

**April 30, 2020**

**Lina Velasco  
Community Development Director  
City of Richmond  
450 Civic Center Plaza, 2nd Floor  
Richmond, CA 94804**

**Subject: Comments on the Point Molate Draft SEIR**

Dear Ms Velasco:

In the accompanying table I profile a set of problems with the Draft SEIR. To help you and our EIR Consultants respond efficiently, I've provided a list of what I think are the most important unanswered questions as well as some key facts that are relevant to them. I hope you will find the table helpful. If all of these questions were answered, I think we would be able to agree on what makes sense. Of course, it is always difficult to know exactly how much analysis a proposed project requires, but I know that this Draft SEIR is inadequate. I hope that it won't take more than a month to complete it properly. I urge you to pursue this - better to ask for a month or two to have a more complete reference document than to have a massive public argument at each step in the review process.

I recognize that a couple of the problems I list are financial concerns and that the Draft SEIR is not necessarily the place for these issues to be analyzed. Nevertheless, it is important for both you and the Planning Commission to address these questions before reviewing the actual proposal made by SunCal. The financial questions could impact Planning Commission conditions as well as City decisions. So I hope you will do all you can to get the financial questions addressed in the same timeframe as EIR certification.

Lastly, I do want to underscore the risk of endless litigation here. There are many unaddressed questions in the Draft SEIR and problems with SunCal's current proposal. If we don't find a reasonable compromise that most people can understand and get behind, we will end up back in court. The Settlement Agreement Judge is monitoring our efforts. And 2,040 homes with 50,000 sq ft of commercial space is a far cry from the minimum of 670 homes required by the Settlement Agreement.

Sincerely,

Jeff Kilbreth  
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Richmond CA 94801

