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P2 Police Services District Offer in Compromise

Tod Ratfield <todratfield@yahoo.com>

Fri 5/17/2019 3:18 PM

To: supervisor_burgis@bos.cccounty.us <supervisor_burgis@bos.cccounty.us>

Cc: Scott Batiste <scott.batiste@outlook.com>; AJ Fernandes <ajfernandes@fentongrant.com>

Dear Supervisor Burgis:

Thank you to you and county counsel for the meeting monday afternoon to discuss the P2 Advisory Committee and the issues surrounding the threats made by various individuals to Blackhawk Country Club ("BHCC") in order to induce them into paying money to the P2 District for police services. While we understand this is a disputed issue, we appreciate the discussion and would like to move forward to see if our collective dispute over the P2 police services can be resolved.

BHCC proposes the following to resolve this issue:

1. BHCC will commit to the payment of a total of Twenty-five Thousand Dollars (\$25,000) annually for ten (10) years. The payment will be made in two equal installments every six (6) months.
2. There will be no annual increases for any reason.
3. BHCC's parcel tax must remain at zero.
4. The County will work in good faith to manage the P2 budget with the existing revenues, including consideration of not having a chief for the P2 district, the officers reporting out of the Alamo office, little or no overlapping coverage, reducing overtime, and emergency assistance called from either an adjoining department like Danville or another special services district.
5. If there is an attempt by any person, private or government entity, advisory commission of any kind, to put a parcel tax on the ballot to create a parcel tax as to any BHCC owned parcels, our agreement with the County shall immediately terminate at the option of BHCC. In the event BHCC terminates the agreement, any payment made to the County during that calendar year shall be returned to BHCC within thirty (30) days of notice of termination being delivered or received by the County.
6. If the P2 Police Services District is disbanded, therefore eliminating special police services to BHCC and the surrounding community that is presently serviced in the P2 District, the agreement with BHCC would terminate effective on the date of the termination of the P2 District.
7. As with other community advisory committees, we would like to see a revolving door of committee members such that the county is not advised by the same people each year, but by new members with new thoughts and ideas. BHCC believes this approach will further community involvement and cooperation, and avoid problems that have created this particular situation.

It is BHCC's belief that the budget for the P2 district can be managed properly with similar coverage without seeking a parcel tax. BHCC would be happy to send one or two of its board members to a meeting to sit down with you and the sheriff to assist in that budget review process. BHCC is committed to being a good neighbor, but does not wish to have a tax unfairly imposed upon it without first having the budget reviewed for other ways to manage the county's expenditures. We trust you, as an elected official, would approve of that step before seeking to tax your constituents further.

We look forward to your immediate reply.

Tod Ratfield
Attorney for BHCC

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D.6



**CONTRA COSTA COUNTY
DEPARTMENT OF CONSERVATION AND DEVELOPMENT
COMMUNITY DEVELOPMENT DIVISION**

APPROVED PERMIT

APPLICANT: Kevin Dunne
599 Blackhawk Club Drive
Danville, CA 94506

APPLICATION NO.: DP15-3021

ASSESSOR'S PARCEL NO.: 203-770-005

PROJECT LOCATION:
Danville, CA

OWNER: Blackhawk Country Club
599 Blackhawk Club Drive
Danville, CA 94506

ZONING DISTRICT: P-1

APPROVED DATE: December 7, 2015

EFFECTIVE DATE: December 18, 2015

This matter having not been appealed within the period of time prescribed by law, DEVELOPMENT PLAN PERMIT to modify the Blackhawk Country Club Final Development Plan (County File #DP87-3079) to allow the construction of an approximately 9,403 square-foot fitness center, establish a kid's club, and to allow swim meets and variances in the Danville area is hereby APPROVED, subject to the attached conditions of approval.

Aruna M. Bhat
County Zoning Administrator

By: _____

Telma B. Moreira
Telma B. Moreira
Deputy Zoning Administrator

Unless otherwise provided, THIS PERMIT WILL EXPIRE ONE (1) YEAR from the effective date if the action allowed by this permit is not undertaken within that time.

PLEASE NOTE THE EFFECTIVE DATE, as no further notification will be sent by this office.

