
EXHIBIT 1

COASTAL CONSERVANCY

October 31, 2002

RICHMOND SCENIC OVERLOOKS

File No. 01-149

Project Manager: Brenda Buxton

MEMORANDUM

DATE: October 31, 2002

TO: COASTAL CONSERVANCY

FROM: Brenda Buxton

RE: **RICHMOND SCENIC OVERLOOKS**, File No. 01-149

On September 16, 2002 the Conservancy considered authorizing disbursement of \$60,000 to the City of Richmond to construct overlooks and public access improvements at the terminus of Western Drive, Marine Street, Clarence Street, and Santa Fe Avenue, along the shores of San Francisco Bay. The Conservancy postponed action until its October public meeting, in light of several questions:

1. Can or should the project be redesigned to include stairs to the beach?
2. Are these sites a high enough priority to justify Conservancy involvement?
3. Will future sewer construction destroy the overlooks?
4. Are the designs appropriate for the sites?

This memorandum responds to those questions. Attached to this memorandum are a letter from the City of Richmond Engineering Department (Attachment A) addressing sewer repair, slope stability, and erosion; new letters from the San Francisco Bay Conservation and Development Commission and members of the Pt. Richmond community (Attachment B); and a slightly revised version of the September 2002 staff recommendation (Attachment C, including letters that arrived after compilation of materials for the Conservancy's September 26, 2002 public meeting) for possible Conservancy action in October. In addition, staff will make an oral presentation at the October 31 Conservancy meeting and present pictures of the sites.

Questions and answers

1. Can or should the project be redesigned to include stairs to the beach?

Of the four overlooks, one, Western Drive, now provides beach access via a slippery, rocky path to the beach. This will be upgraded for safety and aesthetics and signed as part of the current proposal.

It is also physically possible to construct a stairway to the shoreline Marine St. and Santa Fe Ave. Each would require an extensive stairway since they are both on the top of high bluffs. In 1999, when the Pt. Richmond Neighborhood Council (PRNC) first sought funding for these projects, Conservancy staff urged the PRNC to include stairways in their project. However, several complications arose, including significant opposition from the neighbors. Furthermore, the construction of stairways would have required re-zoning of the street end parcels. Given the opposition to the project, the PRNC thought that the re-zoning process would be far too time-consuming for their volunteer organization to handle. Although the City of Richmond is a project participant and fund recipient, the key project proponents are the members of the neighborhood volunteer organization.

In response to these complications, the PRNC proposes to divide the project into phases. The first phase is described in the attached staff recommendation, originally presented at the September 26, 2002 Conservancy meeting as a consent item, and now attached as a regular item for review and consideration. This phase does not include stairs. However, nothing in the project design would preclude constructing stairs during a future phase. It is the hope of the PRNC that they can demonstrate that the overlooks are a benefit to the community and with a successful track record move onto building stairs at a future date. Conservancy staff will work with the PRNC and the City of Richmond to provide technical assistance to move the second phase of this project forward.

2. Are these sites a high enough priority to justify Conservancy involvement?

Conservancy staff has long interpreted the Coastal Act and Bay Plan policies of maximizing coastal access to mean provide as many access opportunities as possible (see attached staff recommendation for discussion of Bay Plan consistency). A comprehensive system of accessways will also provide a variety of access opportunities. People should be able to reach or see the shore whether it is through developed beach and park facilities or smaller, low-key accessways and overlooks in residential neighborhoods.

Pt. Richmond is a highly diverse residential neighborhood of the City of Richmond with a mix of owner-occupied and rental housing. Very few people live in the waterfront homes. Most reside inland, particularly on the east side of the ridgeline facing the oil refineries and I-580. While parking is congested, as it is in Malibu and other coastal areas, there are many close by who would benefit from the bay vistas and picnic spots that these overlooks will provide. These overlooks and Western St. accessway will provide a valuable shoreline experience not only for Richmond residents but for residents from further inland who are even more likely to look at these overgrown, obscured sites and not even realize San Francisco Bay is right there.