415 656-7617

Problem	Unanswered Questions
<p><b>Certification of the current Draft SEIR will lead to litigation unless it is completed</b></p>	<ul style="list-style-type: none"> <li>● <b><i>Can the Draft SEIR be certified in its current state?</i></b> This project could do great damage to our city’s finances and the environment, significantly worsen our traffic congestion, and put public safety at risk. As required by CEQA Guidelines, <i>“the scope of this Draft SEIR includes all environmental issues to be resolved and all areas of controversy relevant to the physical environment known to the the City, including those issues and concerns identified by the City and by other agencies, organizations and individuals in response to the NOP published by the City on July 12, 2019”.</i> <ul style="list-style-type: none"> <li>■ Many analysis requests reported in the community comments from last year are completely unaddressed, including: emergency vehicle response risks, degradation of traffic flow in the case of the 2,040 home option, safety &amp; evacuation plans, market risks, impact on the City’s General Fund (ability to cover increased annual operating expenses), infrastructure cost coverage, etc.</li> <li>■ The basic requirements of the proposed land use, such as a fire station, must be described and discussed, e.g.: the need for and cost of operating a new 24x7 fire station</li> <li>■ Many requested analyses are addressed inadequately, including: comparative traffic congestion impacts of the different options, appropriate protection of the southern part of the property, plan for protecting cultural resources, full analysis of the required sewer system, and conflicts with City development priorities.                             <ul style="list-style-type: none"> <li>● It doesn’t adequately compare the traffic, safety or financial impacts of the no housing, and 670, 1,260 and 2,040 housing unit project alternatives. In particular, the full impact of the 2,040-unit project option, which would have the greatest negative impact on traffic, safety and the environment, is not analyzed..</li> </ul> </li> <li>■ The proposed project fails to meet two key City objectives:                             <ul style="list-style-type: none"> <li>● Have a positive contribution to the local economy through new capital investment, the creation of new jobs, and the expansion of the tax base (No financial benefit to the City as General Fund expenses will exceed revenues).</li> <li>● Provide open space that preserves sensitive habitat (Development of the southern part of the property destroys and fragments habitat that should be protected)</li> </ul> </li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>■ <b>Are SunCal and the City being accurate when they say the proposed designs will keep 70% of the property as open space?</b> SunCal's marketing flyer titled "Consistent with the City &amp; Community's Vision" provides a table where the Public Framework column says "Preserve 70% of the land as open space" and the SunCal Plan column says "More than 70% open space." But the maps in the EIR show that the proposed development will develop or significantly grade 60% of the land, leaving only 40% as open space. The asserted figure of 193 of 276 land acres being open space is not credible. The project descriptions and comparison of alternatives in the SEIR should document the land use accurately. And SunCal should stop misrepresenting their proposal. Saying that the proposed project is consistent with the Base Reuse Agreement (which asserted 70% open space), Community Input (the majority of which asked for a park in the southern part of the property) or the Settlement Agreement (which asserted 70% open space) is patently false. Without correction, isn't this another basis for litigation?</li> </ul>
<p><b>Significant and Unavoidable negative impacts on traffic congestion</b></p> <ul style="list-style-type: none"> <li>● This project would make already bad, sub-standard freeway flow on 580-W worse, further exceeding the state's established delay index standard during AM peak hours.</li> <li>● The project would not be consistent with the CCTA's West County Action Plan for Routes of Regional Significance - a number of key intersections will be made worse.</li> <li>● The Community Plan was found to be environmentally superior to the proposed project in part because of the GHG emissions increase.</li> </ul>	<ul style="list-style-type: none"> <li>● <b>Don't "significant and unavoidable" transportation delay impacts give the City of Richmond the ability to declare a large project at Point Molate to be unacceptable? And remind us why the Settlement Agreement only committed us to approving 670 units of housing? And that our General Plan policies ask us to conform to guidance from both the County and State departments of transportation?</b></li> <li>● <b>Isn't it true that for the 2,040 housing units Option, there would be no 20% reduction in AM commute trips for internal project site trips and that the MTSO morning congestion index on I-580 W would reach 5.0 by 2050 - twice the 2.5 standard, with 20% of the congestion overage caused by the Point Molate project?</b> <ul style="list-style-type: none"> <li>○ The AM/PM Peak Hour Traffic profile provided is for the Option with 1260 housing units and 585K sq ft of office space. It does not include any quantification of post-project travel times during morning commute (From I-80 and Richmond Parkway or Central Avenue to San Rafael). In other words an increase in the congestion index needs to be turned into something people can understand, like "a 30% chance of 90 minutes from Central Ave to San Rafael between 6:30 and 8:30am." <ul style="list-style-type: none"> <li>■ Is it really safe to assume that 20% of the modeled AM car use would be internal to Point Molate in the 1260 housing unit AM Peak Hour scenario? Or is this wishful thinking? It seems like we should model the traffic impacts without assuming that 20% of the employed people would work at Point Molate.</li> </ul> </li> <li>○ The 2,040 housing unit Option where AM Outbound and PM Inbound flows would be much greater must be analyzed. We need an analysis of the difference between three Options (670, 1,260 and 2,040 housing-units) for AM/PM trips added, estimated</li> </ul> </li> </ul>

