

# Will wine country disaster push Congress to fix fire budget?

By Emily Cadei

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Washington

It's a rare point of bipartisan agreement in divided Washington: The federal system for funding firefighting is broken, and that's hurting our ability to prevent fires from breaking out in the first place.

But lawmakers are at a loggerheads over how to fix the problem, a split that breaks down on largely regional, rather than partisan, grounds. Some in the House and Senate, however, now hope that national coverage of Northern California's devastating fires could finally spur a congressional compromise, a bit of a silver lining emerging out of all the destruction.

At the root of the problem is the fact that forest fires are not treated like other natural disasters. While the Federal Emergency Management Agency (FEMA) can tap emergency funds for hurricane or tornado response, the U.S. Forest Service has to raid its other program budgets – including fire prevention – if it runs out of firefighting funds. That's become increasingly common in recent years, as fires have grown more intense and destructive.

Sen. Jim Risch, R-Idaho notes that the Forest Service spent over half of its budget last year on firefighting, compared to 16 percent in 1995. In effect, the Forest Service has been transformed from a "management agency to a firefighting agency," Risch says. "It's not meant to be that way." In September, the federal government announced its firefighting costs have already surpassed \$2 billion, well over the \$1.7 billion in the Forest Services' budget. That makes this the most expensive fire season ever – and that's before the fires broke out in California.

Risch, along with California Democratic Sen. Dianne Feinstein and eight other Western state senators, is a co-sponsor of the "Wildfire Disaster Funding Act," which would allow the Forest Service to tap emergency funds for firefighting while protecting money for federal fire prevention work – like clearing brush and dead trees – that could help prevent future fires.

"Those of us who live out West believe that these are catastrophes, natural catastrophes, just as much as a hurricane, a tornado or an earthquake," says Risch. "And as such, there should be FEMA emergency spending that is used for this."

Feinstein and fellow California Sen. Kamala Harris also sent a letter to President Trump Tuesday urging him to support the budget fix, as well as other federal aid for those affected in the state. Eighteen members of the California delegation are co-sponsoring a House version of the Wildfire Disaster Funding Act.

But there is a competing bill, the “Resilient Federal Forests Act,” that is moving in the House. It would make the firefighting budget fix, but also add some controversial changes to forest management programs and environmental laws. The legislation is backed primarily by farm state lawmakers, although it is also co-sponsored by California Republican Reps. Tom McClintock of Elk Grove, David Valadao of Hanford and Doug LaMalfa of Oroville (who is sponsoring both bills). California Rep. Kevin McCarthy of Bakersfield, the influential House majority leader, is on board, as well. McCarthy “is working with his House and Senate colleagues to pass legislation ... that fixes the budgeting problems and includes reforms to forest management to help prevent these types of fires (in California) in the future,” his spokesman, Matt Sparks, said via e-mail.

Each house passed a version of its approach as part of a 2015 spending bill, but neither made it into law due to opposition in the other chamber. And both face similar problems this year. The House proposal is anathema to many Democrats and environmentalists, who complain it would violate the National Environmental Policy Act as well as the Endangered Species Act, among other things. So it will struggle to get the necessary 60 votes to avoid a filibuster in the Senate. Opposition from House leaders like McCarthy, meanwhile, will make it hard to advance the Senate version there.

The firefighting crisis, however, is only intensifying.

Advocates for the Senate bill say the inability to pay for adequate prevention work – like clearing brush and dead trees – make fires increasingly severe.

The fires raging in California are all on state or private land, and thus not directly affected by the gap in federal prevention funds. But Cal Fire Director Ken Pimlott said Wednesday that the federal budget dysfunction indirectly affects the state’s ability to combat the blazes.

“The challenge is that we really depend on the federal firefighting resources to come in and help us,” Pimlott said at a press conference in Sacramento, noting the U.S. Forest Service is providing 154 of the 170 fire engines coming to California to fight the fires. “If they don’t have adequate funding to ensure their wildland fire program is fully supported, we don’t have the ability to reach out to them to get mutual aid and assistance at the same capacity.”

