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DATE: 3/12/2026

TO THE RICHMOND CITY COUNCIL:

The undersigned hereby appeals decision: By the Historic Preservation Commission _____
 By the Planning Commission X
 Denial _____ of: Approval X of:
 _____ Variance (V) X Tent Subd. Or Parcel Map (TM)
 _____ Conditional Use Permit (CUP) _____ Rezoning (RZ)
 _____ Design Review Permit (DRP) _____ EIR Decision (EIR)
 _____ Other _____

**DESCRIBE ITEM AS PRINTED ON THE PLANNING COMMISSION or
 HISTORIC PRESERVATION AGENDA:**

Marina Point Residential Project (PLN23-117): March 5 approval of design, vesting tentative map
 and Shoreline Overlay District CUP.

STATE REASONS FOR APPEAL:

TRAC, the Trails for Richmond Action Committee, is filing this appeal for the reasons stated in
 the attachment.

DELIVER OR MAIL TO:

City Clerk
 450 Civic Center Plaza, 3rd Floor
 Richmond, CA 94804

NAME Bruce Beyaert, TRAC Chair
 ADDRESS 73 Belvedere Ave., Richmond CA 94801
 73 Belvedere Ave., Richmond CA 94801
 TELEPHONE (HOME) 510-789-3078
 (WORK) _____

Clear Form


Print Form

SAVE THE BAY
560 14TH ST STE 400
OAKLAND CA 94612-1454

1008
90-8205/1211

3/10/2026
Date

PAY to the
order of CITY OF RICHMOND, CA \$ 500.00

FIVE HUNDRED AND 00/100 DOLLARS Dollars  Security features included. Details on back.

 Beneficial State Bank

For APPEAL FILING FEE

David Henry MP

⑆ 121182056 ⑆

Main Street Beneficial State Bank

Reasons for Appeal
by Trails for Richmond Action Committee (TRAC)
Planning Commission Approval of Marina Point Residential Project (PLN23-117)

For more than 40 years, the City of Richmond has required near-shore residential developments to design, install, and maintain attractive landscaping and public access amenities along the San Francisco Bay Trail. Examples range from the development of Marina Bay in the 1980s to the Shea Homes recent Waterline project between Brickyard Cove Road and Canal Boulevard.

In contrast, the Marina Point residential project approved by the Planning Commission on March 5 leaves a 50- to 60-foot-wide “Open Space” area as an unimproved strip with no landscaping and no public access amenities between the existing Bay Trail and the first row of houses.

This area lies within the zone 100 feet inland from the mean high tide line subject to:

1. A Conditional Use Permit under the City of Richmond’s Shoreline Overlay District ordinance; and
2. A permit from the Bay Conservation and Development Commission (BCDC).

The lack of landscaping and public amenities results from an effort to avoid these City and BCDC permit requirements on the part of applicant Guardian Capital of Carlsbad, CA.

Members of the Planning Commission were initially led to believe that landscaping would be provided. The agenda report for the March 5 meeting stated on pages 11–12:

“Extensive landscaping would also be provided at ... the frontage to the Bay Trail and coastline,” and “Landscaping would include trees ... along the Bay Trail.”

However, the attached Landscape Plan L1 shows no landscaping within the 50- to 60-foot-wide strip between the Bay Trail and the wall supporting the residential development.

When this became clear during the March 5 hearing, several Commissioners expressed concern and interest in requiring improvements.

Vice Chair Brubaker stated:

“One condition I was thinking is that the applicant shall design, build and maintain the entire open space between the houses and the Bay Trail... It should be open to the public to use and enjoy the space.”

Commissioner Timmons similarly observed:

“If I bought an expensive home and there was a big piece of land that nobody took accountability for it would just piss me off.... It just seems silly..... It's probably not that expensive of a development situation.”

However, the Commission was advised by City staff that requiring improvements in this area would create litigation risk under the Housing Accountability Act (HAA). As a result, the Commission declined to adopt a mandatory condition and instead approved a weak condition stating:

“Developer use its best efforts to collaborate with the City of Richmond and the BCDC on the design and development of the equitable solution and use of the strip of land between the Bay Trail and the residential development property.”

The central issue is that the Planning Commission was unaware that the **project application deemed complete on June 12, 2023 included landscaping and public access amenities in the area between the Bay Trail and the houses**, as shown on the attached Frontage Landscape Plan L2 dated June 9, 2023.

As a result, the Planning Commission understandably proceeded under the impression that requiring shoreline landscaping could introduce a new requirement. In fact, the requirement was already reflected in the project materials submitted to the City and deemed complete in 2023.

Under the SB 330 Permit Streamlining Act, the development standards and project features included in an application deemed complete establish the baseline against which the project must be reviewed. Similarly, under the Housing Accountability Act, a housing project that is consistent with applicable regulations at the time the application is deemed complete may not later be denied or made infeasible through new or more restrictive standards.

Because landscaping and public access amenities in the area between the Bay Trail and the houses were included in the application deemed complete, requiring those improvements would not introduce a new development standard. Instead, it would ensure that the project is constructed consistent with the plans and representations upon which the application was deemed complete.