FINDINGS & CONDITIONS OF APPROVAL FOR COUNTY FILE #DP15-3021; KEVIN DUNNE (APPLICANT) AND BLACKHAWK COUNTRY CLUB (OWNER) AS APPROVED BY THE ZONING ADMINISTRATOR ON DECEMBER 7, 2015

A. Growth Management Performance Standards

1. **Traffic:** Policy 4-c under the Growth Management Program (GMP) requires a traffic impact analysis be conducted for any project that is estimated to generate 100 or more AM or PM peak-hour trips. The existing use of the property as the Blackhawk Country Club (Country Club) has been established. Members who currently utilize the Country Club will generally be the same members utilizing the fitness center and kid's club. The swim meets are a temporary use and will occur during off-peak hours. Thus, the project will not result in 100 additional peak hour traffic trips and will not require a traffic impact analysis.
2. **Water:** The subject property currently receives water service from East Bay Municipal Utility District. No significant increase in demand for water service is expected from the project.
3. **Sanitary Sewer:** The subject property currently receives sanitary service from Central Contra Costa Sanitary District. No significant increase in demand for sanitary service is expected from the project.
4. **Fire Protection:** The subject property is in the service area of the San Ramon Valley Fire Protection District. The applicant is required to comply with the requirements of the Fire District. However, no significant increase in demand for fire services is expected as a result of the project.
5. **Public Protection:** The subject property is a country club established in 1984. The project does not anticipate to significantly increase membership. The project provides an indoor recreation, in addition to the outdoor recreation currently provided. **Therefore, the project would not result in an increase for the demand of police service facilities.**
6. **Parks & Recreation:** The subject property is a country club established for the benefit of the Blackhawk community through membership. The property itself is for recreational use and the project to would not increase the demand for parks and recreation.

**CONTRA COSTA COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT
APPROVED PERMIT**

APPLICANT:	Blackhawk Country Club, Inc. 599 Blackhawk Club Drive Danville CA 94506	APPLICATION NO.	DP993029
		ASSESSOR'S PARCEL NO.	203-520-001 et al.
OWNER:	Same	ZONING DISTRICT:	P-1
		APPROVED DATE:	March 27, 2000
		EFFECTIVE DATE:	April 6, 2000

This matter having not been appealed within the time prescribed by law, an amendment to the Blackhawk final development plan permit for a modification to the site plan for the existing Blackhawk Country Club to allow construction of a banquet addition to the existing clubhouse and renovation of the existing Lakeside Golf Course is hereby granted subject to the attached conditions.

DENNIS M. BARRY, AICP
Community Development Director

By: 
ROBERT H. DRAKE
Deputy Zoning Administrator

FINDING AND CONDITIONS OF APPROVAL FOR DEVELOPMENT PLAN 3029-99 PER
MARCH 27, 2000 ZONING ADMINISTRATOR APPROVAL

Findings

A. Development Plan Findings.

1. Purpose of District. The Blackhawk Country Club was established by approval 1840-RZ and the approval of the associated final development plan (3035-78). The renovations of the Lakeside Golf Course and renovations of the Lakeside Clubhouse are consistent with the plan objectives and land use plan.
2. Design Objectives and Architectural Compatibility. Review of the plans for the Lakeside Clubhouse and Banquet Wing addition indicate that the building bulk, land coverage of buildings and visual appearance will be consistent with the existing architecture. Moreover, the clubhouse renovation will be compatible with adjoining development in the Blackhawk Country Club. The design of the Banquet Wing is integrated with the architectural style of the Clubhouse.

The Golf Course renovations are consistent with the design of the adjoining residential development in terms of topographic features, relationship of the playing surfaces (tees, fairways, greens) to streets, exploitation of views, integration of course with the adjacent community.

B. Growth Management Element Performance Standards:

1. Traffic. The project as proposed will generate less than 50 new peak hour trips. Therefore, the applicant is not required to prepare a traffic report pursuant to the 1988 Measure C requirements.
2. Water and Sanitary Sewer. The project includes: 1) an efficient irrigation system which offers the potential to reduce demand for irrigation waters, and 2) a commitment to use recycled water when it becomes available. Because the golf course is existing, continued use of potable for irrigation does not represent a change/increase over existing demand.
3. Fire Protection. The project is served by San Ramon Fire Protection District. The nearest fire station is approximately 2 miles southwest of the site. The Blackhawk Country Club has an urban response time, and is subject to requirements of codes, regulations and ordinances administered by the fire protection district.
4. Public Protection. The Growth Management Element Standard is 155 square feet of Sheriff facility station per 1,000 population. The project will generate a daytime use but will not increase the population. The project is not expected to generate any special law enforcement problems.

