

COUNTY PLANNING COMMISSION  
TUESDAY, AUGUST 11, 2009  
BAY POINT WATERFRONT GENERAL PLAN AMENDMENT

**SUPPLEMENTAL**  
**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 (continued from June 9, 2009).

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, Environmental Impact Report, and the comments received, there is no substantial evidence that the project will have a significant effect on the environment that cannot be mitigated and that the Final Environmental Impact Report reflects the County’s independent judgment and analysis.

- B. Recommend to the Board of Supervisors the adoption of the Environmental Impact Report and the accompanying Mitigation Monitoring Program.
- C. Amend the Urban Limit Line map in the Land Use Element, as shown in Figure 12, the Terrell Alternative - General Plan Land Use Map, and Figure 14, Terrell Alternative – Proposed Urban Limit Line, 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 for the Bay Point waterfront area, as shown in Figure 12, the Terrell Alternative - General Plan Land Use Map, which also incorporates a trail alignment for the California Delta Trail.
- E. Amend the Land Use Element text under “Policies for the Bay Point Area”, at Policy #3-77, including the addition of a new policy supporting the planning and development of the California Delta Trail and shown in Figure 13 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 the June 9, 2009 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 (P-1) Zoning District Program to reflect the same changes as described in Section V.A.2 and shown in Figure 5 of the June 9, 2009 report.

### III. BACKGROUND

The County Planning Commission opened a public hearing on the proposed Bay Point Waterfront General Plan Amendment on June 23, 2009 (continued from the June 9, 2009 meeting). Upon the staff's recommendation, the Commission continued the item to address the California Delta Trail alignment and to review an alternate configuration of the marina and residential areas, as recommended by Commissioner Terrell, which affects the proposed Commercial Recreation (CR) and Multiple Family Residential-Medium (MM) Density designations. In addition, the Commission requested comments submitted by David Custodio at the public hearing on June 23, 2009 be copied and provided to all Commissioners.

### IV. CALIFORNIA DELTA TRAIL

Senate Bill 1556 (Senator Torlakson) supporting the creation of a Delta trail network was passed by the California Legislature signed by the Governor in 2006. The vision is for the California Delta Trail to link the San Francisco Bay Trail system and planned Sacramento River trails in Yolo and Sacramento counties to present and future trail ways around and in the Delta, including Delta shorelines in Contra Costa, San Joaquin, Solano, Sacramento, and Yolo counties. The California Delta Trail in Contra Costa County is envisioned to function as a multi-use trail to provide the public with more direct access to the Delta shoreline.

The East Bay Regional Park District is responsible for the planning, design, and development of the California Delta Trail through Contra Costa County. Contra Costa County and the cities of Pittsburg, Antioch, Oakley, and Brentwood are working with the East Bay Regional Park District to plan and implement the California Delta Trail through Contra Costa County.

The Bay Point Waterfront Strategic Plan was developed prior to the 2006 enactment of Senate Bill 1556 establishing the California Delta Trail. The trail planning effort recently undertaken by East Bay Regional Park District envisions the alignment of the California Delta Trail through the Bay Point waterfront area primarily along the north side of the railroad corridor that included Union Pacific and the Burlington Northern Santa Fe. The California Delta Trail alignment would traverse through the Bay Point waterfront area and would connect with an existing trail approximately .6 mile from McAvoy Road.

Since development of the Bay Point waterfront area will likely be phased over a number of years and the precise alignment of the California Delta Trail is still subject to the trail planning effort initiated by East Bay Regional Park District, staff is recommending a tentative alignment through the waterfront area that will meet the goals of both the California legislature and the Bay Point Waterfront Strategic Plan. The tentative trail alignment is illustrated in Figure # 13: Terrell Alternative – General Plan Land Use Plan Designation Map, shown under the Park and Recreation (PR). Additionally, staff is recommending that the proposed revision to existing Policy #3-77, “Policies for the Bay Point Area”, also incorporate a new policy that recognizes and supports the planning and development of the California Delta Trail and acknowledges the need for some flexibility in the precise alignment of the trail as the trail planning and final development plan for the waterfront area both evolve (see the addition of (h) under Policy #3-77, “Policies for the Bay Point Area”, Figure 13).

Staff has consulted with East Bay Regional Park District staff responsible for trail planning on both the proposed the depiction of the California Delta Trail alignment on maps in the General Plan and on a supporting policy statement for the Bay Point waterfront area. East Bay Regional Park District staff is in concurrence with the proposed changes incorporating that California Delta Trail into the Bay Point Waterfront General Plan Amendment as described in Figure #'s 12 and 13 to this supplemental staff report and recommendations.

