

Tassajara Valley Preservation Association

www.tassajaravalley.org



September 17, 2020

Mr. Sean Tully, Principal Planner DCD
cc: Mr. John Kopchik, Director DCD
Department of Conservation of Development
Contra Costa County
30 Muir Road
Martinez, CA 94553

Re: FEIR Tassajara Parks Project and 9/30/20 Contra Costa County Planning Commission Public Hearing

Please include this letter in the staff report that DCD prepares for the County Planning Commission's review.

Dear Mr. Tully and Contra Costa County Planning Commissioners,

On behalf of the Tassajara Valley Preservation Association and over 3,600 County Residents who have signed a petition opposing this development, we would like to thank you for this opportunity to state our persevering and unyielding opposition to the proposed Tassajara Parks project.

We respectfully ask that the Contra Costa County Planning Commission deny FT Land LLC (Applicant) approval of an amendment to the County General Plan to modify the boundary of the voter approved Urban Limit Line.

Argument #1

The Tassajara Parks project's footprint is larger than 30 acres.

1. This proposed urban development exceeds 30 acres (approximately 50 acres in total). The developer cannot exclude from the project the following urban land uses: widening of Camino Tassajara, landscaping, sewer pumping station and grading and water detention basin. These are urban infrastructure improvements are necessary and integral to the project.
2. Expansion of the Urban Limit Line through December 31, 2026 by more than 30 acres requires four-fifths vote of the Board of Supervisors, approval of the voters and it must meet one of seven findings specified in measure L.

Argument #2

The proposed Agriculture Preservation "APA" is flawed.

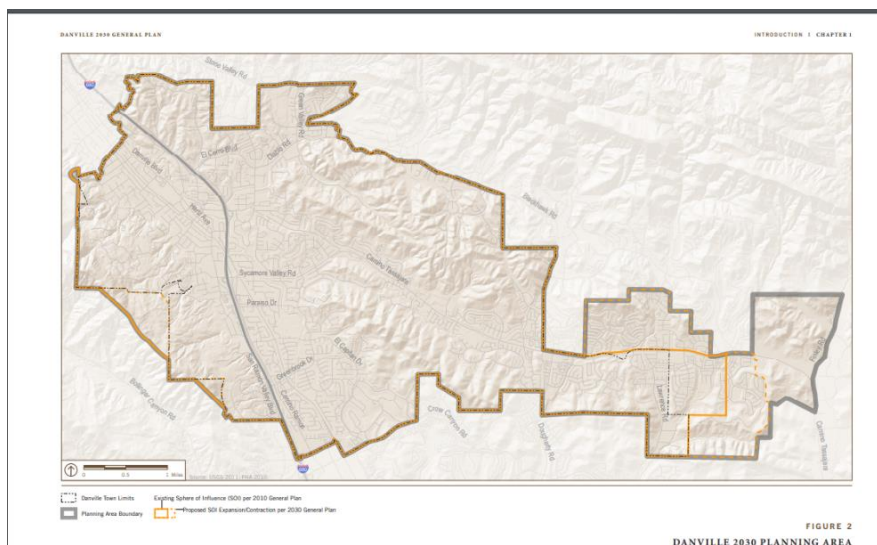
1. The sole purpose for the creation and the adoption of the Agricultural Preservation Agreement ("APA") is to create a condition for exception of the ULL for the development of the housing project, and not as a stand alone necessity to benefit the preservation of Tassajara Valley.
 - a) The FEIR makes the assertion (Master Responses, pg. 2-9) that the APA is "not part of the Tassajara Parks Project and may exist separate and apart from and irrespective of the Project." However, the following sentence, states that *'In the event the parties approve the APA, and the BOS also elects to change the ULL and approve the Project, the Project applicant would be required to convey the 727-acre Dedication Area and make an irrevocable payment of \$6.5 million.....'* These two consecutive sentence clearly link that the Project applicants conveyance of the 727 acres is linked to BOS approval of BOTH the APA and the Project. The conclusion of course is that the APA and the Project are clearly to be taken as a whole.

2. The Agriculture Preservation Agreement “APA” does not bind any of the governmental agencies to “permanently preserve” the Tassajara Valley for agriculture use exclusively. It is deceptive to county residents, since it does not “permanently” protect Tassajara Valley from urban development.
 - a. The only area permanently preserved is the 727 acre “Dedicated Area” that the developer will dedicate to East Bay Regional Parks if the Tassajara Parks project is approved.
 - b. The remaining of the “Preservation and Enhancement Area” includes over 17,000 acres where the parties make certain assurances to discourage development. However, the APA is not a legally enforceable document. The county may move the ULL into the Preservation and Enhancement Area at any time in compliance with the current law. The parties could terminate the APA at any time. There are no penalties for abandoning this agreement at any time. Presumably the county could rezone Tassajara Valley at any time, regardless of what was in the APA without fear of any financial penalty.
 - c. One analogy that could be used to describe the APA is that of wearing a second pair of shoes over your first pair. The first pair of shoes, i.e., the ULL, does a perfectly good job of protecting one’s feet, the second pair adds nothing to foot protection. The APA adds nothing to the protections already afforded by the ULL.
 - d. The APA weakens the ULL, as it will set a precedent for other developers to follow.