3. Will future sewer construction destroy the overlooks?

According to the City's Engineer, Rich Davidson, the overlooks are not near the sewer (which is in the middle of the street) and will not be affected by future construction. Furthermore, if there were to be construction in the area, for example, on the adjacent storm drains, the improvements (landscaping, benches) could easily be moved, protected, or restored. Please see the letter dated October 8, 2002 from the City's Engineer, attached as Attachment A to this memorandum.

4. Are the designs appropriate for the sites?

The designs for these sites have been evaluated by the City's Planning Department, Design Review Board, and Engineering Department, and have been found to be appropriate. Furthermore, the Conservancy used its engineering services to evaluate concerns expressed about impacts from the project and found them to not have merit. (See letter from Roy Richardson in Exhibit 2 to the attached staff recommendation [Attachment C to this memorandum].) In terms of impacts to driveways, the designers have worked with the adjacent property owners to make sure that all improvements would be out of the way of the driveway. The project will have no effect on any property owner's ingress or egress.

Conclusion

Staff continues to recommend that the Conservancy authorize funding of the four overlooks and access improvements, in light of this memorandum and its accompanying materials, including the staff recommendation attached as Attachment C.

ATTACHMENT A

Letter from the City Engineer, City of Richmond

ATTACHMENT B

**Letters from the San Francisco Bay Conservation and Development Commission
and members of the Point Richmond community**

ATTACHMENT C
Staff Recommendation

COASTAL CONSERVANCY

Staff Recommendation

October 31, 2002

RICHMOND SCENIC OVERLOOKS

File No. 01-149

Project Manager: Brenda Buxton

STAFF

RECOMMENDATION: Staff recommends that the State Coastal Conservancy adopt the following Resolution pursuant to Sections 31160 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed sixty thousand dollars (\$60,000) to the City of Richmond to construct pedestrian overlooks at the terminus of Western Drive, Clarence Drive, and Santa Fe Street, and an overlook and public access improvements at Marine Street along the Pt. Richmond shoreline. Prior to the disbursement of any Conservancy funds, the City shall submit for the review and approval of the Executive Officer of the Conservancy a work program, budget, schedule, a sign plan and the names of any contractors to be employed.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and objectives of the San Francisco Bay Area Conservancy Program, Chapter 4.5 of Division 21 of the Public Resources Code.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”

COASTAL CONSERVANCY

Project Summary
October 31, 2002

RICHMOND SCENIC OVERLOOKS

File No. 01-149
Project Manager: Brenda Buxton

RECOMMENDED ACTION: Authorization to disburse up to \$60,000 to the City of Richmond to construct overlooks and public access improvements at the terminus of Western Drive, Marine Street, Clarence Street, and Santa Fe Avenue, along the shores of San Francisco Bay.

LOCATION: City of Richmond, Contra Costa County (see Exhibit 1)

PROGRAM CATEGORY: San Francisco Bay Conservancy

| | | |
|-----------------|---|------------------|
| ESTIMATED COST: | San Francisco Bay Conservation and Development Commission (BCDC) | \$40,000 |
| | Pt. Richmond Neighborhood Council (in-kind) | 20,000 |
| | Coastal Conservancy | <u>60,000</u> |
| | Total Project Costs | \$120,000 |

The Conservancy's contribution is expected to come from the Conservancy's FY 2000/01 "Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund" (Proposition 12) appropriation for the San Francisco Bay Area Conservancy Program.

PROJECT SUMMARY: The Point Richmond Neighborhood Council (PRNC), an organized group of neighborhood volunteers, proposes to work with the City of Richmond to transform four overgrown, undeveloped street ends into landscaped scenic vista points. These streets terminate at the edge of San Francisco Bay and have the potential to provide the public with visual or direct access to the Bay. These street ends are not developed for public use and, in some cases, are completely obscured by overgrown shrubs. The PRNC and the City propose to remove encroachments, trim overgrown shrubs, and install fencing, benches, and native plant landscaping in order to allow the public to en-

joy sweeping views of San Francisco Bay. In addition, an existing informal path at Western Drive leading to a small cove beach would be improved. The rest of the street ends are located at the top of bluffs along the Bay shoreline and would require stairs for public access to the shore. The PRNC may construct those improvements at a future time.

