

Public Comment

From: [Anne Holmes](#)
To: [Sean Tully](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Tuesday, April 20, 2021 11:16:15 AM

Dear Contra Costa County Planning Commission

In the near future, you will be reviewing the Tassajara Parks planned development outside the Urban Limit Line. City boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. As illustrated by the recent fires, we already feel the effects of climate change on a regular basis.

Protecting the Urban Limit Line is a critical way to maintain fire boundaries and reduce our greenhouse gas emissions. In December 2016, your Board of Supervisors approved the Urban Limit Line and determined that sufficient capacity exists countywide inside the ULL to accommodate housing and growth through 2036. Why risk the health and safety of our region to build outside of the Urban Limit Line? We need more housing in our cities and existing communities, not outside of the Urban Limit Line. I urge you to vote no on the Tassajara Valley project.

Thank you,
Anne Holmes

From: [Benjamin Simrin](#)
To: [Sean Tully](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Tuesday, April 20, 2021 3:06:37 PM

Dear Contra Costa County Planning Commission

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Thank you,
Benjamin Simrin

From: [CARL LUHRING](#)
To: [Sean Tully](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Tuesday, April 20, 2021 10:22:16 AM

Dear Contra Costa County Planning Commission

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Thank you,
CARL LUHRING

From: [Elizabeth Hudson](#)
To: [Sean Tully](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Tuesday, April 20, 2021 7:43:24 PM

Dear Contra Costa County Planning Commission

In the near future, you will be reviewing the Tassajara Parks planned development outside the Urban Limit Line. City boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. As illustrated by the recent fires, we already feel the effects of climate change on a regular basis.

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Thank you,
Elizabeth Hudson

From: [Fiorella Russo-Jang](#)
To: [Sean Tully](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Tuesday, April 20, 2021 9:56:39 PM

Dear Contra Costa County Planning Commission

In the near future, you will be reviewing the Tassajara Parks planned development outside the Urban Limit Line. City boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. As illustrated by the recent fires, we already feel the effects of climate change on a regular basis.

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Thank you,
Fiorella Russo-Jang

To: County of Contra Costa notes RE: 40 acre
Chair. Board of Supervisors

- 1) To preserve and enhance agricultural uses within the Tassajara Valley.

Answer:

In past 40+ years I have not observed a single minute change or enhancement made toward the area where my 40 acre is situated or heard it happen anywhere else in Tassajara Valley.

Please don't lie to me or us.

By preserving as you have done in past forty years, you do not need the assistance of San Ramon and Park district going forward the same for next forty years.

Unless, we know specifically what good it would avail us economically, we oppose to such alliance between the parties. We are all hurting economically in this area we need action, not words please.

Signed: Hugh Aplan
6909 Johnston Road
Danville, CA. 94506

From: [Janet Carpinelli](#)
To: [Sean Tully](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Tuesday, April 20, 2021 9:49:51 PM

Dear Contra Costa County Planning Commission

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Thank you,
Janet Carpinelli

From: [JUDITH SMITH](#)
To: [Sean Tully](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Tuesday, April 20, 2021 4:34:28 PM

Dear Contra Costa County Planning Commission

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Thank you,
JUDITH SMITH

From: [Kermit Cuff](#)
To: [Sean Tully](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Tuesday, April 20, 2021 12:58:34 PM

Dear Contra Costa County Planning Commission

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Thank you,
Kermit Cuff

From: [Laura de Jesus](#)
To: [Sean Tully](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Tuesday, April 20, 2021 11:27:58 AM

Dear Contra Costa County Planning Commission

In the near future, you will be reviewing the Tassajara Parks planned development outside the Urban Limit Line. City boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. As illustrated by the recent fires, we already feel the effects of climate change on a regular basis.

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Thank you,
Laura de Jesus

From: [Ms Heath](#)
To: [Sean Tully](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Tuesday, April 20, 2021 11:12:30 AM

Dear Contra Costa County Planning Commission

In the near future, you will be reviewing the Tassajara Parks planned development outside the Urban Limit Line. City boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. As illustrated by the recent fires, we already feel the effects of climate change on a regular basis.

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Thank you,
Ms Heath

From: [Nancy Martini](#)
To: [Sean Tully](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Tuesday, April 20, 2021 12:29:47 PM

Dear Contra Costa County Planning Commission

In the near future, you will be reviewing the Tassajara Parks planned development outside the Urban Limit Line. City boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. As illustrated by the recent fires, we already feel the effects of climate change on a regular basis.

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Thank you,
Nancy Martini

From the desk of:

Philip G. O'Loane

June 1, 2021

Kevin Van Buskirk
Chair
Contra Costa County Planning Commission
651 Pine St.
Martinez, CA 94553

Dear Chair Van Buskirk:

I am writing to express my support for the conservation aspects of the Tassajara Parks project and to review the reasons why the City of San Ramon unanimously approved the Memorandum of Understanding between the city, Contra Costa County and East Bay Regional Parks District.

During my tenure on the San Ramon City Council, the policy that San Ramon would look to create a permanent, preserved open space buffer on both the east and west sides of the city was one of our core tenets and remains the case now as well. The reasons for my support of this project are as follows:

1. The open space being proposed to be donated to EBRPD's Foundation is adjacent to San Ramon's Hidden Valley Open Space and clearly furthers that city open space protection goal.
2. The collar of land on the north side of Tassajara Road creates a permanent protection against further extension of the Urban Limit Line and gives EBRPD control to prevent any extension of development due to the need to cross their property which they have had a policy against granting. This effectively puts a cork in any further development in Tassajara Valley which the residents also desire.
3. The \$4 million investment in open space and agricultural preservation will create the potential for space making to preserve the unique aspects of this special part of the county.
4. These publicly accessible, permanently preserved open spaces also keep the potential alive for eventually being able to create a trail connecting San Ramon to Mount Diablo State Park, a longstanding desire also expressed by the San Ramon City Council.

I ask that you approve the proposal and further San Ramon's desire to make East Bay Regional Park District our only neighbor on both sides of town – a goal that benefits all Contra Costa County residents.

Thank you for your consideration.

Sincerely,



Phil O'Loane
San Ramon City Council Member 2011 - 2019

From: [Rachel Loui](#)
To: [Sean Tully](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Tuesday, April 20, 2021 2:40:53 PM

Dear Contra Costa County Planning Commission

In the near future, you will be reviewing the Tassajara Parks planned development outside the Urban Limit Line. City boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. As illustrated by the recent fires, we already feel the effects of climate change on a regular basis.

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Thank you,
Rachel Loui

From: [Rebecca Eiseman](#)
To: [Sean Tully](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Tuesday, April 20, 2021 12:14:55 PM

Dear Contra Costa County Planning Commission

In the near future, you will be reviewing the Tassajara Parks planned development outside the Urban Limit Line. City boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. As illustrated by the recent fires, we already feel the effects of climate change on a regular basis.

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Thank you,
Rebecca Eiseman

From: [Reetta Raag](#)
To: [Sean Tully](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Wednesday, April 21, 2021 8:38:46 AM

Dear Contra Costa County Planning Commission

In the near future, you will be reviewing the Tassajara Parks planned development outside the Urban Limit Line. City boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. As illustrated by the recent fires, we already feel the effects of climate change on a regular basis.

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Thank you,
Reetta Raag

From: [regina raab](#)
To: [Sean Tully](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Wednesday, April 21, 2021 4:00:21 PM

Dear Contra Costa County Planning Commission

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Thank you,
regina raab

From: [Teresa Castle](#)
To: [Sean Tully](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Tuesday, April 20, 2021 1:43:48 PM

Dear Contra Costa County Planning Commission

In the near future, you will be reviewing the Tassajara Parks planned development outside the Urban Limit Line. City boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. As illustrated by the recent fires, we already feel the effects of climate change on a regular basis.

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Thank you,
Teresa Castle

From: [Teri Yazdi](#)
To: [Sean Tully](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Tuesday, April 20, 2021 9:51:19 AM

Dear Contra Costa County Planning Commission

In the near future, you will be reviewing the Tassajara Parks planned development outside the Urban Limit Line. City boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. As illustrated by the recent fires, we already feel the effects of climate change on a regular basis.

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Thank you,
Teri Yazdi

From: [Paula Davila-Hester](#)
To: [DCD PlanningHearing](#)
Cc: [Paula Davila-Hester](#)
Subject: Tassajara Parks Project - We are firmly OPPOSED to this project
Date: Tuesday, June 1, 2021 5:35:58 PM

Dear Planning Commission,

My husband and I are homeowners in the Alamo Creek subdivision located in the un-incorporated area of the town of Danville. We purchased our home in the lovely Tassajara Valley due to the beauty and tranquility of this very special area. Tassajara has already been negatively impacted by the increased traffic flow caused by the extension of Tassajara blvd. from Danville all the way to Dublin. There are some evenings this tranquil area sounds like a freeway due to all of this increased traffic. We don't need to add to the problem by re-zoning this area to add more housing. The Tassajara Valley is a special place because its' residents love the tranquility and beauty of this area, that's why many of us elected to move here!

NO MORE HOUSING and NO RE-ZONING IN THE TASSAJARA VALLEY!

Sincerely,

Wes & Paula Hester
839 Griffon Court, Danville

From: [Aaron Eckhouse](#)
To: [DCD PlanningHearing](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Wednesday, June 9, 2021 11:20:18 AM

Contra Costa Planning Commission ,

Dear Contra Costa Planning Commission,

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We need more housing in our cities and existing communities, not outside of the Urban Limit Line. There are plenty of opportunities for Contra Costa County to plan for & build the new homes we need without further sprawl. I urge you to vote no on the Tassajara Valley project.

Thank you!

Aaron Eckhouse
aaron@cayimby.org

Emeryville, California 94608

From: [Alexander Salazar](#)
To: [DCD PlanningHearing](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Wednesday, June 9, 2021 7:52:48 PM

Contra Costa Planning Commission ,

Dear Contra Costa Planning Commission,

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Thank you!

Alexander Salazar
salazander42@gmail.com
251 Gale Ridge Ct
San Ramon, California 94582

From: [Alexandra Terry](#)
To: [DCD PlanningHearing](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Wednesday, June 9, 2021 8:17:23 PM

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Thank you!

Alexandra Terry
scarymonsteralex@gmail.com
4045 Sacramento st
Concord, California Ca

From: allisonmariecooper@gmail.com
To: [DCD PlanningHearing](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Monday, June 7, 2021 9:29:00 PM

Contra Costa Planning Commission ,

Dear Contra Costa Planning Commission,

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Thank you!

allisonmariecooper@gmail.com
244 Behrens St.
El Cerrito, California 94530

From: [Amy Gratteau](#)
To: [DCD PlanningHearing](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Monday, June 7, 2021 11:10:39 AM

Contra Costa Planning Commission ,

Dear Contra Costa Planning Commission,

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Thank you!

Amy Gratteau
gratteauamy@hotmail.com
2001 Drysdale Street
Danville, California 94506

From: [Andrew Chao](#)
To: [DCD PlanningHearing](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Monday, June 7, 2021 10:00:18 AM

Contra Costa Planning Commission ,

Dear Contra Costa Planning Commission,

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Thank you!

Andrew Chao
perin8ac@gmail.com
621 El Capitan Drive
Danville, California 94526

From: [Collier Canyon](#)
To: [DCD PlanningHearing](#)
Cc: hughafshar@gmail.com
Subject: Contra Costa County Planning Commission / WEDNESDAY, June 9, 2021/ TASSAJARA PARKS PROJECT
Date: Wednesday, June 9, 2021 11:13:47 AM

Please include for the record opposition pertaining to AGREEMENT REGARDING PRESERVATION AND AGRICULTURAL ENHANCEMENT IN THE TASSAJARA VALLEY ("Agreement").

This "Agreement", as it is being contemplated by Contra Costa County, East Bay Regional Park District, City of San Ramon ("Party") and developer of Tassajara Parks Project ("Developer") is without of the consent from owners of affected by the "Agreement" property.

The "Agreement" that proposes to crate "PROPOSED PRESERVATION AND ENHANCEMENT AREA" enhances nothing for the benefit of creating a viable agriculture or new agriculture in Tassajara Valley. The "Agreement" also applies ambiguous restrictions and another layers of bureaucracy to over 17,677 acres of Tassajara private properties. All it is done by the "Party" and "Developer" without of consent from owners of affected property.

"PROPOSED PRESERVATION AND ENHANCEMENT AREA" is already adequately protected by current AG zoning, and Land Conservation Program, and there is no need for new bureaucracy or additional jurisdictions over 17,677 acres of Tassajara private properties.

It is apparent that contemplated "Agreement" is done for the benefit of "Developer" to achieve approval of 30-acre Tassajara Parks project subdivision to capitalize on a loophole in the County code ordinance Section 82-1.018 which allows "Developer" to skip a public vote on the project, and instead puts BOS in charge to decide about the project.

Developer is free to do what they want with their lands. However, "Developer" and "Party" are not free to simply force "Agreement" to other privately own lands in Tassajara Valley because "Developer" does not own those other lands. Consequently, BOS should not support this overreach force upon other privately own lands in Tassajara Valley.

Thanks,
Anna Nahlik

CC: Hugh Afshar

From: [Anoeil Odisho](#)
To: [DCD PlanningHearing](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Wednesday, June 9, 2021 9:52:31 AM

Contra Costa Planning Commission ,

Dear Contra Costa Planning Commission,

In the near future, you will be reviewing the Tassajara Parks planned development outside the Urban Limit Line. City boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. As illustrated by the recent fires, we already feel the effects of climate change on a regular basis.

Protecting the Urban Limit Line is a critical way to maintain fire boundaries and reduce our greenhouse gas emissions. In December 2016, your Board of Supervisors approved the Urban Limit Line and determined that sufficient capacity exists countywide inside the ULL to accommodate housing and growth through 2036. Why risk the health and safety of our region to build outside of the Urban Limit Line? We need more housing in our cities and existing communities, not outside of the Urban Limit Line. I urge you to vote no on the Tassajara Valley project.

Thank you!

Best,

Anoeil Odisho

Anoeil Odisho
photoano@gmail.com

San Jose, California 95120

From: [Anthie Booras](#)
To: [DCD PlanningHearing](#)
Subject: NO!!! on the Tassajara Parks Project
Date: Tuesday, June 8, 2021 9:12:09 AM

As someone who has lived off of Tassajara Road and in particular right next to the area in which you plan to put this project of more homes in which we do not need, I and my family are highly against this. We already have too much traffic on the one lane road leading between our area and Dublin, and we do not need more cars and more people clogging that road. We voted multiple times for that urban limit line which means the people want to keep it how it is. You cannot just go in there and change things because you guys want more money from tax revenue and other such things related to building more homes. We said no before, we're going to say no again, and we're going to keep saying no!!

Anthie Booras
925-216-8639

Sent from my iPhone

From: [Barbara Sullivan](#)
To: [DCD PlanningHearing](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Wednesday, June 9, 2021 12:41:17 PM

Contra Costa Planning Commission ,

Dear Contra Costa Planning Commission,

In the near future, you will be reviewing the Tassajara Parks planned development outside the Urban Limit Line. City boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. As illustrated by the recent fires, we already feel the effects of climate change on a regular basis.

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Thank you!

Barbara Sullivan
Barbjsulli@aol.com
607 Rock Island Circle
Danville, California 94526

From: [DCD PlanningHearing](#)
Subject: FW: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Monday, June 7, 2021 8:47:18 AM

From: Carol Weed <info@email.actionnetwork.org>
Sent: Monday, June 7, 2021 8:43 AM
To: DCD PlanningHearing <PlanningHearing@dcd.cccounty.us>
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks

Contra Costa Planning Commission ,

Dear Contra Costa Planning Commission,

When you vote on revising the General Plan to permit the Tassajara Parks planned development outside the Urban Limit Line, you need to consider:

- The urban limit line exists for several reasons.
- More dense housing around transit hubs is needed, NOT sprawl which increases traffic, GHG emissions, and thus speeds climate change.
- Protecting open space is important to reduce wildfire risk.
- More development of this land means more water lines and inefficient use of a limited resource.
- If you allow this General Plan revision, it invites proposals for variances.

Thank you!

Carol Weed
carol4ofa@gmail.com
1277 Avenida Sevilla 2A
Walnut Creek , California 94595

From: [Christian Wiedemann](#)
To: [DCD PlanningHearing](#)
Cc: [Sean Tully](#); [John Kopchik](#); [Supervisor Burgis](#); [Supervisor Candace Andersen](#)
Subject: Letter of Opposition - Tassajara Parks "Agricultural Preservation Agreement"
Date: Wednesday, June 9, 2021 12:19:19 PM
Attachments: [170202 Hoge Fenton Tassajara Parks MOU Memorandum.PDF](#)

Members of the Contra Costa County Planning Commission,

I'm writing to you as a landowner in the Tassajara Valley, and also as a representative of the Tassajara Valley Property Owners Association (TVPOA) a group of famers, ranchers, and landowners that represents over 90% of all agricultural lands in the Tassajara Valley. I'm writing regarding the "Agricultural Preservation Agreement" being proposed by the Tassajara Parks developer.