	<p>frequency and length of ramp delays, and estimated distributions for the frequency and length of AM and PM transit times. It seems likely that 2,040 homes would not be acceptable. The DSEIR fails to meet its goal to educate and provide the information necessary to make wise decisions about project limits and approval conditions.</p> <ul style="list-style-type: none"> <li>○ <b>For the “Project plus Cumulative Traffic” analysis of freeway congestion, what are the assumptions used to model the growth in total 580-W morning trips?</b> We need to see the assumptions used to model the impacts of already planned projects in our South Shoreline, Downtown/23rd St and the Hilltop Priority Development Areas, as well as projected population increases in Point Richmond, El Cerrito, Albany and the likely growth in Marin employment over the next 40 years. We need to ensure we aren’t under-estimating future (2040-2060) demand for 580-W morning capacity.</li> <li>● <b>What would be the dollar amount of the Contra Costa Transportation Delay Impact Fees on the proposed project? Who pays?</b></li> <li>● <b>Where’s the funding coming from for the “guaranteed ride home from BART?”</b></li> </ul>
<p><b>Impacts of predictable delays on ambulance and other emergency vehicle response times are missing.</b></p>	<ul style="list-style-type: none"> <li>● <b>What’s the baseline for access times?</b> Given that the morning traffic on 580-W is currently often backed up to Canal, Harbor Way or Central Ave, what would be the current range and average ambulance access times to the project site for these various degrees of back-up? What assumptions are being used?</li> <li>● <b>If morning congestion heading onto the bridge gets 30-35% worse over the next twenty years, what would happen to site ambulance access times?</b> Is it true that there are no real mitigation measures available other than building a new bridge?</li> <li>● <b>If the outbound traffic on Stenmark Drive is backed-up in the morning (due to a problem on the bridge), what would be the worst case ambulance egress times from the project site to I-580E and Richmond Parkway?</b> How is this calculated? <ul style="list-style-type: none"> <li>○ The plan for a slight widening of Stenmark Drive doesn’t solve the problem when there is an accident on the bridge. What it does is provide two outbound lanes for the last ¼ mile before reaching the 580E &amp; W entrance ramps. That’s room for at most 60 cars unable to get onto 580W at the bridge. More than that, they back-up onto the one lane Stenmark Drive, blocking all outbound traffic. With 2,040 units, morning commute onto the bridge would be around 100 cars/hour. How often will there be dangerous problems?</li> </ul> </li> <li>● <b>Are projected EMT access and egress times during morning back-up acceptable?</b> What is the total projected time from 911 call to arrival at John Muir in Martinez or Sutter in South Oakland? What’s a worst case scenario for a stroke or heart attack victim? Could it easily exceed an hour? (Would any older person risk living there?)</li> <li>● <b>What would it cost to purchase, house and staff an ambulance at a Fire and Police Sub-station at Point Molate?</b> Would this be another capital cost to be covered by Mello Roos</li> </ul>

	<p>bonds? And an annual operating expense for the County?</p> <ul style="list-style-type: none"> <li>● <b>How many fewer ambulance trips should we expect if development was restricted to the Winehaven District with 670 or even 1,260 Housing Units vs. the 2,040 Housing Units proposed by the Developer?</b> Fewer ambulance trips and fewer dangerous back-ups would be safer and better for Richmond, right?</li> </ul>
<p>Evacuation challenges, risks and solutions are missing</p>	<ul style="list-style-type: none"> <li>● <b>Is it sensible to wait until building permits are ready to be issued to review plans for evacuating the peninsula in case of wildfire, refinery explosion or earthquake? Wouldn't it be far wiser to review and approve a general feasibility plan before SEIR certification, before contract negotiations, and before build-out of the infrastructure? How long will it take to evacuate 4,000 or 5,000 people?</b> <ul style="list-style-type: none"> <li>○ How long would it take to get 3,000 cars out of the project site assuming no traffic back-ups?</li> <li>○ We need an evacuation plan that addresses different numbers of people and different degrees of urgency. An earthquake that severs Stenmark Drive or the bridge ramps is different from a raging wildfire and different from a refinery ammonia cloud or a horrific fire like the one that almost happened in 2012.</li> <li>○ A particular risk is a major ammonia release from the refinery. This was discussed in the Final EIS/EIR for the Disposal and Reuse of the Fleet and Industrial Supply Center, Naval Fuel Depot Point Molate. The document states that "prevailing winds blow in the direction of the project site from the Chevron refinery 16% of the time....All of the project site would be within the toxic endpoint of a Worst-Case Scenario (WCS) for ammonia, and about three-quarters of the property (the Southern Development Area and most of the Central and Northern Development Areas) would be within an Alternative Release Scenario (ARS) for ammonia from the refinery (Figure 3.9-5 and Figure 4.1-2 of Appendix U). In the event of an NH3 vapor cloud reaching the project site, potentially significant human health impacts would occur." <i>The EIS/EIR concluded that "it is not physically possible to provide an adequate buffer between sensitive receptors located in the proposed residential area resulting in a significant and unmitigatable impact."</i></li> </ul> </li> </ul>
<p><b>Risk of Unacceptable &amp; Illegal Environmental Damage</b></p> <ul style="list-style-type: none"> <li>● Inadequate SEIR discussion of the site's special biodiversity and habitat.</li> <li>● Indirect damage of the</li> </ul>	<ul style="list-style-type: none"> <li>● <b>Aren't Point Molate's eelgrass beds a federally protected sensitive habitat?</b> <ul style="list-style-type: none"> <li>○ Reported by Applied Marine Sciences on 2/5/20: "Because eelgrasses serve important ecosystem functions at multiple trophic levels and are limited to specific marine environments, they are given special status under the Clean Water Act (1972), and regarded as an important element of Essential Fish Habitat regulated under the Magnuson-Stevens Fishery Conservation and Management Act. Furthermore, eelgrass</li> </ul> </li> </ul>