The catastrophic nature of California’s fires, combined with their timing, has some hoping Congress will be motivated to work out a solution. “I hope so,” Rep. Jim Costa, D-Calif., replied when asked if the fires bring more urgency to the issue.

The fires are being discussed in the same breath as the hurricanes that belted Texas, Florida and Puerto Rico, and advocates hope that could help shift perceptions about wildfires.

Congress is voting on a natural disaster spending bill this week in response to the hurricanes and fires, just one of what are expected to be several pieces of aid legislation to help the affected areas recover. Backers of a firefighting budget fix would like to attach the measure either to one of those bills, or the legislation needed to fund the entire government that's due in December. Costa is among those seeking a compromise between the two sides of the firefighting fight.

"We're trying," he said.

Lesley Clark of the McClatchy Washington Bureau and Alexei Koseff of The Bee Capitol Bureau contributed to this report.

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## **Circle of Blue**

[WaterNews](#)

# **California Mobile Home Park Residents Face Barriers to Clean Water**

October 13, 2017/in [Water News](#), [Water Quality](#) /by [Brett Walton](#)

*Study finds more frequent service cuts and dirtier water in trailer parks.*

**By Brett Walton, Circle of Blue**

Many of the more than one million Californians who live in mobile home parks drink water that is more polluted and more likely to be cut off than residents who get water from other municipal utilities, according to the most detailed research to date on water access in California trailer parks.

Water service and quality in mobile home parks is “terribly neglected,” according to Greg Pierce, a researcher at the University of California, Los Angeles and lead author of the study, which was published on October 4 in the journal [Environmental Justice](#).

“The story is that there is a pretty consistent neglect by the manager operating the system, either not paying the bills or not monitoring the quality,” Pierce told Circle of Blue. “It’s the larger issue of the park being owned by a person who is not doing much to maintain the system.”

A number of risk factors for water converge around mobile home parks. These water systems serve a disproportionately small number of people — from a few dozen up to several hundred in most cases — which is correlated with financial difficulties, poor service, and more water quality violations, Pierce said. Only three percent of Californians live in a mobile home park, but mobile home parks account for 13 percent of the state’s regulated community water systems. Operators are required to earn state certification but in practice there are problems.

By analyzing state drinking water data from 2010 to 2014, Pierce and Silvia Gonzalez, a coauthor, showed that mobile home parks had more frequent water quality violations: one-third exceeded at least one drinking water health standard in those years compared to one-quarter of other water systems. Using federal housing data, the researchers found that residents of mobile home parks were four times more likely to have water cut off than those served by other systems. Being cut off means that a resident went 24 or more hours without water service at least one time.

A second risk factor is that mobile home parks are more likely to rely on groundwater, which is worrisome for two reasons. Groundwater can be unreliable during severe droughts. Roughly [one in 30 domestic drinking water wells was dry](#) during the 2013 to 2015 drought in the western

United States, according to a recent survey. Groundwater can also be contaminated by a mobile home park's [septic system](#), a self-wounding akin to scoring an own goal in soccer.

California is not the only state with such problems. Pierce has a Google news alert for mobile home parks and water contamination and has seen septic system contamination stories in recent years from [Ohio](#), [Pennsylvania](#), and other states. The California data also match the results from a [national survey of water reliability in mobile home parks](#). That study, led by Pierce and published in 2015, found that mobile home park residents were nearly three times more likely to have water service cut off than residents served by other municipal systems.

Pierce called mobile home park water quality his “passion project.” It is part of his work on California's [human right to water law](#), which was signed in 2012. For this study, Pierce and Gonzalez evaluated mobile home park water service on quality, reliability, and affordability, which are the three tent poles of the right-to-water law.

Affordability data was the most difficult to come by. No state or federal database tracks household water costs. But Pierce and Gonzalez were able to identify aspects of affordability by looking at more than 1,300 articles published in Californian newspapers between 2000 and 2015. From the news archive, they found examples of residents paying for bottled water because the tap water was horrid.

Though small, these mobile home park water systems generally deliver water to enough people that they are regulated by the state just as large urban utilities are. Publicly regulated systems in California serve 15 or more connections.