As the applicant's attorney noted during the hearing:

“The project application was deemed complete ... under the Permit Streamlining Act, and it was thereafter deemed consistent with all of the city land use regulations... That deemed consistent status applies also to the Shoreline Overlay District.”

Request to the City Council

TRAC respectfully requests that the City Council ensure that the project approval record is accurate and complete by adopting the following additional condition of approval:

The applicant shall obtain from the Bay Conservation and Development Commission a permit to install and maintain landscaping and public access facilities in the space between the San Francisco Bay Trail and the project's wall fronting the Bay, and shall open this space for public use and enjoyment prior to issuance of the first certificate of occupancy for any residence.

This condition would not impose a new standard under the Housing Accountability Act, but would simply **ensure that the approval is consistent with the project application deemed complete by the City and with the City's Shoreline Overlay District ordinance.**

For decades, Richmond has worked with developers, regional agencies, and community organizations to create one of the most extensive and welcoming segments of the San Francisco Bay Trail. Requiring attractive landscaping and public access amenities along the shoreline has been a consistent expectation of waterfront development in Richmond. Ensuring that the Marina Point project meets this same standard will uphold the City's shoreline policies and continue Richmond's proud tradition of providing public access to San Francisco Bay.

Adopting this clarification would not require reopening or reconsidering the overall project approval. It would simply ensure that the project proceeds consistent with the shoreline improvements already reflected in the application deemed complete by the City.

Attachments

- Landscape Plan L1 presented at the March 5, 2026 Planning Commission meeting
- Frontage Landscape Plan L2 submitted June 12, 2023 as part of the application deemed complete



LANDSCAPE NARRATIVE

The plant palette is made up of a combination of evergreen and deciduous native and naturalizing plants that are disease and pest-resistant, drought-tolerant species arranged to complement the homes and buffer the site from Marina Way South and the adjacent Bay Trail. The plant arrangement is orthogonal to and against the buildings, along the fence line and transitions to a naturalistic pattern along the frontages within the large bioswales that run along the east side of the property. The design creates focal points at the project entry drives and adjacent to pedestrian pathways to highlight on-site pedestrian and vehicular circulation. Evergreen species are used at the property line and against the buildings to ground the tall structures.

The centrally located tot lot uses industrial looking play equipment that reflects the site's past as a shipyard. Interpretive art and signage may be installed along the project frontage to continue the Homefront story of the Kaiser Shipyards and fulfill the required Percent for Art contribution. The art will be reviewed by the Richmond Arts and Culture Commission and will be coordinated with the Rosie the Riveter Homefront Museum.

'Remnant' concrete walls with a board form finish are placed within the perimeter landscape as reminders of the large structures and site uses of the past. An existing foundation wall is preserved within the Bay Trail frontage. The same board form concrete finish is used for retaining walls along the project edges and for storm water treatment area walls. Site furnishings like tables, benches and trash/recycle receptacles will be a combination of recycled plastic or wood and metal to complement the homes and play area.

Street tree species were selected from the City of Richmond's adopted master list of street trees. The trees are specified as 24-inch box and 15-gallon size. The shrubs, ground covers and vines are 1- and 5-gallon size. Ornamental ground cover and bioswale plants are specified at one (1)-gallon container sizing and the hydroseeded erosion control planting will achieve full coverage within one (1) year. The undisturbed Bay Trail frontage will be hydroseeded with native coastal scrub vegetation.

