entity and would help to spur much of the commercial development at the waterfront, this portion of development would be either built simultaneously with the marina facilities or subsequent to their installation. Mitigation Measure 4.6.5 of the project EIR requires the completion of a grade separation for the Alves Lane extension over the railroad right-of-way to be built before occupancy of any residential unit in the Plan Area to ensure adequate emergency access. Finally, open space and habitat restoration, as well as the proposed environmental center and recreation area would be implemented following completion of the marina and residential uses. It would be expected that construction of infrastructure would last approximately 12-24 months with initial use of the marina and/or occupancy of the residential units expected within an additional 2-10 years (2012 to 2020).

V. GENERAL PLAN AMENDMENT

The last comprehensive review of the General Plan for the Bay Point area occurred in 2002 with the adoption of the Pittsburg/Bay Point BART Station Area Specific Plan. In 2002, the Redevelopment Agency sponsored a community planning process to determine consensus on the future of the waterfront, resulting in the preparation of the Bay Point Waterfront Strategic Plan. The Board of Supervisors approved a General Plan Amendment study for the Bay Point Waterfront/Marina Area as a means of implementing the Bay Point Waterfront Strategic Plan.

The Redevelopment Agency proposes to amend the Land Use and Transportation/Circulation Elements to incorporate land use and circulation concepts from the Bay Point Waterfront Specific Plan into the General Plan, and to facilitate implementation of waterfront's redevelopment. The Bay Point Redevelopment Area Planned-Unit Zoning District Program would also be amended to be consistent with the proposed General Plan Amendment.

A. LAND USE ELEMENT

1. Urban Limit Line: One of the planning considerations for the Strategic Plan involves a proposed adjustment to the Contra Costa County Urban Limit Line (ULL). An ULL is an officially adopted and mapped line dividing land to be developed from open space lands to be protected for natural or rural uses.. While the non-residential portions of the Strategic Plan could be achieved without changing the ULL, in order to implement the residential development of the Strategic Plan, some land now within the ULL would need to be realigned to the proposed residential development, resulting in a minimal net acreage shift of 5.47 acres moved inside the ULL. The current ULL includes the southern portion of the EPRPD property, which is currently designated as *Parks and Recreation (PR)*, and a small area in the southern portion of the McAvoy Harbor (Trost Family property), which is currently designated as *Commercial Recreation (CR)*. Under the Strategic Plan, the ULL would be shifted south and would no longer include this area.

The ULL does not currently include any portion of the PG&E property. Under the Strategic Plan, the ULL would be shifted north to include the currently designated *Open Space (OS)* and *Commercial Recreation (CR)* area, which is proposed for residential development. This adjustment to the ULL would result in a net gain of approximately 5.47 acres of multiple-family residential land use (see Figure 4). However, the minor adjustment or realignment to the ULL would occur entirely within the Strategic Plan boundary.

The area inside the ULL currently encompasses approximately 23.39 acres of East Bay Regional Park District land just west of the existing marina. The East Bay Regional Park District has developed a plan for the Bay Point Regional Shoreline Park and its implementation is not dependent on being within the ULL. Plans to develop housing at the marina area are dependent on being within the ULL. The ULL change that would adjust the line to the east would net a shift of land area, 5.47 acres, from non-urban use to urban use.

As mandated under Measure C-1990: The Contra Costa County 65/35 Land Preservation Plan Ordinance and Measure L: 2005 Countywide Voter-Approved Urban Limit Line, no change to the ULL shall be approved that violates the 65/35 standard, and so long as there is no violation of the 65/35 standard, the ULL can be changed by a 4/5 vote of the Board of Supervisors after holding a public hearing and making one or more of the following findings based on substantial evidence in the record:

- (a) A natural or man-made disaster or public emergency has occurred which warrants the provision of housing and/or other community needs within land located outside the Urban Limit Line;
- (b) An objective study has determined that the Urban Limit Line is preventing the County from providing its fair share of affordable housing, or regional housing, as required by state law, and the Board of Supervisors finds that a change to the Urban

Limit Line is necessary and the only feasible means to enable the County to meet these requirements of state law;

- (c) A majority of the cities that are party to a preservation agreement and the County have approved a change to the Urban Limit Line affecting all or any portion of the land covered by the preservation agreement;
- (d) A minor change to the Urban Limit Line will more accurately reflect topographical characteristics or legal boundaries;
- (e) A five (5) year periodic review of the Urban Limit Line has determined, based on the criteria and factors for establishing the Urban Limit Line set forth in B(3) above, that new information is available (from city or County growth management studies or otherwise) or circumstances have occurred, that warrant a change to the Urban Limit Line;
- (f) An objective study has determined that a change to the Urban Limit Line is necessary or desirable to further the economic viability of the East Contra Costa County Airport, and either (1) mitigate adverse aviation related environmental or community impacts attributable to Buchanan Field, or (2) further the County's aviation related needs; or
- (g) A change is required to conform to applicable California or federal law. Any such change shall be subject to referendum as provided by law. Changes to the Urban Limit Line under any other circumstances shall require a vote of the people.”

RECOMMENDATION: Shift the Urban Limit Line to realign 22.39 acres of the East Bay Regional Park District property west of the project area to outside the ULL, and shift 27.86 acres for the Marina area inside the ULL, as shown on Figure 4. The adjustment or realignment to the ULL results in a net conversion of 5.47 acres of land area from a non-urban use to an urban use. This adjustment to the ULL fits under the category of a “minor change to the ULL”, which is one of the seven findings required under Section 7. “Changes to the Urban Limit Line”(Measure C-1990: The 65/35 Land Preservation Plan Ordinance). This minor adjustment to the ULL will more accurately reflect topographical features of the Bay Point waterfront and it will facilitate the implementation of Bay Point Waterfront Strategic Plan.

The conversion of 5.47 acres of land from non-urban use to an urban use will not cause a violation of the 65/35 Land Preservation Standard. In applying the 65/35 Land Preservation Standard to the 478,110 acres of County land area, the minimum land area that shall remain non-urban use, or 65%, is 310,772 acres, and the maximum land area potential for urban use, or 35%, is 167,339 acres. The current land area in the County devoted to urban use (as defined under Measure C-1990) inside the ULL is 158,880 acres, which provides up to 8,459 acres of non-urban land eligible for conversion to urban use. ¹ Based on the foregoing, it can be seen with certainty that the conversion of 5.47 acres of land area to urban use as a result of the proposed realignment or adjustment to the ULL in the Bay Point waterfront will not cause a violation of the 65/35 Land Preservation Standard.

¹ Source: Contra Costa County Department of Conservation and Development Geographic Information System (GIS) Mapping Program (May 2009).

2. Land Use Designations: The Plan Area is currently designated *Parks and Recreation (PR)*, *Open Space (OS)*, and *Commercial Recreation (CR)*. The land use designation for the marina is currently *Commercial Recreation (CR)*, which allows for a range of privately-operated water-oriented recreational uses. The Strategic Plan, with its emphasis on marine support uses, would be consistent with this land use designation. However, the proposed residential area would be inconsistent with the CR designation, which does not allow for residential units other than a caretaker unit. A portion of the proposed residential area, on the PG&E property, would also be on land currently designated as *Open Space (OS)*, which allows for open space lands such as wetlands, tidelands and other areas of significant ecological resources or potential geologic hazards. Because neither the General Plan nor the Planned-Unit Zoning District Program would allow for the residential use of these parts of the Plan Area, a general plan amendment and an amendment to the Planned-Unit Zoning District Program would be necessary to permit the residential development anticipated in the Strategic Plan. In addition, in order to provide for development under the Strategic Plan, a general plan amendment and amendment to the Planned-Unit Zoning District Program would be necessary to change a portion of the PG&E property from *Open Space (OS)* to *Commercial Recreation (CR)*, *Multiple Family Residential-Medium Density (MM)*, and *Parks and Recreation (PR)*.

The proposed amendments to the General Plan would amend the Land Use Element Map to reflect the proposed land use designation changes as follows; 1.) from *Commercial Recreation (CR)* to *Multiple Family Residential-Medium Density(MM)* and 2.) from *Open Space(OS)* to *Commercial Recreation(CR)*, *Multiple Family Residential-Medium Density(MM)*, and *Parks and Recreation(PR)*. Figures 5 and 6 provide maps showing the existing and proposed General Plan land use designations.

- a. Multiple-Family Residential-Medium Density (MM): This density allows between 12.0 and 21.9 multiple-family units per net acre. Sites can range up to 3,349 square feet with an average of 2.5 persons per unit. The population densities would normally range between about 30 and 55 persons per acre.

Because the proposed full-scale marina on the waterfront would provide a unique location for development of complementary housing, the Strategic Plan proposes residential uses to the south and east of the marina site. Under this proposal up to 450 new multiple-family residential units would be constructed on approximately 24 acres of land; the development of which would need to be accommodated through an adjustment to the County's Urban Limit Line. In accordance with the development standards for the Multiple Family Residential-Medium Density (MM) land use designation, building heights would not exceed 45 feet. New residential development would also comply with the Bay Point Redevelopment Area P-1 Zoning District Program, which contains specific design guidelines for residential development as well as development around the marina; both of which would apply to the proposed project.

RECOMMENDATION: Re-designate 21.34 acres of the area shown as *Commercial Recreation (CR)* and *Open Space (OS)* to *Multiple Family Residential- Medium Density (MM)*. See Figures 5 and 6.

- b. Commercial Recreation (CR): This designation allows a range of privately operated recreational uses of a commercial character, including marinas and associated

facilities, campgrounds, golf courses, outdoor sports and athletic complexes. The following standards apply to these areas:

- maximum site coverage: 40 percent
- maximum building height: 35 feet
- Maximum floor area ratio: 1.0
- Average employees per gross acre: 15

As part of the Strategic Plan, the marina would be entirely reconfigured. The existing marina layout, consisting of approximately 500,000 square feet, would be reconfigured without changing its size. The new marina layout would be in conformance with Department of Boating and Waterways Guidelines. The assumed depths of the basins based on dredging and reconfiguration would be -10 feet MLLW datum.¹ Dredging impacts that could result from construction of the reconfigured marina are discussed in Section 4.12, *Biological and Marine Resources* of the project EIR.

The excavated and dredged material from the marina and site reconfiguration would need to be reused or disposed of properly. Some of these materials may be suitable as fill onsite, but most of it would need to be transported off site, with suitable replacement materials returned to the site.