eelgrass beds could be viewed as non-compliance with the Magnuson-Stevens Fishery Conservation & Management Act of 1976 and SF Bay Conservation & Development Commission goals and guidelines

- Violation of Richmond's General Plan requiring development to "preserve open space areas along the shoreline, creeks, and in the hills to protect natural habitat."

beds are termed Habitat Areas of Particular Concern (HAPC) within the Pacific Coast Groundfish Fishery Management Plan. HAPC are identified based on their important ecological functions, rarity, sensitivity to anthropogenic alterations of the environment, and the extent to which development activities stress the habitat type." Finally, Applied Marine Sciences also reported that "the extensive eelgrass meadows off the San Pablo Peninsula are in exposed westerly-facing shallow coves, contributing significantly to San Francisco Bay's total eelgrass habitat."

- ***Wouldn't it be far more compliant with the letter and the spirit of these laws and state and Bay Area regulatory goals to restrict development to the Winehaven District so as to take no risks with at least half of the eelgrass beds?***
  - 416 units (20% of the 2040 unit Option, 33% of the 1,260 Unit Option) are planned for Areas 1 & 2 in the southern section of the property above 50% of the eelgrass beds). SunCal's proposed design would allow us to consider a proposal for up to 1,624 units in the northern part of the property. We should ask the developer to consider coming up with a proposal that allows the southern part to be turned into a park.
  - The San Francisco Bay Subtidal Habitat Goals Project (2010) outlines science-based goals for maintaining healthy eelgrass beds throughout the Bay. The Goals Project is a collaborative, regional planning effort with the aim of improving San Francisco Bay's subtidal habitats over the next 50 years compared with the baseline year of 2010....The Goals Project recommends protecting existing eelgrass beds by establishing eelgrass reserves, creating additional eelgrass beds, and improving the understanding of factors that impact or enhance eelgrass success and restoration (State Coastal Conservancy, 2010)....The San Francisco Bay Conservation and Development Commission, California Ocean Protection Council, California State Coastal Conservancy, NOAA Habitat Conservation, NOAA Restoration Center, and San Francisco Estuary Partnership are all collaborators of the Subtidal Habitat Goals Project.
- ***Since Point Molate's eelgrass beds have tripled in size since 2003, aren't they the most important ones to protect in SF Bay? Are there any eelgrass beds in the Bay of comparable size and importance?*** Because of their relative health, they have served as the study site for several long-term research projects pertaining to eelgrass health and are an important source of 'donor' plants used in eelgrass restoration projects. Furthermore, some of the organisms that depend on eelgrass beds are found in the highest numbers off Point Molate..
- ***Where is the risk analysis?*** The SEIR simply asserts that: "*The Modified Project preserves the eelgrass in place and includes mitigation measures to ensure eelgrass would not be harmed by indirect impacts.*" The assertion is not explained adequately. Kathryn Boyer, Professor of Biology at SFSU wrote Ms Valesco that the following were all clear risks to the eelgrass beds: "potential

impacts include 1) sedimentation that decreases light to the plants, making photosynthesis difficult and burying seedlings; 2) fertilizer runoff from landscaping leading to blooms of algae, which can outcompete eelgrass for light, and which can draw down oxygen when the algae decompose, at the expense of eelgrass and associated organisms; 3) runoff that includes other detrimental materials, including oil, gasoline, tire rubber and brake shoe lining, residue from roads, and pesticides used on landscaped areas....”