Simply stated, the proposed "preservation agreement" is fraudulent. It was written by the Tassajara Parks developer as a means to move the Urban Limit Line for the Tassajara Parks project without a public vote. It has so far been authorized for approval by the City of San Ramon and East Bay Regional Parks, presumably because they expect to share in the \$6.5 million dollar donation the Tassajara Parks developer is attaching to the agreement. Other parties were invited to sign the agreement but correctly rejected it and now vocally oppose it.

The only reason the agreement exists is for the developer to receive an expedited approval for the proposed project; the agreement does not actually preserve anything. It applies to an area that is outside of the Urban Limit Line, zoned A-80 Agricultural, and encumbered by the Williamson Act. In other words, the agreement claims to preserve an area that is already completely preserved. Multiple legal opinions confirm this, including the attached formal opinion from Hoge Fenton.

The agreement also does not meet the County's minimum legal requirements for a preservation agreement. In fact, it creates a path for more high-density development in Tassajara in the future, despite the developer's claims to the contrary. By approving this agreement, the County is signalling to every other developer in Northern California that by offering a similar "preservation agreement" and contributing several million dollars to the County, they too can move the Urban Limit Line and have their project approved without bothering with a public vote. These are some of the reasons why two of the most prominent conservation groups in California, Sierra Club and Greenbelt Alliance, both strongly oppose not only the Tassajara Parks project, but also specifically oppose the "preservation agreement" attached to it.

In addition to Tassajara Valley agricultural producers, the agreement is vocally opposed by:

- The Town of Danville
- The Greenbelt Alliance
- The Sierra Club
- The Tassajara Valley Preservation Association
- East Bay MUD
- And many others...

On behalf of farmers, ranchers, and landowners in Tassajara, I respectfully request that the Planning Commission make a formal recommendation to the Board of Supervisors that the proposed Tassajara Parks "preservation agreement" be rejected. Thank you for your

consideration on this important issue.

Sincerely,

Christian Wiedemann

--

Christian Wiedemann | *Wiedemann Ranch, Inc.*
415.794.3394 direct | 925.371.9663 fax
wiedemannranch.com

February 2, 2017

Christian Wiedemann
6989 Highland Road
Pleasanton, CA 94588

Re: Proposed Memorandum of Understanding is Not a "Preservation Agreement"
under *Contra Costa County Ordinance Code § 82-1.018*
Our File No.: 89509

Dear Christian:

I. INTRODUCTION

Under Contra Costa County's ordinance code, one way to accomplish development beyond the county-created Urban Limit Line ("ULL") is to effectuate a "preservation agreement" that is signed onto by a "majority of cities." *Contra Costa County Ordinance Code § 82-1.018(a)(3)*. This section of the code provides no definition for the term "preservation agreement." No other portion of the ordinance code, or any other County law for that matter, provides definitional guidance for interpreting what exactly a "preservation agreement" is or what it should be designed to accomplish.

On September 23, 2016, a Memorandum of Understanding ("MOU") was proposed pertaining to Tassajara Parks, which purports to be a "preservation agreement" per the County ordinance code. However, aside from reaffirming current sections of the code, it does little to accomplish its supposed environmental protectionist goals and instead creates a significant loophole at the end of the memorandum that provides for quick approval to urban development outside of the ULL.

As a result, the proposed MOU is not sufficient to serve as a "preservation agreement" under *Contra Costa County Ordinance Code §82-1.018*.

II. CURRENT CONTRA COSTA COUNTY LAW

The Contra Costa County Ordinance Code provides that, generally, urban development within the county must be limited to occurring on no more than thirty-five percent of the county's land. *Contra Costa County Ordinance Code §82-1.006*. The remaining sixty-five percent must be "preserved for agriculture, open space, wetlands, parks and other nonurban uses." *Id.* According to the Contra Costa County General Plan 2005 – 2020, Contra Costa County has adopted as a Countywide policy the goal of promoting "cooperation between the County and cities to preserve agricultural and open space land." *Section 3-13*.

To ensure this standard is maintained, the County established an Urban Limit Line ("ULL"), which was determined and adopted by the voters on November 7, 2006. See *Contra Costa County Ordinance Code §82-1.010*. The adoption of the ULL in 2006 was an extension of an earlier voter-approved measure on the same topic – Measure C-1990 – which was passed in November of 1990. The purpose of the ULL is to limit "potential urban development in the county to thirty-five percent of the land in the county and prohibits the county from designating any land located outside the urban limit line for an urban land use." *Id.*

The ULL cannot be changed in a manner that would violate the 65/35 standard. The boundaries of the line itself, however, can be changed "by a four-fifths vote of the board of supervisors after holding a public hearing" so long as the board makes one of seven findings based upon "substantial evidence in the record." *Contra Costa County Ordinance Code §82-1.018*. One of those seven findings reads as follows: "A majority of the cities that are party to a preservation agreement and the county have approved a change to the urban limit line affecting all or any portion of the land covered by the preservation agreement." *Contra Costa County Ordinance Code §82-1.018(a)(3)*.

III. DEFINING "PRESERVATION AGREEMENT"

The Contra Costa County Ordinance Code does not define "preservation agreement." Likewise, the General Plan does not provide any additional guidance as to what a "preservation agreement" is or requirements for the enactment of one. Instead, the Code and all other Contra Costa County sources of legal authority make no mention of definitional guidance for interpreting the term. Furthermore, no legislative history pertaining to the enactment of *Contra Costa County Ordinance Code § 82-1.018* reveals any additional guidance for defining "preservation agreement" under the code.

Counsel spoke with a County Planner in late December 2016. The County Planner was unable to point to any authority that would shed additional light on what a "preservation agreement" must be comprised of under County law. Instead, the County Planner alluded to the idea that the term was intuitive – that a preservation agreement is simply an agreement signed onto in order to preserve some sort of environmental resource.

Furthermore, the County Planner informed Counsel that perhaps the only example of a "preservation agreement" to which the County is a party is a document that was signed on August 4, 1987 to establish an "agricultural preservation area in the Briones Hills." Although the document is titled as a "Resolution," the document itself refers to its contents as a "preservation agreement." *Resolution No. 87/483*. The contents of the agreement explicitly serve the purpose of preserving land within a specific portion of the Briones Hills and the parties signing the agreement agreed "to a policy of non-annexation to urban service districts and cities for agricultural and open space properties..." *Id.* Aside from this particular document, Contra Costa County provides no additional guidance on defining "preservation agreement."

Some laws in California have clearly defined preservation agreements for the purposes of compliance with a particular statute. For example, The Mills Act provides tax breaks for property owners that purchase certain "historic" properties and agree to sign historic property preservation agreements. *Cal. Gov. Code §50280 et seq.* Although the act itself describes such agreements as "contracts," such contracts are typically referred to as "historic property preservation agreements" (*See examples of preservation agreements under the Mills Acts from the following municipalities: Contra Costa County, Benicia, City of*

Orange, Escondido, and Coronado). California Government Code §50281 clearly sets forth the requirements for such agreements:

Any contract entered into under this article shall contain the following provisions:

- (a) The term of the contract shall be for a minimum period of 10 years.*
- (b) Where applicable, the contract shall provide the following:*
 - (1) For the preservation of the qualified historical property and, when necessary, to restore and rehabilitate the property to conform to the rules and regulations of the Office of Historic Preservation of the Department of Parks and Recreation, the United States Secretary of the Interior's Standards for Rehabilitation, and the State Historical Building Code.*
 - (2) For an inspection of the interior and exterior of the premises by the city, county, or city and county, prior to a new agreement, and every five years thereafter, to determine the owner's compliance with the contract.*
 - (3) For it to be binding upon, and inure to the benefit of, all successors in interest of the owner. A successor in interest shall have the same rights and obligations under the contract as the original owner who entered into the contract.*

Cal. Gov. Code §50281

The Mills Act, at the very least, serves as a definitive example of how a California legislature envisions a preservation agreement. Note that it does not provide any carve outs or exceptions to preserving the property; instead, it truly *preserves* the designated property and seeks to ensure it maintains its historic character.

IV. THE PROPOSED MOU CANNOT SERVE AS A "PRESERVATION AGREEMENT" BECAUSE IT FULFILLS NO REASONABLE INTERPRETATION OF THE TERM.

As addressed above, there is no dispute that Contra Costa County has failed to define "preservation agreement" per *Contra Costa County Ordinance Code § 82-1.018* within any of its sources of law. Instead, the term is used in *Contra Costa County Ordinance Code § 82-1.018* without any definitional support. However, as is demonstrated through both the Briones Hills preservation agreement – which is evidently the County's only historical example of a preservation agreement signed within the County – and California statutes like the Mills Act, the proposed MOU cannot serve as a preservation agreement because it meets no reasonable definition of the term.

First, the proposed MOU does not embody the same or even similar content to the Briones Hills preservation agreement, which allowed for definite preservation of specific land for agricultural and open space purposes. The proposed MOU serves only one purpose – it creates an unprecedented mechanism for the County to singlehandedly approve projects invading the ULL without further scrutiny, so long as the project agrees to "permanently preserv[e]" 500 acres of land and dedicates \$4 million to an "agricultural enhancement

fund." Unlike the Briones Hills preservation agreement, the proposed MOU does not serve the exclusive purpose of preserving lands for agricultural and open space purposes but instead simply permits development with the caveat that 500 acres of the land sought to be developed are protected. It gives no further consideration to *which* 500 acres of land must be preserved within the proposed development, and does not even seem to require that those 500 acres of land exist within the proposed development.

Additionally, it is worth noting that the ULL and procedures for development outside it were originally adopted in 1990. The Briones preservation agreement was enacted three years prior. Given that we have been unable to find any other examples of preservation agreements that pre-date 1990, the Briones preservation agreement must have been in mind when the ULL was originally established. Thus, the Briones preservation agreement serves as the best example of how the term "preservation agreement" is to be interpreted and, as detailed above, it and the proposed MOU do not serve the same or even similar goals.

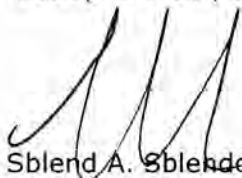
Second, the proposed MOU does not embody any similarities to the Mills Act, which serves as an example of how the California legislature has sought to define the term preservation agreement under other statutory law. Unlike the Mills Act, which requires documents – often referred to as "preservation agreements" – to be clearly crafted for the exclusive purpose of preserving historic properties without exception, the proposed MOU fails to serve an analogous purpose. Instead, the proposed MOU operates with the ultimate goal of easing urban development, with the small caveat that an unidentified 500 acres be excluded from development during the process. Thus, the proposed MOU bears little to no similarity to the preservation agreements adopted under the Mills Act.

V. CONCLUSION

Contra Costa County provides no determinative authority defining the term "preservation agreement" as it appears in *Contra Costa County Ordinance Code § 82-1.018*. Further research into both the County's past practice and California statutory law reveals that the current MOU as proposed meets no colloquial definition of "preservation agreement" because instead of operating to preserve lands within the County, it actually provides a mechanism through which urban development can be achieved with more ease than ever before. Therefore, the proposed MOU cannot serve as a "preservation agreement" under *Contra Costa County Ordinance Code § 82-1.018* and must be rejected for the purposes of expanding the ULL.

Very truly yours,

HOGE, FENTON, JONES & APPEL, INC.



Sblend A. Sblendorio

SAS: rag

From: [Colin Cook](#)
To: [DCD PlanningHearing](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Tuesday, June 8, 2021 8:52:41 AM

Contra Costa Planning Commission ,

Dear Contra Costa Planning Commission,

In the near future, you will be reviewing the Tassajara Parks planned development outside the Urban Limit Line. City boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. As illustrated by the recent fires, we already feel the effects of climate change on a regular basis.

Protecting the Urban Limit Line is a critical way to maintain fire boundaries and reduce our greenhouse gas emissions. In December 2016, your Board of Supervisors approved the Urban Limit Line and determined that sufficient capacity exists countywide inside the ULL to accommodate housing and growth through 2036. Why risk the health and safety of our region to build outside of the Urban Limit Line? We need more housing in our cities and existing communities, not outside of the Urban Limit Line. I urge you to vote no on the Tassajara Valley project.

Thank you!

Colin Cook
colin.cook@gmail.com

Clayton, California 94517

From: [Daniel Schulman](#)
To: [DCD PlanningHearing](#)
Subject: Please vote no on Tassajara Parks
Date: Wednesday, June 9, 2021 9:26:33 AM

Contra Costa Planning Commission ,

Dear Contra Costa Planning Commission,

In the near future, you will be reviewing the Tassajara Parks planned development outside the Urban Limit Line. City boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. As illustrated by the recent fires, we already feel the effects of climate change on a regular basis.

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Thank you!

Daniel Schulman
dansschulman@hotmail.com
124 Behrens St
El Cerrito, California 94530

From: [Darla Vorous](#)
To: [DCD PlanningHearing](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Tuesday, June 8, 2021 8:53:30 AM

Contra Costa Planning Commission ,

Dear Contra Costa Planning Commission,

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Thank you!

Darla Vorous
dvorous@mindspring.com
14254 Vailwood Drive
Danville, California 94526

From: [David Kellogg](#)
To: [DCD PlanningHearing](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Wednesday, June 9, 2021 9:24:13 AM

Contra Costa Planning Commission ,

Dear Contra Costa Planning Commission,

While we have a side housing crisis, we must reject single family sprawl into open space. Our housing should be dense and concentrated near transit, jobs, shopping, schools, etc.

Please vote no.

..

In the near future, you will be reviewing the Tassajara Parks planned development outside the Urban Limit Line. City boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. As illustrated by the recent fires, we already feel the effects of climate change on a regular basis.

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Thank you!

David Kellogg
david.kellogg@gmail.com
2918 cherry Lane
Walnut Creek, California 94597

From: [Deborah Greene-Phalen](#)
To: [DCD PlanningHearing](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Monday, June 7, 2021 10:19:15 AM

Contra Costa Planning Commission ,

Dear Contra Costa Planning Commission,

In the near future, you will be reviewing the Tassajara Parks planned development outside the Urban Limit Line. City boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. As illustrated by the recent fires, we already feel the effects of climate change on a regular basis.

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Thank you!

Deborah Greene-Phalen
dgreenefinancial@gmail.com
180 Pepperwood Ct
Brentwood , California 94513

From: [Douglas Bruce](#)
To: [DCD PlanningHearing](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Monday, June 7, 2021 9:44:07 AM

Contra Costa Planning Commission ,

Dear Contra Costa Planning Commission,

In the near future, you will be reviewing the Tassajara Parks planned development outside the Urban Limit Line. City boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. As illustrated by the recent fires, we already feel the effects of climate change on a regular basis.

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Thank you!