There are a number of policy prescriptions available to remedy poor service and water quality in mobile home parks, Pierce said. One is for government agencies — not only the State Water Board but housing authorities too — to intervene against negligent operators.

There has been talk of interagency coordination. In its [2015 drinking water plan](#), the State Water Board recommended developing, along with the Department of Housing and Community Development, a strategy to address drinking water quality in mobile home parks. No strategy has been published, Andrew DiLuccia, a State Water Board spokesman, told Circle of Blue. Because staff in the drinking water division are responding to the wildfire emergency in Marin and Sonoma counties, DiLuccia could not confirm whether any meetings between the two agencies had taken place.

Connecting a smaller, poorly performing system to a better-run neighbor is another option, Pierce said. Mobile home parks are often at the edges of cities, within reach of municipal water lines.

The State Water Board has made progress on this point. A state law passed in 2015 allows the board to force systems to merge. The board has mandated only one consolidation to this point, but in 2017 at least three of the 34 voluntary unions have involved mobile home parks.

## East Bay Times

# Key vote on Jerry Brown's \$17 billion Delta tunnels project Tuesday in San Jose

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PUBLISHED: **October 16, 2017** at 3:05 pm | UPDATED: October 17, 2017 at 4:45 am

In its most far-reaching decision in more than 50 years, Silicon Valley's largest water provider will vote Tuesday on whether to embrace or reject Gov. Jerry Brown's \$17 billion plan to build two massive tunnels under the Sacramento-San Joaquin River Delta.

The Santa Clara Valley Water District, based in San Jose, is considering contributing at least \$620 million to the project — more than \$1 billion when financing costs are included. The vote could shape whether the project is ever built or if it is reduced in size.

On Monday, following lobbying from Brown's top aides and the governor himself, it appeared that a majority of board members was leaning toward supporting a smaller project, with one tunnel, at potentially half the cost. That could send the project back to the drawing board.

"The project has to be sized correctly. Right now it's too big and too expensive," said Gary Kremen, a member of the Santa Clara Valley Water District's board. "The two tunnels project is too much."

The meeting will be [webcast live](#) at 1 p.m. Tuesday. The tunnels plan is one of Brown's two legacy projects, the other being high speed rail.

A week ago, on Oct. 9, Brown quietly came to Santa Clara to meet with 20 Silicon Valley CEOs to urge passage of the project. The meeting, hosted by San Francisco 49ers CEO Jed York at Levi's Stadium, also included two members of the Santa Clara Valley Water District board, chairman John Varela and Dick Santos. Participants said Brown applied pressure, but both Varela and Santos said they were worried about the high costs.

"We're going to be making sure the taxpayer is not on the hook," Santos said Monday.

Under a plan first proposed by Gov. Arnold Schwarzenegger a decade ago, Brown is proposing to build two concrete tunnels, each 40 feet high and 35 miles long, under the Delta, the vast network of sloughs and wetlands between San Francisco Bay and Sacramento, which is a linchpin of water supplies for two-thirds of California's residents and millions of acres of farmland.