#### V. ALTERNATE LAND USE MAP - COMMISSIONER TERRELL'S ALTERNATIVE

At the June 23, 2009 hearing, Commissioner Terrell suggested staff consider shifting the dock location and a portion of the Commercial Recreation (CR) area located north of the Multiple-Family Residential – Medium Density (MM) area as shown in Figure #6 to the westernmost Multiple-Family Residential – Medium Density (MM) area, and expand the Open Space (OS) designation over the northerly area once proposed as CR, approximately 5 acres. This Alternate Land Use Plan is shown in Figure #12.

The Terrell Alternative would relocate the approximately 5 acres of the Commercial Recreation (CR) northerly of the Multiple Family Residential – Medium Density (MM) and consolidate it with the westerly Commercial Recreation (CR) designation near the turning basin for the marina. This effectively reduces the overall footprint of the residential area shown as Multiple Family Residential – Medium Density (MM) from approximately 25 acres to 20 acres, and correspondingly, the change to the Urban Limit Line is a shift in its location, not an expansion. In addition, the Terrell Alternative consolidates the Commercial Recreation (CR) designation into one common area without bisecting it with residential uses.

A version of alternative similar to the Terrell Alternative was discussed previously with PG&E in July 2007, but a formal request to explore the alternative was not received.

Staff met with PG&E staff on July 17, 2009 to discuss the proposal and the alternate proposal of the waterfront. The proposed alignment of the California Delta Trail was also discussed. The representatives from PG&E indicated concurrence with staff's recommendation supporting the Terrell Alternative for the Land Use Map, including the proposed alignment of the California Delta Trail (see Figure #12 for the map).

## VI. CONCLUSION

The Terrell Alternative – General Plan Land Use Designation Plan reduces the footprint of the residential area to approximately 20 acres. This reduced residential footprint would likely result in fewer than the originally planned 450 residential units. Corresponding with reduced residential footprint, the proposed shift in the Urban Limit Line under the Terrell Alternative – Land Use Plan would not result in a 5-acre expansion of the Urban Limit Line. The shift in the Urban Limit Line location would be closer to the one to one ratio analyzed in the Environmental Impact Report (the change in acreage is shown on Figure #14). The Terrell Alternative also incorporates a trail alignment for the California Delta Trail, as requested by the East Bay Regional Park District.

### Attachments

- Figure #12: Terrell Alternative - General Plan Land Use Designation Map, including the California Delta Trail alignment
- Figure #13: New Land Use Element Text, "*POLICIES FOR THE BAY POINT AREA*", Policy # 3-77 with additional policy on the California Delta Trail
- Figure #14: Proposed Urban Limit Line Adjustment under the Terrell Alternative
- Exhibit #15: Written Comments submitted June 23, 2009 by Mr. Dave Custodio