Douglas Bruce
douglas.bruce@me.com
188 Panoramic Way
Walnut Creek, California 94595



Secretary

East Bay Municipal Utility District

RESOLUTION NO. 35229-21

DECLARING EAST BAY MUNICIPAL UTILITY DISTRICT'S (DISTRICT) OPPOSITION TO ANNEXING THE TASSAJARA PARKS PROJECT INTO THE DISTRICT'S SERVICE AREA, FINDING THE PROJECT INCONSISTENT WITH THE DISTRICT'S ANNEXATION POLICIES, AND MAKING FINDINGS AND DECLARATIONS REGARDING THE UNAVAILABILITY OF WATER TO SERVE THE PROJECT

Introduced by Director Patterson ; Seconded by Director Mellon

WHEREAS, Contra Costa County (County) is considering approving the Tassajara Parks Project (Project), a proposed 125-unit single family residential development in unincorporated County territory, outside the County's Urban Limit Line; and

WHEREAS, the Project is outside but adjacent to the District's service area, Ultimate Service Boundary (USB), and Sphere of Influence; and

WHEREAS, the USB defines the geographic area within which the District has planned to provide water service to existing and future customers; and

WHEREAS, due to the Project's location outside the USB, the District has not planned to provide it with water service; and

WHEREAS, as set forth in District Policy 3.05 - Considerations for Extension of Water Beyond the Ultimate Service Boundary, it is the policy of this Board of Directors (Board) that the District shall not extend water to areas outside the current USB if such extension would result in a reduction in the quantity or quality of water available to serve present and future customers within the USB or an increase in the costs of service; and

WHEREAS, as set forth in District Policy 3.01 - Annexations, it is further the policy of this Board to oppose annexations outside the current USB unless several enumerated conditions are met; and

WHEREAS, as set forth in District Policy 3.08 - Advisory Election for Annexations Outside the Contra Costa County Urban Limit Line, it is further the policy of this Board to oppose annexations of proposed residential developments of less than 200 units located outside the County's Urban Limit Line that are inconsistent with Policy 3.01; and

WHEREAS, based on these Policies, throughout the County's environmental review process for the Project, the District has stated its opposition to annexing the Project into its service area; and

WHEREAS, despite the District's opposition to annexing the Project, the County has consistently assumed the District would provide water service to the Project; and

WHEREAS, the County's Final Environmental Impact Report (EIR) for the Project, published in September 2020, assumed the District would provide water service to the Project based on a proposed offsite water conservation offset (Proposal), under which the Project would fund water

conservation programs throughout the District's service area to offset the Project's water demand; and

WHEREAS, the Proposal relies on implementation of water conservation programs, a component of the District's water supplies available to meet the needs of current and future customers within the current USB; and

WHEREAS, as a long-time leader in water conservation, the District has engaged in a decades-long, comprehensive effort in water conservation throughout its service area, and its efforts to promote water conservation include, but are not limited to:

- (a) adopting a Water Conservation Master Plan in 1994, specifying water conservation strategies for building on the District's then-existing water conservation efforts and creating a pathway for future water conservation through expanding rebates and incentives and providing conservation information to its customers. The Master Plan was updated in 2011-- to extend the planning horizon to 2040-- and is currently in the process of being updated again;
- (b) sponsoring legislation to ensure that land use planning takes into account the availability of adequate water supplies for proposed new development before the development is approved. These efforts included SB 901 (1995) to require water supply assessments, and SB 221 and SB 610 in 2001 to further improve upon the water supply assessment process;
- (c) adopting its own water efficiency and wise water use requirements through Sections 29 and 31 of its Board-adopted Regulations Governing Water Service to Customers of East Bay Municipal Utility District;
- (d) implementing a long-running water conservation education program, including school education efforts beginning in 1974, writing and publishing large format books promoting water conservation, and engaging with the public regarding water conservation by maintaining water conservation demonstration gardens, staffing water conservation displays at community events, and organizing and sponsoring the annual Water Conservation Showcase since 2004, which event brings together representatives from water agencies, industry, government, and nonprofits to discuss pressing water issues and learn about new water conservation technologies and solutions;
- (e) incentivizing water conservation through a fully staffed, permanent, year-in, year-out water conservation program, with a cumulative budget now totaling over \$100 million, and including measures such as water conservation rebate and incentive programs and distribution of water conservation devices to customers; and

WHEREAS, water conservation has long been a key component of the District's water supply portfolio, pursuant to which the District (1) achieved approximately 46 million gallons per day (MGD) in water conservation savings between 1995 and 2018 and (2) continues to pursue further expansion of its already-robust water conservation program; and

WHEREAS, remaining water conservation potential within the District's USB is an important

tool the District can and does use to address the impacts of water supply deficiencies on its customers; and

WHEREAS, the Final EIR generally failed to analyze the feasibility of the Proposal and specifically failed to assess whether and to what extent depleting the District's remaining water conservation potential would jeopardize the District's ability to meet the needs of current and future customers within the District's current USB; and

WHEREAS, the District submitted to the County detailed comments on the Final EIR, objecting to the County's failure to analyze the feasibility of the Proposal, explaining the Project's inconsistency with the District's Board-adopted Policies regarding annexation of new service territory, and stating the District's opposition to annexing the Project into its service area; and

WHEREAS, following publication of the Final EIR, District staff engaged in discussions with County staff and the Project developer's team regarding the feasibility of Proposal; and

WHEREAS, the Project developer's team prepared an assessment addressing in part the technical and economic feasibility of the Proposal; and

WHEREAS, the Project developer's assessment did not address the effect of the Proposal on the District's ability to serve current and future customers within the current USB; and

WHEREAS, current drought conditions prevailing throughout much of California have highlighted the importance of protecting all of the District's water supplies—including supplies created through water conservation—for current and future District customers within the current USB; and

WHEREAS, 2021 has thus far been the second driest year on record in the Mokelumne River basin, where most of the District's water supplies originate; and

WHEREAS, 2021 has thus far been the driest year on record for the East Bay; and

WHEREAS, the snow depth at Caples Lake, a Mokelumne basin snow survey reference point, was at 52 percent of average as of April 19, 2021 and the California Department of Water Resources' Bulletin 120 forecast of the forecasted runoff on the Mokelumne River is at 42 percent of average; and

WHEREAS, on March 22, 2021, the State Water Resources Control Board sent a warning letter to the District and other water rights holders which noted the unusually dry conditions prevailing throughout California, and urged water rights holders to begin planning for potential water supply shortages by taking actions such as increasing water conservation and diversifying water supply portfolios; and

WHEREAS, on April 27, 2021, based on the projected impact of the prevailing dry conditions on the District's water supplies, this Board declared the District's water supplies deficient for meeting customer demands, declared a Stage 1 drought, established a District-wide ten percent rationing goal, declared the need to purchase supplemental supplies, and directed District staff to take actions to promote customer water conservation; and

WHEREAS, since this Board's April 27, 2021 drought-related actions, the District's water supply projections for this water year have continued to decline, with the District's anticipated end-of-September storage levels now 65-70 thousand acre-feet lower than previously projected; and

WHEREAS, as demonstrated in this year's drought and other droughts in recent years, the District's water supplies are not sufficient to meet customer demand in times of drought, requiring the District to purchase supplemental supplies and impose water rationing requirements on its customers; and

WHEREAS, dry year deficiencies in the District's supplies are expected to persist, and the District's Draft Urban Water Management Plan 2020 identifies both a substantial increase in USB-wide demand over the next thirty years, and several thousand acre-feet in unmet need for water in times of drought in the future; and

WHEREAS, in addition to drought, many other stressors threaten to reduce the amount of water available to District customers now and in the future, including climate change, future regulatory actions, and cutbacks in the availability of water to the District under its Central Valley Project (CVP) contract with the United States Department of Interior Bureau of Reclamation (Reclamation); and

WHEREAS, the District's Urban Water Management Plan 2015 estimated that climate change could result in a several thousand acre-foot increase in the District's unmet need for water by the year 2040; and

WHEREAS, climate change may also result in more frequent and severe droughts in the future; and

WHEREAS, the State Water Resources Control Board's efforts to update the Bay-Delta Water Quality Control Plan have thus far focused on improving Bay-Delta water quality by significantly increasing instream flow requirements on tributary rivers to the Bay-Delta, like the Mokelumne River, where most of the District's water supplies originate; and

WHEREAS, the Bay-Delta Water Quality Control Plan Update is likely to increase the District's Mokelumne River instream flow obligations by tens of thousands of acre-feet per year, adding a significant new constraint on the District's water supplies that could impair its ability to meet customer demands in the future; and

WHEREAS, during the last drought, the State of California directly involved itself in local water management, both by issuing curtailment orders requiring water rights holders like the District to divert less water, and by promulgating emergency regulations dictating reductions in customer demand; and

WHEREAS, 2014 and 2015 curtailment orders required the District to bypass approximately 76 thousand acre-feet of water on the Mokelumne River that would have otherwise been available to serve its customers; and

WHEREAS, the State of California could take similar actions this year and in future droughts,

requiring the District to achieve short-term reductions in water consumption and reducing the availability of Mokelumne River water for District customers; and

WHEREAS, in addition to customer rationing, the District's CVP contract provides a key source of supply to meet customer demands during droughts; and

WHEREAS, during the 2014-15 drought, CVP allocations were cut to only 25% for Municipal and Industrial contractors like the District, significantly reducing the amount of CVP water available to the District and forcing the District to purchase supplemental supplies on the spot water transfers market; and

WHEREAS, securing supplemental supplies on the spot transfers market in 2015 was both challenging and expensive, with spot transfer water prices seven to ten times higher than CVP water prices; and

WHEREAS, on May 26, 2021, Reclamation indicated the District's CVP allocation would again be cut to 25%, thus dramatically reducing the amount of CVP water available to address the District's drought-induced water supply deficiencies this year; and

WHEREAS, because of the late date on which CVP cutbacks were announced, it is very unlikely the District will be able to purchase water on the spot transfers market, as most available water has already been purchased by other parties; and

WHEREAS, CVP allocations could be similarly reduced in future droughts, and there are no assurances that supplemental water will be available on the spot transfers market to replace the District's reduced CVP supplies, potentially leaving the District without adequate supplies to meet customer demands; and

WHEREAS, given the existing and predicted future deficiencies in the District's water supplies during droughts, and other threats and stressors on those supplies, the District must adhere to its policies regarding the annexation of new service territory; and

WHEREAS, offsetting the Project's demand through conservation programs would take "new water" created through those programs away from District customers within the USB, thereby violating Policy 3.05 by reducing the quantity of water available to those customers; and

WHEREAS, the Project is located entirely outside the USB, would result in the addition of more than 100 residential units outside the USB, and is inconsistent with Policy 3.05, such that (1) the Project does not meet Policy 3.01's enumerated conditions for annexation of territory outside the USB, and (2) annexation of the Project would therefore be inconsistent with Policy 3.01; and

WHEREAS, because the Project is less than 200 units in size, is located outside the County's Urban Limit Line, and is inconsistent with Policy 3.01, it also does not comply with Policy 3.08; and

WHEREAS, the District has a legal obligation to provide adequate water service to all members of the community within its service area; and

WHEREAS, given the deficiencies in the District’s water supplies in times of drought, the potential threats to those supplies, and the anticipated growth in water demand within the USB, the District cannot afford to dedicate any water available to it—including new water supplies created through water conservation programs—to a proposed development outside its current service area, and outside the USB;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Municipal Utility District finds, determines and declares the following:

1. The Board finds the above recitals to be true and correct.
2. The Board hereby finds and declares the District has not planned to serve the Project and does not have adequate water supplies to support the proposed annexation of the Project into the District’s service area.
3. The Board hereby finds and declares the District must reserve all sources of water supply available to mitigate water supply deficiencies it experiences during droughts and to address the potential impacts of other stressors and constraints on its water supplies.
4. The Board hereby finds and declares that serving the Project using water created through implementation of conservation programs throughout the District’s service area is not feasible because doing so would take a source of water supply away from existing and future customers within the USB, thereby exacerbating deficiencies in the District’s water supplies during droughts.
5. The Board hereby finds and declares that the proposed annexation of the Project is inconsistent with District Policies 3.01 and 3.05 and does not comply with Policy 3.08.

6. The Board hereby declares the District (a) is opposed to annexing the Project into its service area and (b) does not intend to serve the Project.

ADOPTED this 8th day of June, 2021 by the following vote:

AYES: Directors Katz, Mellon, Patterson, Young and President Linney.

NOES: Director Coleman.


ABSENT: Director McIntosh.

ABSTAIN: None.




President

ATTEST:



Secretary

APPROVED AS TO FORM AND PROCEDURE:



General Counsel

Tuesday, June 8, 2021

RECEIVED on 6/8/2021 **CDS10-09280**
By Contra Costa County
Department of Conservation and Development

Sean Tully
Principal Planner
Department of Conservation & Development
30 Muir Road
Martinez, CA 94553

RE: Letter of Support – Tassajara Parks Project

Dear Sean Tully,

The East Bay Regional Park District (Park District) appreciates the opportunity to express support for the Tassajara Parks Project (Project) in the Tassajara Valley in unincorporated Contra Costa County. The proposed Project includes construction of 125 single-family residential homes on a 30-acre portion of the project site. The Project also includes dedication of a majority of the project site (approximately 727 acres) to the Park District for permanent protection and preservation for open space, park, recreation, and other non-urban uses.

The Project is adjacent to the Park District's existing Tassajara Creek Regional Trail. When complete, the Tassajara Creek Regional Trail will connect the communities of Dublin and San Ramon to Morgan Territory Regional Preserve, Mount Diablo State Park, and beyond. The southern piece of open space intended for donation (over 609 acres) abuts Windemere Ranch Preserve and is near other protected open space including Doolan Canyon Regional Park, Camp Parks, and the Richley and Brown Ranches. Taken together, this network of protected lands creates a green open space buffer on the eastern edge of San Ramon, preventing further development into this historic ranch community and preserving the area's rural character. Limiting development deeper into this fire-prone landscape protects the surrounding communities by reducing potential sources of ignition in and around newly developed areas. This open-space buffer also acts as a wildlife corridor, enhancing connectivity for species movement within and across the Tassajara Valley.

There has been a substantial effort by the Project's proponents, Contra Costa County, the City of San Ramon, and the Park District in reaching agreement regarding the proposed development and open space donation. In 2020 the Park District and City of San Ramon authorized an Agricultural Preservation Agreement that further restricts development on 17,667 acres and establishes a fund to protect additional agricultural lands in the Tassajara Valley.

The Park District looks forward to continuing to work with our public agency partners to finalize the agreements so that the property dedication may be presented to the Park District's Board of Directors. If the project is approved and the open space is dedicated to the Regional Parks Foundation (RPF), Park District staff will be pleased to recommend that our Board of Directors accept the open space and conform to the terms of related agreements for the preservation of agricultural and open space lands.

Board of Directors

Dee Rosario
President
Ward 2

Colin Coffey
Vice-President
Ward 7

Beverly Lane
Treasurer
Ward 6

Dennis Waespi
Secretary
Ward 3

Elizabeth Echols
Ward 1

Ellen Corbett
Ward 4

Ayn Wieskamp
Ward 5

Sabrina B. Landreth
General Manager

Sean Tully, Principal Planner
Will Nelson, Principal Planner
June 8, 2021

Page 2 of 2

Please let me know if you have any questions or wish to discuss further.

Respectfully,

Kristina Kelchner

Kristina Kelchner
Assistant General Manager
Acquisition | Stewardship | Development Division

cc: Sabrina Landreth, General Manager, East Bay Regional Park District
Beverly Lane, Treasurer, Ward 6, East Bay Regional Park District Board of Directors
John Kopchik, Director, Contra Costa County Conservation & Development
Will Nelson, Principal Planner, Contra Costa County Conservation & Development
Contra Costa County Planning Commission
Contra Costa County Board of Supervisors

From: [Eliot Hudson](#)
To: [DCD PlanningHearing](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Wednesday, June 9, 2021 3:20:54 PM

Contra Costa Planning Commission ,

Dear Contra Costa Planning Commission,

I join in opposing the Tassajara Parks planned development outside the Urban Limit Line. City boundaries were created for important and compelling reasons; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. Once open space land is lost, it is lost FOREVER.

Make no mistake: this project is not fundamentally about addressing the current perceived housing shortage. That can be done in far more environmentally-friendly ways. This project is simply about a developer wanting to enrich themselves by building the most profitable homes by destroying open land.

Protecting the Urban Limit Line is a critical way to preserve open space, maintain fire boundaries and reduce our greenhouse gas emissions. In December 2016, your Board of Supervisors approved the Urban Limit Line and determined that sufficient capacity exists countywide inside the ULL to accommodate housing and growth through 2036. Why risk the health and safety of our region to build outside of the Urban Limit Line? We need more housing in our cities and existing communities, not outside of the Urban Limit Line. I urge you to vote no on the Tassajara Valley project.

Thank you!

Eliot Hudson
elhudbox@sbcglobal.net
109 Bacon Ct.
Lafayette, California 94549

From: [Fiorella Russo-Jang](#)
To: [DCD PlanningHearing](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Monday, June 7, 2021 12:33:08 PM

Contra Costa Planning Commission ,

Dear Contra Costa Planning Commission,

In the near future, you will be reviewing the Tassajara Parks planned development outside the Urban Limit Line. City boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. As illustrated by the recent fires, we already feel the effects of climate change on a regular basis.

Protecting the Urban Limit Line is a critical way to maintain fire boundaries and reduce our greenhouse gas emissions. In December 2016, your Board of Supervisors approved the Urban Limit Line and determined that sufficient capacity exists countywide inside the ULL to accommodate housing and growth through 2036. Why risk the health and safety of our region to build outside of the Urban Limit Line? We need more housing in our cities and existing communities, not outside of the Urban Limit Line. I urge you to vote no on the Tassajara Valley project.

Thank you!

Fiorella Russo-Jang
fiorella.russojang@gmail.com
2415 Deer Tree Ct
Martinez, California 94553

From: [Floyd McCluhan](#)
To: [DCD PlanningHearing](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Monday, June 7, 2021 7:32:04 PM

Contra Costa Planning Commission ,

Dear Contra Costa Planning Commission,

In the near future, you will be reviewing the Tassajara Parks planned development outside the Urban Limit Line. City boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. As illustrated by the recent fires, we already feel the effects of climate change on a regular basis.

Protecting the Urban Limit Line is a critical way to maintain fire boundaries and reduce our greenhouse gas emissions. In December 2016, your Board of Supervisors approved the Urban Limit Line and determined that sufficient capacity exists countywide inside the ULL to accommodate housing and growth through 2036. Why risk the health and safety of our region to build outside of the Urban Limit Line? We need more housing in our cities and existing communities, not outside of the Urban Limit Line. I urge you to vote no on the Tassajara Valley project.

Thank you!