Argument #3

Danville omitted from the APA is wrong.

1. Danville is the closest adjacent city to the proposed development.
2. The developer states in paragraph M of the APA, “The Preservation and Enhancement Area and Dedication Area do not fall within any municipality’s SOI”. That statement is incorrect. Please see map. Part of the Dedication Area is clearly within the Town of Danville’s existing SOI as of 2010.
 - a. **Correction 9/22/20:** The Tassajara Parks Project land is not within the Town of Danville’s Sphere of Influence, but rather in the Town of Danville’s Planning Boundary.
 - a. The project is approximately 1.2 miles from the Town of Danville’s border and nexus to Danville’s SOI. Therefore, the Town of Danville is closer to the project than any other municipality.



- c. The Town of Danville should be reinstated as a signatory.
- d. East Bay Regional Parks is not a city and should therefore be removed as a signatory.

Argument #4

Contra Costa County's 2016 review and re-affirmation of the ULL and re-validation of sufficient development capacity within the existing ULL boundary.

1. On December 20th, 2016 the Board of Supervisors approved the 2016 Urban Limit Line Mid-Term Review, presented by John Kopchik, Director of CDC. The 2016 Urban Limit Line Mid-Term Review conclusion states that the ULL analysis demonstrates that sufficient capacity exists countywide inside the ULL to accommodate housing and job growth through 2036.
 - a. The Tassajara Park project is inconsistent with the County's own assessment.

Argument #5

Approval of this change to the ULL would be the first case in the county where the ULL was moved to accommodate an urban development. Please do not set a precedent for developers to follow.

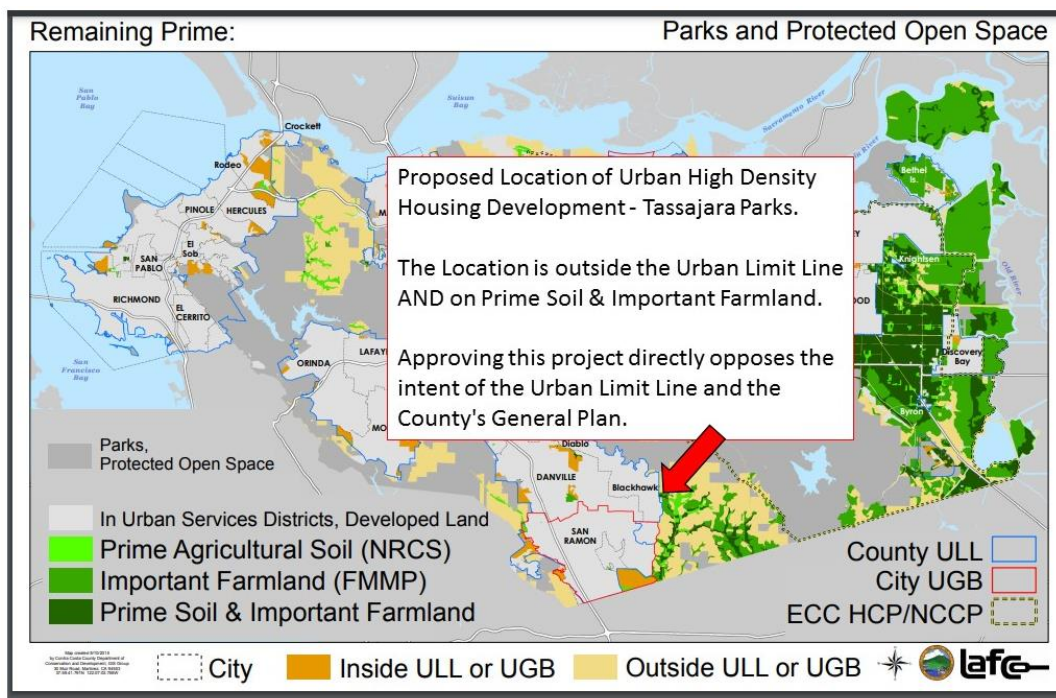
1. Since the ULL has been in effect, only one project has been approved using the 30-acre exception to the requirement for voter approval of changes to the ULL. This project was the Bay Point Waterfront project and moved approximately 21 acres of undeveloped open space and commercial recreation lands inside the ULL in exchange for moving 22 acres of regional parkland outside the ULL. Approval for the change was possible because the Board adopted the finding specified in Measure L that the change would more accurately reflect topographical characteristics or legal boundaries. The TP development does not qualify under that exception and does not qualify under any other exception.