RECOMMENDATION: *Re-designate Water (WA) and Open Space (OS) areas to Commercial Recreation (CR) and retain the Commercial Recreation (CR) designation as shown in Figure 6 to accommodate the reconfigured Marina.*

- c. Parks and Recreation (PR): The Strategic Plan proposes to maintain the *Parks and Recreation* designation for the two parcels of land (EBRPD and State Lands Commission) in the western portion of the Plan Area. Land designated as *Open Space* on the current PG&E site would be changed to a *Parks and Recreation* designation to accommodate the proposed sports fields and associated parking. The *Parks and Recreation* designation includes “publicly-owned city, district, County and regional parks facilities, as well as golf courses, whether publicly or privately owned.” Appropriate uses in this designation include “passive and active recreation-oriented activities, and ancillary commercial uses such as snack bars, and restaurants.”

RECOMMENDATION: *Re-designate approximately 10 acres from Open Space (OS) to Park and Recreation (PR) designation.*

- d. Open Space (OS): This General Plan designation includes publicly owned, open space lands which are not designated as “Public and Semi-Public”, “Watershed”, or “Parks and Recreation”. Lands designated OS include, without limitation, wetlands and tidelands and other areas of significant ecological resources, or geographic hazards.

The “Open Space” designation also includes privately owned properties for which future development rights have been deeded to a public or private agency. For example, significant open space areas within planned unit developments identified as being owned and maintained by a homeowners association fall under this designation. Also included are the steep, unbuildable portions of approved

subdivisions which may be deeded to agencies such as the, EBRPD but which have not been developed as park facilities. Other privately owned lands have been designated as “Open Space” consistent with adopted city General Plans.

The most appropriate uses in the “Open Space” areas involve resource management, such as maintaining critical marsh and other endangered habitats or establishing “safety zones” around identified geologic hazards. Other appropriate uses are low intensity, private recreation for nearby residence on an existing legally established lot, not oriented towards recreation or resource conservation, is inconsistent with this open space designation. One single-family residence on an existing legal lot in consistent with this designation.

A majority of the Bay Point Waterfront Strategic Plan Area would remain open space (144 acres). The existing large pond on the eastern portion of the plan Area and its surrounding area would set aside for environmental awareness education and habitat restoration. The EBPRD and State Lands Commission property holdings would also continue to remain undeveloped and to be used as *Parks and Recreation* designated lands. Public trails are currently available on these properties.

RECOMMENDATION: *Maintain the Open Space (OS) designation as shown in the proposed General Plan Land Use Map (Figure 6).*

3. Clarifying Language, Land Use Element Text, “POLICIES FOR THE BAY POINT AREA”: To incorporate and reference the provisions of the Bay Point Waterfront Strategic Plan as providing additional guidance for the development in the waterfront area, clarifying language is recommended under Policy #3-77, “POLICIES FOR THE BAY POINT AREA” in the Land Use Element.

RECOMMENDATION: See Exhibit 7 for the proposed clarifying language to be incorporated and reference the provisions of the Bay Point Waterfront Strategic Plan.

B. AMENDMENT TO THE TRANSPORTATION / CIRCULATION ELEMENT

The main entry to the Bay Point Waterfront Strategic Plan Area would continue to be from Port Chicago Highway via McAvoy Road at the existing bend in the road. A proposed round-a-bout north of the rail lines would allow free flow of traffic and create a visual gateway to the marina. From the round-a-bout visitors would be able to head west to the EBRPD site, northwest to the upper edge of the marina and fuel dock, or west to the residential area and terminating at another round-a-bout with parking area for the recreational park. Access to the boat launch, dry storage, and environmental education area would be from this eastern round-about on the proposed Alves Lane extension. The proposed project would include the easterly extension of Pacifica Avenue from Port Chicago Highway and then north via the northern extension of Alves Lane creating a new second entry to the Plan Area (see Figure 8). This new entry, which would require a new at-grade or separated grade crossing over the four existing rail lines, would ensure access for emergency vehicles.

1. To facilitate the implementation of Bay Point Waterfront Strategic Plan, the General Plan Amendment proposes to amend the Roadway Network Plan Map in the Transportation/Circulation Element to add proposed collector streets to the map:

- Alves Lane would be extended northward from Port Chicago Highway and Willow Pass Road, over a grade-separated railroad crossing to the waterfront area. The railroad grade crossing is required to be built prior to occupancy of the new residential units.
 - Pacifica Avenue would be extended eastward from its terminus at Port Chicago Highway to connect with the proposed extension of Alves Lane.
 - McAvoy Road, which would continue to serve as the primary entry into the waterfront area, would be also be designated as a collector street. McAvoy Road would intersect Port Chicago Highway at a right angle.
2. A second revision to the Transportation/Circulation Element of the General Plan proposes to also amend the Bicycle Facilities Network. For reference purposes, a Class I Facility is a bicycle right-of-way that is separated from the vehicle roadway (e.g. Iron Horse Trail), and a Class II Facility is a striped bicycle lane that shares the road right-of-way with automobiles. Figure 9, attached to this report, shows the proposed changes to add new Class I and Class II Facilities that include:
- A Class II Facility would be added to the Alves Lane extension from Willow Pass Road, north to the railroad crossing.
 - A Class I Facility would be added to the grade separated railroad corridor crossing as well as on the south approach.

C. GENERAL PLAN POLICIES

The implementation of the Bay Point Waterfront Strategic Plan and the supporting General Plan Amendment are consistent with the following relevant General Plan policies.

1. **General Plan Land Use Element Policies.** The Land Use Element of the General Plan includes the following policies that are applicable to the proposed implementation of the Bay Point Waterfront Strategic Plan and relate to the proposed General Plan Amendment:
- Policy 3-6: Development of all urban uses shall be coordinated with provision of essential community services or facilities including, but not limited to, roads, law enforcement and fire protection services, schools, parks, sanitary facilities, water, and flood control.
 - Policy 3-7: The location, timing and extent of growth shall be guided through capital improvements programming and financing (i.e., a capital improvement program, assessment districts, impact fees, and developer contributions) to prevent infrastructure, facility and service deficiencies.
 - Policy 3-11: Urban uses shall be expanded only within a ULL where conflicts with the agricultural economy will be minimal.
 - Policy 3-16: Community appearance shall be upgraded by encouraging redevelopment, where appropriate, to replace inappropriate uses.

- Policy 3-21: The predominantly single family character of substantially developed portions of the County shall be retained. Multiple-family housing shall be dispersed throughout the County and not concentrated in single locations. Multiple-family housing shall generally be located in proximity to facilities such as arterial roads, transit corridors, and shopping areas.
 - Policy 3-28: New residential development shall be accommodated only in areas where it will avoid creating severe unmitigated adverse impacts upon the environmental and upon the existing community.
 - Policy 3-30: A variety of appropriately-sized, well-located employment areas shall be planned in order that industrial and commercial activities can contribute to the continued economic welfare of the people of the County and to the stable economic and tax bases of the County and the various cities.
2. **General Plan Housing Element Policies.** The Housing Element of the General Plan includes the following policies that are applicable to the proposed Bay Point Waterfront Strategic Plan:
- Policy 3.2: Encourage and provide incentives for the production of housing in close proximity to public transportation and services
 - Policy 5.1: Increase access to homeownership for lower and moderate income households
3. **General Plan Conservation Element Policies.** The Conservation Element of the General Plan includes the following policies that are applicable to the proposed Bay Point Waterfront Strategic Plan:
- Policy 8-17: The ecological value of wetland areas, especially the salt marshes and tidelands of the bay and delta, shall be recognized. Existing wetlands in the County shall be identified and regulated. Restoration of degraded wetland areas shall be encouraged and supported whenever possible.
 - Policy 8-94: Applications to expand marine uses shall be carefully evaluated to ensure that a gain, not a loss, of any associated riparian vegetation will result. Runoff of pollutants into marsh and wetland areas from nearby urban development should be prevented by prohibiting any storm sewer outflow pipe in such areas and by requiring berm or gutter structures at the outer boundary of the buffer zones which would divert runoff to sewer systems for transport out of the area.
 - Policy 8-96: Land use activities in the immediate vicinity of harbors and adjacent facilities shall be compatible with the continued optimum commercial and recreational operations of the harbor.

4. **Conservation and Open Space Elements.** The Conservation and Open Space Elements of the General Plan includes the following policies that are applicable to the proposed **Bay Point Waterfront Strategic Plan**:

- Policy 8-96: Land use activities in the immediate vicinity of harbors and adjacent facilities shall be compatible with the continued optimum commercial and recreational operations of the harbor.
- Policy 9-1: Permanent open space shall be provided within the County for a variety of open space uses.
- Policy 9-3: Areas designated for open space shall not be considered as a reserve for urban land uses. In accordance with Measure C (1990), at least 65 percent of all land in the County shall be preserved for agriculture, open space, wetlands, parks, and non-urban uses.
- Policy 9-7: Open space shall be utilized for public safety, resource conservation and appropriate recreation activities for all segments of the community.
- Policy 9-8: Development project environmental review will consider the effect of the project on the County's open space resources, whenever the project proposes to convert substantial amounts of land from an open space designation to an urban development designation.

5. **General Plan Safety Element Policies.** The Safety Element of the General Plan includes the following policies that are applicable to the proposed Bay Point Waterfront Strategic Plan:

- Policy 10-41: Buildings in Urban development near the shoreline and in flood-prone areas shall be protected from flood dangers, including consideration of rising sea levels caused by the greenhouse effect.
- Policy 10-42: Habitable areas of structures near the shoreline and in flood-prone areas shall be sited above the highest water level expected during the life of the project, or shall be protected for the expected life of the project by levees of an adequate design.

VI. MODIFICATION TO THE DEVELOPMENT PLAN

A County-initiated zoning and development plan for the Bay Point Redevelopment Area and an additional waterfront area (the Strategic Plan Area) was approved by the County Board of Supervisors on February 11, 2003, which created a Planned-Unit Zoning District. The purpose of the Planned-Unit District is to combine into one readily understandable document, all of the requirements for development or use of property in the Redevelopment Area. The Planned-Unit District zoning area includes approximately 2,100 acres of land designated for various uses in the County General Plan and Pittsburg/Bay Point BART Station Area Specific Plan.

A majority of the Strategic Plan Area is within the Bay Point Redevelopment Area Planned-Unit Zoning District. Although the eastern portion of the Plan Area is not within the Redevelopment Area, it is within the P-1 Planned-Unit Zoning District. The *Bay Point General Plan/Strategic Plan Land Use Map* included as part of the program and mentioned in the project description above, will also need to be changed to reflect the proposed land use designation changes that would occur if the general plan amendment is approved.