Floyd McCluhan
imjustfloyd@gmail.com
39 El Molino Dr
Clayton, California 94517

June 8, 2021

RECEIVED on 6/8/2021 CDS10-09280
By Contra Costa County
Department of Conservation and Development

Re: 6/9/21 Contra Costa County Planning Commission Public Hearing for Tassajara Parks Project

Dear Contra Costa County Planning Commissioners,

Greenbelt Alliance strongly urges you to reject the Department of Conservation and Development's staff report recommending approval of the proposed development known as Tassajara Parks. The East Bay Municipal Utility District has rejected supplying water to this project because it is outside their service area and ultimate service boundary and the developer's estimate of water usage has been underestimated by a factor of 2.

Greenbelt Alliance is an environmental non-profit that encourages both the protection of open space as well as directing development and growth into our existing communities. We have been working for over 30 years to fight sprawl development in the Tassajara Valley. We have major concerns about this project. Developments of this kind and in this location will actually put your communities and our region at greater risk of the effects of climate change.

City boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. As illustrated by the recent fires, we already feel the effects of climate change on a regular basis. The pace of climate change is accelerating and there are two ways we can solve this:

- 1) **Mitigation:** We need to reduce our Greenhouse Gas Emissions (GhG). We need to build safe, healthy communities where residents can walk, bike and take transit to get to where they need to go. We need to build homes closer together in existing neighborhoods close to existing city infrastructure.
- 2) **Adaption:** Fires are already part of our lives annually and the severity of each fire season is increasing. By building homes on open space and far from existing infrastructure you are putting your existing communities at risk. You need to build homes closer to existing neighborhoods and take precautionary measures to reduce fire risk in open spaces.

Protecting the urban limit line is a critical way to maintain fire boundaries and reduce our greenhouse gas emissions. In December 2016 the Board of Supervisors approved the Urban Limit Line Mid-Term review which stated that the ULL analysis demonstrates that sufficient capacity exists countywide inside the ULL to accommodate housing and growth through 2036. Contra Costa County has space to grow in a climate SMART way. **Do not move the ULL, thereby risking the health of our communities and the resilience of our region.**

The petition to protect the Contra Costa Urban Limit Line by the Tassajara Valley Preservation Association has nearly 4,700 signatures. Additionally, the project's footprint is larger than 30

acres which would require four-fifths vote of the Board of Supervisors, approval of voters, as well as one of seven findings specified in measure L.

We implore you to think about the health and safety of your current and future residents and vote NO on this project. We need to build communities that reduce greenhouse gas emissions, protect our open spaces and save our wildlife. Greenbelt Alliance looks forward to endorsing future fire safe developments in Contra Costa County that reduce emissions and help achieve regional climate goals.

Sincerely,

A handwritten signature in black ink, appearing to read "Zoe Siegel".

Zoe Siegel
Director of Climate Resilience
zsiegel@greenbelt.org
Greenbelt Alliance
zsiegel@greenbelt.org

From: [Heidi Stratton](#)
To: [DCD PlanningHearing](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Monday, June 7, 2021 10:56:31 PM

Contra Costa Planning Commission ,

Dear Contra Costa Planning Commission,

In the near future, you will be reviewing the Tassajara Parks planned development outside the Urban Limit Line. City boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. As illustrated by the recent fires, we already feel the effects of climate change on a regular basis.

Protecting the Urban Limit Line is a critical way to maintain fire boundaries and reduce our greenhouse gas emissions. In December 2016, your Board of Supervisors approved the Urban Limit Line and determined that sufficient capacity exists countywide inside the ULL to accommodate housing and growth through 2036. Why risk the health and safety of our region to build outside of the Urban Limit Line? We need more housing in our cities and existing communities, not outside of the Urban Limit Line. I urge you to vote no on the Tassajara Valley project.

Thank you!

Heidi Stratton
heidi.stratton09@gmail.com
1006 iris street
Redwood city, California 94061

From: howiem@gmail.com
To: [DCD PlanningHearing](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Monday, June 7, 2021 3:39:36 PM

Contra Costa Planning Commission ,

Dear Contra Costa Planning Commission,

As a resident of Contra Costa County, I want to see that new developments are focused on existing urban areas.

In the near future, you will be reviewing the Tassajara Parks planned development outside the Urban Limit Line. City boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. As illustrated by the recent fires, we already feel the effects of climate change on a regular basis.

Protecting the Urban Limit Line is a critical way to maintain fire boundaries and reduce our greenhouse gas emissions. In December 2016, your Board of Supervisors approved the Urban Limit Line and determined that sufficient capacity exists countywide inside the ULL to accommodate housing and growth through 2036. Why risk the health and safety of our region to build outside of the Urban Limit Line? We need more housing in our cities and existing communities, not outside of the Urban Limit Line. I urge you to vote no on the Tassajara Valley project.

Thank you!

howiem@gmail.com
504 Village Drive
El Cerrito, California 94530

My name is Hugh Afshar, hereby protest to the prospective Tassajara Valley Agreement as been entirely arbitrary on the part of the County and also is discriminatory to the residents of Tassajara Valley residents and we request for its reconsideration on these 2 major points before any final resolution of this agreement take place.

Signed,

Hugh Afshar on June 9, 2021 @ 11:55 am

From: [Derek Cole](#)
To: [DCD PlanningHearing](#)
Subject: Tassajara Parks
Date: Wednesday, June 9, 2021 1:00:25 PM

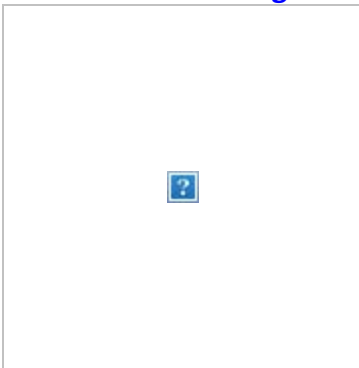
Good evening Commissionaires,

I'm Derek Cole and I'm here tonight representing several thousand Contra Costa County families that belong to IBEW Local 302, Sheet Metal Workers Local 104, UA Plumbers Local 159 and Sprinkler Fitters Local 483. We stand with you tonight in alliance with EBRP, Save Mount Diablo and the Fire District to ask for your approval of the Tassajara Parks project. I can tell you we have been to many meetings and it is not that often you see unanimity from such a diverse group supporting a project such as this one. This is happening for a good reason. In exchange for the minor 30-acre modification to ULL, approximately 727 acres of land – which consists of about (93)% of the project site – will be conveyed to the Park District. Transferring these 727 acres to the Park District will ensure that it is permanently preserved for open space, parks, recreation, ridgelines, wildlife and plant habitat. It will dedicate approximately 7-acre site for a potential future fire station training facility. It will provide for an irrevocable four million dollar (\$4,000,000) contribution to an agricultural enhancement fund established by the County. Please support Tassajara Parks. Thank you for your time.

Best,

Derek Cole Sr.

Assistant Business Manager
IBEW Local 302
1875 Arnold Drive
Martinez, CA 94553
PH: (925) 228-2302
Fax: (925) 228-0764
www.ibewlu302.com
www.norcal-jatc.com
www.norcalvdv.org



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From: [Rachel Shoemake](#)
To: [DCD PlanningHearing](#)
Subject: Support for Tassajara Parks project
Date: Wednesday, June 9, 2021 10:02:25 AM

Good evening Commissioners,

My name is Rachel Shoemake and I'm here representing several thousand Contra Costa County families that belong to IBEW Local 302, Sheet Metal Workers Local 104, UA Plumbers Local 159, and Sprinkler Fitters Local 483.

We are here in alliance with East Bay Regional Parks, Save Mount Diablo and the Fire District to ask for your approval of the Tassajara Parks project. We recognize it's not often you see unanimity from such a diverse group in support of a project like this!

There are so many great reasons to support this project:

*This project will be built by a local construction workforce and those workers will be paid family-supporting wages under a Project Labor Agreement.

*Area youth and at-risk workers will be employed as apprentices on the project, creating more opportunity for their entry into America's middle class.

*The project will alleviate long-standing development pressures for the Tassajara Valley area. With roughly 93% of the project site to be conveyed to the Park District, the project will create a "green buffer" between existing urban and non-urban uses.

*To support public safety, approximately 7 acres are dedicated to a future fire-station training facility.

*The project also provides for a four million dollar irrevocable contribution to an agricultural enhancement fund to be established by the County.

This project is full of benefits to the local community and the entire Bay Area. We hope we have your support.

Thank you for your time,
Rachel Shoemake
Assistant Business Manager
International Brotherhood of Electrical Workers Local 302

From: [Jacquelyn Higgins](#)
To: [DCD PlanningHearing](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Monday, June 7, 2021 1:35:32 PM

Contra Costa Planning Commission ,

Dear Contra Costa Planning Commission,

In the near future, you will be reviewing the Tassajara Parks planned development outside the Urban Limit Line. City boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. As illustrated by the recent fires, we already feel the effects of climate change on a regular basis.

Protecting the Urban Limit Line is a critical way to maintain fire boundaries and reduce our greenhouse gas emissions. In December 2016, your Board of Supervisors approved the Urban Limit Line and determined that sufficient capacity exists countywide inside the ULL to accommodate housing and growth through 2036. Why risk the health and safety of our region to build outside of the Urban Limit Line? We need more housing in our cities and existing communities, not outside of the Urban Limit Line. I urge you to vote no on the Tassajara Valley project.

Thank you!

Jacquelyn Higgins
Jacquelynhiggins@gmail.com
1605 C Street
Antioch, California 94509

From: [Janet Balme](#)
To: [DCD PlanningHearing](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Wednesday, June 9, 2021 8:07:12 AM

Contra Costa Planning Commission ,

Dear Contra Costa Planning Commission,

In the near future, you will be reviewing the Tassajara Parks planned development outside the Urban Limit Line. City boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. As illustrated by the recent fires, we already feel the effects of climate change on a regular basis.

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Thank you!

Janet Balme
emlabj@gmail.com

San Ramon, California 94583

From: [Jeremy Steinmeier](#)
To: [DCD PlanningHearing](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Monday, June 7, 2021 7:21:16 PM

Contra Costa Planning Commission ,

Dear Contra Costa Planning Commission,

In the near future, you will be reviewing the Tassajara Parks planned development outside the Urban Limit Line. City boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. As illustrated by the recent fires, we already feel the effects of climate change on a regular basis.

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Thank you!

Jeremy Steinmeier, Architect, Orinda CA

Jeremy Steinmeier
j_steinmeier@hotmail.com
180Lombardy
Orinda, California 94563

From: [Jessica Kant](#)
To: [DCD PlanningHearing](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Tuesday, June 8, 2021 11:25:45 AM

Contra Costa Planning Commission ,

Dear Contra Costa Planning Commission,

In the near future, you will be reviewing the Tassajara Parks planned development outside the Urban Limit Line. City boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. As illustrated by the recent fires, we already feel the effects of climate change on a regular basis.

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Thank you!

Jessica Kant
jdemi082@gmail.com
2117 Carrara St.
Brentwood, California 94513

From: [Jessie Brennan](#)
To: [DCD PlanningHearing](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Tuesday, June 1, 2021 2:53:47 PM

Contra Costa Planning Commission ,

Dear Contra Costa Planning Commission,

In the near future, you will be reviewing the Tassajara Parks planned development outside the Urban Limit Line. City boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. As illustrated by the recent fires, we already feel the effects of climate change on a regular basis.

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Thank you!

Jessie Brennan
jbrennan@greenbelt.org
1212 N 7th St
Boise, Idaho 83702

From: [Jim Blickenstaff](#)
To: [DCD PlanningHearing](#); [Sean Tully](#); [District5](#); [SupervisorMitchoff](#); [Supervisor Candace Andersen](#); [John Gioia](#); [Supervisor Burgis](#)
Cc: [narnerich@danville.ca.gov](#); [lblackwell@danville.ca.gov](#); [rmorgan@danville.ca.gov](#); [rstorer@danville.ca.gov](#); [Rewing@Danville.ca.gov](#); [n.laforce@comcast.net](#); "Paul Seger"; [ccoffey@ebparks.org](#); [slandreth@ebparks.org](#); [blane@ebparks.org](#); [awieskamp@ebparks.org](#); [ecorbett@ebparks.org](#); [dwaespi@ebparks.org](#); [drosario@ebparks.org](#); [eechols@ebparks.org](#); [frank.mellon@ebmud.com](#); [william.patterson@ebmud.com](#); [douglas.linney@ebmud.com](#); [marguerite.young@ebmud.com](#); [john.coleman@ebmud.com](#); [lesa.mcintosh@ebmud.com](#); "Katz Andy"; [Joe Calabrigo](#); [dfriedmann@danville.ca.gov](#); "Rachel Doughty"; "Jessica Blome"; "Zoe Siegel"; [slewis@bargcoffin.com](#); [rcoffin@bargcoffin.com](#); [jbarg@bargcoffin.com](#); [Will Nelson](#); [Aruna Bhat](#); [John Kopchik](#); [Danielle Kelly](#)
Subject: June 9, 2021 County Hearing: Sierra Club Comments on "Tassajara Parks" Project.
Date: Wednesday, June 9, 2021 1:45:17 PM

DATE : June 9, 2021

FROM : Jim Blickenstaff, Sierra Club

TO : C. C. County Planning Commission

RE : Proposal for 125u 'Tassajara Parks' residential development on the protected side of the U.L.L.

NOTE : Please make this submission part of the public record for this item. Copy of Sept. 30, 2020 Sierra Club comments attached below this email for reference –Since most all issues are still applicable.

I, as rep. for the Sierra Club, find no substantive justification to return this item to the County Planning Agenda. The same fundamental issues relating to an edge/sprawl development remain in place. I would very much appreciate the County explanation for agendizing the same basic concept of Sept., 30, 2020? Please regard the attached commentary below this email, as part of the overall issues and problems continuing to face this Sept. 30, 2020 and June 9, 2021 proposal.

As a Summary Example:

The fact is this plan remains on the wrong side of the County growth boundary, the wrong side of the voter approved San Ramon Urban Growth Boundary (and there is no ballot update vote until late 2022), the wrong side of San Ramon's Sphere of Influence, and, in particular, the wrong side East Bay MUD's Ultimate Service Boundary. One difference I note between now

and the County hearing on this proposal Sept. 30., is that EBMUD is now under more pressure to comply with growing demands for water within its USB -as the extended (global warming driven) drought has reached crisis proportions. All this is telling indication (along with numerous others, listed below), of the numerous problems inevitably associated with a classic sprawl project.

Second Example [Noted in the doc. below] :

*Danville, as a Primary Stakeholder –the City closest to the project site, and having direct, primary traffic connections, as well as the commiserate negative impacts— is excluded from the agreement! Raising serious questions as to both the ethics and legitimacy of a so called “APA” – **Which is essentially a mitigated development plan.***

-- Jim Blickenstaff

From: Jim Blickenstaff <jpblick@comcast.net>

Sent: Tuesday, September 29, 2020 12:31 AM

Date: Sept. 29, 2020

From: Jim Blickenstaff, S. F. Bay Chapter, Sierra Club

To: Planning, County Planning Commission, Supervisors

Re: Sept. 30 Hearing on Tassajara Parks Plan; and Sierra Club’s opposition to the concept and the latest iteration.

Note: Our request earlier to delay a Hearing on this subject to allow sufficient time to properly review and analyze related and new information.

First, it is inappropriate to be rushing forward with such a problematic project at this time – 4 weeks before a local and National election. While, at the same time, we’re in the midst of a pandemic crisis, and its severe restrictions of normally unfettered public participation.

DEVELOPMENT ENVELOPE OF 50 ACRES:

The Sierra Club remains opposed to the “Tassajara Parks” Plan to develop 50

acres of land on the protected side of the County's Urban Limit Line. Specifically, the development envelope, including streets, houses, and grading essential for the project, means a developed site of 50 acres. Acreage graded and built upon is not open space, and landscape treatment, while a common adjunct to any given project, is not open space.

DANVILLE: A MAJOR STACKHOLDER IS EXCLUDED:

This new proposal reminds one of the phrase: "The more things 'change', the more they stay the same!" The new jurisdictional agreement, the APA, is simply a way to exclude a key jurisdiction from this process -- Danville. They are the closest City, their current Sphere of Influence is closer, their City Limit is closer, and they have the direct street connections. Danville's road way access to the development site is 1.2 miles from their City/Town Limit. San Ramon street access to the T. P. Property is roughly 5.1 miles from their City Limit! Direct map distance is 1.1 miles for Danville, and 2.2 miles for San Ramon – about twice as far. Danville will receive the majority of the negative impacts, while another city, further away, and less connected, will get the mitigations. Yet, incredibly, Danville, is not included in a County – City decision making process affecting their jurisdiction more than any other. The sad reason for that is obvious. And it is unacceptable.