- ***What mitigation measures should be relied upon?*** The DSEIR acknowledges some remaining risk of unmitigated indirect impacts. It asserts that monitoring damage to the eelgrass beds after project construction (Mitigation Measure 4.3-4) would protect them. What could be done at that point to reverse the damage? The answer is that: *“mitigation is proposed at a ratio exceeding 1:1 and includes preservation, creation, or restoration of in-kind habitat?”* Where would new eelgrass beds be created? Why would preservation or restoration of eelgrass elsewhere make up for eelgrass lost at Point Molate? *The Point Molate beds are especially valuable to herring, dungeness crab, salmon, and numerous bird species. Don’t location and site-specific considerations matter?*
- ***Shouldn’t project approvals be obtained from the SF Bay Conservation & Development Commission, the National Marine Fisheries Department and the California Department of Fish and Game before the acceptability of this SEIR and the project proposal are voted on by the Planning Commission?***
  - We know that John Gioia, our County Supervisor, opposes development of the southern part of the property and he serves on the board of the SF BCDC and as Vice Chair of the SF Bay Restoration Authority. What is the City’s reaction to his letter to Judge Spero and the US District Court on October 22, 2019?
  - Has the City spoken with the Pacific Coast Federation of Fishermen’s Associations (PCFFA), the largest organization of commercial fishermen on the West Coast which is similarly concerned with the health of the eelgrass beds?.
- ***Is the overall bio-diversity of Point Molate special? On what basis should we decide whether the southern portion of Point Molate (Areas 1 and 2) needs full protection from development?***
  - It isn’t just a question of the eelgrass beds. In two recent 2019 ‘Bio-blitzes’ - citizen scientist surveys conducted by 77 trained observers - identified 404 species of birds, plants, insects and animals on the city-owned Point Molate property. Its rare interlinked habitats (marine, coastal, wetland, grassland and upland), constitute a biological hotspot of special significance on San Francisco Bay. There is an inadequate assessment of the relative rareness and value of the integrated (ridge to eelgrass bed) ecosystem.
    - The western side of the San Pablo Peninsula is one of the top seven “hotspots” for birds in Contra Costa County with over 200 species. Its importance is similar to the others: Point Isabel, Miller Knox Park, Point Pinole, the Martinez Shoreline,

	<p>Bethel Island and Clifton Ct. And while there is much species overlap between the six shoreline sites, each has birds not found at the others and each plays a different role in supporting foraging and breeding. Eight per-cent of the birds sighted on the San Pablo Peninsula are not found in Miller Knox Park and 10% are not at Point Pinole.</p> <ul style="list-style-type: none"> <li>■ There are 12 birds on the CDFW “Special Animals List” sighted regularly on the peninsula, including California Brown Pelicans, Burrowing Owls, White Tailed Kites, Bald Eagles, Cooper’s Hawks, Double-crested Cormorants, Ospreys, Brants, Great Egrets, Great Blue Herons, Snowy Egrets, Black-crowned Night Herons, Merlins, Peregrine Falcons and California Gulls. The report fails to mention 2/3rds of them or to properly discuss the project’s potential impact on breeding and foraging for the four it does include. The osprey nests on the San Pablo Peninsula have increased significantly in recent years and it is now the most significant breeding location for ospreys in all of SF Bay.</li> <li>■ Is the discussion of protecting the monarch butterfly migrations and the bat populations adequate? We all know about the precipitous decline in monarch butterfly migrations. Bat populations have similar issues. We must take care to protect habitat that supports them.</li> </ul> <ul style="list-style-type: none"> <li>● <b><i>Does development of the southern part of the property violate the City’s General Plan?</i></b> Policy ED1.3 of the General Plan says “Support the remediation and reuse of large, disturbed sites, such as the Winehaven complex at Point Molate and the Terminal 4 site at Point San Pablo, into mixed-use centers that provide the maximum benefit to the community without compromising the integrity of the surrounding natural areas.” SunCal’s proposal compromises the integrity of the surrounding natural area.</li> </ul>
<p><b>The infrastructure costs of creating a large, new neighborhood at Point Molate will exceed what the developer will be willing to cover. The additional capital required will likely be financed through Mello Roos bonds which would be issued by the City. How can the City protect itself if the Special Tax District fails to cover the coupon payments?</b></p>	<ul style="list-style-type: none"> <li>● <b>Some will say that financial risks aren’t meant to be addressed in an EIR while others might say that like the need for a fire station, basic financial feasibility could and should be analyzed in an EIR. But there can’t be a decision on the project without a proper financial analysis. Does the Planning Commission see one before ruling on the project?</b></li> <li>● <b>What are the risks that the City has to subsidize the infrastructure costs?</b> Will the total infrastructure costs be \$200, \$300, or \$400 million? How much of its own cash is the developer putting in? Will \$100 or \$150 million come from Mello Roos bonds? Is the City being asked to chip in millions from the proposed Municipal Sewer bonds? And finally, <ul style="list-style-type: none"> <li>■ What happens in the early decades when only a percentage of the planned units have been sold? How are the Mello-Roos bond payments covered?</li> <li>■ Will the market be willing to pay an extra 25 or 50% in property taxes to live on this lovely but dangerous cul-de-sac? For example, if regular annual property</li> </ul> </li> </ul>