VII. GROWTH MANAGEMENT CONSIDERATIONS

The public entities, which will be expected to serve the Bay Point Waterfront Strategic Plan area, include:

- A. Water – Golden State Water Company
- B. Sewer – Delta Diablo Sanitation District
- C. Schools – Mt. Diablo Unified School District
- D. Regional Recreation – East Bay Regional Park District
- E. Fire – Contra Costa County Fire Protection District
- F. Local Parks – Ambrose Park and Recreation District and Contra Costa County Special Districts
- G. Street Lighting – County Service Area L-100 (County)

The planning areas adjacent to the existing waterfront are already largely developed, while the majority of the Strategic Plan area remains underdeveloped. Although the public service providers listed above have indicated that they would be capable of providing services to the waterfront area, some portions of the Strategic Plan Area that are proposed for future development that require sanitary sewer service and street lighting will need to be annexed into the Delta Diablo Sanitation District and the County's L-100 service areas as part of subsequent future development plans applications.

VIII. CEQA DETERMINATION

A. DRAFT ENVIRONMENTAL IMPACT REVIEW

A draft Environmental Impact Report (EIR) was released for public review on March 30, 2007. A public hearing with the County Zoning Administrator to receive comments on the adequacy of the EIR was held on May 7, 2007. The following alternatives were evaluated in the Draft Environmental Impact Report:

Alternative 1 - No Project: In this scenario, the existing site conditions would remain essentially as discussed in the setting sections of Chapter 3. Land uses would remain the same in terms of existing Zoning and General Plan Land Use designations.

Alternative 2 - Marina Only Alternative: In this scenario, only the marina component of the proposed Strategic Plan would be implemented, including the reconfiguration and expansion of the existing marina from 300 berths to 568 berths. In addition, five buildings would be constructed to support the expanded marina development. The new buildings would provide space for restroom and laundry facilities, bait and tackle, administrative offices, café-snack bar, yacht club, harbor masters office, a restaurant, and an environmental education center. The residential uses would not be included in the alternative. The Marina Only Alternative would retain the existing and proposed recreational trail access in and near the project site;

however, the proposed baseball and soccer fields would be eliminated as part of the recreational improvements.

Alternative 3 - Marina and Reduced Residential Development: Under the Reduced Residential Alternative, project activities would remain the same with the exception of residential density. The number of residential units would be reduced to 70 units from 450 units. This alternative would retain the existing and proposed recreational trail access in and near the project site; however, the proposed baseball and soccer fields would be eliminated as part of the recreational improvements. The project site would be developed with the same number of marina berths (568) as the project. A total of five buildings would support the expanded marina development. The new buildings would provide space for restroom and laundry facilities, bait and tackle, administrative offices, café-snack bar, yacht club, harbor masters office, a restaurant and an environmental education center.

B. FINAL ENVIRONMENTAL IMPACT REPORT

On February 23, 2009, the County Zoning Administrator determined the FEIR to be in compliance with the CEQA guidelines, subject to certain modifications. Those modifications can be reviewed in the Revised Final EIR, dated April 2009. A resolution of the County Zoning Administrator public hearings, which were required, in order to make findings for the certification of the EIR has been attached as Exhibit 10.

IX. PUBLIC AND AGENCY COMMENTS RECEIVED TO DATE

A. PUBLIC COMMENTS RECEIVED TO DATE

In addition to the public comments made during the public review period of the DEIR and Recirculated DEIR, and incorporated into the FEIR, other comments have been made on the plan during public meetings. Following is a list of those Agencies and other interested parties who have commented on the environmental review process.

- Bay Conservation and Development Commission
- California State Lands Commission
- Department of California Highway Patrol
- California State Department of Water Resources
- California State Department of Toxic Substances Control
- California State Department of Transportation
- California State Public Utilities Commission
- Contra Costa County Flood Control District
- Contra Costa Local Agency Formation Commission
- Contra Costa Water District
- Delta Diablo Sanitation District
- East Bay Regional Park District
- Mt. Diablo Unified School District
- Coblenz, Patch, Duffy & Bass, LLP
- Pacific Gas and Electric Company
- Dave Custodio
- Cheri Chavez
-

B. COMMENTS RECEIVED FROM EAST COUNTY REGIONAL PLANNING COMMISSION MAY 11, 2009 STUDY SESSION

1. Commissioner Comments:

- a. Members of the Commission did not have any direct comments to be carried forward to the County Planning Commission, other than a general consensus to keep the project moving forward.
- b. In a response to one of the public comments made by Mr. Custodio (see below), which related to his written comment #3 (see Exhibit 11), about McAvoy Harbor's berth rates and Mr. Custodio's concerns of not being able to afford keeping his boat at his local marina, Commissioner Hanna did provide some comments for staff to carry forward. After explaining to Mr. Custodio that this General Plan Amendment does not approve any physical development of McAvoy Harbor, but at such time when a new development plan is proposed, that perhaps future conditions of approval may be able to "grandfather-in" or possibly subsidize berth rates for existing renters.

2. Public Comments:

- a. Gloria Magleby: 115 Marys Ave., Bay Point, CA 94565
Member of the Bay Point Municipal Advisory Council
Ms. Magleby gives her support, "cheerleading" for the project and requested that the Commission "tidy up the edges" of the Bay Point Strategic Plan as it has been a long time in the works, and she would like to see it come to fruition. She gives credit to the East County Regional Planning Commission and prior commission members for all of the long suffering in getting this far.

Commissioner Hanna asked what type of housing she would like to see in the project. Ms. Magleby thought that beautiful, well built condos would be nice. She envisions a "beautiful" waterfront. Whatever it takes to make "beautiful".

Staff Response: *Comments noted*

- b. Judy Dawson: 75 Beverly Circle, Bay Point, CA 94565
Ms. Dawson thinks that the project will be a "shot in the arm" for the Bay Point area.
 - She wants to make sure that there is a restaurant component and commercial type businesses.
 - She is concerned about the density of homes, (i.e. Mixed Use or lower income designation).

Commissioner Stevenson mentioned that the current plan is for multiple-family, medium density.

- She is excited about the extension of Pacifica and Alves Lane, stating that she thinks it will help with the circulation of traffic.
- She wished that there was a Study Session held in Bay Point.

County Staff mentioned that they were three Public Workshops that were included in the plan along the way.

Staff Response: Comments noted, and confirm that a new restaurant is proposed as part of the Strategic Plan that will be located on the western side of the main marina entry, opposite the other proposed support uses.

- c. David Custodio: 3410 Gregory Drive, Bay Point, CA 94565
Mr. Custodio submitted questions to the East County Regional Planning Commission for staff to answer. His questions, along with staff's response have been attached as Exhibit 11.

Attachments

- Figure #4: Proposed Urban Limit Line Adjustment
- Figure #5: Existing General Plan Land Use Designation Map
- Figure #6: Proposed General Plan Land Use Designation Map
- Exhibit #7: New Land Use Element Text, "*POLICIES FOR THE BAY POINT AREA*"
- Figure #8: Proposed Additions to Roadway Network Plan
- Figure #9: Bicycle Facilities Network
- Exhibit #10: County Zoning Administrator Resolution
- Exhibit #11: Written Comments submitted by Mr. Dave Custodio with staff response in *Italics*





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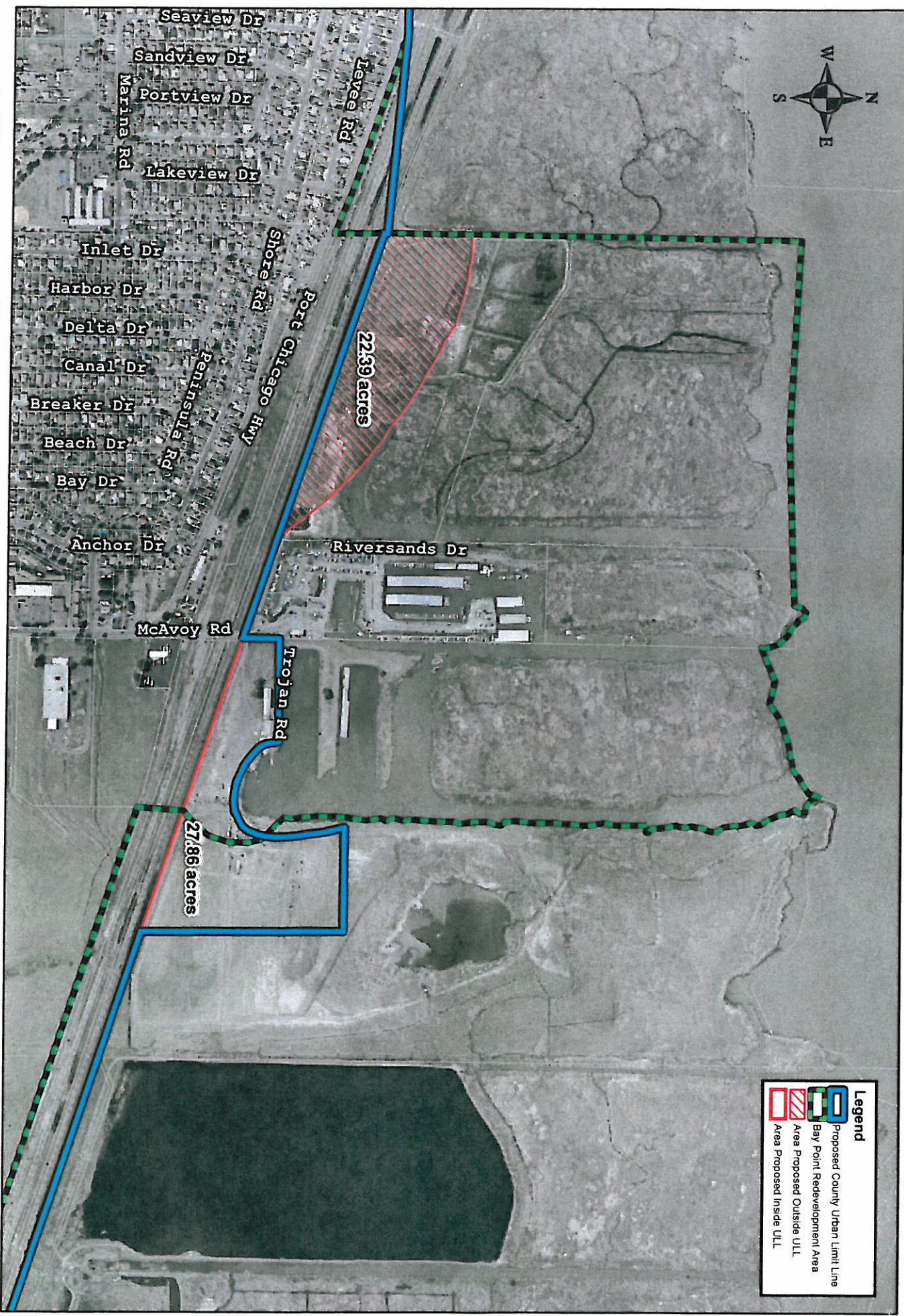
FIGURE 4

Bay Point Waterfront Strategic Plan
 County File: GP#03-0009: General Plan Amendment : Proposed Urban Limit Line