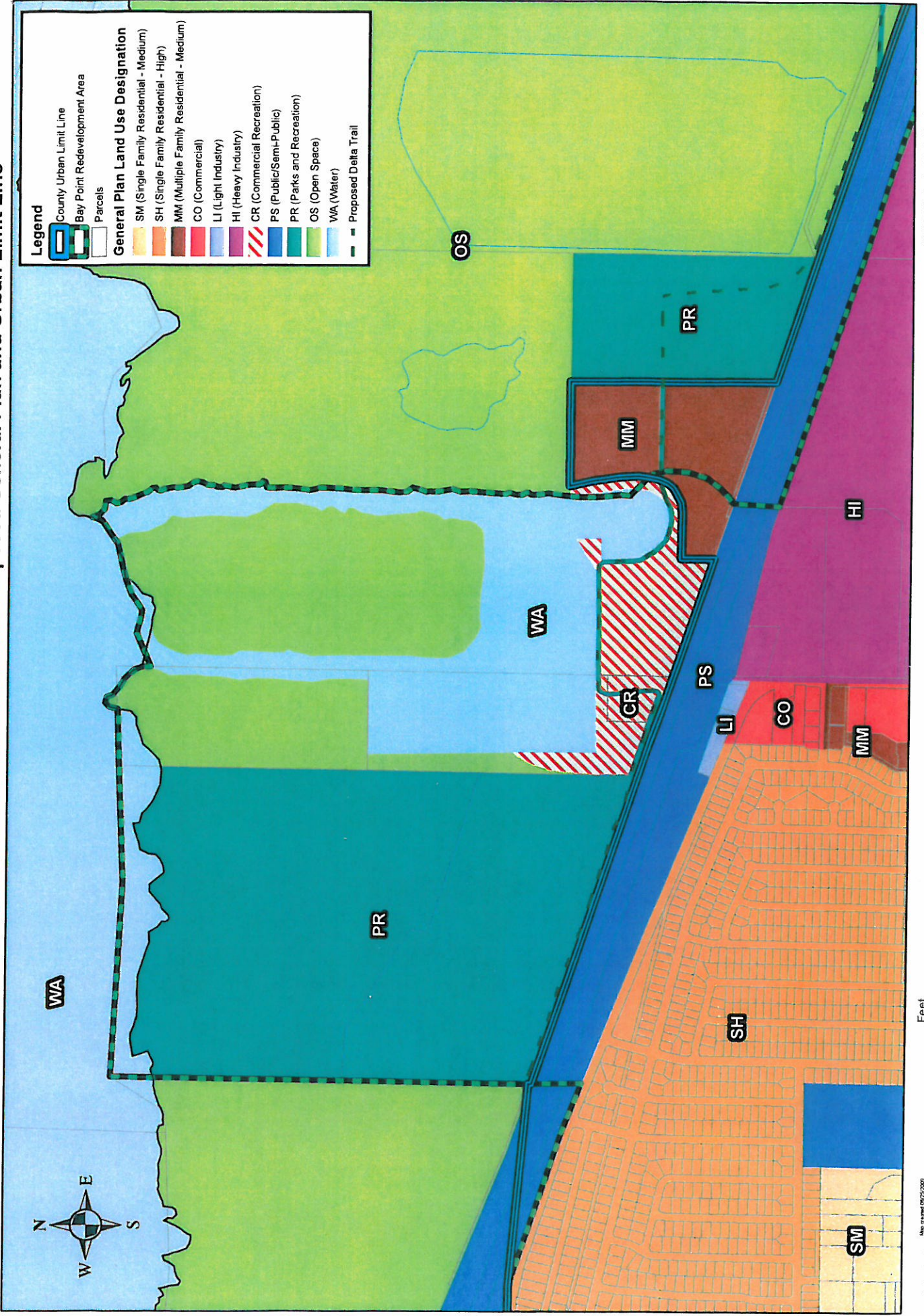
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MT/PR  
8/5/09



FIGURE 12

Commissioner Terrell's Alternative : Bay Point Waterfront Strategic Plan  
 County File: GP#03-0009: General Plan Amendment : Proposed General Plan and Urban Limit Line



Map prepared by the County of Contra Costa, California, Department of Planning and Development, 955 Pine Street, 4th Floor, Berkeley, CA 94612-2005. 955 Pine Street, 4th Floor, Berkeley, CA 94612-2005. This map is a representation of the information provided to the County of Contra Costa, California, Department of Planning and Development, and is not intended to be used for any other purpose. The County of Contra Costa, California, Department of Planning and Development, is not responsible for any errors or omissions on this map. The County of Contra Costa, California, Department of Planning and Development, is not responsible for any errors or omissions on this map.





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 (Final Environmental Impact Report, SCH#2004092009) 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.
  - (h) The California Delta Trail is planned as a regional, multi-use trail that when completed will link ~~to~~<sup>the</sup> the San Francisco Bay Trail to future trail ways in and around the Sacramento-San Joaquin Delta, including the Delta shoreline of Contra Costa, Sacramento, Yolo, Solano, and San Joaquin counties. It is envisioned that the California Delta Trail will traverse through the Bay Point

waterfront primarily along the north side of the Union Pacific Railroad. The establishment of a precise alignment for this trail through the Bay Point waterfront will be subject to the completion of the trail planning process that has been initiated by the East Bay Regional Park District. The trail alignment depicted on General Plan maps is for illustrative purposes, and may be subject to change when a more precise alignment is established as planning for the California Delta Trail and final development plans for the waterfront area properties both evolve.

G:\Advance Planning\adv-plan\General Plan Amendments\GP030009\cpc8-11-09Add  
the new clarifying language to Land Use Element text under.doc









rec'd  
6/23/2009

QUESTIONS FOR THE PLANNING COMMISSION—062309 RE:  
BAY POINTE WATERFRONT PLAN AND ULL AMENDMENTS

1. Taking into account that the existing ULL follows railroad tracks, a preexisting topographical and legal boundary, what “topographical characteristic or legal boundary” does staff’s proposed new ULL location “more accurately reflect”?
  