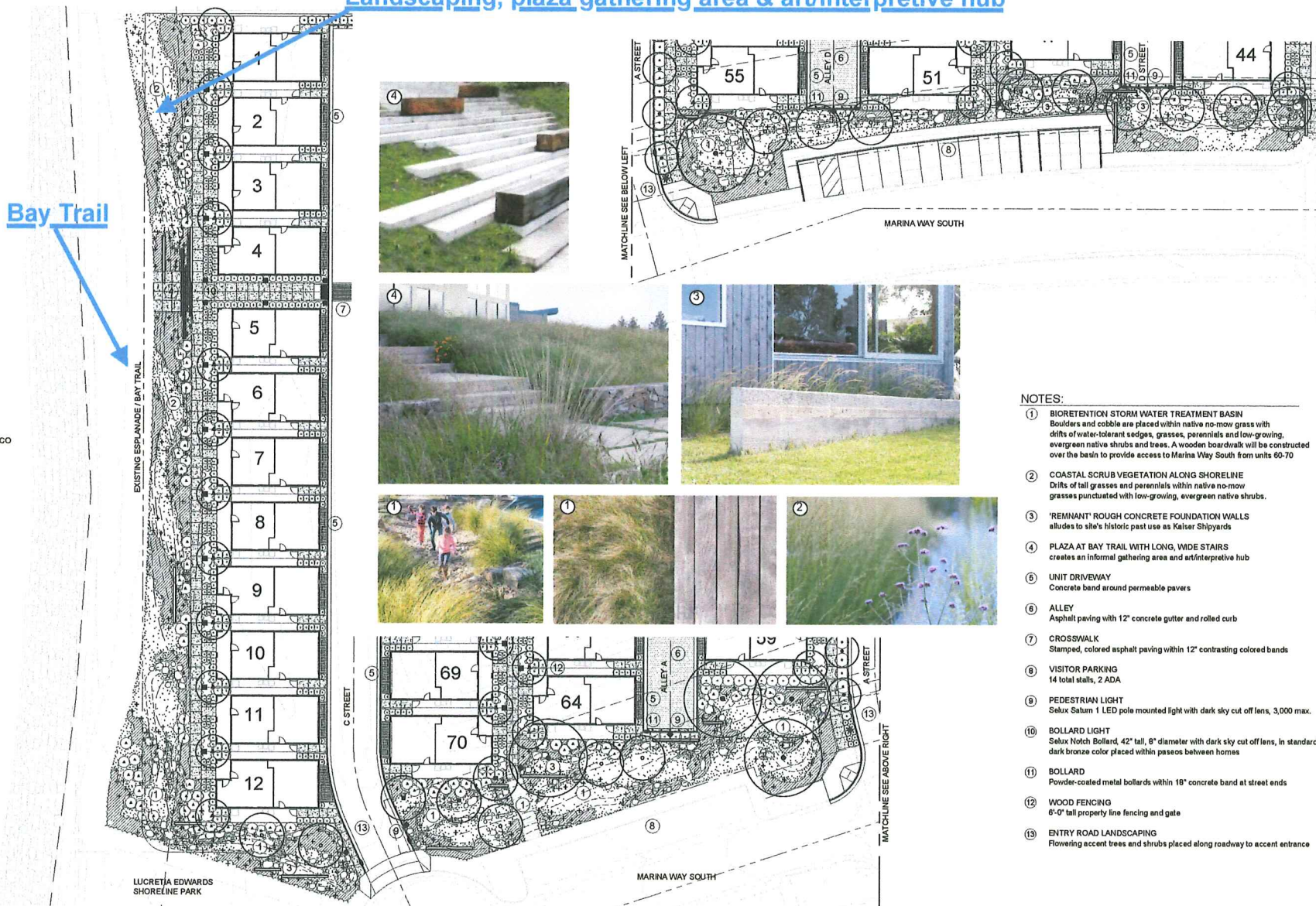
The landscape irrigation system will comply with the City of Richmond, Water Efficient Landscape Ordinance and will be automatically controlled by an approved EBMUD smart controller with multiple programming, weather data capability and rain shut off device. All valves/circuits are grouped in hydrozones (zones) with matched precipitation rates, separated based upon water use. The system will mainly be made up of in-line drip and bubblers to all planted ground cover, shrubs and trees with a temporary spray area to establish the native hydroseeded area. Each zone will have low head check valves.

LANDSCAPE AREA:

TOTAL SITE AREA:	4.92 A.C. 214,315 SF
TOTAL LANDSCAPE AREA:	52,332 SF
PERCENTAGE LANDSCAPED:	24.4% OF TOTAL AREA OF PARCEL

Plan from Application Deemed Complete on June 12, 2023

Landscaping, plaza gathering area & art/interpretive hub

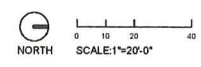


- NOTES:**
- ① BIoretention STORM WATER TREATMENT BASIN
Boulders and cobbles are placed within native no-mow grass with drifts of water-tolerant sedges, grasses, perennials and low-growing, evergreen native shrubs and trees. A wooden boardwalk will be constructed over the basin to provide access to Marina Way South from units 60-70
 - ② COASTAL SCRUB VEGETATION ALONG SHORELINE
Drifts of tall grasses and perennials within native no-mow grasses punctuated with low-growing, evergreen native shrubs.
 - ③ 'REMNANT' ROUGH CONCRETE FOUNDATION WALLS
alludes to site's historic past use as Kaiser Shipyards
 - ④ PLAZA AT BAY TRAIL WITH LONG, WIDE STAIRS
creates an informal gathering area and art/interpretive hub
 - ⑥ UNIT DRIVEWAY
Concrete band around permeable pavers
 - ⑧ ALLEY
Asphalt paving with 12" concrete gutter and rolled curb
 - ⑦ CROSSWALK
Stamped, colored asphalt paving within 18" contrasting colored bands
 - ⑧ VISITOR PARKING
14 total stalls, 2 ADA
 - ⑧ PEDESTRIAN LIGHT
Selux Saturn 1 LED pole mounted light with dark sky cut off lens, 3,000 max.
 - ⑩ BOLLARD LIGHT
Selux Notch Bollard, 42" tall, 8" diameter with dark sky cut off lens, in standard dark bronze color placed within paseos between homes
 - ⑪ BOLLARD
Powder-coated metal bollards within 18" concrete band at street ends
 - ⑫ WOOD FENCING
6'-0" tall property line fencing and gate
 - ⑬ ENTRY ROAD LANDSCAPING
Flowing accent trees and shrubs placed along roadway to accent entrance



MARINA POINT
RICHMOND, CA # 2023-0104

DESIGN REVIEW
JUNE 9, 2023



FRONTAGE
ENLARGEMENT PLAN

L2