



Date: November 9, 2020  
To: Council members of the City of San Ramon  
From: Tassajara Valley Preservation Association  
Subject: Tassajara Parks Agricultural Preserve Agreement

The Tassajara Valley Preservation Association, [tassaravalleypa.org](http://tassaravalleypa.org), opposes the Agricultural Preserve Agreement (“APA”) that would facilitate approval of the Tassajara Parks 125 home development which is in unincorporated Tassajara Valley and outside the county’s urban limit line (“ULL”). Council members should be aware of the following facts and therefore signal the county that the City of San Ramon rejects the Agricultural Preserve Agreement (“APA”)

1. Staff’s report is incorrect when it states that the APA “Secures Permanent Open Space in Tassajara Valley”. Government entities cannot contract away their zoning privileges. The APA is not a “permanent” document and does not legally restrict San Ramon or the County from changing the zoning in Tassajara Valley at any time—even the day after adoption. There is no enforcement mechanism in the APA or penalties for withdrawing from the agreement. The only purpose of the APA is for Tassajara Parks to qualify for an exception to building outside the ULL. For further proof of this legal point and that the APA does not constitute a valid preservation agreement, refer to the attach opinion letter from the firm of M. R. Wolfe.
2. Staff’s report is incorrect in that it repeats the error in the Final Environmental Report (“FEIR”) for Tassajara Parks. The development of Tassajara Parks is over 50 acres, not 30 acres, and therefore illegal. Developments outside the ULL in excess of 30 acres require county-wide voter approval. The developer excludes the 20 acres of “non-urban” infrastructure that includes a detention basin, a pumping station, and landscaping that is integral to the project. Danville’s response to various drafts of the EIR identified this error. An analogy may help. If a street in San Ramon has a seven ton load limit, and a seven ton truck is carrying a load of five tons on this street, the trucker cannot plead that only the weight of truck alone should be considered. The trucker is in violation of San Ramon’s road weight limit.
3. Staff’s report is incomplete since it omits the result of the mandatory county study conducted at the end of 2016. The study concluded that “sufficient capacity exists countywide inside the ULL to accommodate housing and job growth through 2036”. Thus, given our county’s capacity, there is no need to approve a development outside the ULL.

4. Staff's report ignored the over 820 pages in the EIR of community responses opposing Tassajara Parks. This is in addition to over 4,700 residents of the unincorporated Tassajara Valley, Danville, and San Ramon signing a petition opposing the development. Staff also ignored the negative responses to the EIR from the Greenbelt Alliance, Sierra Club, and most importantly from the East Bay Municipal Utility District that stated that they will not provide water to this project as it is outside their ultimate service boundary.
5. The Staff's report fails to identify that traffic proceeding north on Camino Tassajara must pass through Danville before it passes through any other municipality. Danville would bear the brunt of traffic and other services that will be generated by Tassajara Parks. Staff does not point out that the proposed development site is within Danville's area of interest. Since Danville is on record as opposing this development, and is nexus to it, San Ramon should defer to Danville's objections.

We trust that council members will see through the sham "Agricultural Preserve Agreement"—simply a non-enforceable feel good document designed to win project approval and facilitate a development into agricultural open space. The APA will provide no more protections to the Tassajara Valley than is already provided by the Urban Limit Line. We urge you to reject this staff report as flawed and incomplete and to oppose the APA.

Finally, it is premature for San Ramon to act on this matter until the county determines the fate of the final environmental report and before the new members of the city council have been sworn in.

#### Attachments

Tassajara Valley Preservation Facts Sheet

Letter to Sean Tully, Principal Planner, Contra Costa County Department of Conservation and Development

Legal Opinion—M. R. Wolfe 7/18/2016

East Bay Times article 9/27/20 "*County growth boundary threatened*"

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