Legend

-  Proposed County Urban Limit Line
-  Bay Point Redevelopment Area
-  Area Proposed Outside ULL
-  Area Proposed Inside ULL



City of San Francisco, Planning Department
 455 Pine Street, 9th Floor, San Francisco, CA 94104
 415.241.3100

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 Feet

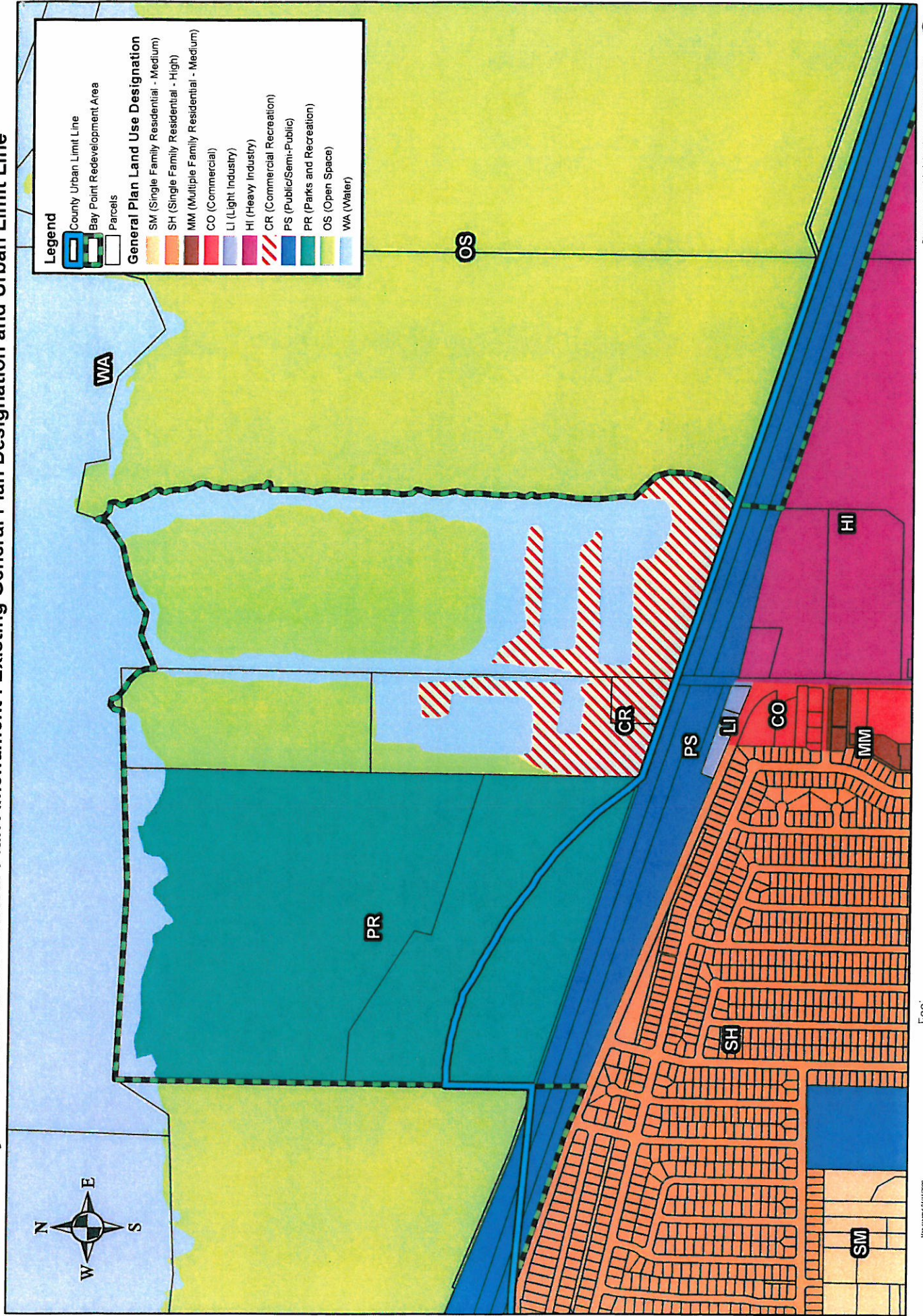
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FIGURE 5

County File: GP#03-0009: General Plan Amendment : Existing General Plan Designation and Urban Limit Line

Bay Point Waterfront Strategic Plan

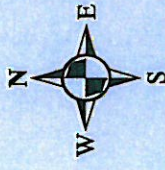
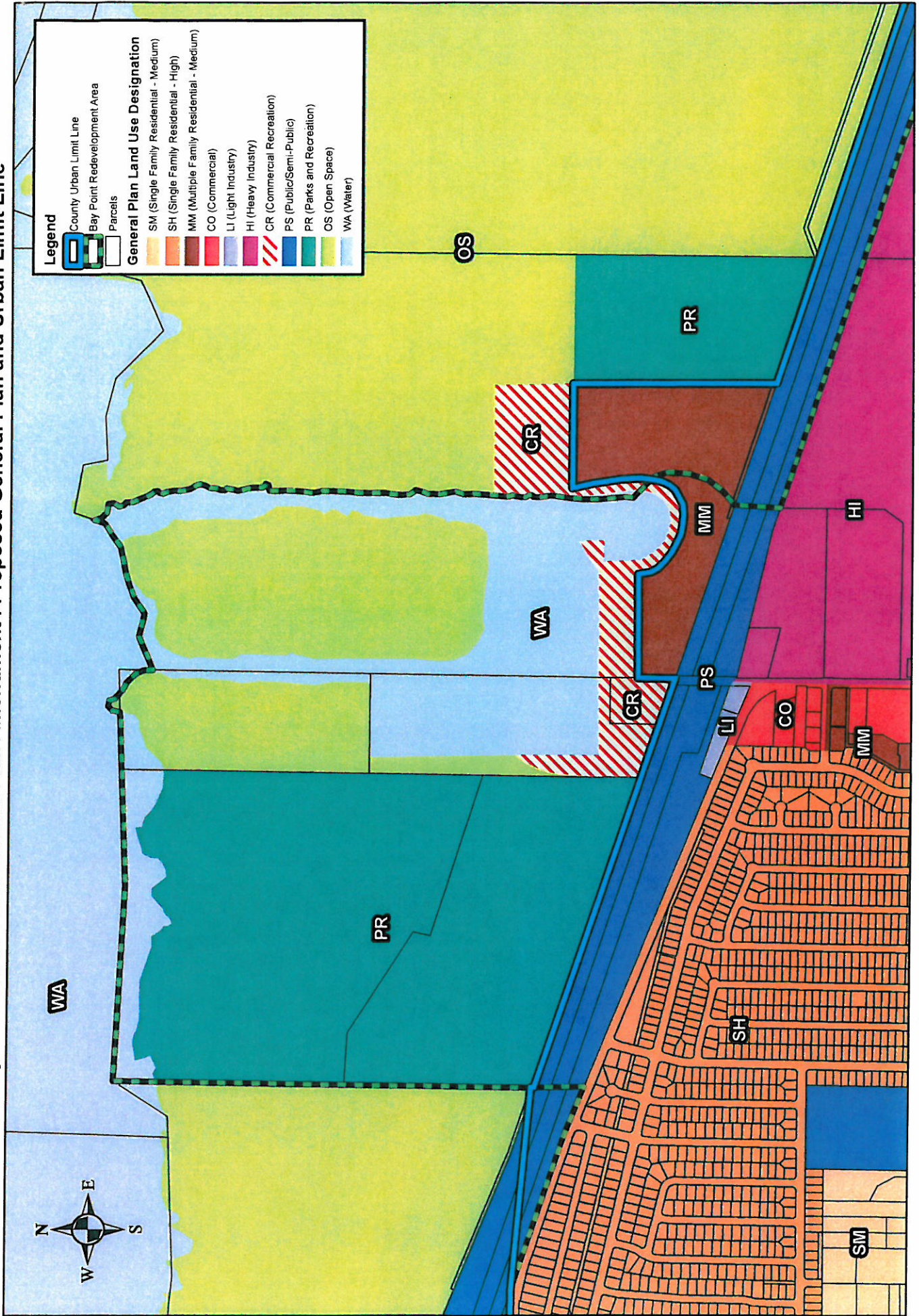


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FIGURE 6

County File: GP#03-0009: General Plan Amendment : Proposed General Plan and Urban Limit Line

Bay Point Waterfront Strategic Plan



Legend

- County Urban Limit Line
- Bay Point Redevelopment Area
- Parcels

General Plan Land Use Designation

- SM (Single Family Residential - Medium)
- SH (Single Family Residential - High)
- MM (Multiple Family Residential - Medium)
- CO (Commercial)
- LI (Light Industry)
- HI (Heavy Industry)
- CR (Commercial Recreation)
- PS (Public/Semi-Public)
- PR (Parks and Recreation)
- OS (Open Space)
- WA (Water)