The PRNC worked on these projects for over four years because it sees these street ends not only as an amenity for the local residents but also for the region. These street ends would provide the only physical or visual access to the Bay along a several-mile-long stretch of shoreline between Keller Beach (owned and operated by the East Bay Regional Park District as part of the Miller-Knox Regional Shoreline) and Pt. Molate, a decommissioned military base that will be developed as a public park. Although these street ends will not have extensive amenities, they will provide visual and/or physical access to the bay for local residents who do not have direct shoreline access, anglers from adjacent, inland neighborhoods, and visitors seeking quieter parts of the shoreline.

This project has had tremendous support from the community at large. Over the last four years, the PRNC has secured \$20,000 worth of donated services from local landscaping architects and engineers as well as numerous hours from community members to bring these projects to this phase. The PRNC anticipates continuing to use volunteer labor during the construction phase. The PRNC is working with the City of Richmond, which has agreed to oversee construction and operate and maintain these improvements.

PROJECT SUPPORT: This project is supported by the San Francisco Bay Conservation and Development Commission, former Mayor Rosemary Corbin, the Pt. Richmond Neighborhood Council and local community members, many of whom donated significant amounts of professional services to design these projects. See Exhibit 2 for letters commenting on the project.

**CONSISTENCY WITH
CONSERVANCY'S
ENABLING LEGISLATION:**

The project is consistent with Section 31162 of the Public Resources Code which authorizes the Conservancy to undertake projects and award grants in the nine-county San Francisco Bay area for specified purposes. Consistent with Public Resources Code Section 31162, the project site is located within Contra Costa County, one of the nine counties in the San Fran-

cisco Bay Area, and will help achieve the goals of the San Francisco Bay Area Program (Sections 31160-31164) by providing public access to the bay (Section 31162(a)), and by providing open space and natural areas accessible to urban populations for recreational and educational purposes (Section 31162(d)).

In addition, the project satisfies the criteria for determining San Francisco Bay Area Conservancy Program project priority under Section 31163(d), as follows: 1) as noted above, the project is fully consistent with and supported by the adopted City of Richmond's General Plan; 2) the project serves a multi-jurisdictional constituency by providing access to visitors to Pt. Richmond's shoreline as well as inland residents who do not live immediately adjacent to the shoreline; 3) the project can be implemented in a timely fashion as the permit review is nearly complete; 4) in the event the project is not quickly implemented the PRNC's momentum will be lost and there are no other alternative project advocates; and 5) the Conservancy funding is matched by \$20,000 worth of donated professional services and \$40,000 from BCDC.

CONSISTENCY WITH
CONSERVANCY'S
PROGRAM GUIDELINES:

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

Required Criteria

Promotion of the Conservancy's Statutory Programs and Purposes: The project will help the Conservancy carry out the purposes of Division 21 of the Public Resources Code, Chapter 4.5, by providing public access to the bay, and by providing open space and natural areas accessible to urban populations for recreational and educational purposes.

Consistency with Purposes of the Funding Source: The purpose of the proposed funding source for the project is to implement the goals of the San Francisco Bay Area Conservancy Program including making open space and natural areas, such as the Bay's shoreline, accessible to urban populations.

Support from the Public: Community support is evidenced by the tremendous amount of donated time and professional services that have gone into this project.

Location: This trail project is located in the Point Richmond neighborhood of the City of Richmond, Contra Costa County, part of the nine-county San Francisco Bay Region.

Need: Without support from the Coastal Conservancy, this project will not go forward. The City of Richmond does not have sufficient staff time or funding to complete this project. The neighborhood volunteers who have donated many hours of time and expertise to bring the project to this point do not have the resources to complete the construction.