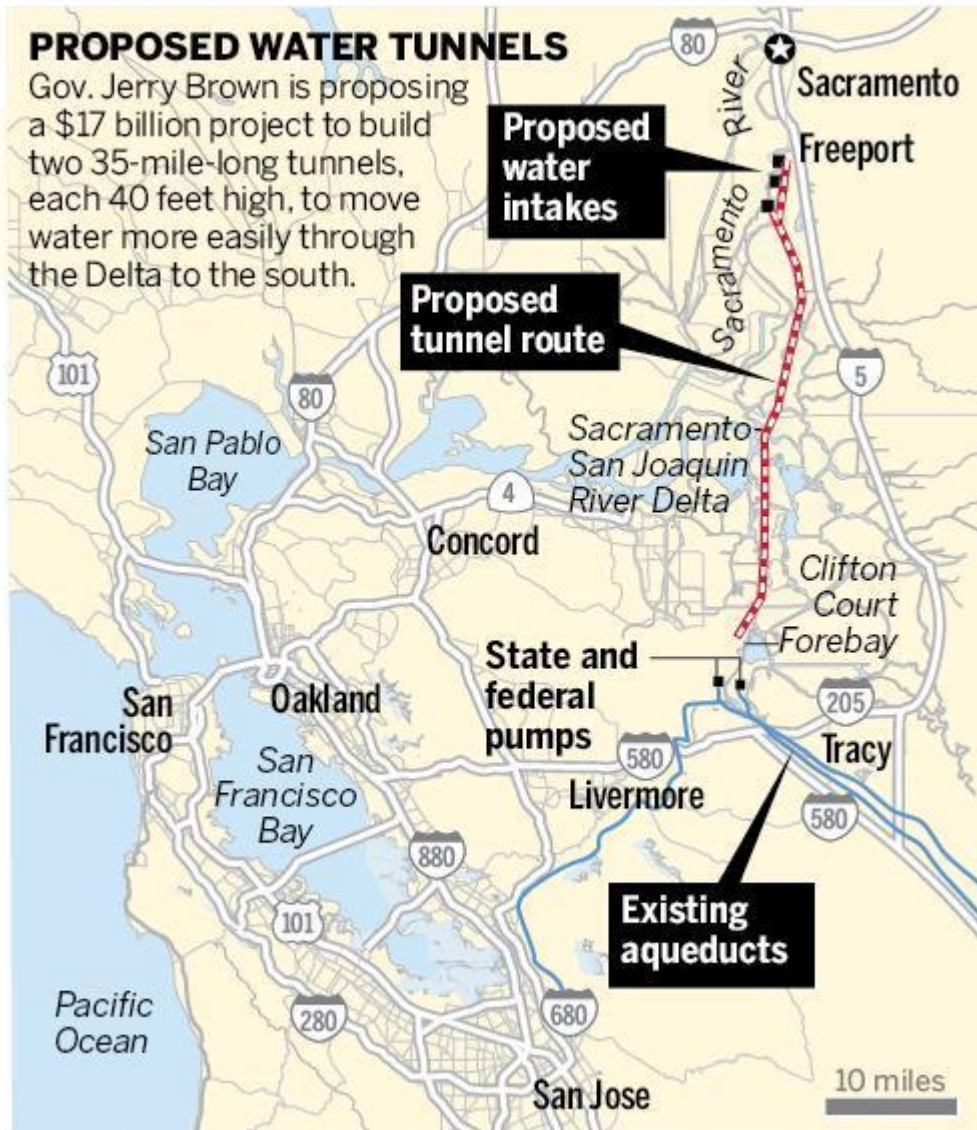
Supporters say the project, which Brown has dubbed the "WaterFix," will improve drinking water reliability for cities from San Jose to San Diego by taking freshwater from the Sacramento River south of Sacramento near the community of Courtland, and delivering it to giant state and

federal pumps near Tracy. That, they say, would better armor the state's water system against earthquakes, but also would reduce reliance on those pumps, which judges have ordered to be slowed or stopped at times when endangered fish such as salmon and smelt are near them.

“At least 40 percent of our water comes through the Delta,” said Mike Mielke, senior vice president for the Silicon Valley Leadership Group, a San Jose-based coalition of businesses, non-profits and other large employers that supports the project. “The status quo in the Delta is unsustainable. We can't simply rely on local sources.”

Critics, however, call the project an expensive water grab by Southern California cities and San Joaquin Valley farmers that could saddle Santa Clara County residents with higher water bills and property tax hikes they wouldn't be guaranteed to vote on under a loophole in Proposition 13.

“It's a new century. We view the tunnels as a 20th century solution to a 21st century problem,” said Tim Strohane, a policy analyst with Restore the Delta, a Stockton group opposing the plan.



Source: California Natural Resources Agency

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The Santa Clara Valley Water District provides water and flood protection to 1.9 million people from Palo Alto to Gilroy. The last time it made a decision of this magnitude was in 1962, when its board members voted to import water from the Delta into the county through the construction of the South Bay Aqueduct. That extra water allowed the growth of Silicon Valley — a farming region known until that time for heavily over-drafted groundwater.