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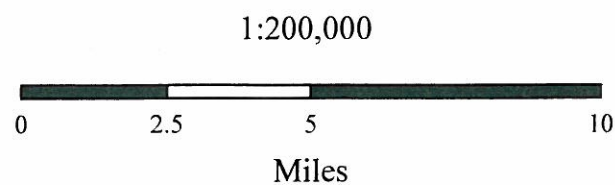
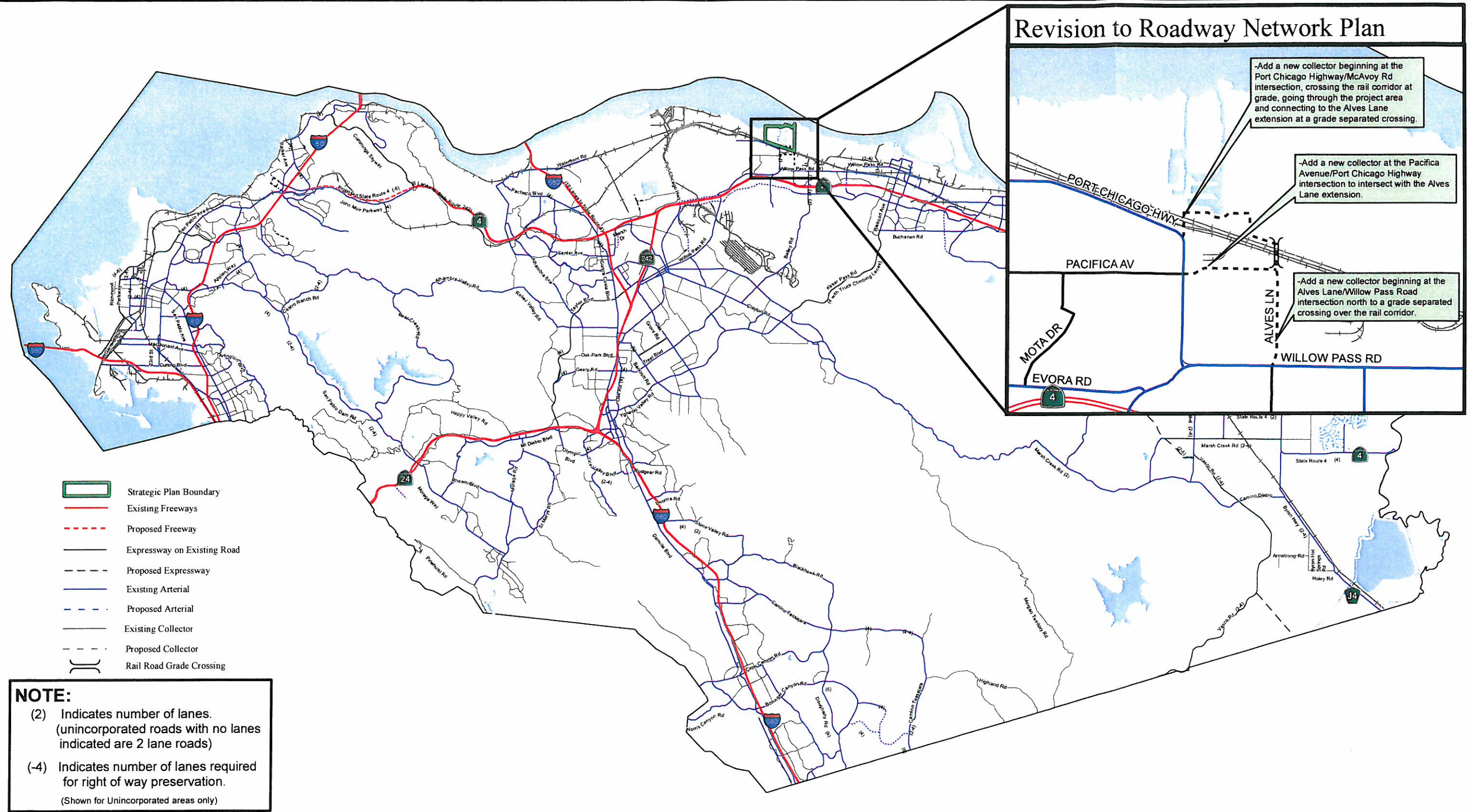
EXHIBIT 7

Add the following new clarifying language to Land Use Element text under “*Policies for the Bay Point Area*”, at pages 3-41 to 3-42 (new text in redline):

Land Use

- 3.77 The following policies shall guide development in the Bay Point area:
- (a) Upgrade community appearance by encouraging development of new uses to replace antiquated developments.
 - (b) Provide for well designed projects and limited vehicular access to traffic arterials through the assembly of small parcels of land along Willow Pass Road.
 - (c) Discourage new areas or expansion of strip commercial development in the community except as provided in this plan by the Willow Pass Mixed Use Corridor.
 - (d) Achieve and maintain a healthy environment for people and wildlife, that minimizes health hazards and disruptions caused by the production, storage, transport and disposal of toxic materials.
 - (e) A Redevelopment Plan for the Bay Point area was adopted by the Board of Supervisors in December, 1987. All development proposals should be reviewed by, and coordinated with, Redevelopment Agency staff to ensure compatibility with the Redevelopment Plan. Additionally, involvement with the redevelopment process will allow the County to coordinate concurrent development proposals and to possibly facilitate the construction of public improvements that will further the goals of the Redevelopment Plan.
 - (f) To facilitate the redevelopment of the Bay Point waterfront area, the provisions of the Bay Point Waterfront Strategic Plan and associated CEQA Mitigation Measures shall apply in addition to the policies contained in this General Plan.
 - (g) It is recognized that in order to implement the vision of the Bay Point Waterfront Strategic Plan, access and circulation improvements are needed to serve the waterfront and surrounding areas. Further engineering studies are needed to determine the alignment, width, roadway design, roadway intersections and bicycle facilities. A feasibility study will need to be conducted, in collaboration with Tri Delta Transit and BART, for transit improvements (capital and operating) and how to fund those improvements.

FIGURE 8



CONTRA COSTA COUNTY

Map created 5/27/2009
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FIGURE 9

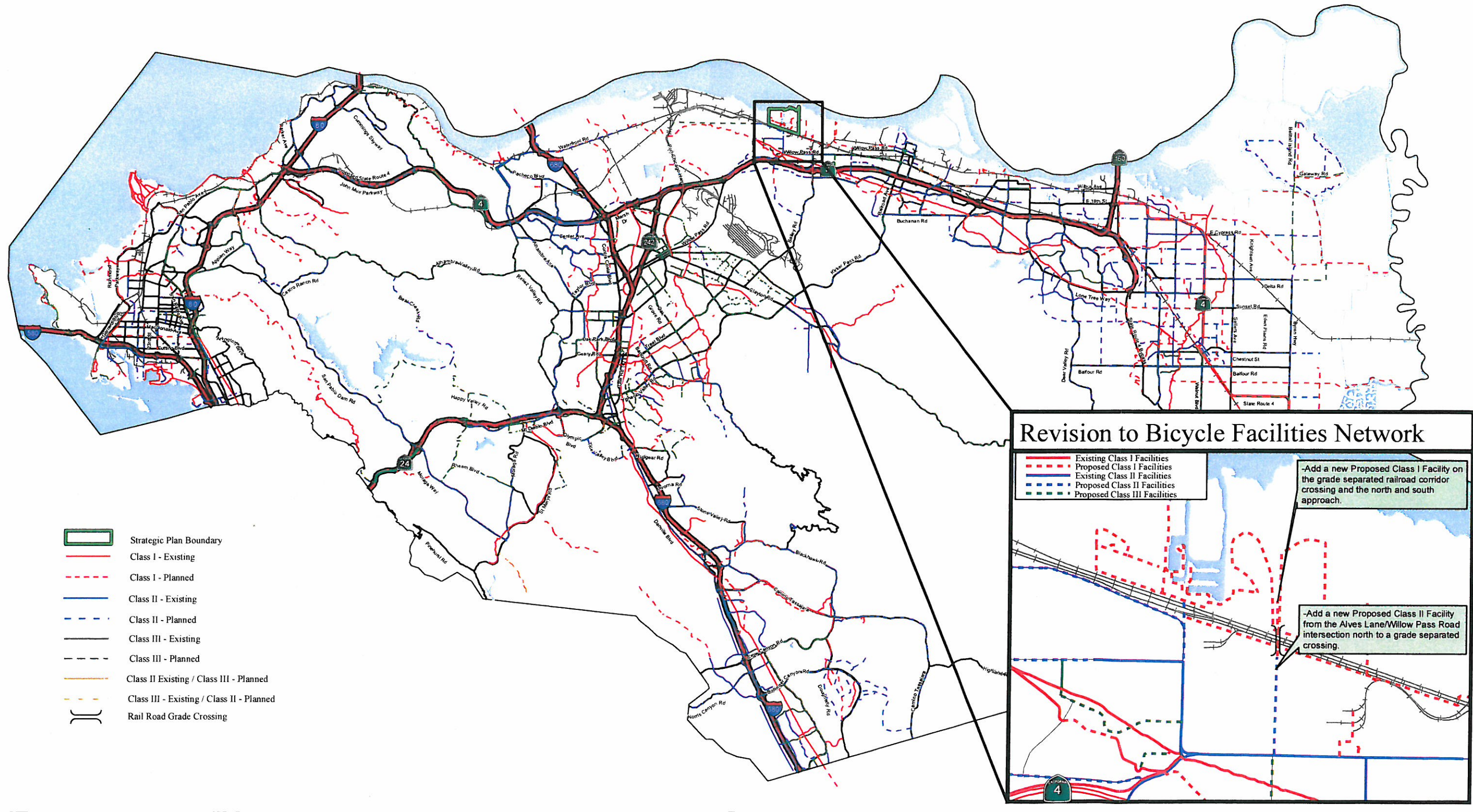


EXHIBIT 10

RESOLUTION NO. 12-2009

RESOLUTION OF THE COUNTY ZONING ADMINISTRATOR OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, INCORPORATING FINDINGS FOR THE CERTIFICATION OF EIR PREPARED FOR THE REQUESTED GENERAL PLAN AMENDMENT (GP03-0009) BY THE CONTRA COSTA COUNTY REDEVELOPMENT AGENCY (Applicant) AND JOYCE TROST AND PACIFIC GAS AND ELECTRIC COMPANY (Owners), LOCATED IN THE UNINCORPORATED BAY POINT AREA OF SAID COUNTY.

WHEREAS, a request by the Contra Costa County Redevelopment Agency (Applicant) for a General Plan Amendment for the Bay Point Waterfront Area was initiated December 16, 2003; and

WHEREAS, a Notice of Preparation of an Environmental Impact Report was sent on August 30, 2004 by the Community Development Department; and

WHEREAS, for purposes of compliance with the provisions of the California Environmental Quality Act and the State and County CEQA Guidelines, a Draft EIR was prepared and circulated for review and comments between March 30, 2007 and May 17, 2007 and the Zoning Administrator held a public hearing on May 17, 2007 to provide further opportunity for public comments on the DEIR; and

WHEREAS, following the close of comment period on the Draft EIR, the County prepared written responses to the comments received. On December 31, 2008, the County published the Final EIR, including the Response to Comments document, which provides a reasoned response to all comments received during the comment period that raised significant environmental issues.

WHEREAS, the Final EIR was distributed as required by the California Environmental Quality Act and the State and County CEQA Guidelines;

NOW, THEREFORE, BE IT RESOLVED, that the County Zoning Administrator recommends to the East County Regional Planning Commission:

1. Find that the Final Environmental Impact Report is adequate and complete and it has been prepared in compliance with the California Environmental Quality Act, and with the State and County CEQA Guidelines;
2. Find that the Final EIR reflects the County's independent judgment and analysis;

3. Recommend to the County Planning Commission the certification of the Final EIR, subject to additional information, to further clarify the responses to comments and modifications to the Draft EIR, as shown in Exhibit A.

WHEREAS, the instructions by the County Zoning Administrator to prepare this resolution were given on Monday, March 9, 2009.

ATTEST:



Catherine O. Kutsuris
Zoning Administrator
County of Contra Costa
State of California

Exhibit A

The County Zoning Administrator reviewed the Final EIR on Monday, March 9, 2009 and recommended adoption of the document subject to modifications. The changes are below. New text is shown in bold (and in most cases underlined) and text to be deleted is highlighted in yellow and strike-out.

Page references throughout the document were checked and corrected if necessary.