	<p>taxes are \$15,000 for a \$1 million single-family home, would people in that market be willing to pay \$3,750 more per year to live at Point Molate than in a similar home in Point Richmond or Marina Bay?</p> <ul style="list-style-type: none"> <li>■ What happens if the planned project is only able to sell 50-75% of its planned units? The normal remedy for Mello-Roos Tax Assessment District bond defaults is foreclosure. But how do you foreclose on properties that haven't been built?</li> <li>■ And while Mello-Roos bonds may not figure in the calculation of a City's direct debt ratio, these bonds would impact Richmond's overall debt ratio. Given the history of our bond ratings, is this a good idea for the City?</li> <li>■ How are the capital costs of a fire/police substation being covered - the building and the vehicles and equipment?</li> </ul>
<p><b>Driven by the need to have a new 24x7 fire station, increased annual General Fund revenues from the project will not cover the increase in GF expenses</b></p> <ul style="list-style-type: none"> <li>● In the best case scenario, fully built out and sold at good prices, the project might reach break even in forty years</li> <li>● Shortfalls will start at \$4 mil/year and average \$2 mil/yr over the whole forty year timespan. If not covered by the developer, total GF losses will likely exceed \$80 million</li> <li>● Shortfalls could reach \$120 million if the project can't sell 2,040 units or if prices realized are lower than hoped for.</li> <li>● As of April 30th, the City hasn't presented a credible financial plan.</li> </ul>	<ul style="list-style-type: none"> <li>● <b><i>Is there any real possibility that a 24x7 fire station will not be required?</i></b> Can HOAs or single family home owners get property insurance and 30 year bank loans without one? What do the real estate and Property &amp; Casualty insurance companies say? What about the State Insurance Commissioner's office?</li> <li>● <b><i>Why would we put all of this time and effort into a project that has no chance of making a material contribution to our GF and that carries risks of sustained and even crippling losses?</i></b> <ul style="list-style-type: none"> <li>■ The largest single expense is a new 24x7 fire and police substation with 3 shift coverage on the fire side. We have yet to see a full disclosure of all of the City's increased operating expenses, but it is difficult to imagine annual GF operating costs much below \$4.5 mil/yr. And in no scenario can expenses be low enough to allow the project to be "profitable" for the City. (There are choices associated with overhead allocations and uncertainty about the costs of Public Works and Parks &amp; Rec services)</li> <li>■ Depending on average selling price and number of units sold, the City will receive between \$3 and \$4 mil/year in GF property taxes once they are all sold - but it will likely average \$2 million/year over forty years. Even accounting for receipts for sales tax and real estate transfer fees, the minimum shortfall should be \$80 million over 40 years.</li> <li>■ And it's not just about GF shortfalls. It's also the opportunity cost of putting all of this energy into a losing project, when we would actually help our GF by building 2,040 units anywhere in Downtown, Hilltop or the South Shore. Since there wouldn't be any significant new GF expenses, the annual property taxes would flow into the General Fund to be spent on any City priority. If the units were split between Downtown and the South Shore, the contribution might average around</li> </ul> </li> </ul>

\$2 mil/year or \$80 million over 40 years. So that's a \$160 million difference.