Stroshane said cities should invest instead in recycled water, new reservoirs, capturing stormwater, and conservation — such as expanded rebates for removing lawns and old toilets. He noted the project’s planners have said it will deliver the same amount of water as is now exported from the Delta — no more — and that much of the Delta water goes now to large farms in the San Joaquin Valley that export almonds and other water-intensive crops.



Last week the project was endorsed by the Metropolitan Water District of Southern California, which provides water to 19 million people. It offered \$4 billion toward the costs. Another large district, Westlands Water District in Fresno, however, pulled out last month, leaving the question of who would pay its \$3 billion share.

[A report](#) by California state auditor Elaine Howle on Oct. 5 said the project suffered from “significant cost increases and delays.” It noted that the state Department of Water Resources “has not completed either an economic or financial analysis to demonstrate the financial viability.”

Santos said he is leaning toward supporting a plan put forward Friday afternoon by three of the water district’s seven members — Kremen, Barbara Keegan and Tony Estremera — that would support one tunnel, with fewer intakes and less overall capacity, at a cost that Kremen estimates could be half of the governor’s proposal.

That concept received a boost in recent days when the idea [was endorsed](#) by Los Angeles Mayor Eric Garcetti, and then reinforced by U.S. Sen. Dianne Feinstein.

“Two big, 40-foot-wide tunnels? Running 150 feet underground for 35 miles?” Feinstein said in an [interview in the Los Angeles Times](#). “When I look at that and see what it would take to get down to them if something happens, there has to be all these shafts. It’s awfully hard for me to see this is the way to go.”

“Why do you need 80 feet of diameter in tunnels?” Feinstein added.

Brown administration officials say the dual tunnels are needed for redundancy, in case something happens to one. The one-tunnel idea, in concept, has won support as far back as 2013 from San Diego, Contra Costa Water District, East Bay Municipal Utility District and some environmental groups such as the Natural Resources Defense Council.

On Monday, California Natural Resources Secretary John Laird hinted that the administration may be willing to change the project.

“Once we know which contractors are interested in joining WaterFix,” Laird said, “the state will meet with participating contractors to discuss the specifics of the project and how best to optimize it to meet their needs.”

Jonas Minton, a senior water policy adviser for the Planning and Conservation League, an environmental group in Sacramento, said he supports the district’s proposed one-tunnel compromise.

“It appears to be a good faith effort to find something that might work,” Minton said, “offered in a way that does not disrespect the governor.”

## The Sacramento Bee

# Brown administration says it's willing to consider one-tunnel approach to Delta project

By Dale Kasler And Ryan Sabalow

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October 17, 2017 4:32 PM

San Jose

Silicon Valley's water district Wednesday rejected Gov. Jerry Brown's plan to build twin tunnels beneath the Sacramento-San Joaquin Delta but said it would support a smaller, less expensive project. A top state official said the Brown administration is willing to consider such an approach.

The Santa Clara Valley Water District's board voted 7-0 to give the Delta plan "conditional support," but only if it involves one tunnel instead of two. The board's vote indicated the district would be willing eventually to commit more than \$200 million to the project. That's well below the \$600 million or more in support it had been considering.

"It's clearly going to be a smaller project than what was originally proposed," said board member Gary Kremen.

Santa Clara's vote appears to fuel the momentum toward scaling back the project, known officially as California WaterFix. Board Chairman John Varela said he was told recently by John Laird, Brown's Natural Resources secretary, that the administration is "open to the idea of a single tunnel as opposed to twin tunnels."

Grant Davis, director of Brown's Department of Water Resources, told board officials that the administration could support Santa Clara's approach. "We'd be willing to work with that," he said shortly before the board voted.

But Erin Mellon, a spokeswoman for DWR, insisted the state isn't abandoning the concept of two tunnels.

"We're still advocating for WaterFix as it's structured today," she said.