Page 2-12 of the FEIR:

The following text is added on page 4.7-912-before "Impacts":

As of the date of this analysis neither the BAAQMD, nor the CARB nor any federal agency has implemented an emission rate criterion for GHG emissions for the purposes of identifying a significant contribution to global climate change. In the interim, the California Air Pollution Control Officers Association (CAPCOA) has prepared a white paper that considers options for evaluating and addressing greenhouse gas emissions under CEQA (CAPCOA, 2008). CAPCOA identifies 11 different significance threshold possibilities that could be used to assess the significance of impacts relative to GHG emissions. The analysis that follows applies Threshold 2.3 of the CAPCOA white paper, titled the CARB Reporting Threshold, as well as other considerations pertinent to compliance with AB32. This threshold was selected out of the 11 separate possibilities because it is quantifiable, **and** is directly connected to AB32 requirements ~~and is at neither of the extremes of possible significance thresholds (i.e., any increase as substantial or GHG emissions assessment as speculative impact).~~ **Threshold 2.3 incorporates the same calculations to determine GHG emissions for larger projects. In other words, the emission of 25,000 tons/year by 1,400 du in Threshold 2.3 is proportional to 50 du emitting 900 tons/year in Threshold 2.2.** If a project complies with the State's strategies to reduce greenhouse gases to the level proposed by the governor, it follows that the project would have a less than significant cumulative impact to global climate change. If a project does not or cannot comply with reduction strategies, the applicant can alternatively reduce its cumulative contribution to GHG emissions to less than significant levels by contributing to available regional, state, national, or international mitigation programs, such as reforestation, tree planting, or carbon trading.

Our quantitative analysis calculated GHG emissions using more sophisticated modeling programs such as CARB's URBEMIS, EMFAC, and OFFROAD computer models in order to give a more accurate, detailed inventory for the specific Bay Point project. This methodology allowed input of project-specific details such as VMT and emissions from marine vehicles, and includes model settings for Contra Costa County.

The quantitative analysis makes no corrections for or comparisons to housing provided in another part of the County or in a different form – detached SFR. This means the quantitative analysis likely overstates the impact of providing housing at Bay Point rather than in the East County, for example. This is partly due to VMT built into the County traffic model.

Because the quantitative measures do not measure all of the impact, non-quantitative considerations were also included in order to assist the County in determining the significance of the environmental impact of the project. These non-quantitative considerations include GHG Reduction Strategies inherent in the Bay Point Waterfront Strategic Plan, further Mitigation Measures added by the DEIR, and conditions of approval that would be imposed by the County when development is proposed. All would serve to limit GHG emissions from the project, bringing it farther below the quantitative significance criterion.

Impact 4.7-7: The proposed project would result in emissions of greenhouse gases that would interfere with the State's GHG reduction goals as set forth in AB32. This impact would be less than significant.

Page 2-14, 15 or 16 (add the following from the GHG Reduction Strategies / Mitigation Measures Section where it would fit best):

The California Air Pollution Control Officers Association, the Governor's Office of Planning & Research, and the Office of the Attorney General all describe GHG reduction strategies that can be applied as mitigation measures and/or incorporated into a planning document itself—General Plans are frequently designed to be “self-mitigating” through the inclusion of goals, policies and objectives that reduce potential impacts:

- 1) California Air Pollution Control Officers Association (CAPCOA), *CEQA & Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act*, pp.68-70, January 2008.
- 2) Governor's Office of Planning & Research (OPR), *Technical Advisory, CEQA & Climate Change: Addressing Climate Change Through CEQA Review*, pp.18-20, June 19, 2008.
- 3) Office of the Attorney General (OAG), *The California Environmental Quality Act, Addressing Global Warming Impacts at the Local Agency Level*, pp.2-10, September 26, 2008.

The Bay Point Waterfront Strategic Plan includes many of the design and planning-related GHG reduction strategies listed in these sources. The added Mitigation Measures included in the EIR would further reduce GHG emissions.

Page 2-15 or 16 (add the following table where it would fit best), note this is the table minus the letters:

GHG Reduction Strategy	Bay Point Program	Source
<p><i>1) Land Use and Transportation</i></p> <p>Implement land use strategies to promote transit-oriented development, and encourage high density development along transit corridors. Encourage compact, mixed-use projects, forming urban villages designed to maximize affordable housing and encourage walking, bicycling and the use of public transit systems. (OPR)</p> <p>Encourage infill, redevelopment, and higher density development, whether in incorporated or unincorporated settings. (OPR)</p> <p>Encourage new developments to integrate housing, civic and retail amenities (jobs, schools, parks, shopping opportunities) to help reduce VMT resulting from discretionary automobile trips. (OPR)</p> <p>Include mixed-use, infill, and higher density in development projects to support the reduction of vehicle trips, promote alternatives to individual vehicle travel, and promote efficient delivery of services and goods. (OAG)</p> <p>Compact development, by its nature, can increase the efficiency of infrastructure provision and enable travel modes other than the car. If communities can place the same level of activity in a smaller space, GHG emissions would be reduced concurrently with VMT and avoid unnecessary conversion of open space. (CAPCOA)</p> <p>Multiple land use types mixed in proximity around central “nodes” of higher-activity land uses can accommodate travel through means other than a car. (CAPCOA)</p>	<p>Mix of land uses, including higher density residential (20 units per acre), commercial, recreation and open space</p> <p>East Bay Regional Park District – Bay Point Regional Shoreline is just west of site</p> <p>Recreational opportunities in proposed parks, trails, and preserved open space, and Marina</p> <p>Located adjacent to existing services and facilities in the community of Bay Point</p> <p>Within 1/4-mile from existing neighborhood serving retail uses</p> <p>Proximity to Bay Area Rapid Transit (BART) – 2.5 miles</p> <p>Located along SR 4 – major freeway linking to SF, east to Pittsburg/Antioch, & easy connection to I-680 & Concord/Walnut Creek, etc.</p> <p>Less than 1/2-mile from bus routes</p> <p>Alignment of the future Great California Delta Trail through site</p> <p>55. All residential projects with six (6) or more units are required to include a minimum of 15% affordable housing units.</p> <p>57. Design of residential projects should incorporate features of neo-traditional design, consistent with the Design</p>	<p>Plan</p> <p>Conditions</p>

GHG Reduction Strategy	Bay Point Program	Source
<p>A finely-connected transportation network shortens trip lengths and creates the framework for a community where homes and destinations can be placed close in proximity and along direct routes. (CAPCOA)</p>	<p>Guidelines.</p>	
<p>Include pedestrian and bicycle-only streets and plazas within developments. Create travel routes that ensure that destinations may be reached conveniently by public transportation, bicycling or walking. (OAG)</p> <p>Incorporate bicycle lanes and routes into street systems, new subdivisions, and large developments. (OAG)</p> <p>Create bicycle lanes and walking paths directed to the location of schools, parks and other destination points. (OAG)</p> <p>To get a more GHG-efficient mode share, safe and convenient bicycle lanes, pedestrian pathways, transit shelters, and other facilities are required to be planned along with the vehicular travel network. (CAPCOA)</p>	<p>Mitigation Measure 4.7.2: The final site plan shall be developed to include the following to provide adequate pedestrian and bicycle connectivity to existing facilities:</p> <ul style="list-style-type: none"> • Adequate on-site pedestrian facilities including sidewalks (minimum four-foot width) to connect all on-site uses and along both sides of access roads • Sidewalks on at least one side of McAvoy Road and the proposed Alves Lane and Pacifica Avenue extensions • Bicycle lanes (minimum four-foot width) on either McAvoy Road or the proposed Alves Lane extension • Bicycle parking for residents, marina users, and recreational facility users. 	<p>EIR</p>
	<p>45. Provisions are to be made for an efficient, direct and convenient system of pedestrian circulation, together with landscaping and appropriate treatment of any public areas or lobbies.</p> <p>49. Trails and public access corridors should be clearly delineated. Provide fencing or barriers to natural areas where necessary to protect habitat areas and public safety. All trails shall be accessible to the handicapped and disabled.</p> <p>84. Convenient bicycle parking areas shall be provided.</p>	<p>Conditions</p>

GHG Reduction Strategy	Bay Point Program	Source
	<p>Provide convenient and attractive pedestrian linkages to all building entries.</p> <p>Consolidate vehicular entries.</p> <p>Avoid parking areas that are continuations of the paving of adjacent public streets and sidewalks</p> <p>Provide secured parking for motorcycles and bicycles.</p>	<p>Guidelines</p>
<p>Create car sharing programs. Accommodations for such programs include providing parking spaces for the car share vehicles at convenient locations accessible by public transportation. (OAG)</p>	<p>Mitigation Measure 4.7.2: The final site plan shall be developed to include the following to provide adequate pedestrian and bicycle connectivity to existing facilities:</p> <p>...• Implement a carpool/vanpool program (i.e., ride matching) for residents of the proposed housing development to reduce trips (i.e., to BART or San Francisco).</p> <p>• Provide preferential parking for alternatively fueled and hybrid vehicles.</p>	<p>EIR</p>
<p>Preserve and create open space and parks. Preserve existing trees, and plant replacement trees at a set ratio. (OAG)</p> <p>Preserve or replace onsite trees (that are removed due to development) as a means of providing carbon storage. (OPR)</p>	<p>103. Projects with will have 100 or more employees or 13 or more dwelling units shall submit, at least 30 days prior to the issuance of a building permit, a Transportation Demand Management (TDM) information program in accordance with the requirements of Article 532-2.606 for review and approval of the Zoning Administrator.</p> <p>52. All native trees with a trunk circumference of 72" or more, as measured 4 feet above the ground, shall be protected. Prior to the removal of a tree, the applicant shall demonstrate why the removal of such tree(s) is unavoidable. Compliance with the Tree Protection Ordinance (Chapter 816-6 of the County Code) is required.</p>	<p>Conditions</p> <p>Conditions</p>

GHG Reduction Strategy	Bay Point Program	Source
	<p>91. No trees shall be removed without the prior written approval of the Zoning Administrator.</p> <p>Locate buildings and paving to preserve mature trees</p>	Guidelines
<i>2) Redevelopment</i>		
<p>One way to avoid GHG emissions is to facilitate more efficient and economic use of the lands in already developed portions of a community. Reinvestment in existing neighborhoods and retrofit of existing buildings is appreciably more GHG efficient than greenfield development. (CAPCOA)</p>	Partially located with the Bay Point Redevelopment Area	Plan
<i>3) Jobs-Housing Balance</i>		
<p>Implement land use strategies to encourage jobs/housing proximity. (OPR)</p>	<p>43. New businesses and construction projects shall make best efforts to hire employees, workers and subcontractor components at the job from the Bay Point community.</p>	Conditions
<p>Encourage the coalescence of a labor force with locally available and appropriate job opportunities. This concept is best known as “jobs-housing balance.” (CAPCOA)</p>	<p>Future business park which will serve as a job center— location? Other nearby employment centers?</p>	Plan
<i>4) Energy Efficiency/Solid Waste Reduction/Water Conservation</i>		
<p>Create incentives to increase recycling and reduce generation of solid waste by residential users. (OPR)</p> <p>Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas. (OAG)</p>	<p>Mitigation Measure 4.4.3a: Suitable storage locations and containers for recyclable materials shall be provided for the residential and commercial recreation development. Future owner(s) of the building(s) that would be located on the project site shall maintain these locations during project operations. The future developer(s) of the residential and commercial recreation development, in consultation with</p>	EIR