2. Given that McAvoy marina already has a bait shop/ small chandlery/ small grocery store, and two social clubs, which Bay Point Redevelopment Plan objective will the proposed Marina project help accomplish? (from EIR pg 4.1-11)  
Choose one or more of the following:
  - a) Assist new affordable housing. (plan recommends luxury apartments at pg. 24)
  - b) Strengthen existing neighborhoods. (plan builds a new one)
  - c) Provide infrastructure improvements. (Plan extends and taxes existing infrastructure, but only as necessary to serve the project.)
  - d) Facilitate commercial development. (Plan proposes commercial development equal to the existing services,



with a restaurant added, Bay Point's most common business category.)

e) Facilitate Industrial development. (Plan proposes 450 residential units, further exacerbating the jobs/housing imbalance in Bay Point. (staff declared a jobs/housing imbalance in 2004 to justify the Bay Harbor Commerce Center, approved in 2008)) See also EIR

3. How does staff square its proposal for Open Space lands currently outside the ULL which "will result in the redesignation of such lands to urban land use" in direct conflict with General Plan Policy 9-9.
4. As a sort of "land swap" staff proposes to withdraw territory inside the ULL and deposit territory outside the ULL, using the open space "as a reserve for urban land uses". How does staff justify this direct conflict with GP Policy 9-3? Where does the General Plan or ULL ordinance mention "land swapping" as a justification for extending the limits of urban development in Contra Cost County?
5. Could the county find a way to place the residential area any closer to the railroad tracks and grade crossing? Has staff ever heard a train air horn in the vicinity of a grade crossing? At 3 in the morning?

6. The Strategic Plan at page 29 talks about the “residential cluster that provides the opportunity to create a synergistic relationship similar to the Richmond waterfront area, Pittsburg’s marine area and the Benicia Marina development.” Do any of these residential clusters include the synergy of mainline trains blasting their horns just over the back fence and shaking the clusters’ windows, foundations and walls? Do any include mainline train track grade crossings within a mile?
7. Does staff know of any luxury apartments in Contra Costa County, or anywhere else, located adjacent to a mainline railroad crossing?
8. The Strategic Plan, at page 21, referring to the economics of the plan, states:

“These recommendations should be subject to more detailed feasibility study if the county decides to proceed with the project. The level of detail here is to highlight both opportunities and constraints that exist at this Final Plan level of preliminary detail.”

After various calculations on pages 21-25 the plan states:

“This obviously shows a lack of financial feasibility for the project.”

Pages 25-28 massage the numbers. For example, dock costs ease from \$60.00/sq.ft. to \$50.00/sq.ft. and dock cover costs slide from \$20.00/sq.ft. to \$10.00/sq.ft. The massage also presupposes a \$1M grant for a pier. The Plan concludes:

“This obviously improves the financial picture substantially” but “does not reach the 1.25 to 1.00 State loan target”.

Nonetheless, at the bottom of page 28 the plan suggests it “appropriate to move to the next phase” with the caveat:

“Such future planning should include detailed policy considerations and tax increment calculations which will be generated by the project. Although the project shows potential, more revenue could provide additional cushion.”

Why not ask staff to do the detailed policy considerations and the tax increment calculations, including a budget for



maintenance dredging before it asks this body to move the urban limit line?

Before the County proceeds to annex and rezone open space outside the current ULL and gets itself into the Marina business and possibly the luxury apartment leasing business it describes on Plan page 16, I suggest:

An improved, updated, staff report should include:

1. An appraisal of the McAvoy Harbor together with a summary of negotiations with its owner, the Trost family as described on page Plan page 35.
2. A preliminary budget for the project, which would include:
  - a) How staff proposes to get to the recommended 1.25 to 1.00 debt ratio for state loans or if it intends to proceed “commando”, squandering public money.
  - b) Revised preliminary revenue calculations and policy recommendations evaluating whether County would rent, sell or lease the buildings and apartments as discussed on Plan pg. 16.

c) How, using the badly silted Martinez city marina as an example, it expects funds to materialize for long term maintenance, including periodic dredging.

3. If the commission decides to investigate these questions before encroaching on open space outside the urban limit line, evicting the 500 or so berth tenants, then charging them between double and quintuple their current boat slip rent, if and when they move back, to ask staff to send the tenants notices of the hearing to telling them this particular effect of the Bay Point Waterfront Strategic Plan on them.

In short I ask the commission to continue the hearing pending staff's budget and report.

Please keep me apprised of the continuing developments in this project.

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