Brown, in an emailed statement, said Tuesday's vote "is a major step forward for California WaterFix and ensures that Santa Clara will have the water it desperately needs."

Brown's administration has begun floating the idea of a scaled-back tunnels project in the past few weeks. The go-small approach emerged after major agricultural irrigator Westlands Water District, which gets Delta water from the federal Central Valley Project, refused to back the \$17.1 billion tunnels project. Not a single CVP customer has endorsed the plan, recoiling from a cost allocation plan imposed on CVP agencies by the federal government, leaving a potential funding gap of about \$6 billion.

Santa Clara board member Richard Santos suggested a second tunnel could be built later. "Why don't we try one? If we show it works, that builds confidence," he said.

Santa Clara officials said they were wary of the costs of the project as proposed by the governor.

"We didn't want to give them a blank check," said board member Barbara Keegan.

Santa Clara's vote left the project's future as muddled as ever. Brown met with some district board members informally last week at Levi's Stadium in Santa Clara, at a meeting brokered by Silicon Valley's business community, to urge them to support his project.

His administration was hoping for a "yes" vote from Santa Clara because it's a major Northern California agency that serves 1.9 million customers in Silicon Valley. Most of the agencies that would pull water from the tunnels are located in the San Joaquin Valley and urban Southern California.

Support from Santa Clara – a relatively small player in state water politics – is extremely important to Brown, said water expert Jeffrey Mount of the Public Policy Institute of California.

"It's countering the notion of a water grab, a Southern California water grab," Mount said. "That's why it's important beyond the percentage of the water they get from it."

Santa Clara draws water from the Delta through both the State Water Project and the federal Central Valley Project, but voted only to consider funding its state share of the tunnels. That's about 1.4 percent of the total cost of the project.

While many environmentalists are opposed to the current tunnels plan, they're more receptive to drilling a single tunnel under the estuary. The Natural Resources Defense Council in San Francisco proposed a one-tunnel water system in 2013

Doug Obegi, a senior attorney with the San Francisco environmentalist group, said his organization supports the concept of a single tunnel – as long as it means less water was being pumped from the Delta.

"We are open to new conveyance, but it has to be operated correctly and in an environmentally protective manner," he said. "That's the big question. It's not clear what the contractors would be proposing."

Scientists say decades of pumping Northern California's water through the Sacramento-San Joaquin Delta to south state agencies has significantly contributed to the decline in the estuary's fragile ecosystem.

To protect species of nearly extinct fish, pumping often gets throttled back, allowing water that would otherwise be pumped to wash out to the ocean. The Brown administration says that by rerouting how water flows to the massive pumps through the tunnels, it would protect fish and enable pumping to proceed more reliably.

Many environmentalists, Delta farmers and others say the WaterFix project would bring even more harm to the Delta.

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## Water Deeply

# How California's North Bay Fires Became the State's Deadliest

California is beginning to take stock of the damage caused by a series of wildfires that tore through the state's wine country and resulted in more than 40 confirmed fatalities.

Written by [Tara Lohan](#) Published on Oct. 17, 2017 Read time Approx. 5 minutes



Wildfires are seen on a hillside on October 16, 2017, in Oakville, California. At least 40 people have been killed with many still missing, and at least 5,700 buildings have been destroyed since wildfires broke out a week ago. *Elijah Nouvelle/Getty Images*

A week after more than a dozen devastating wildfires erupted across Northern California, the first hopeful news began to emerge that firefighters were getting many blazes under control and some evacuation orders might be lifted.

On Monday the California Department of Forestry and Fire Protection (Cal Fire) reported that 14 large wildfires had destroyed more than 213,000 acres, torched 5,700 structures and taken 41 lives – making it the most deadly week of wildfires in the state's history.

So what made these fires so severe and what can communities do to protect themselves from future fires?

## Perfect Storm of Weather

October is the last, and often the worst, month in California's fire season as it marks the tail end of the dry season.

“We don't know what triggered the ignition, but once a fire ignited the real story is that there was receptive vegetation everywhere that could carry that fire,” said Yana Valachovic, a county

director and forest adviser for the University of California Division of Agriculture and Natural Resources.