GHG Reduction Strategy	Bay Point Program	Source
<p>Provide education and publicity about reducing waste and available recycling services. (OAG)</p>	<p>the Contra Costa County Community Development Department, shall provide information regarding acceptable materials to be recycled to future owners and/or occupants of the buildings.</p> <p>Mitigation Measure 4.4.3b: For each trash can that is provided along the view pier and in the parking lots, the future owner(s) of the marina shall also provide (an) equivalent-sized recycling receptacle(s). Each recycling receptacle shall clearly inform users within which containers to place each material (i.e., aluminum cans, glass, plastic bottles, etc.).</p>	
<p>Recognize and promote energy saving measures beyond Title 24 requirements for residential and commercial projects. (OPR)</p> <p>Purchase Energy Star equipment and appliances for public agency use. (OPR)</p>	<p>Mitigation Measure 4.4.4a: In addition to energy conservation measures required by California Code of Regulations Title 24, future developer(s) of the Strategic Plan Area shall implement the following measures:</p> <ul style="list-style-type: none"> • Equip all showers, faucets, and toilets installed in the Strategic Plan Area with lowflow fixtures to reduce water consumption and energy consumption associated with water heating. • Include in the design of the project the use of ENERGY STAR qualified compact fluorescent light bulbs (CFLs) for use in the marina support buildings (ENERGY STAR qualified CFLs use 66 percent less energy than a standard incandescent bulb and last up to 10 times longer). • Insulate all hot and cold water pipes within the residential and marina support buildings to reduce energy consumption. • Install shades, awnings, or sunscreens on all windows of the residential and marina support use buildings that face south and/or west to block summer light. In winter, shades can be opened on sunny days to help warm rooms. 	<p>EIR</p>

GHG Reduction Strategy	Bay Point Program	Source
<p>Implement a Construction and Demolition Waste Recycling Ordinance to reduce the solid waste created by new development. (OPR)</p> <p>Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard). (OAG)</p>	<ul style="list-style-type: none"> • Install programmable thermostats in each residential unit to automatically change thermostat settings at certain times of the day (5 – 20 percent savings on space heating costs). • Install energy-efficient ceiling installation and insulate walls, floors, and heating ducts (up to 25 percent savings on space heating costs). • Use exterior shading devices or deciduous plants to shade residential buildings from the sun (up to 8 percent savings on cooling costs). • Install thermal windows in residential units. Thermal windows give the benefit of dual pane glass, keeping air trapped between the two panes while they act as a thermal insulator. <p>Mitigation Measure 4.4.3c: Future developer(s) shall prepare, submit, and implement construction and demolition debris management plans. The debris management plan shall address major materials generated by a construction project of this size and type and opportunities to recycle and/or reuse such materials. The different materials shall be source-separated onsite and then transported to appropriate recyclers (or picked up onsite); direct hauled to a transfer station for separation by the operator; and/or hauled away by salvagers. The future developer(s) shall divert at least 50 percent by weight of all demolition waste from landfill disposal, and shall provide a summary report of the diversion to the Contra Costa County Community Development Department.</p>	<p>EIR</p>

GHG Reduction Strategy	Bay Point Program	Source
<p>Create water efficient landscapes. (OAG)</p> <p>Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls. (OAG)</p> <p>Use reclaimed water for landscape irrigation in new developments and on public property. Install the infrastructure to deliver and use reclaimed water. (OAG)</p>	<p>Mitigation Measure 4.4.1a: Water conservation measures shall be incorporated as a standard feature in the design and construction of the proposed project. Water conservation measures shall include the use of equipment, devices, and methodologies for plumbing fixtures and irrigation that furthers water conservation and will provide for long-term efficient water use. In addition, the use of drought-resistant plants and inert materials, and minimal use of turf in landscaped areas shall be required.</p> <p>Mitigation Measure 4.4.1b: To allow the project to better achieve water conservation, the project applicant shall also submit landscaping documents that show how water use efficiency will be achieved through design for review and comment at the time of request for new service connections.</p> <p>Mitigation Measure 4.4.1c: The project applicant shall coordinate with CCWD, the GSWC and the DDSW water recycling programs before construction begins in order to maximize the use of recycled water for the project. The project applicant shall plan for the future use of recycled water by installing dual plumbing systems wherever appropriate as determined by CCWD and GSWC. Uses of recycled water at the project site could include landscape irrigation.</p>	<p>EIR</p>

The following tables (as presented by ESA) are added to the response to comments O-3:

A. Reduced land consumption impacts
B. Reduced automobile dependence
C. Encouragement of pedestrian activity
D. Improved air quality
E. Efficient use of energy
F. Efficient use of water
G. Decreased stormwater runoff
H. Minimization of waste production
I. Optimization of waste utilization
J. Maximized use of materials that are local, non-toxic, recycled, renewable and have low embodied energy

GHG Reduction Strategy	Bay Point Program	Source
<p><i>1) Land Use and Transportation</i></p> <p>Implement land use strategies to promote transit-oriented development, and encourage high density development along transit corridors. Encourage compact, mixed-use projects, forming urban villages designed to maximize affordable housing and encourage walking, bicycling and the use of public transit systems. (OPR)</p> <p>Encourage infill, redevelopment, and higher density development, whether in incorporated or unincorporated settings. (OPR)</p> <p>Encourage new developments to integrate housing, civic and retail amenities (jobs, schools, parks, shopping opportunities) to help reduce VMT resulting from discretionary automobile trips. (OPR)</p> <p>Include mixed-use, infill, and higher density in development projects to support the reduction of vehicle trips, promote alternatives to individual vehicle travel, and promote efficient delivery of services and goods. (OAG)</p> <p>Compact development, by its nature, can increase the efficiency of infrastructure provision and enable travel modes other than the car. If communities can place the same level of activity in a smaller space, GHG emissions would be reduced concurrently with VMT and avoid unnecessary conversion of open space. (CAPCOA)</p> <p>Multiple land use types mixed in proximity around central</p>	<p>Mix of land uses, including higher density residential (20 units per acre), commercial, recreation and open space (A) (B)</p> <p>East Bay Regional Park District – Bay Point Regional Shoreline is just west of site (A) (B)</p> <p>Recreational opportunities in proposed parks, trails, and preserved open space, and Marina (A) (B)</p> <p>Located adjacent to existing services and facilities in the community of Bay Point (A) (B)</p> <p>Within 1/4-mile from existing neighborhood serving retail uses (A) (B)</p> <p>Proximity to Bay Area Rapid Transit (BART) – 2.5 miles (B) (D)</p> <p>Located along SR 4 – major freeway linking to SF, east to Pittsburg/Antioch, & easy connection to I-680 & Concord/Walnut Creek, etc.</p> <p>Less than 1/2-mile from bus routes (B) (D)</p> <p>Alignment of the future Great California Delta Trail through site (B) (C) (D)</p> <p>55. All residential projects with six (6) or more units are</p>	<p>Plan</p> <p>Condition</p>

GHG Reduction Strategy	Bay Point Program	Source
<p>“nodes” of higher-activity land uses can accommodate travel through means other than a car. (CAPCOA)</p> <p>A finely-connected transportation network shortens trip lengths and creates the framework for a community where homes and destinations can be placed close in proximity and along direct routes. (CAPCOA)</p> <p>Include pedestrian and bicycle-only streets and plazas within developments. Create travel routes that ensure that destinations may be reached conveniently by public transportation, bicycling or walking. (OAG)</p> <p>Incorporate bicycle lanes and routes into street systems, new subdivisions, and large developments. (OAG)</p> <p>Create bicycle lanes and walking paths directed to the location of schools, parks and other destination points. (OAG)</p> <p>To get a more GHG-efficient mode share, safe and convenient bicycle lanes, pedestrian pathways, transit shelters, and other facilities are required to be planned along with the vehicular travel network. (CAPCOA)</p>	<p>required to include a minimum of 15% affordable housing units.</p> <p>57. Design of residential projects should incorporate features of neo-traditional design, consistent with the Design Guidelines. (A) (B) (C)</p> <p>Mitigation Measure 4.7.2: The final site plan shall be developed to include the following to provide adequate pedestrian and bicycle connectivity to existing facilities: (B) (C) (D)</p> <ul style="list-style-type: none"> • Adequate on-site pedestrian facilities including sidewalks (minimum four-foot width) to connect all on-site uses and along both sides of access roads • Sidewalks on at least one side of McAvoy Road and the proposed Alves Lane and Pacifica Avenue extensions • Bicycle lanes (minimum four-foot width) on either McAvoy Road or the proposed Alves Lane extension • Bicycle parking for residents, marina users, and recreational facility users. (B) (C) (D) 	<p>s</p> <p>EIR</p>
	<p>45. Provisions are to be made for an efficient, direct and convenient system of pedestrian circulation, together with landscaping and appropriate treatment of any public areas or lobbies. (B) (C) (D)</p> <p>49. Trails and public access corridors should be clearly delineated. Provide fencing or barriers to natural areas</p>	<p>Condition s</p>

GHG Reduction Strategy	Bay Point Program	Source
	<p>where necessary to protect habitat areas and public safety. All trails shall be accessible to the handicapped and disabled. (B) (C) (D)</p> <p>84. Convenient bicycle parking areas shall be provided. (B) (C) (D)</p>	
<p>Create car sharing programs. Accommodations for such programs include providing parking spaces for the car share vehicles at convenient locations accessible by public transportation. (OAG)</p>	<p>Provide convenient and attractive pedestrian linkages to all building entries. (B) (C) (D)</p> <p>Consolidate vehicular entries. (C)</p> <p>Avoid parking areas that are continuations of the paving of adjacent public streets and sidewalks (C)</p> <p>Provide secured parking for motorcycles and bicycles. (B) (D)</p> <p>Mitigation Measure 4.7.2: The final site plan shall be developed to include the following to provide adequate pedestrian and bicycle connectivity to existing facilities:</p> <ul style="list-style-type: none"> • Implement a carpool/vanpool program (i.e., ride matching) for residents of the proposed housing development to reduce trips (i.e., to BART or San Francisco). (B) (D) (E) • Provide preferential parking for alternatively fueled and hybrid vehicles. (D) (E) <p>103. Projects with will have 100 or more employees or 13 or</p>	<p>Guidelines</p> <p>EIR</p> <p>Condition</p>