THE "A. P. A.":

Further, Agriculture Preservation Agreement, is such in name only. It fails to constitute a legally founded Preservation Agreement in the same manner as the earlier MOU failed. It fails completely as a preservation agreement in the likeness of the original standard set for Preservation Agreements - the 1987 Briones Hills Preservation Agreement. In that case it was not to facilitate a sprawl development, it was a multi-jurisdictional agreement only for the purpose to permanently protect 100's of acres that would otherwise have been at risk! [See M/R/Wolfe and Associates, July 18, 2016 Memorandum]. This preservation agreement in no way abides by the standard set by Briones. In that regard, it is a misuse of the English language. It serves more as a mechanism to weaken the U. L. L., and less as a mechanism for protecting, or "preserving" Tassajara Valley. In that regard, it fails completely. In addition, it can be dissolved at the request of any of the signing parties. Still worse, were it to be

put into effect, it would better serve as a templet and a means to initiate further incremental development on the protected side of the Line! By this new "T. P." precedent, a minimum of 1,133 acres of land, just in Tassajara Valley alone, and currently protected by a historically founded Urban Limit Line, would be made vulnerable to similar 50 acre sprawl "pocket" developments. A better title for this A. P. A. would be T. U. U. L. L., or Tool to Undermine the Urban Limit Line. Truth in labeling.

INDUCED GROWTH ON THE PROTECTED SIDE OF THE U.L.L.:

There are numerous development companies, and/or their holding companies, controlling property on the protected side of the ULL. There is only one reason for this: Anticipation, or more correctly, speculation for future opportunities to develop their land. They await a decision on this T. P. Plan with great anticipation. A go ahead on Tassajara Parks will end up being the "gift that keeps on giving" -- for development interests elsewhere along the U. L. L. It will induce more "Tassajara Parks" along the County's once resolute U. L. L.

Beyond the negative impacts from the project itself, T. P.'s growth inducing consequences will further weaken and damage the protective line, the ag and open space behind it, and the environment overall, from, multiple 'copycat' edge/sprawl projects.

Here's a Check List of what they'll need:

- > A pretend Preservation Agreement.*
- > A few hundred acres of land already well protected- to be "even more protected." (conversely: no protection at all, for acreage actually "at risk").*
- > Sharing a small percentage of their sprawl profits for a feel good County fund.*
- > And, if need be, get an APA with a sympathetic city somewhere in the area to override resistance from the more impacted adjacent city.*

Have no illusions: and watch it happen. Where there's a -well monied- will, there's a way.

EAST BAY M. U. D.:

As the door is opened for breaches of the ULL, it will also usher in problematic expansions of East Bay MUD's Ultimate Service Boundary. It is an Ultimate boundary for a reason -- made even more critical by Climate Change impacts, including current and future droughts, declining snowpack, less spring runoff,

destruction of natural drainages , and higher temperatures - all contributing to an ongoing reduction of an already depleted EBMUD fresh water supply. East Bay MUD does not have the time or the means to accommodate wasteful, edge, sprawl projects that only serve to expand their service boundary limits. They, by necessity, have to focus on the daunting challenge of 1,000's more homes and businesses planned, and soon demanding water, within their Ultimate Service Boundary. The Utility's USB needs to be respected and safeguarded. Their consistent long term opposition should be a warning (among several) for the County.

SAN RAMON AS THE LEAD CITY:

Also, there's been little attention paid to San Ramon's constraints in pursuing this property, with all its great 'mitigations' → for San Ramon. One, being, their well-established updated 2020 Urban Growth Boundary. It is coterminous with both their 2020 eastern City limit, as well as their 2020 eastern Sphere of influence. Further, the UGB would cause a problematic ballot issue when attempting to incorporate this distant development site into the City – for, at least, the foreseeable future. Does that mean the County is once again in the development business, holding land indefinitely, and facilitating development on certain properties next to a Town, or City, protesting the idea, because of the negative sprawl impacts on them? Making San Ramon the 'Lead City' for this process means they would also, at some point, be the city annexing the "T.P." site. But, for all the reasons already mentioned, that would violate basic LAFCO protocols. Unlike Danville, there is a lot of undeveloped land and/or open space between San Ramon's developed areas/City Limit and this project. Therefore it would be a classic example of "Hop Scotch" development – not contiguous with San Ramon, and an unacceptable choice for the Lead City. When, in fact, Danville would be the natural choice -- with contiguous, developed land, and a much closer, more direct, roadway connection. Clearly, its Danville, not San Ramon, that should be the lead Town/City, and directly involved with any decisions about this development site. It should not be forced on them by a cooperative effort between the County another City (further away) – while being facilitated by a County process that favors one City, and discriminates against the other.

*On so many levels, the cautionary note sounded earlier by the Sierra Club rings even truer today: **"Incentivizing sprawl is inherently a bad idea."***

Jim Blickenstaff, Chair-- Mt. Diablo Sierra Club, Board Member – Executive Committee, S. F. Bay Chapter, Sierra Club.

cc: Interested parties.

From: [John Cook](#)
To: [DCD PlanningHearing](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Monday, June 7, 2021 8:23:27 PM

Contra Costa Planning Commission ,

Dear Contra Costa Planning Commission,

In the near future, you will be reviewing the Tassajara Parks planned development outside the Urban Limit Line. City boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. As illustrated by the recent fires, we already feel the effects of climate change on a regular basis.

Protecting the Urban Limit Line is a critical way to maintain fire boundaries and reduce our greenhouse gas emissions. In December 2016, your Board of Supervisors approved the Urban Limit Line and determined that sufficient capacity exists countywide inside the ULL to accommodate housing and growth through 2036. Why risk the health and safety of our region to build outside of the Urban Limit Line? We need more housing in our cities and existing communities, not outside of the Urban Limit Line. I urge you to vote no on the Tassajara Valley project.

Thank you!

John Cook
jscook@berkeley.com
5968 cardinet drive
Clayton , California 94517

From: [John Gibbs](#)
To: [DCD PlanningHearing](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Tuesday, June 8, 2021 7:34:43 AM

Contra Costa Planning Commission ,

Dear Contra Costa Planning Commission,

In the near future, you will be reviewing the Tassajara Parks planned development outside the Urban Limit Line. City boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. As illustrated by the recent fires, we already feel the effects of climate change on a regular basis.

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Thank you!

John Gibbs
aesculus.gibbs@gmail.com
334 Howard Ave
Piedmont, California 94611

From: [John Paxton](#)
To: [DCD PlanningHearing](#)
Subject: Public Comment FTLand Tassajara Parks #GP07-0009, #RZ09-3212, #SD10-9280, #DP10-3008
Date: Wednesday, June 9, 2021 6:00:09 PM

Dear Contra Costa Planning Commissioners,

I am writing in support of the Tassajara Parks project and encourage you to please move this project forward. In general, the project has more benefits than impacts. The permanent protection of 710 acres as open space that will connect with the existing Hidden Valley Open Space areas is critical. The ongoing threat of overdevelopment to these cherished lands is worth protecting.

The modest residential development as part of Tassajara Parks will be a benefit to the community. The 30 acres proposed for development is right next to an already developed area. The rest of the project site that would be protected covers a huge swath of the Valley that possesses higher conservation values than what would be developed. The open space which would be protected would create a “green wall” along this part of the ULL, making it more permanent.

This is a much better project than what has been proposed before and is a good compromise. Please approve this proposal and help permanently preserve these 710 acres as open space. Public access to these lands is critical. Thank you.

John Paxton
Danville

From: [DCD PlanningHearing](#)
To: [Aruna Bhat](#)
Cc: [Sean Tully](#)
Subject: FW: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Friday, June 11, 2021 9:51:40 AM

Hiliana Li

Secretary

Conservation and Development

30 Muir Road

Martinez, CA 94553

Phone: 925-655-2860 **NEW NUMBER**

Fax: 925-674-2758 **NEW NUMBER**

Email: Hiliana.Li@dcd.cccounty.us

****PLEASE NOTE, THE DEPARTMENT WILL HAVE NEW PHONE NUMBERS ON APRIL 1.**

From: Joselvin Galeas <info@email.actionnetwork.org>
Sent: Thursday, June 10, 2021 10:35 AM
To: DCD PlanningHearing <PlanningHearing@dcd.cccounty.us>
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks

Contra Costa Planning Commission ,

Dear Contra Costa Planning Commission,

In the near future, you will be reviewing the Tassajara Parks planned development outside the Urban Limit Line. City boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. As illustrated by the recent fires, we already feel the effects of climate change on a regular basis.

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Thank you!

Joselvin Galeas

joegaleas@gmail.com

3210 Maricopa Avenue
Richmond , California 94804

From: [Kari Wheeler](#)
To: [DCD PlanningHearing](#)
Subject: No on the Tassajara MOU
Date: Tuesday, June 8, 2021 9:52:27 PM

> I am in objection to the MOU, which allows another government layer to be put on 17,000 acres of neighboring property-no benefit to landowner and more restrictions. It is an insult to my family and our 6th generation cattle ranch to have city government dictate our future.

Kari Rasmussen Wheeler
6000 Highland Rd
Pleasanton , CA. 94588
530 693-1777

Sent from my iPhone

From: kathryn853@gmail.com
To: [DCD PlanningHearing](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Monday, June 7, 2021 9:51:56 AM

Contra Costa Planning Commission ,

Dear Contra Costa Planning Commission,

In the near future, you will be reviewing the Tassajara Parks planned development outside the Urban Limit Line. City boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. As illustrated by the recent fires, we already feel the effects of climate change on a regular basis.

Protecting the Urban Limit Line is a critical way to maintain fire boundaries and reduce our greenhouse gas emissions. In December 2016, your Board of Supervisors approved the Urban Limit Line and determined that sufficient capacity exists countywide inside the ULL to accommodate housing and growth through 2036. Why risk the health and safety of our region to build outside of the Urban Limit Line? We need more housing in our cities and existing communities, not outside of the Urban Limit Line. I urge you to vote no on the Tassajara Valley project.

Thank you!

kathryn853@gmail.com
288 Donald Drive
Moraga, California 94556

From: [Kevin Riley](#)
To: [DCD PlanningHearing](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Monday, June 7, 2021 11:23:39 AM

Contra Costa Planning Commission ,

Dear Contra Costa Planning Commission,

In the near future, you will be reviewing the Tassajara Parks planned development outside the Urban Limit Line. City boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. As illustrated by the recent fires, we already feel the effects of climate change on a regular basis.

Protecting the Urban Limit Line is a critical way to maintain fire boundaries and reduce our greenhouse gas emissions. In December 2016, your Board of Supervisors approved the Urban Limit Line and determined that sufficient capacity exists countywide inside the ULL to accommodate housing and growth through 2036. Why risk the health and safety of our region to build outside of the Urban Limit Line? We need more housing in our cities and existing communities, not outside of the Urban Limit Line. I urge you to vote no on the Tassajara Valley project.

Thank you!

Kevin Riley
trogdoor17@gmail.com
4605 Imperial st
Antioch, California 94531

From: [kimberly_marks](#)
To: [DCD PlanningHearing](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Monday, June 7, 2021 10:58:13 AM

Contra Costa Planning Commission ,

Dear Contra Costa Planning Commission,

In the near future, you will be reviewing the Tassajara Parks planned development outside the Urban Limit Line. City boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. As illustrated by the recent fires, we already feel the effects of climate change on a regular basis.

Protecting the Urban Limit Line is a critical way to maintain fire boundaries and reduce our greenhouse gas emissions. In December 2016, your Board of Supervisors approved the Urban Limit Line and determined that sufficient capacity exists countywide inside the ULL to accommodate housing and growth through 2036. Why risk the health and safety of our region to build outside of the Urban Limit Line? We need more housing in our cities and existing communities, not outside of the Urban Limit Line. I urge you to vote no on the Tassajara Valley project.

Thank you!

kimberly marks
kimcmarks@gmail.com
1150 Harbor View Drive
Martinez, California 94553

From: [Lisa Browett](#)
To: [DCD PlanningHearing](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Wednesday, June 9, 2021 8:16:29 AM

Contra Costa Planning Commission ,

Dear Contra Costa Planning Commission,

In the near future, you will be reviewing the Tassajara Parks planned development outside the Urban Limit Line. City boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. As illustrated by the recent fires, we already feel the effects of climate change on a regular basis.

Protecting the Urban Limit Line is a critical way to maintain fire boundaries and reduce our greenhouse gas emissions. In December 2016, your Board of Supervisors approved the Urban Limit Line and determined that sufficient capacity exists countywide inside the ULL to accommodate housing and growth through 2036. Why risk the health and safety of our region to build outside of the Urban Limit Line? We need more housing in our cities and existing communities, not outside of the Urban Limit Line. I urge you to vote no on the Tassajara Valley project.

Thank you!

Lisa Browett
tteworb@yahoo.com
94 El Molino Drive
Clayton, California 94517

From: lbayat@aol.com
To: [DCD PlanningHearing](#)
Subject: Tassajara Parks Project Question
Date: Wednesday, June 9, 2021 1:15:20 PM

Hi there,

I realize the deadline was noon today, June 9th. However, I opened this yesterday.

We live on Finley Road and already have an overabundance of automobile traffic. The increased traffic has resulted in speeding traffic, which endangers joggers, hikers, animals, pets, people on horseback, etc.

What is the plan to slow the traffic on Finley Rd.? This development would most definitely increase traffic.

Thank you,

Liz and David Bayat
(925) 487-9693

From: [Lukas Carbone](#)
To: [DCD PlanningHearing](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Wednesday, June 9, 2021 2:15:06 PM

Contra Costa Planning Commission ,

Dear Contra Costa Planning Commission,

In the near future, you will be reviewing the Tassajara Parks planned development outside the Urban Limit Line. City boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. As illustrated by the recent fires, we already feel the effects of climate change on a regular basis.

Protecting the Urban Limit Line is a critical way to maintain fire boundaries and reduce our greenhouse gas emissions. In December 2016, your Board of Supervisors approved the Urban Limit Line and determined that sufficient capacity exists countywide inside the ULL to accommodate housing and growth through 2036. Why risk the health and safety of our region to build outside of the Urban Limit Line? We need more housing in our cities and existing communities, not outside of the Urban Limit Line. I urge you to vote no on the Tassajara Valley project.

Thank you!

Lukas Carbone
carbonelukas@gmail.com
1050 Homestead Ave
Walnut Creek, California 94598

From: [Patricia Hudson](#)
To: [DCD PlanningHearing](#)
Subject: I Strongly Oppose Tassajara Parks - Vote NO on Tassajara Parks
Date: Monday, June 7, 2021 10:08:10 PM

Contra Costa Planning Commission ,

Dear Contra Costa Planning Commission,

On Wednesday, June 9, you will be reviewing the Tassajara Parks planned development outside the Urban Limit Line. I urge you to reject this development, which is outside the Urban Limit Line established in December 2016 but the Board of Supervisors. We need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental, exacerbated by climate change, and increase wildfire risk for generations to come.

Protecting the Urban Limit Line is a critical way to maintain fire boundaries and reduce our greenhouse gas emissions. Contra Costa County has sufficient capacity inside the ULL to accommodate housing and growth through 2036. Why risk the health and safety of our region to build outside of the Urban Limit Line? We need more housing in our cities and existing communities, not outside of the Urban Limit Line. I urge you to vote no on the Tassajara Valley project.

Thank you for listening to the community's voice.

Respectfully,

Patricia P. Hudson
19 Saint James Court
Orinda, California 94563

Patricia Hudson
patricia.p.hudson@gmail.com
Saint James Court
Orinda, California 94563

From: [Reetta Raag](#)
To: [DCD PlanningHearing](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Monday, June 7, 2021 10:15:22 AM

Contra Costa Planning Commission ,

Dear Contra Costa Planning Commission,

In the near future, you will be reviewing the Tassajara Parks planned development outside the Urban Limit Line. City boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. As illustrated by the recent fires, we already feel the effects of climate change on a regular basis.

Protecting the Urban Limit Line is a critical way to maintain fire boundaries and reduce our greenhouse gas emissions. In December 2016, your Board of Supervisors approved the Urban Limit Line and determined that sufficient capacity exists countywide inside the ULL to accommodate housing and growth through 2036. Why risk the health and safety of our region to build outside of the Urban Limit Line? We need more housing in our cities and existing communities, not outside of the Urban Limit Line. I urge you to vote no on the Tassajara Valley project.

Thank you!

Reetta Raag
rraag@sbcglobal.net
126 Ravenhill Rd. Orinda CA
Orinda, California 94563

From: [Sandee Wiedemann](#)
To: [DCD PlanningHearing](#)
Subject: Tassajara Parks Project - NO MOU!
Date: Tuesday, June 8, 2021 9:19:04 PM

Planning Commission Members, I am grateful for your service. It can sometimes be a difficult position, I understand.

Like my Grandfather used to say, I strongly feel "I get to live here, why shouldn't they." I am not opposed to the development of housing for our proposed new neighbors. I am, however, very troubled that the rights of owners of **17,000 acres** are being abused to allow this.