On October 8, when the series of blazes began, there had been a red flag warning, which is an indication from officials of extreme fire danger often prompted by the combination of low humidity, dry vegetation and strong winds.

“We had a north wind, it also brought on low humidity, and things were just right for wildfires and that allowed the fires to grow so rapidly and move toward the homes,” said Jaime Williams, a public information officer with Cal Fire. “That’s why so much devastation occurred. Everything aligned for a perfect storm, if you will.”

While this confluence of factors is not unexpected in October, it was “extreme fire weather,” said Valachovic. And the driving force of the fire was wind that gusted up to 70 miles per hour and pushed embers a mile ahead of the fire, she said. “It’s a lot like being in a horizontal hailstorm of coals.”

## **Drought and Management Impacts**

Since California endured five years of drought, much attention has been given to the more than 100 million trees that died in the Sierra Nevada and the wildfire risk they pose. But there has been tree mortality in the Coast Range, as well, said Valachovic, which contributed to the [2015 Valley Fire](#) in Northern California’s Lake County.

“We’ve had a lot of vegetation that has been really stressed – some of it has died,” she said. There has been more focus on trees and not as much on dead shrubs and other woody vegetation and accumulated dead materials. “Even though we had a pretty wet winter it takes a while to get all that dead material to decompose. I don’t think it’s helping to have had four or so years of drought,” she added.

It’s not just dry, but also hot. California just finished its hottest summer on record and an increase in both hot and dry conditions is something [scientists](#) have said the state is likely to see more of with climate change. And those are conditions that will help drive more severe wildfires.



Karen Curzon looks at the destruction caused by the Tubbs Fire as her husband Ed and daughter Margaret use sifting trays donated by the Boy Scouts of America to search through the remains of their home for items of emotional importance in the Coffey Park neighborhood on Oct. 15, 2017, in Santa Rosa, California. (Elijah Nouvelle/Getty Images)

How California manages its wildlands is also important.

The Tubbs Fire, which swept through suburban Santa Rosa, reducing neighborhoods to ash, seems to have begun from an ignition in grassland area and then moved to scrubby coast woodlands that contain live oak and manzanita, said Valachovic. There are forests where there is “fuel continuity” and fire can move from the ground to the tree canopy.

The density of vegetation may also be a factor in California fires, she said. “The basic message is that the landscapes of California have become much too dense and that has resulted in too many straws sucking out the only available water there is,” she explained. “We need to figure out how to reduce that density and that will have a lot of benefits overall and it should result in more water availability and resilience to wildlife.”

The density of California’s forests and a call for a change in management was the subject of a [recent report](#) from the Public Policy Institute of California, which called for more mechanical thinning and prescribed burns to better manage forests for wildfire.

## **Rethinking the Wildland-Urban Interface**

Because of the high winds and dry conditions and the fact that the fires spread quickly during the night, many people had just minutes to try to escape the fires. But under different conditions, where people have hours or days to prepare for a wildfire, there is a lot that can be done to protect homes, said Valachovic.

Leaves in gutters, vegetation close to a house and leaf debris or other flammable material around homes can quickly spread fire as embers are blown in the wind. In this case, with the high velocity of the winds, vents in homes designed to let moisture out likely let embers into homes, which then caused fire to spread from the inside to the outside of the home and then from home

to home in more densely settled neighborhoods, Valachovic said. Large shopping centers surrounded by parking lots and not vegetation may have burned because the HVAC systems in those buildings sucked embers inside the buildings, she said.

“Fortunately we don’t always have this fire weather,” she said. “Most fires ignite during more moderate conditions where there is a lot you can do. But if you continue to have susceptible vegetation everywhere it becomes harder to control those fires.”

The aftermath of these fires will likely also have officials rethinking which areas are at risk for wildfire and better strategies for living in the “wildland-urban interface” – areas adjacent to wildlands that are at risk of fire.