- **Where's the scenario analysis that addresses the obvious risks?**
  - **Market Risk** - that the target number of homes won't sell or won't sell at the price levels forecast. As an example, what happens to the City's P&L if a proposed 2,040 unit project forecasting an average selling price of \$750,000 only sells 1500 units at an average price of \$600,000? This would reduce property tax revenues by 41% - from around \$4.3 mil/year down to \$2.5 million/year. And an average selling price of \$500K is possible. Selling 1,500 units @ \$500K each would result in property taxes of \$2.1 million/year.
    - The market for homes over \$700,000 in Richmond is limited. What's delaying the Terminal One project? The 60-unit Shea Waterfront project was only selling 2 or 3 units per month in 2019. These are arguably more attractive and easier to sell projects than Point Molate.
    - How many people will want to pay significantly more in property taxes to live in a dangerous location with real traffic & safety problems? How risky is this degree of reliance on Mello Roos bonds
  - **Timing Risk** - that all 2,040 numbers could be successfully sold, but it takes fifty years to sell them all instead of thirty-five.
    - How many extra millions of dollars of GF losses would a longer build out mean for the City?
  - **GF Operating Budget Surprises** - that given the location, bad luck could increase public works, parks & rec and/or fire department expenses above normal forecast over a forty year time horizon. Is there a need for an allowance for unplanned expenses?

**Does the project negatively compete with plans for our Priority Development Areas?**

- **Where is the analysis that shows that**
  - **The increased Traffic & Congestion at the bridge won't unfairly penalize commuters coming from Downtown, Hilltop or the South Shore?** - We know that there is limited capacity on the bridge. And that a large project at Point Molate contributes an extra lane of traffic that has to merge onto the two lane bridge right at the bottleneck. This shouldn't be underestimated. It's a lot worse for traffic flow than putting 2,040 housing units in Downtown or the South Shore. Shouldn't remaining capacity on 580-W be carefully allocated? Downtown, Hilltop and South Shore projects could generate 15,000 units of housing over the next thirty years and they will generate more morning traffic for 580-W. Wouldn't that mean that 670 or 1,260 units at Point Molate would be far better for the City than 2,040?
  - **The overall Real Estate market economics work?** - That the total demand for housing within walking distance of the shore will equal the supply. Aren't we trying to build 5,000 housing units over the next thirty years in the South Shore area between Marina Bay and