Greater-than-local Interest: These street end overlooks will provide visual and/or direct access to the San Francisco Bay shoreline, a natural and recreational resource of regional significance. This project will serve visitors to the Pt. Richmond area as well as other Richmond residents who do not live immediately adjacent to the shore.

Additional Criteria

Urgency: The PRNC has worked for nearly four years to finalize design and complete the environmental and permit review process. It is critical to securing funding for the project while this volunteer group is available to oversee it and the City has agreed to operate and maintain the sites.

Leverage: The Conservancy's \$60,000 contribution will be matched with \$40,000 from BCDC and \$20,000 worth of in-kind professional services.

Innovation: This is a public access project is initiated by local residents. While some members of the local community have opposed the creation of these overlooks, many have supported it and donated their professional expertise. This project is a contrast to other public access projects where most of the local community only voice opposition to sharing the shoreline with others..

**CONSISTENCY WITH
LOCAL PLANS:**

This project is consistent with the City of Richmond's 1994 General Plan Open Space and Conservation Element which calls for the protection and creation of vista points and overlooks, the encouragement of free public access to the Bay, and provision of maximum feasible access to the Richmond Shoreline.

EXHIBIT 1: October 31, 2002 Staff Recommendation

CONSISTENCY WITH
SAN FRANCISCO

BAY PLAN: This project is consistent with the Bay Plan which calls for additional access to and along the shoreline and notes that visual access is a critical part of public access (Public Access Findings a, b, c, d, and e, p. 26 San Francisco Bay Plan).

COMPLIANCE

WITH CEQA: The City of Richmond, lead agency for the overlooks project under the California Environmental Quality Act (CEQA), initially decided to circulate proposed Negative Declarations for the overlooks at Marine Street, Western Drive, and Santa Fe Avenue (approximately January 1999), and for the overlook at Clarence Street (approximately March 2001). In both cases, the City expected to determine that the proposed project could not have a significant effect on the environment.

However, in September 2002, upon reexamining the projects, the City determined that they were *exempt* from CEQA. Under 14 Cal. Code of Regulations Section 15304 (minor alteration to land) the project is exempt because it consist of minor trenching and backfilling, and will not result in the removal of mature, scenic trees or grading on a slope of more than ten percent. The installation of benches and signs is exempt under 14 Cal. Code of Regulations Section 15303 (installation of small new equipment and facilities). Work on the informal path to the beach at Western Drive is exempt under 14 Cal. Code of Regulations Section 15301 (repair or minor alteration of existing topographic features involving negligible or no expansion of use.) The City filed a Notice of Exemption on September 9, 2002. Staff concurs that the projects are exempt under these sections. Upon the Conservancy's approval, staff will file a Notice of Exemption for the projects.

The City received no comments on its 2001 proposed Clarence Street Negative Declaration. However, during the comment period for the 1999 proposed Negative Declaration for the Marine Street, Western Drive, and Santa Fe Avenue projects, the City received several letters (included in Exhibit 2), outlining concerns of adjacent property owners. One concern was the possibility that the projects might cause erosion or create slope instability. At the time, in light of the concern, the Coastal Conservancy hired Phillip Williams and Associates, a hydrology consultant, to review the proposed site plans. The consultant examined issues of cliff erosion, pathway construction, and ground cover. In a letter, the consultant concluded that "we can find no evidence to substantiate the concerns raised. . . ." (See the letter from Roy Richardson, Ph.D., dated November 9,

EXHIBIT 1: October 31, 2002 Staff Recommendation

1999, included in Exhibit 2.) In addition, the projects were reviewed and approved by the City of Richmond's Senior Civil Engineer for Building Regulations.

Increased traffic was another concern of the neighbors. The City, however, examined this issue, and concluded that any additional traffic generated by these projects would be minimal. The project is located in a residential neighborhood, and the limited amount of parking available makes significant increases in traffic unlikely. Additional 1999 stated concerns (including public safety and geotechnical considerations) and the City's responses are outlined in a January 14, 1999 written summary of City of Richmond staff's verbal presentation to the City's Environmental Assessment Panel, Exhibit 3.