As the fifth generation of Wiedemanns is now involved in the management of the family's ranch, I am very concerned about new restrictions being placed on the land. We have been told that the MOU is relatively harmless, although it is clearly open to interpretation by current and future governing bodies.

For as long as I can remember our family has had to leave their work and their peace to discuss more regulations proposed on our land at the same time as we are told how important preservation of agriculture is as a key goal of this Valley. Hopefully, you understand that continuing agriculture is made even more difficult by each restriction.

Respectfully, I urge you NOT to allow this MOU as written. I request that the MOU be changed to apply **ONLY** to the open space the developer owns, instead of affecting all of those unrelated private property owners nearby who are trying to keep their businesses going.

If this is not possible, I have heard that there are other ways the developer can work the system to move the ULL. Please do not allow this MOU, but rule that the Tassajara Parks Project developer seek another solution that does not violate the rights of so many! Additionally, it would be seriously offensive if the MOU is passed with anticipation of project being passed in the future.

Thank you, Sandee Wiedemann

From: [Sheri Burns](#)
To: [DCD PlanningHearing](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Monday, June 7, 2021 12:35:36 PM

Contra Costa Planning Commission ,

Dear Contra Costa Planning Commission,

I absolutely oppose building outside of the urban limit.

In the near future, you will be reviewing the Tassajara Parks planned development outside the Urban Limit Line. City boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. As illustrated by the recent fires, we already feel the effects of climate change on a regular basis.

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Thank you!

Sheri Burns
lusitanoburns@gmail.com
5140 Bengali street
Danville , California 94506

From: sjmadrone@sonic.net
To: [DCD PlanningHearing](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Monday, June 7, 2021 11:28:19 AM

Contra Costa Planning Commission ,

Dear Contra Costa Planning Commission,

In the near future, you will be reviewing the Tassajara Parks planned development outside the Urban Limit Line. City boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. As illustrated by the recent fires, we already feel the effects of climate change on a regular basis.

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Thank you!

sjmadrone@sonic.net
870 Terra California Drive Apt 6
Walnut Creek , California 94595

From: [Tom Kunhardt](#)
To: [DCD PlanningHearing](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Monday, June 7, 2021 8:33:07 PM

Contra Costa Planning Commission ,

Dear Contra Costa Planning Commission,

In the near future, you will be reviewing the Tassajara Parks planned development outside the Urban Limit Line. City boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. As illustrated by the recent fires, we already feel the effects of climate change on a regular basis.

Protecting the Urban Limit Line is a critical way to maintain fire boundaries and reduce our greenhouse gas emissions. In December 2016, your Board of Supervisors approved the Urban Limit Line and determined that sufficient capacity exists countywide inside the ULL to accommodate housing and growth through 2036. Why risk the health and safety of our region to build outside of the Urban Limit Line? We need more housing in our cities and existing communities, not outside of the Urban Limit Line. I urge you to vote no on the Tassajara Valley project.

Thank you!

Tom Kunhardt
tt101@mac.com

Oakland, California 94602



June 9, 2021

VIA ELECTRONIC MAIL

hiliana.li@dcd.cccounty.us

sean.tully@dcd.cccounty.us

Contra Costa County Planning Commission
c/o Hiliana Li
30 Muir Road
Martinez, CA 94553

Sean Tully, Principal Planner
Contra Costa County
Department of Conservation and Development
30 Muir Road
Martinez, CA 94553

Re: Agenda Item No. 2a General Plan Amendment (GP07-0009); Rezoning (RZ09-3212); Vesting Tentative Tract Map (SD10-9280); Development Plan and Development Agreement (DP10-3008); Tassajara Parks Project

Dear Honorable Members of the Planning Commission:

On behalf of the Town of Danville, I submit these comments regarding the Final Environmental Impact Report ("EIR") prepared by Contra Costa County ("County") pursuant to the California Environmental Quality Act ("CEQA") (Pub. Resources Code, §§ 21000 et seq.; Cal. Code Regs., tit. 14, §§ 15000 et seq. [CEQA Guidelines]) and related land use entitlements for the Tassajara Parks Project ("Project"). This letter incorporates by reference our prior comments on the Draft EIR dated July 18, 2016 and on the Recirculated Draft EIR dated November 30, 2016. For reasons explained below, I am also attaching the letter submitted by the Town to you on September 30, 2020-the concerns raised in that letter remain valid and are incorporated herein. As explained in our previous three letters, the EIR does not comply with CEQA, State Planning and Zoning Law (Gov. Code, §§ 65000 et seq.), and the Subdivision Map Act (Gov. Code, §§ 66410, et seq.).

Before turning to the Town's comments regarding the updated information pertaining to water supply, I must address the Town's ongoing concerns regarding the lack of transparency with this project and the ongoing exclusion of the Town from the process.

510 LA GONDA WAY, DANVILLE, CALIFORNIA 94526

June 9, 2021

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While we have raised some of these concerns in prior letters, the pattern of excluding input from the Town continues to occur:

- As indicated in Section 1 of our September 30, 2020 letter, the County has failed to respond to the first of our two comment letters on the Draft EIR. (See FEIR, Response to Comments, DAN pp. 1-2 of 20). While our September 30 letter addresses the legal ramifications of this failure, I highlight it to point out that this omission has never been acknowledged or addressed by the County.
- In our November 30, 2016 letter, the Town specifically asked that all future public notices for the project be sent to both the Town's outside counsel, Sabrina Teller, and the Town Attorney, Robert Ewing. While the Town did receive notice of the June 9, 2021 hearing, neither Ms. Teller nor Mr. Ewing have received any public notices since our 2016 request.
- Our September 30, 2020, letter is not included in the 323 page packet of materials provided to the Planning Commission for this hearing and as far as we can tell, that letter has never been distributed to members of the Planning Commission and certainly has not been seen by the public and other interested parties.
- Finally, and most significantly, the materials provided to the Planning Commission omit documents submitted by the Town illustrating action by the Danville Town Council opposing the Project. On October 20, 2020, the Town Council adopted Resolution No. 72-2020, formally opposing the project. On October 16, 2020, I personally emailed a link to the staff report and resolution to John Kopchik, Director of Conservation and Development for the County. Mr. Kopchik has been my primary contact at the County with regard to the Project and the proposed Agricultural Preservation Agreement.

Astonishingly, none of those documents are included in the Staff Report and accompanying packet submitted to the County Planning Commission for its June 9, 2021, public hearing. Though the Planning Commission staff report refers to actions taken by the City of San Ramon and East Bay Regional Park District to support the Agricultural Preservation Agreement, the report includes no mention of Danville's action opposing it, which occurred prior to actions taken by both of the other agencies mentioned.

Because of this omission, no member of the Planning Commission or member of the public would have the slightest idea that the Town Council has taken a formal position on the project. As Danville is the incorporated city in closest proximity to the proposed project and by any objective measure would be the most impacted by the project, it is hard to believe that the official view of

Danville's elected leaders is not worth providing to the County's decisionmakers. In order to provide members of the Planning Commission and the public with the Town Council's position, copies of the staff report, adopted resolution and transmitting email are attached and incorporated herein and can be found online here: https://danville-ca.granicus.com/MetaViewer.php?view_id=9&clip_id=1729&meta_id=36642

The Town and the County have had policy disagreements over the years regarding development in the San Ramon Valley, some of which have ended up in court. However, this is the first time we have experienced this level of difficulty in ensuring that the Town's input is even included and addressed in the public record for decisionmakers and the public to consider. This is simply indefensible.

Turning to the critical issue of water supply for the project, the analysis in the Recirculated Draft EIR ("RDEIR") remains inadequate. The County relies on a mitigation measure (MM USS-1) and related conditions of approval (COAs) wherein proof of water service must be demonstrated prior to filing a final map for the Project. (Staff Report, p. 5.) Not only does this constitute impermissible deferred mitigation, because the measure is infeasible and de facto punts mitigation to some future time after project approval (see, e.g., *Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884, 906), it also violates the holding in *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412 ("*Vineyard*"). The Supreme Court in *Vineyard* identified four key principles for an adequate water supply analysis under CEQA:

1. Decisionmakers must be presented with sufficient facts to evaluate the pros and cons of supplying the amount of water that the project will need;
2. An adequate environmental impact analysis for a large project, to be built and occupied over a number of years, cannot be limited to the water supply for the first stage or the first few years;
3. Future water supplies identified and analyzed must bear a likelihood of actually proving available; speculative sources and unrealistic allocations are insufficient bases for decisionmaking under CEQA; and
4. Where it is impossible to confidently determine that anticipated future water sources will be available, CEQA requires some discussion of replacement sources or alternatives to the anticipated water, and of the environmental consequences of those contingencies.

(*Id.* at pp. 431-432.)

The County's water supply analysis directly violates the third and fourth principles, in turn violating the first. As it stands, the Project has no likely path toward procuring an adequate water supply. The theoretical future water supplier, the East Bay Municipal Utility District ("EBMUD"), opposes the Project and has stated that it does not have the water to service it and will reject the proposed annexation of the Project into its service district, as a matter of policy. (Staff Report, p. 4, attached Letter of EBMUD Dated May 27, 2021 [p. 1].) This provider admission makes the future water supply for the Project speculative and unrealistic, whereas *Vineyard* calls for a "confident prediction" of adequate water supply. (*Id.* at p. 432.) "When the verification [of water supply] rests on supplies not yet available to the water provider, it is to be based on firm indications the water will be available in the future...." (*Id.* at p. 433.) Here, the opposite occurs—the water provider is on record stating that it *cannot* meet the demands of its existing customers, let alone those of the Project. (Staff Report, attached Letter of EBMUD dated May 27, 2021 [pp. 2–3].) The EIR therefore must include a discussion of another, potentially feasible water supply alternative and its environmental impacts. But, the County has not presented this discussion in any of its EIR iterations. To date, the County has presented two infeasible water supply sources, and zero viable ones. As a result, decisionmakers cannot evaluate the pros and cost of supplying water to the Project, because you cannot evaluate what does not exist. The criteria set forth in *Vineyard* have not been met.

Furthermore, the recent information presented by the County regarding its supposed water supply solution—namely letters from EBMUD—is indeed "significant new information within the meaning of CEQA Guidelines section 15088.5," requiring recirculation of the EIR. (Staff Report, p. 4). Section 15088.5, subdivision (a)(2), requires recirculation prior to EIR certification upon new information containing "a disclosure showing that: ... [a] substantial increase in the severity of an environmental impact would result unless mitigation measure are adopted that reduce the impact to a level of insignificance." As demonstrated above, via EBMUD's disclosures in its letters, MM USS-1 is ineffective and cannot be relied on to reduce the impact to water supply to a less-than-significant level, as it claims to do. (RDEIR, p. 3.13-34.) Without this measure, the impact conclusion substantially increases, back to its pre-mitigation level of "[p]otentially significant," thereby triggering recirculation. Additionally, because of the County's lack of notice for this upcoming hearing, the Town was not allowed adequate time to meaningfully review the technical information presented in the memorandum provided by Tully & Young, in contravention of statutory directives that the CEQA process be a public one that provides "meaningful public disclosure." (Pub. Resources Code, § 21002.1, subd. (e); see also CEQA Guidelines, §§ 15002, subd. (a)(1), 15003, subds. (b)–(e).)

June 9, 2021

Page 5

Thank you for your attention to these comments. Please include this letter and attachments in the record of proceedings for this Project.

Sincerely,



Joseph A. Calabrigo
Town Manager

Cc: Town Council
Supervisor Candace Andersen
City Attorney
Sabrina Teller, Remy Moose Manley, LLP
Casey A. Shorrock, Remy Moose Manley, LLP

Enclosures

Attachment A: Town of Danville , September 30,2020 Comment Letter

Attachment B: Town of Danville Staff Report, dated 10/20/20; Danville Town Council Resolution No. 72-2020; Transmittal Email from Joe Calabrigo to John Kopchik, dated 10/16/20



*"Small Town Atmosphere
Outstanding Quality of Life"*

September 30, 2020

VIA ELECTRONIC MAIL

hiliana.li@dcd.cccounty.us

sean.tully@dcd.cccounty.us

Contra Costa County Planning Commission
c/o Hiliana Li
30 Muir Road
Martinez, CA 94553

Sean Tully, Principal Planner
Contra Costa County
Department of Conservation and Development
30 Muir Road
Martinez, CA 94553

Re: Agenda Item No. 2 General Plan Amendment (GP07-0009); Agenda Item No. 3 Rezoning (RZ09-3212); Agenda Item No. 4 Vesting Tentative Tract Map (SD10-9280); Development Plan and Development Agreement (DP10-3008); Tassajara Parks Project

Dear Honorable Members of the Planning Commission:

On behalf of the Town of Danville, I submit these comments regarding the Final Environmental Impact Report ("EIR") prepared by Contra Costa County ("County") pursuant to the California Environmental Quality Act ("CEQA") (Pub. Resources Code, §§ 21000 et seq.; Cal. Code Regs., tit. 14, §§ 15000 et seq. [CEQA Guidelines]) and related land use entitlements for the Tassajara Parks Project ("Project"). This letter incorporates by reference our prior comments on the Draft EIR dated July 18, 2016 and on the Recirculated Draft EIR dated November 30, 2016. As explained in our previous two letters, the EIR does not comply with CEQA, State Planning and Zoning Law (Gov. Code, §§ 65000 et seq.), and the Subdivision Map Act (Gov. Code, §§ 66410, et seq.).

1. The Final EIR fails to adequately respond to the Town's comments on the Draft EIR.

As a threshold matter, the Final EIR fails altogether to address the Town's comments on the Draft EIR in violation of Public Resources Code section 21091, subdivision (d) and

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Building
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Engineering & Planning
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Transportation
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Maintenance
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Police
(925) 314-3700

Parks and Recreation
(925) 314-3400

ATTACHMENT A

September 30, 2020

Page 2

CEQA Guidelines sections 15088, subdivision (a) and 15132. (*Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 516 [responses to comments in a final EIR are an “integral part” of an EIR’s substantive analysis of environmental issues].) The Final EIR’s responses to the Town’s comments are limited to its comment letter dated November 30, 2016. (See Final EIR, pp. 3-53 to 3-72.) The Final EIR’s statement that its responses to the Town’s comments on the Recirculated Draft EIR address our previous comments on the Draft EIR is not accurate. The Final EIR does not address our comments related to the project description, baseline, land use, cultural resources, geology, hazards and hazardous materials, noise, public services and recreation, among others. The need for a reasoned, factual response is particularly acute when critical comments have been made by other agencies. (See *Berkeley Keep Jets Over the Bay Committee v. Bd. of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1371.) Failure of a lead agency to respond to comments raising significant environmental issues before approving a project frustrates CEQA’s informational purposes and renders an EIR legally inadequate. (See *Flanders Foundation v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, 615; *Rural Landowners Assn. v. City Council* (1983) 143 Cal.App.3d 1013, 1020.)

2. The Agricultural Preservation Agreement is an inextricably related action, the impacts of which must be analyzed in the EIR.

Under CEQA a “project” is “an activity which may cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.” (Pub. Resources Code, § 21065.) It includes “the whole of an action.” (CEQA Guidelines, § 15378, subd. (a).) The failure to analyze the “whole of the project” is a CEQA violation referred to as “piecemealing.” (*Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209, 1222.) The California Supreme Court has adopted the following test for reviewing piecemealing claims:

[A]n EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects.

(*Laurel Heights Improvement Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 396.)

While the Final EIR reiterates that the Agricultural Preservation Agreement can be approved separately from the Project and without CEQA review, the Project findings

included in the staff report make clear that the Agricultural Preservation Agreement serves as the basis for making the required finding of approval to change the County's Urban Limit Line (ULL). (Staff Report, pp. 26-28; Final EIR, pp. 2-8 to 2-10.) In doing so, the County impermissibly commits itself to the approval of the Agricultural Preservation Agreement "as a practical matter" without CEQA review. (See *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, 135.)

The County's use of the Agricultural Preservation Agreement is therefore a reasonably foreseeable consequence of the Project. The record clearly establishes that the sole purpose for proposing the draft Agricultural Preservation Agreement is to facilitate the making of a finding to permit the Project's approval under County Code section Chapter 82-1.018(a)(3) – which requires that "[a] majority of the cities that are party to a preservation agreement and the county have approved a change to the [ULL] affecting all or any portion of the land covered by the preservation agreement." The EIR must be revised and recirculated to address the impacts of the Agricultural Preservation Agreement.