GHG Reduction Strategy	Bay Point Program	Source
	more dwelling units shall submit, at least 30 days prior to the issuance of a building permit, a Transportation Demand Management (TDM) information program in accordance with the requirements of Article 532-2.606 for review and approval of the Zoning Administrator. (B) (D) (E)	s
<p>Preserve and create open space and parks. Preserve existing trees, and plant replacement trees at a set ratio. (OAG)</p> <p>Preserve or replace onsite trees (that are removed due to development) as a means of providing carbon storage. (OPR)</p>	<p>52. All native trees with a trunk circumference of 72" or more, as measured 4 feet above the ground, shall be protected. Prior to the removal of a tree, the applicant shall demonstrate why the removal of such tree(s) is unavoidable. Compliance with the Tree Protection Ordinance (Chapter 816-6 of the County Code) is required. (D) (G)</p> <p>91. No trees shall be removed without the prior written approval of the Zoning Administrator. (D) (G)</p>	<p>Condition s</p>
	Locate buildings and paving to preserve mature trees (D) (G)	<p>Guideline s</p>
<i>2) Redevelopment</i>		
<p>One way to avoid GHG emissions is to facilitate more efficient and economic use of the lands in already developed portions of a community. Reinvestment in existing neighborhoods and retrofit of existing buildings is appreciably more GHG efficient than greenfield development. (CAPCOA)</p>	Partially located with the Bay Point Redevelopment Area (A)	Plan
<i>3) Jobs-Housing Balance</i>		

GHG Reduction Strategy	Bay Point Program	Source
<p>Implement land use strategies to encourage jobs/housing proximity. (OPR)</p>	<p>43. New businesses and construction projects shall make best efforts to hire employees, workers and subcontractor components at the job from the Bay Point community.</p>	<p>Conditions</p>
<p>Encourage the coalescence of a labor force with locally available and appropriate job opportunities. This concept is best known as “jobs-housing balance.” (CAPCOA)</p>	<p>Future business park which will serve as a job center—location? Other nearby employment centers?</p>	<p>Plan</p>
<p>4) <i>Energy Efficiency/Solid Waste Reduction/Water Conservation</i></p>		
<p>Create incentives to increase recycling and reduce generation of solid waste by residential users. (OPR)</p> <p>Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas. (OAG)</p> <p>Provide education and publicity about reducing waste and available recycling services. (OAG)</p>	<p>Mitigation Measure 4.4.3a: Suitable storage locations and containers for recyclable materials shall be provided for the residential and commercial recreation development. Future owner(s) of the building(s) that would be located on the project site shall maintain these locations during project operations. The future developer(s) of the residential and commercial recreation development, in consultation with the Contra Costa County Community Development Department, shall provide information regarding acceptable materials to be recycled to future owners and/or occupants of the buildings. (E) (H) (I)</p> <p>Mitigation Measure 4.4.3b: For each trash can that is provided along the view pier and in the parking lots, the future owner(s) of the marina shall also provide (an) equivalent-sized recycling receptacle(s). Each recycling receptacle shall clearly inform users within which containers to place each material (i.e., aluminum cans, glass, plastic bottles, etc.). (E) (H) (I)</p>	<p>EIR</p>
<p>Recognize and promote energy saving measures beyond Title 24 requirements for residential and commercial</p>	<p>Mitigation Measure 4.4.4a: In addition to energy conservation measures required by California Code of</p>	<p>EIR</p>

GHG Reduction Strategy	Bay Point Program	Source
<p>projects. (OPR)</p> <p>Purchase Energy Star equipment and appliances for public agency use. (OPR)</p>	<p>Regulations Title 24, future developer(s) of the Strategic Plan Area shall implement the following measures: (D) (E) (F) (H) (I)</p> <ul style="list-style-type: none"> • Equip all showers, faucets, and toilets installed in the Strategic Plan Area with lowflow fixtures to reduce water consumption and energy consumption associated with water heating. • Include in the design of the project the use of ENERGY STAR qualified compact fluorescent light bulbs (CFLs) for use in the marina support buildings (ENERGY STAR qualified CFLs use 66 percent less energy than a standard incandescent bulb and last up to 10 times longer). • Insulate all hot and cold water pipes within the residential and marina support buildings to reduce energy consumption. • Install shades, awnings, or sunscreens on all windows of the residential and marina support use buildings that face south and/or west to block summer light. In winter, shades can be opened on sunny days to help warm rooms. • Install programmable thermostats in each residential unit to automatically change thermostat settings at certain times of the day (5 – 20 percent savings on space heating costs). • Install energy-efficient ceiling installation and insulate walls, floors, and heating ducts (up to 25 percent savings on space heating costs). • Use exterior shading devices or deciduous plants to shade residential buildings from the sun (up to 8 percent savings on cooling costs). • Install thermal windows in residential units. Thermal windows give the benefit of dual pane glass, keeping air 	

GHG Reduction Strategy	Bay Point Program	Source
<p>Implement a Construction and Demolition Waste Recycling Ordinance to reduce the solid waste created by new development. (OPR)</p> <p>Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard). (OAG)</p>	<p>trapped between the two panes while they act as a thermal insulator.</p> <p>Mitigation Measure 4.4.3c: Future developer(s) shall prepare, submit, and implement construction and demolition debris management plans. The debris management plan shall address major materials generated by a construction project of this size and type and opportunities to recycle and/or reuse such materials. The different materials shall be source-separated onsite and then transported to appropriate recyclers (or picked up onsite); direct hauled to a transfer station for separation by the operator; and/or hauled away by salvagers. The future developer(s) shall divert at least 50 percent by weight of all demolition waste from landfill disposal, and shall provide a summary report of the diversion to the Contra Costa County Community Development Department. (D) (E) (H) (I)</p>	<p>EIR</p>

GHG Reduction Strategy	Bay Point Program	Source
<p>Create water efficient landscapes. (OAG)</p> <p>Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls. (OAG)</p> <p>Use reclaimed water for landscape irrigation in new developments and on public property. Install the infrastructure to deliver and use reclaimed water. (OAG)</p>	<p>Mitigation Measure 4.4.1a: Water conservation measures shall be incorporated as a standard feature in the design and construction of the proposed project. Water conservation measures shall include the use of equipment, devices, and methodologies for plumbing fixtures and irrigation that furthers water conservation and will provide for long-term efficient water use. In addition, the use of drought-resistant plants and inert materials, and minimal use of turf in landscaped areas shall be required. (D) (E) (F) (G) (J)</p> <p>Mitigation Measure 4.4.1b: To allow the project to better achieve water conservation, the project applicant shall also submit landscaping documents that show how water use efficiency will be achieved through design for review and comment at the time of request for new service connections. (D) (E) (F) (G)</p> <p>Mitigation Measure 4.4.1c: The project applicant shall coordinate with CCWD, the GSWC and the DDSW water recycling programs before construction begins in order to maximize the use of recycled water for the project. The project applicant shall plan for the future use of recycled water by installing dual plumbing systems wherever appropriate as determined by CCWD and GSWC. Uses of recycled water at the project site could include landscape irrigation. (D) (E) (F)</p>	<p>EIR</p>

EXHIBIT 11

QUESTIONS FOR ECRPC BAY POINT WATERFRONT
STRATEGIC PLAN STUDY SESSION: MAY 11, 2009
(staff responses are in italics)

1. How does staff expect the commission to study the Waterfront Strategic Plan and its EIR when the commissioners have not seen the plan?

On April 7, 2009, the members of both the East County Regional Planning Commission and the County Planning Commission were sent a copy of the 2003 Bay Point Strategic Plan, Draft Environmental Impact Report, and Final Environmental Impact Report. In addition, several of the Commissioners joined staff for a tour of the site.

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?

The slip rates for McAvoy Harbor are discussed on page 7 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 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?

The preliminary financial analysis shows how improvements could be financed, showing both potential expenses and revenues. As with any improvement project, the level of improvements would be based on the ability to finance them.

- b) Does staff believe it appropriate that the poorest community on the river between Vallejo and Antioch should sport the most expensive berth rents?

This preliminary analysis is based on expanding the marina from the current 300 berths to 582 berths. As with any project, a more detailed financial analysis will need to be prepared to determine the level of improvements and/or phasing of improvements planned. The General Plan Amendment is the first step of that process.

- 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 rosier scenario using fudged numbers (SWP p28) does not meet the state loan target for funding.

The report states the Final Concept Plan has sufficient financial strength to be considered in further detail.

- 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?

The EIR addresses impacts to the environment and does not address financial feasibility of a project.

- e) How can this Commission study these aspects of the waterfront plan when the commission has not seen the plan?

Both the East County Regional Planning Commission and the County Planning Commission were sent copies of the Bay Point Waterfront Strategic Plan, Draft EIR and Final EIR on April 7, 2009.

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?

Staff is aware of the school capacities within the Mt. Diablo Unified School District. To offset the impact of increasing the number of students to the Shore Acres Elementary School, the future developer will be required to pay school impact fees as mandated by state law. The District has stated that it will, most likely need to build additional classrooms, but it also has procedures in place to temporarily transfer elementary school students to the nearest school with space available when enrollment capacity becomes an issue. Future development associated with the Strategic Plan will require project specific environmental assessments, including mitigating potential impacts on the School District.

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?

The EIR studies the impacts to public schools in the area. Future residents will have choices on where to send their children to school.

6. Has staff conducted and published the "detailed feasibility study" the Plan recommends on page 21? What did it say?

It is premature to conduct a detailed feasibility study because the first step on implementation is the General Plan Amendment. The detailed feasibility study

will be done when a development plan is proposed and the details of the proposal can be better quantified.

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 EIR?

Mitigation Measure 4.12.2a explains that sensitive habitats impacted by the project will be restored and/or enhanced by either creating or restoring such impacted habitats. Pending the impact of the future development project will determine whether habitat may need to be restored and/or created. It should be noted that with the approval of this General Plan Amendment, no actual development of the Plan Area is approved. Future development associated with the Strategic Plan will require project specific environmental assessments, including biology studies. Those developments will also be required to address the appropriate impacts and implement the associated mitigation measures of this EIR. Distribution of Soft Bird's Beak is shown on Figure 4.12-3 of the Draft EIR, which reflects documented special status species locations within one mile of the Plan Area.

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:
 - e) 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?

The Shell Pond was not considered as an alternative marina site as it is located outside the Plan Area. Public workshops to discuss brainstorming, priority setting, evaluating alternatives, and final solutions were held back in 2002. Building a whole new marina that currently does not have vehicular access, rather than improving and expanding the existing McAvoy Harbor, in addition to cleaning up a site known to have hazardous materials would increase the costs associated with the project far beyond that which has already been analyzed.

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

David Custodio davecusto@sbcglobal.net