5. Parks and Recreation. The proposed project is a private recreational facility.
6. Flood Control and Drainage. The golf course is the site of a privately maintained stormwater detention basin. The capacity of the basin will not be reduced as a result of this project.

Conditions of Approval

Administrative

1. This approval is based upon the exhibits received by the Community Development Department listed as follows:
 - A. Exhibit A - Site Plan for the Lakeside Golf Course and Clubhouse Renovation Project received on July 27, 1999 by the Community Development Department (Sheets 1 & 2).
 - B. Exhibit B - Grading Plans for the Lakeside Golf Course and Clubhouse Renovation Project received July 27, 1999 and February 24, 2000 by the Community Development Department (Sheets 3 through 6).
 - C. Exhibit C - Drainage Plans for the Lakeside Golf Course and Clubhouse Renovation Project received July 27, 1999 by the Community Development Department (Sheets 7 through 10).
 - D. Exhibit D - Erosion/Siltation Control Plan for the Lakeside Golf Course and Clubhouse Renovation Project received July 27, 1999 by the Community Development Department (Sheets 11 through 14).
 - E. Exhibit E - Tree Removal/Replacement Plan for the Lakeside Golf Course and Clubhouse Renovation Project received July 27, 1999 by the Community Development Department (Sheets 15 through 18).
 - F. Exhibit F - Banquet Wing Additions and Main Clubhouse Addition (Site Plan, Floor Plans, Elevations) for the Lakeside Golf Course and Clubhouse Renovation Project received July 27, 1999 by the Community Development Department (Sheets 19 through 24).
 - G. Exhibit G - Landscape Design Plan for the Lakeside Golf Course and Clubhouse Renovation Project received July 27, 1999 by the Community Development Department (Sheet 25).
 - H. Exhibit H - Engeo Inc. *Initial Geotechnical Review Comments of Proposed Regrading at the Golf Course.* Job #0540.2.060.01 dated July 26, 1999 and

CONDITIONS FOR APPROVAL OF AMENDED FINAL DEVELOPOMENT PLAN 3008-85,
AMENDED PHASE IV AT BLACKHAWK (SRVAPC May 1, 1985)

1. Development shall be based on the amended Final Development Plan consisting of Sheets 1 through 4, and 17, dated February 25, 1985 by the Planning Department, with the following conditions.

Lots 254 through 259 shall redesigned, including the deletion of two lots, as shown on the amended plan prepared by CSW Consultants dated April 26, 1978.
2. A maximum of 506 units shall be permitted within the 494-acre area of 3008-85. Within the remaining area of 2305-RZ, which is not being modified by 3008-85, a maximum of 421 units shall be permitted as approved by 2305-RZ.
3. Phasing of the Development Plan and subdivision may be modified subject to approval by the Director of Planning.
4. The 53-unit townhouse project shall be subject to Design Review by the Zoning Administrator. Additional conditions may be specified under Design Review, except that any additional conditions shall be limited by the provisions of a development agreement executed by the applicant and the Board of Supervisors.
5. Final design plans and details of management of the country club clubhouse and tennis court facilities, parking and access shall be submitted for review of the Zoning Administrator prior to issuance of a building permit for those facilities.
6. Landscape and irrigation plans, including gate details, wall and fence details, and locations for the path system along Camino Tassajara shall be submitted for review of the Zoning Administrator prior to implementation.
7. The private golf facilities shall be used primarily by members and guests. No major tournaments or conventions shall be permitted, except as may be authorized by the Director of Planning on a case by case basis. The use of a temporary golfers' "starter shack" in Parcel J shall be permitted prior to construction of the permanent clubhouse facility.
8. Development rights to the open space and golf course parcel shall be deeded in separate documents to the County with the recording of Final Subdivision Maps.
9. Covenants, Conditions & Restrictions, Articles of Incorporation and By-Laws for mandatory homeowner's associations shall be submitted prior to approval of a Final Subdivision Map. These documents shall provide for establishment, ownership, and maintenance of the common opoen space, private streets, landscaping and park areas. The CC & R's shall deed restrict all lots within the 23.77 acre area formerly slated for dedication to the State, as shown on applicant's sheet 17, to development of homes with a single story profile.
10. Access to the common open space and a weed abatement program shall be established in consultation with the San Ramon Valley Fire Protection District. Provisions shall