Additionally, the Agricultural Preservation Agreement represents significant new information requiring recirculation of the EIR. (Guidelines, § 15088.5.) The Draft Memorandum of Understanding ("MOU") (subsequently referred to as the Agricultural Preservation Agreement in the Final EIR) was not included in the Draft EIR and Recirculated Draft EIR. Prior to the Final EIR, the only information provided was a cursory explanation of the "range of actions to be considered that include, but are not limited to" the identified actions. (Recirculated Draft EIR, p. 3.9-33.) In contrast, the staff report for the Project now includes a Draft Agricultural Preservation Agreement – upon which the County intends to rely to approve the change in ULL for the Project. As set forth above and in the Town's prior comments on the Draft and Recirculated Draft EIRs, the County's approval of the Project commits it to approving the Agricultural Preservation Agreement while denying the public and other agencies the opportunity to evaluate it and the validity of the conclusions drawn from it. (See *Spring Valley Lake Assn. v. City of Victorville* (2016) 248 Cal.App.4th 91, 108; *Silverado Modjeska Recreation & Park Dist. v. County of Orange* (2011) 197 Cal.App.4th 282, 305.) Moreover, as described below, the Final EIR has been revised to remove the Town of Danville as a signatory to the Agricultural Preservation Agreement. In light of this significant new information, the Final EIR must be recirculated for public comment.

3. The County improperly limits signatory parties to the Agricultural Preservation Agreement.

The Recirculated Draft EIR provides that the Agricultural Preservation Agreement (referred therein as a MOU) was “being considered by the County, Town of Danville, City of San Ramon, and East Bay Regional Park District.” (Recirculated Draft EIR, pp. 2-15, 3.9-33.) In light of the Town’s objections to the change in ULL for the Project, the Final EIR was conspicuously revised to remove the Town as a party to the Agricultural Preservation Agreement with no explanation—although it is presumably due to concern that the County would not be able to achieve the required approval of a “majority of the cities” to support the necessary finding. (Final EIR, pp. 4-43, 2-5.)

The Project’s Northern Site is geographically related to the Town of Danville and is located within the Town of Danville’s planning area as described in the Danville 2030 General Plan. The Town of Danville would be one of the cities that would be expected to be a party to a preservation agreement. (See County Code, § 82-1.024 [Cooperation with cities].) It is against the notion of fair play (and quite frankly illogical) for the County and another city to enter into a preservation agreement that covers lands within the Town’s planning area, without the Town being a necessary party to such an agreement. The County’s actions further represent a lack of good faith particularly where the intent of a preservation agreement is “to reflect the desired relevant interagency collaboration on land use issues.” (Staff Report, p. 26.)

Furthermore, even if the East Bay Regional Parks District can be appropriately considered a “party to the preservation agreement,” it cannot be considered in making a finding that “a majority of cities” have approved the change to the ULL because it is not a city. (See also County Code, § 82-1.024 [“to the extent feasible, the county shall enter into preservation agreements with *cities in the county* designed to preserve certain land in the county for agriculture and open space, wetlands or parks”]; Staff Report, p. 26, citing County Code, § 82-1.024.) Thus, at most, the “majority of cities” upon which the County relies to make the required finding is conveniently a majority of one (i.e., San Ramon).

4. The approval of a change in the ULL for the Project without voter approval is a violation of the County Code.

A proposed general plan amendment that would expand the ULL by more than 30 acres requires voter approval pursuant to County Code section 82-1.018(b). Contrary to information in the EIR, the Project is not eligible for an exception to the voter approval

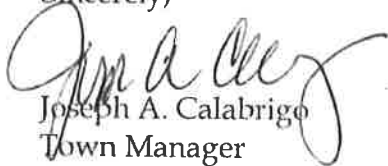
September 30, 2020
Page 5

requirement because the true extent of the Project's urban development is approximately 50 acres, not 30 acres. The Recirculated Draft EIR's characterization of the "NonUrban Development Area" is specious. (Recirculated Draft EIR, pp. 2-1, 2-2, fn. 1 ["All Project features outside of the Residential Development Area are nonurban in nature"], 2-23 to 2-24, Exhibit 2-4.) The true extent of the Project's urban development is approximately 50 acres, not 30 acres. As the Town noted in its previous comments, the area needed to widen Camino Tassajara and to provide corresponding buffer landscape improvements, detention basin, sewer pump station, and necessary grading operations all serve and support the Project's 125 residential units. These Project elements cannot be properly characterized as "nonurban uses" as defined in County Code section 82-1.032(b) as they are not rural residential or agricultural structures. Nor are they "necessary or desirable for the public health, safety or welfare" but for the development of the residential portion of the Project.

The County's conclusory response was simply to provide a recitation of County Code section 82-1.032. (Final EIR, p. 2-12.) Substantial evidence fails to support a finding that these Project components are "nonurban uses." Nor does the Final EIR's response to comments represent the good faith reasoned analysis required by CEQA. (*Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918, 940.)

Thank you for your attention to these comments. Please include this letter in the record of proceedings for this Project.

Sincerely,



Joseph A. Calabrigo
Town Manager

Cc: Town Council
Supervisor Candace Andersen
City Attorney
Sabrina Teller, Remy Moose Manley, LLP
Christina Berglund, Remy Moose Manley, LLP



TO: Mayor and Town Council

October 20, 2020

SUBJECT: Resolution No. 72-2020, opposing the Tassajara Parks project in unincorporated Contra Costa County and requesting that Contra Costa County reject the FEIR and deny the project and all related actions

BACKGROUND

Contra Costa County will shortly hold public hearings before the Contra Costa Planning Commission and Board of Supervisors to consider the Tassajara Parks project. Located east of the Town limits, the project encompasses 771 acres at the north end of the Tassajara Valley, outside of the voter-approved County Urban Limit Line (ULL). The application involves consideration of three interrelated components:

1. The Tassajara Parks project includes applications for a General Plan Amendment (GP07-0009), Rezoning (RZ09-3212), Subdivision (SD10-9280) and a Final Development Plan (DP10-3008) covering two sites:
 - The northern site includes 155 acres located adjacent to Tassajara Hills Elementary School on Camino Tassajara. This site is within the Town’s planning area as defined by the Danville 2030 General Plan. Proposed development includes 125 residential lots, public streets, a detention basin, neighborhood park, staging area and equestrian facilities on a total of approximately 54 acres, with the balance of the site to be dedicated to East Bay Regional Park District (EBRPD).
 - The southern site includes three parcels totaling 616 acres located on the south side of Camino Tassajara, opposite Johnston Road and Highland Road. This site would be dedicated to EBRPD and the San Ramon Valley Fire Protection District (SRVFPD).
2. An Agricultural Preservation Agreement (APA) is proposed for the Tassajara Valley. The APA would preserve and protect up to 17,718 acres subject to current County general plan and zoning standards.
3. Certification of a Final Environment Impact Report (FEIR) prepared for the project.

The project raises both policy and environmental issues that have previously prompted the Town, at the direction of the Town Council, to provide extensive and detailed comments to both the DEIR and the recirculated DEIR. The FEIR has failed to satisfactorily address many of these concerns.

It is therefore appropriate for the Town Council to consider adoption of Resolution No. 72-2020, taking a formal position to oppose this project.

DISCUSSION

The Tassajara Parks application was initially filed with Contra Costa County in February 2014. Earlier development proposals encompassing the same sites (Emerald Homes and New Farm), were submitted and subsequently withdrawn without being acted upon by the County. Since 2014, processing of the application has stalled several times, owing to the need to identify how services would be provided, and undertaking and subsequently recirculating the project EIR on at least two occasions.

Last month, the Town was notified that the project was scheduled to be heard by the Contra Costa Planning Commission on September 30, 2020 (Attachment B). That meeting was subsequently cancelled due to a letter submitted by East Bay Municipal Utilities District (EBMUD) on September 29, 2020.

Tassajara Parks

Project Plans are included as Attachment C to this staff report. The property is currently designated for Agricultural use under the County general plan, and zoned Agricultural A-80 (80 acre minimum). Absent variances, this would permit no further subdivision of the northern site; the southern site, which is comprised of 3 existing parcels, could be subdivided into 7 parcels. In total, this would increase the number of parcels from 4 to 8 on both sites. As will be discussed later, the entire property is located outside of the ULL.

All development is proposed for the 155-acre northern site. This includes 125 single family homes proposed to be located on the southwest portion of the property, adjacent to the elementary school. Though proposed as a 30-acre exception to the voter approved ULL, the referenced 30-acre area includes only the residential lots and public streets. The FEIR indicates that the development includes an additional 19.3 acres of grading along with a 2.95-acre detention basin, and 1.44 acres of equestrian and pedestrian staging areas for a total development area of approximately 54 acres. The County staff report refers to the additional 24 acres as "non-urban developed area," a term which is not defined anywhere in the County general plan or zoning ordinance. (Note that additional land is also proposed for dedication to the San Ramon Valley Unified School District to expand and improve the parking area at the school). Absent the related grading and improvements, the 125 lots could not be developed.

As part of the project, the applicants propose to dedicate 727 acres of land to EBRPD, and 7 acres to SRVFPD. The project conditions would require payment of \$4 million to an

“agricultural enhancement fund” established by the County, and \$2.5 million to Contra Costa Livable Communities Trust Fund.

The project conditions of approval also require payment of \$484,361 to satisfy the County’s Inclusionary Housing Ordinance in lieu of providing the minimum 15% of affordable units on site.

Agricultural Preservation Agreement

The concept of an Agricultural Preservation Agreement for the Tassajara Valley dates back over two decades. An earlier version of an APA was developed in 1998 for consideration by Contra Costa County, Danville and San Ramon. This pre-dated voter approval of the county ULL. Danville acted to approve the agreement, while Contra Costa County and San Ramon never took action.

The currently proposed APA commits to preserving up to 17,718 acres in the Tassajara Valley subject to the current County general plan and zoning. From a general plan and zoning perspective, it imposes no new requirements that don’t already exist. That said, why enter into an APA if it adds no new protections? The simple answer is that it is the only potentially applicable basis to approve the project outside of the County ULL.

The Town has been involved in ongoing discussions regarding a draft APA since 2015. Initially drafted to include both the Town of Danville and the City of San Ramon (Attachment D), the APA recognized that both cities have planning areas that include portions of the Tassajara Valley within their respective General Plan planning areas, and that both are parties of interest.

In order to approve the Tassajara Parks project, the County must grant an exception to the voter approved ULL. The APA is intended to facilitate that action.

Chapter 82- 1 of the County Ordinance Code spells out how changes may be made to the voter approved ULL. Proposed expansions of 30 acres or less do not require voter approval and can be approved by a four-fifths vote of the Board of Supervisors upon making certain findings. This is where the APA becomes relevant. Section 82-1.018 (a) (3) states “A majority of the cities that are party to a preservation agreement and the county have approved a change to the urban limit line affecting all or any portion of the land covered by the preservation agreement.”

In approving the APA, the parties acknowledge that it enables the County to approve the Tassajara Parks project.

As parties to the APA, both cities would need to approve it in order to constitute “A majority of the cities” (while the East Bay Regional Park District is also included as a

signatory to the agreement, the District is not a city, and is therefore of no relevance to making the necessary board finding). However, the County subsequently and unilaterally decided to remove Danville as a party/signatory to the APA, and in so doing, removed any and all references to the Town in the latest version of the APA (Attachment E).

The ULL was approved by County and Danville voters. Attempts to develop the Tassajara Valley have been ongoing for three decades. With or without the APA, by virtue of the County General Plan and Zoning Ordinance, a voter approved ULL and the lack of water and sewer, use of the Tassajara Valley is effectively limited to agriculture, absent a change in policy by the Board of Supervisors.

Danville's 2030 General Plan includes the Upper Tassajara Valley as a Special Concern Area. This was included within the Town's planning area "to provide Danville with a greater voice in future land use changes that might be considered by Contra Costa County." The northern site proposed to be developed as part of the Tassajara Parks project is located within this area. The Special Concern Area language states that "Danville supports maintaining the agricultural uses and agricultural character of the Tassajara Valley. Land uses outside the UGB (ULL) should be consistent with the existing County General Plan designations for this area."

Final EIR

CEQA review of the project was initiated in 2015. A draft EIR was prepared and circulated for the project. The DEIR was subsequently revised and re-circulated prior to release of the FEIR. The Town has submitted extensive comment letters on the DEIR, RDEIR and FEIR (Attachments F1-F3). These letters have raised numerous issues related to the actions proposed, including but not limited to:

- Inconsistency of extending the ULL with Contra Costa County policies;
- Failure of the DEIR, RDEIR and FEIR to comply with CEQA with regard to:
 - The requested ULL exception exceeding 30 acres
 - Lack of feasible water supply alternatives for the project
 - Transportation and traffic issues
 - Air quality and GHG emissions not having been properly studied/evaluated
 - Aesthetics, light and glare impacts
 - Impacts upon agricultural, biological and cultural resources
 - Geology, soils and seismic factors
 - Noise
 - Public Services and Recreation
 - Lack of reasonable project alternatives

- Project inconsistency with General Plan violates planning and zoning law as well as the Subdivision Map Act.

It should be noted that the project proponents have applied to LAFCO to have East Bay Municipal Utility District (EBMUD) and Central Contra Costa Sanitary District (CCCSD) provide water and sewer service to the Tassajara Parks project.

The FEIR and the County staff report indicate that annexation of the site into EBMUD would be contingent upon project applicants funding offsite water conservation measures within EBMUD's existing service area which would offset the additional water demand created by the project. This would be subject to approval by the EBMUD Board of Directors.

In their September 29, 2020 letter to Contra Costa County (Attachment G), counsel for EBMUD challenges the validity of the water supply section of the FEIR, stating that the FEIR among other things: uses "an unsubstantiated and artificially low water demand estimate for the project"; fails to acknowledge the projects inconsistency with EBMUD annexation policies; and contains a faulty analysis of water supply impacts that violates the basic requirements of adequate water supply analysis under CEQA. The letter concludes by stating that "the County cannot assume EBMUD will solve the applicants water supply problems."

Based upon the EBMUD letter, it appears as though no viable source of water currently exists to serve the proposed project.

The FEIR may be viewed at <https://www.contracosta.ca.gov/4552/Tassajara-Parks>.

SUMMARY

Issues and concerns raised and highlighted in this report include:

1. Project inconsistency with the Danville 2030 General Plan.
2. Policy and precedent setting implications associated with amending the voter approved ULL; and considering a 30-acre exception to the ULL.
3. The Tassajara Parks project proposes a 54-acre development footprint that includes 125 single family homes, public streets, related grading, a neighborhood park, drainage facilities, staging area and other improvements - clearly exceeding the 30 acre exception that can be granted by the Board of Supervisors. As currently proposed, the project would require voter approval to expand the ULL.
4. The Town is a party to any actions regarding the future of the Tassajara Valley. This includes consideration of an APA. There are two cities that are parties to the APA. Absent one city, how can it reasonably be stated that "a majority of the cities

that are party to a preservation agreement and the county have approved a change to the urban limit line...”

5. Inconsistency with growth management principles built into Measure J (i.e. focusing housing and jobs around transit centers and downtowns).
6. Potentially significant environmental impacts related to traffic, aesthetics, utilities, services and facilities, etc.
7. Growth inducing impacts related to requiring EBMUD and CCCSD to serve property outside of the voter approved ULL.
8. Lack of any viable water service provider.

Greenbelt Alliance, Sierra Club and the Tassajara Property Owners have all previously expressed opposition to the proposal.

The Town has raised valid policy and environmental concerns related to the Tassajara Parks project for the past several years. Residents living on the east side of Town stand to be most directly impacted by the downstream impact that the project will generate.

The Tassajara Parks project is inconsistent with the Danville 2030 General Plan.

The currently proposed APA commits to preserving up to 17,718 acres in the Tassajara Valley subject to the current County general plan and zoning. In reality, from a general plan and zoning perspective, it imposes no new requirements that don't already exist, and is opposed by the majority of the affected property owners.

While the project includes extensive land dedications to various agencies, the entire site has very limited development potential under the current County general plan and zoning, and the dedications are simply trade-offs in an attempt to secure approval of a ULL exception to allow construction of another 125 homes. The decennial ULL review completed by the County in 2016 concluded that there was adequate land capacity within the current ULL. EBMUD has clearly stated that the property is outside of the District's service area boundary. At a time when the State and regional planning bodies are increasingly exerting their influence upon local agencies to focus new development into more urban, transit-oriented areas, this project would do just the opposite.

PUBLIC CONTACT

Posting of the meeting agenda serves as notice to the general public.

FISCAL IMPACT

None at this time.

RECOMMENDATION

Adopt resolution No. 72-2020, opposing the Tassajara Parks project in unincorporated Contra Costa County and requesting that Contra Costa County reject the FEIR and deny the project and all related actions.