Argument #6

Approval of the proposed Tassajara Parks directly contradicts the intent of the ULL.

The ULL is to preserve 65% of our County's land for agriculture, open space, wetlands, parks, and other non-urban uses.

1. The proposed Tassajara Parks project concerns a site that has been designated as "Prime Soil & Important Farmland."

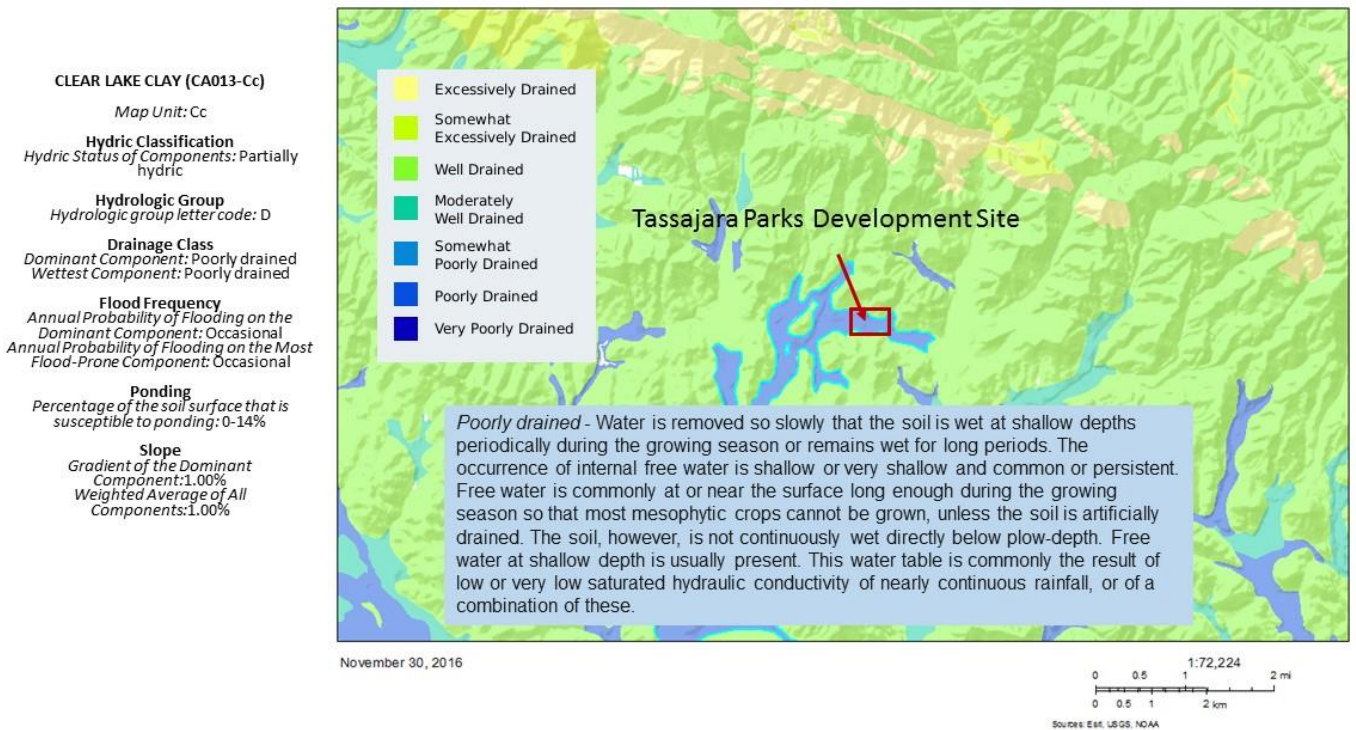


Argument #7

The FEIR has not adequately provided a solution for the loss of the Tassajara Valley's major watershed.

1. The proposed Tassajara Parks development site resides in an established aquifer/watershed and a ground water recharge zone, which flows into the Tassajara Creek. This property is adjacent to a rural community of approximately 100 homes in District 3 (known as "Tassajara Residents/Community"). All (100%) of these residents are fully dependent on well/ground water. The "Tassajara Parks" Final EIR includes unsatisfactory analysis of the serious ground water recharge impacts and water availability impacts to this ground-water dependent community.

Soil Hydrology of the United States (beta)



Photos provided to emphasize the seasonal water flow, and water capture of this specific Recharge Zone.



Photo taken from Southwest corner of proposed project.



Photo taken from Southeast corner of proposed project.

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

Respectfully,

Richard L. Fischer

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Proposed

Tassajara Parks High Density
Housing Development Site