	<p>the Craneway? Will 2,040 units at Point Molate be absorbed? And if they were built and absorbed, would they damage the prospects of projects planned for our South Shore PDA?</p>
<p><b><i>The DSEIR's treatment of cultural preservation issues is inadequate</i></b></p>	<ul style="list-style-type: none"> <li>● <b><i>Don't the Ohlone Indians need to weigh in on what happens with Point Molate?</i></b> <ul style="list-style-type: none"> <li>○ The Draft SEIR reports that the State of California recommended contacting six different tribes for input. The Guidiville Tribe was not one of them because the Bureau of Indian Affairs has ruled that the Guidiville Tribe has no claim on the land. It was Ohlone land. But the only input received was from the Guidiville Tribe which is a party to the Settlement Agreement and has a conflict of interest as well as no legal claims on the land. What was done to reach out to representatives of the Ohlone community?</li> <li>○ It seems that the City needs to work a little harder to engage with representatives of the Ohlone people regarding an appropriate plan for Point Molate. There is at least one significant archaeological site as well as the question of protecting open space. None of these issues are brought to adequate clarity in the Draft SEIR. More work is needed.</li> </ul> </li> <li>● <b><i>What about the Chinese Shrimp Camp?</i></b> Some have said that the area used as a shrimp fishing camp by Chinese immigrants starting in the 1860s needs careful study and may deserve some form of historical preservation. The EIR is silent on this question.</li> </ul>
<p><b><i>The proposed sewer system options are inadequately analyzed. One thing missing is the cost of the upgrades to the City's existing sewer system in Variant B</i></b></p>	<ul style="list-style-type: none"> <li>● <b><i>Is Variant A, where there is an on-site waste treatment plant and a cooperative agreement with Chevron for taking the treated wastewater, a realistic option?</i></b> The Draft SEIR reports that in the event that the Chevron®-Richmond Refinery is temporarily unable to accept the recycled wastewater due to closure for maintenance, exceedance of capacity, or any other reason, wastewater will be trucked to the RMSD Plant for processing until the Chevron®-Richmond Refinery is able to accept the wastewater again. How realistic is this for a 2,040 unit residential neighborhood? Doesn't the refinery experience planned and unplanned shutdowns of various lengths? Shouldn't there be some scenario analysis here. And what would happen if the refinery is permanently closed? Finally, has Chevron agreed to this solution for Point Molate?</li> <li>● <b><i>Is the engineering in Variant B solid for both project scenarios?</i></b> While a 10" pipe from the project site to Marine Avenue <i>might</i> be sufficient for a 1,260 unit project, it certainly seems insufficient for a 2,040 unit project. This is not addressed. How big a pipe is required for a new neighborhood with 2,040 homes?</li> <li>● <b><i>Where are the sewer system capacity and risk analyses required for Variant B?</i></b> Wastewater treatment for the proposed Point Molate project would risk significant environmental impacts to the Bay by discharge of prohibited sewage in two ways: one from the pumping of the sewage to the City's wastewater treatment plant in Point</li> </ul>

Richmond and the other by overwhelming that treatment system when the Point Molate sewage reaches it.

- The State Water Quality Control Board prohibits discharge of raw sewage into the bay. The proposal to pump raw sewage uphill to connect to the City's wastewater treatment plant 3 miles away risks causing raw sewage to spill downhill into the nearby bay in two ways: one from leaks at the lift station pumps and secondly from the pump's pressure against the inside of the sewer pipes themselves.
- Once the sewage reaches the City treatment plant in Point Richmond, it could cause another type of Water Board violation. The discharge permit from the Water Board prohibits discharges to the Bay above certain concentrations of pollutants. The City's plant already exceeds these limits at times during periods of high, storm-driven flows. Planned upgrades to the treatment plant can't guarantee full compliance with discharge limits if we add too many new housing units to the load of the Point Richmond plant that services three of our PDAs (Downtown, 23rd St and the Richmond Bay/South Shore) as well as Point Molate and Point Richmond (where over 500 units will be coming on line over the next few years). There is no analysis of the impact on future planned capacity of already approved, planned or desired projects in the area serviced by the Point Richmond plant. And no analysis of the relative impacts of a 2,040 unit development at Point Molate vs. 1,260 or 670 unit projects. As with 580-W capacity during morning commute, sewage treatment capacity must be carefully analyzed and allocated to support all priority projects.

- ***What are the total costs for upgrading the City's existing system under Variant B?***

The following items need special review. We need to know the cost for each to verify that the combination of developer funds and Mello Roos bonds can reasonably cover these capital costs. Further, we need to know if the City is planning to use funds from the proposed sewer fee increase to pay for any of these upgrades:

- A pumping station at Marine & Tewksbury where the Point Molate extension would tie into the City system
- The upgrade of the pipe going uphill 530 feet from Marine to Vacca on Tewksbury (described currently as being from a 6" pipe to a 10" pipe, but which might need to be a 12" pipe)
- The likely upgrade of the pipe on Tewksbury from Vacca to half-way down Railroad - over 2,000 feet that is not discussed in the EIR (and which might need to be a 12" pipe)
- Replacement of 432 feet of 36" trunk line along part of Railroad to Cutting