Prepared and Reviewed by:



Joseph Calabrigo
Town Manager

- Attachments:
- A - Resolution No. 72-2020
 - B - September 30, 2020 Staff Report to the Contra Costa County Planning Commission
 - C - Tassajara Parks plans
 - D - April 29, 2016 Draft Memorandum of Understanding (Agricultural Preservation Agreement)
 - E - September 4, 2020 Agricultural Preservation Agreement
 - F1- September 30, 2020 Comment Letter to Contra Costa County
 - F2- November 30, 2020 Comment Letter to Contra Costa County
 - F3- July 18, 2020 Comment Letter to Contra Costa County
 - G - September 29, 2020 Comment Letter from East Bay Municipal Utility District to Contra Costa County

RESOLUTION NO. 72-2020

**OPPOSING THE TASSAJARA PARKS PROJECT IN UNINCORPORATED
CONTRA COSTA COUNTY AND REQUESTING THAT CONTRA COSTA
COUNTY REJECT THE FEIR AND DENY THE PROJECT AND ALL RELATED
ACTIONS**

WHEREAS, Contra Costa County is currently considering the "Tassajara Parks" project, including applications for a General Plan Amendment (GP07-0009), Rezoning (RZ09-3212), Subdivision (SD10-9280) and a Final Development Plan (DP10-3008) including 771 acres on two sites located east of the Town limits, at the north end the Tassajara Valley; and

WHEREAS, the project is located outside of the voter-approved County Urban Limit Line (ULL), which was also approved by Danville voters as the Town's Urban Growth Boundary (UGB); and

WHEREAS, the Town's 2030 General Plan includes the Upper Tassajara Valley as a Special Concern Area to provide Danville with a greater voice in future land use changes that might be considered by Contra Costa County, and the Special Concern Area language states that "Danville supports maintaining the agricultural uses and agricultural character of the Tassajara Valley" and that "Land uses outside the UGB (ULL) should be consistent with the existing County General Plan designations for this area."; and

WHEREAS, Chapter 82- 1 of the County Ordinance Code allows that proposed expansions of 30 acres or less to the voter approved ULL do not require voter approval and can be approved by a four-fifths vote of the Board of Supervisors upon making certain findings; and

WHEREAS, Section 82-1.018 (a) (3) states "A majority of the cities that are party to a preservation agreement and the county have approved a change to the urban limit line affecting all or any portion of the land covered by the preservation agreement," and

WHEREAS, the applicants for the Tassajara Parks project have proposed the adoption of an Agricultural Preservation Agreement (APA) that would effect up to 17,718 acres in the Tassajara Valley; and

WHEREAS, the Town has been a party to ongoing discussions regarding the APA since 2015, and the APA was originally drafted to include the Town of Danville and the City of San Ramon, recognizing that both cities have planning areas that include portions of the Tassajara Valley within their respective General Plan planning areas; and

WHEREAS, a draft EIR was prepared and circulated for the project, and has subsequently been revised and re-circulated two additional times; and

WHEREAS, the Town has submitted extensive comment letters on both the initial, revised and re-circulated project EIRs which have raised numerous issues and concerns regarding the adequacy of the DEIR, recirculated DEIR and FEIR; and

WHEREAS, the Danville Town Council has reviewed and considered all of the related actions associated with the Tassajara Parks project, and finds that:

1. The proposed project includes a total development area of approximately 54 acres, including 125 single family homes, subdivision grading necessary to build the single family lots, a detention basin necessary to meet storm water run-off requirements for the single family lots, a neighborhood park necessary to serve the single family lots, equestrian and pedestrian staging areas. The area being developed exceeds the 30-acre exception allowed under Chapter 82-1 of the County Ordinance Code by approximately 180% and should be subject to voter approval.
2. The Town has historically been considered to be a party to land use considerations that involve and effect the Tassajara Valley. The Town was a signatory to the original 1998 APA proposed for the Tassajara Valley prior to voter approval of a county ULL, and the Town has been a party to ongoing discussions regarding the APA proposed as a part of the Tassajara Parks project since 2015. The unilateral decision by Contra Costa County to exclude Danville as a signatory to the most recent APA is a bad faith action inconsistent with recent and past precedent.
3. Without Danville as a signatory to the proposed APA, the Town challenges the County's ability to find that "A majority of the cities that are party to a preservation agreement and the county have approved a change to the urban limit line affecting all or any portion of the land covered by the preservation agreement" subject to Section 82-1.018 (a) (3) of the County Ordinance Code.
4. From a general plan and zoning perspective, the APA imposes no new requirements and is proposed solely for the purpose of facilitating County consideration to grant an exception to the voter approved ULL.
5. The Town has submitted extensive comment letters on both the initial, revised and re-circulated project EIRs that have raised numerous concerns and identified numerous deficiencies pertaining to CEQA adequacy.
6. The project and related APA are inconsistent with the Danville 2030 General Plan Special Concern Area language which states that "Danville supports maintaining the agricultural uses and agricultural character of the Tassajara Valley. Land uses outside the UGB (ULL) should be consistent with the existing County General Plan designations for this area."

7. The decennial ULL review completed by the County in 2016 concluded that there was adequate land capacity within the current ULL to accommodate projected growth.
8. The proposed project is inconsistent with smart growth principles that call for new development to include greater affordability and be focused into more urban, transit-oriented areas, consistent with the goals set by the Sustainable Communities and Climate Protection Act of 2008 (SB 375) and the California Global Warming Solutions Act of 2006 (AB 32); **NOW THEREFORE BE IT**

RESOLVED that upon review and consideration of the application and record, the Danville Town Council wishes to register its formal opposition to the Tassajara Parks project and requests that Contra Costa County reject the FEIR and deny the project.

APPROVED by the Danville Town Council at a regular meeting on October 20, 2020, by the following vote:

AYES: Arnerich, Blackwell, Morgan, Stepper

NOES: Storer

ABSTAINED: None

ABSENT: None

DocuSigned by:

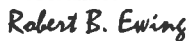


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MAYOR

APPROVED AS TO FORM:

DocuSigned by:



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CITY ATTORNEY

ATTEST:

DocuSigned by:



71735A3F04C942F

CITY CLERK



June 7, 2021

RECEIVED on 6/7/2021 **CSD10-09280**
By Contra Costa County
Department of Conservation and Development

Re: 6/9/21 Contra Costa County Planning Commission Public Hearing for Tassajara Parks Project

Dear Contra Costa County Planning Commissioners,

The Tassajara Valley Preservation Association along with over 4,700 petition signers requests that you reject the Department of Conservation and Development's staff report recommending approval of the proposed development known as Tassajara Parks because of the following facts:

- **It is illegal and a violation of the County's Measure L**
- **The project does not have a source of water**
- **The County's staff report is inconsistent with its previous findings and statements**

IT IS ILLEGAL AND A VIOLATION OF THE COUNTY'S MEASURE L

A. Measure L requires that any development outside the Urban Limit Line ("ULL") over 30 acres requires a county-wide vote:

- a. Staff report clearly indicates that the Northern Site contains 24 acres of so called "Non-Urban" use. Included in this area is a pumping station and a detention basin that is integral to the 30 acre "Residential Development Area". This infrastructure is necessary for the proposed development and is clearly not "non-urban". When this area is properly included, the development is closer to 54 acres in size and requires a county-wide vote.
- b. An analogy may help. A batter in baseball cannot change the rules mid-game and ask the umpire to not count the first two strikes. Similarly a developer cannot choose to circumvent the 30 acre limitation by deciding not to count certain portions of the development.

B. The so-called "Preservation Agreement" used to secure approval is flawed and illegal:

- a. The closest city to the development site is Danville which has registered its opposition to the project and is illegally excluded from the Preservation Agreement. Danville will bear the brunt of traffic exiting the development and will be a strain on its services. It is the first city in the county that will experience traffic from the development.

b. A Preservation Agreement must be signed by a majority of the cities and the county to be valid. Note that the wording is not a majority of the cities and the county taken as a whole. The county carefully chose the wording in Measure L and the plain English meaning of this wording is that the county's approval must be secured before an agreement is valid. It also means that a majority of the cities approval must be obtained. Danville and San Ramon are the nearest cities, and with Danville excluded from the agreement, a majority of the cities cannot be obtained. Hence the proposed agreement is invalid and therefore a condition to allow a 30 acre development outside the ULL is not satisfied.

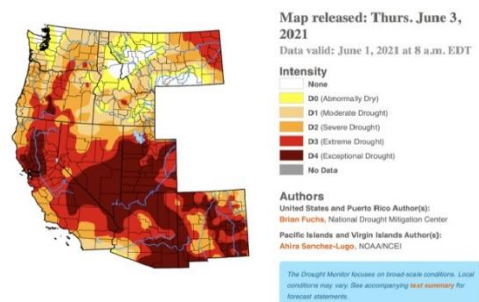
c. The agreement is flawed and is only proposed because it is the only one of seven acceptable exceptions for a development outside the ULL. The agreement is not an enforceable contract among the County, San Ramon and East Bay Parks District. Any party can withdraw from the agreement at any time without any penalty. The county does not give up its right to change the zoning in the Preservation Area at any time. The developer misleads by implying that this agreement provides any more protection than the current ULL. County Counsel will affirm that the agreement may be terminated at any time by any party without penalty and is non-enforceable. The Agreement is not worth the paper it is printed on.

C. The above reasons advanced will be the basis of a suit filed against the parties as a violation of County law, specifically Measure L. This will expose the parties to unnecessary litigation costs, damages and penalties.

THERE IS NO SOURCE OF WATER FOR TASSAJARA PARKS

A. The East Bay Municipal Utility District has rejected supplying water to Tassajara Parks and the EIR needs to be redone to reflect a water source. EBMUD has reiterated their objections numerous times as:

- a. TP is outside their service area and ultimate service boundary.
- b. The developer's estimate of water usage has been under estimated by a factor of 2
- c. Seventy two percent of California is experiencing a drought condition and the utility must insure that existing customers within its service area is assured an adequate supply of water:
 - i. Governor Newsom has declared a drought emergency in 41 of 48 California Counties imposing water conservation restrictions.
 - ii. Water runoff from snowpack since April 1st is near zero due to parched earth.
 - iii. California reservoirs hold 50% less than normal at this time of the year per Centers for Watershed Sciences at UC Davis. Oroville dam pictured below:



THE COUNTY'S STAFF REPORT IS INCONSISTENT WITH ITS PREVIOUS FINDINGS AND STATEMENTS

A. The proposed development is in stark conflict with the County's own 2016 ULL Mid-term Review that concluded "Sufficient capacity exists countywide inside the ULL to accommodate housing and job growth through 2036".

B. Why is this development moving through the approval process?

a. San Ramon is proposing 4,000 housing units to be built in Bishop Ranch proving there is enough buildable capacity within the ULL. Thus there is no need to go outside the ULL.

b. Is it the \$ 6.5 million offered by the developer to the county to fund the so-called Agricultural Enhancement uses? Does the payment of these 30 pieces of silver justify the betrayal of the residents of this county who rely on the fair enforcement of laws governing the ULL?

SUMMARY

The proposed project should be rejected because 1), it is illegal, 2) there is no approved water source, and 3) it is inconsistent with the county's previous findings that sufficient housing capacity exists inside the ULL. The proper methodology for approval of this project is submission to the voters of the county.

Thank you for your dedication to serving the residents of Contra Costa County.



Respectfully,

Richard L. Fischer

Richard L. Fischer
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925-200-4574
tassajaravalleyrf@gmail.com

Gretchen Logue,

Gretchen Logue
Co-founder, Tassajara Valley Preservation Association
925-786-6973
tassajaravalleypa@gmail.com



From: [vanessa cleric](#)
To: [DCD PlanningHearing](#)
Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks
Date: Monday, June 7, 2021 11:11:16 AM

Contra Costa Planning Commission ,

Dear Contra Costa Planning Commission,

In the near future, you will be reviewing the Tassajara Parks planned development outside the Urban Limit Line. City boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. As illustrated by the recent fires, we already feel the effects of climate change on a regular basis.

Protecting the Urban Limit Line is a critical way to maintain fire boundaries and reduce our greenhouse gas emissions. In December 2016, your Board of Supervisors approved the Urban Limit Line and determined that sufficient capacity exists countywide inside the ULL to accommodate housing and growth through 2036. Why risk the health and safety of our region to build outside of the Urban Limit Line? We need more housing in our cities and existing communities, not outside of the Urban Limit Line. I urge you to vote no on the Tassajara Valley project.

Thank you!

Vanessa Cleric
A concerned Brentwood resident.

vanessa cleric
v.cleric00@gmail.com
544 Lakeview Dr
Brentwood, California 94513

From: Joselvin Galeas <info@email.actionnetwork.org>

Sent: Thursday, June 10, 2021 10:35 AM

To: DCD PlanningHearing <PlanningHearing@dcd.cccounty.us>

Subject: Keep Our Communities Safe - Vote NO on Tassajara Parks

Contra Costa Planning Commission ,

Dear Contra Costa Planning Commission,

In the near future, you will be reviewing the Tassajara Parks planned development outside the Urban Limit Line. City boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the city's General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come. As illustrated by the recent fires, we already feel the effects of climate change on a regular basis.

Protecting the Urban Limit Line is a critical way to maintain fire boundaries and reduce our greenhouse gas emissions. In December 2016, your Board of Supervisors approved the Urban Limit Line and determined that sufficient capacity exists countywide inside the ULL to accommodate housing and growth through 2036. Why risk the health and safety of our region to build outside of the Urban Limit Line? We need more housing in our cities and existing communities, not outside of the Urban Limit Line. I urge you to vote no on the Tassajara Valley project.

Thank you!

Joselvin Galeas

joegaleas@gmail.com

3210 Maricopa Avenue

Richmond , California 94804

From: [Sam Pejham](#)
To: [Sean Tully](#); [Clerk of the Board](#)
Cc: [Danielle Kelly](#)
Subject: Tassajara Parks Project questions for public hearing
Date: Thursday, July 1, 2021 9:12:18 PM

Dear Mr. Tully and Clerk of the board,

The project raises both policy and environmental issues:

-The Sierra Club strongly opposes this measure. The Urban Limit Line (ULL) is a powerful tool that Contra Costa voters passed as Measure C in 1990 to ensure that new development occurs within certain boundaries, thus protecting the county's remaining agricultural lands and open space from sprawl. Most proposals to build outside the Urban Limit Line would need voter approval. But there is a loophole whereby developments of 30 acres or less can get the go-ahead as long as the County Board of Supervisors can make a "finding" from a list of specified circumstances. Tassajara Parks is being sold to the County as a trimmed-down 30 acres to slip through this loophole (even though the actual building/grading envelope is 54 acres*).

The "finding" that the developer aims to qualify under is a "Preservation Agreement." The great irony is that the area in question doesn't need further preservation as **it is already preserved by the county's General Plan**, zoning ordinances, and the Urban Limit Line — layers of protections that would be seriously eroded by approval of Tassajara Parks.

After reading the impact report, it is very clear that the proposed "125 Single Family Homes" to be built next to Tassajara Hills Elementary School will significantly impact the traffic on Camino Tassajara Road and over crowd our schools, specially the middle school and High Schools will significantly exceed their capacity. The Zoning for open space and non residential has been in place for many years and has kept this area relatively clear of excessive traffic even though our schools have already become over crowded with the current population. The table referred to in the impact report is from 2015.

There are hundreds of member of our community who are very concerned about this project and voiced their opposition to it during the last announcement regarding this project. We see this attempt by a large land owners to changed established ULL and to push their over development agenda in our community for expensive housing to make millions of dollars in profits. They have falsely called their project "Tassajara Parks Project" when in reality it is a massive multi-million dollar housing development. There is very little to no benefit to their proposal pertaining to our community. Danville's population has not changed much in the past 20 years but it has been shifting to more families with both parents working with school age children and our infrastructure is not equipped to handle hundreds of more families added on a single access road and handful of schools. There are plenty of existing affordable residential housing available in our community to any interested families without risking over crowding our streets and schools.

-The city of Danville has issued a formal opposition this project which the presents "inconsistency with growth management principles built into Measure J (i.e. focusing housing and jobs around transit centers and downtowns)." In addition to being inconsistent with the Danville 2030 General Plan, the project presents potentially significant environmental impacts, growth inducing impacts and has a lack of any viable water service provider. if Contra Costa County can make these exceptions to the ULL, people are going to stop trusting

in the system. According to the project impact report, this Project would generate new trips that would contribute to unacceptable traffic operations. This project will bring NO benefit to Danville and its residents.

1-Why would the county make unilateral exception to the ULL without voter approval on a project that offers NO Real benefit to the residence of Danville or the Environment in the area? (to call this a 30 acres project is completely false. This is truly a 54 acres project requiring voter approval)

2- How does the developer plan to address the concerns raised above regarding traffic, over crowding of the schools, and water impacts ? We are in a significant drought. Where is the extra water going to come from? How would developer address the overcrowding of our schools as predicted by the impact report? How would the developer address the increase traffic on Camino Tassajara road?

I look forward to hearing the response during the public hearing from the developers and the Contra Costa County officials.

Regards,

Sam Pejham, M.D., FAAP

*Though proposed as a 30-acre exception to the voter approved ULL, the referenced 30-acre area includes only the residential lots and public streets. The FEIR indicates that the development includes an additional 19.3 acres of grading along with a 2.95-acre detention basin, and 1.44 acres of equestrian and pedestrian staging areas for a total development area of approximately 54 acres. The County staff report refers to the additional 24 acres as "non-urban developed area," a term which is not defined anywhere in the County general plan or zoning ordinance.