One of the most photographed areas of destruction has been Santa Rosa’s Coffey Park neighborhood, where hundreds of houses were obliterated by the fire. And blowing embers, not sweeping flames, is the likely cause, a Los Angeles Times article surmised. The [Times reported](#) that the neighborhood was not officially mapped as being an area of high hazard (which was 5 miles away) and therefore wasn’t subject to the same fire-resistant building regulations.

“With a lot of hazard mapping, once you get into a density of development, it’s mapped urban and it’s considered unburnable,” Max Moritz, a fire specialist with the University of California’s Cooperative Extension, told the Times. “From its core, our whole approach to fire behavior modeling, we are not talking about burning in urbanized environments.”

Valachovic said that surrounding homes with a 5ft noncombustible zone can help in many fires, which could include a watered lawn, hard surfaces, gravel, pavers, concrete or more bare earth.

“Landscapes in California are designed to burn and we just happen to be in the way of that,” she said. “And we are heavily building out the wildland-urban interface and that is putting us into more conflict. There is a lot more we need to do in terms of community preparedness, fuels management and managed wildfire – all of it will have to come into play.”



## East Bay Times

# Santa Clara Valley Water District rejects Jerry Brown's twin Delta tunnels plan

By [Paul Rogers](#) | [progers@bayareanewsgroup.com](mailto:progers@bayareanewsgroup.com) | Bay Area News Group

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SAN JOSE — In a landmark vote closely watched across California, Silicon Valley's largest water agency on Tuesday rejected Gov. Jerry Brown's \$17 billion plan to build two giant tunnels under the Sacramento-San Joaquin River Delta.

By a vote of 7-0, the Santa Clara Valley Water District's board of directors chose instead to adopt a set of principles endorsing a significantly smaller, less costly project — with just one tunnel.

“What magnitude of project makes sense?” asked board member Barbara Keegan. “From our perspective that looks to be something less than originally was envisioned.”

“It's clearly going to be a smaller project than what was originally proposed,” said board member Gary Kremen.

The vote, following a rejection of the project last month by the Westlands Water District in Fresno, which was to have contributed \$3 billion, further throws the future of one of Brown's major construction priorities into doubt with just 14 months left in his term. If the governor decides to pursue a smaller Delta project, which could be roughly half the twin tunnels' cost, it could take years for new environmental and engineering studies. And what direction California's next governor will pursue remains unclear.

Brown personally telephoned water district board members Monday evening urging a yes vote on the two-tunnels plan. After the vote Tuesday, he and his staff worked to put the best face on it, saying that the district had endorsed a Delta project, albeit not the one Brown has been proposing, which the governor has dubbed “WaterFix.”

“The board's vote today is a major step forward for California WaterFix and ensures that Santa Clara will have the water it desperately needs,” Brown said in a statement.

John Varela, chairman of the water district board, said that Brown told him Monday he is open to discussing changing “the scope” of the project. Varela said he also spoke with Natural Resources Secretary John Laird, who Varela said told him he too is willing to have further discussions.

“He said, ‘John, we're open to the idea of a single tunnel vs. the twin tunnels,’” Varela said.

The water district, based in San Jose, considered contributing at least \$620 million to Brown's original version of project — more than \$1 billion when financing costs are included. But in the end the board decided the cost was too high and the benefits to Silicon Valley too undefined.

Under a plan first proposed by Gov. Arnold Schwarzenegger, Brown proposed building two concrete tunnels, each 40 feet high and 35 miles long. They would be constructed 150 feet under the Delta, the vast network of sloughs and wetlands between San Francisco Bay and Sacramento that is a linchpin of water supplies for two-thirds of California's residents and millions of acres of farmland.

Supporters, including members of several construction unions who spoke at Tuesday's meeting, say the project will improve drinking water reliability for cities from San Jose to San Diego by taking freshwater from the Sacramento River south of Sacramento near the community of Courtland and delivering it to giant state and federal pumps near Tracy. That, they argue, would better armor the state's water system against earthquakes and would also reduce reliance on those pumps, which judges have ordered to be slowed or stopped at times when endangered fish such as salmon and smelt are near them.

"We must go forward. This is not a time to delay," said Grant Davis, director of the State Department of Water Resources, who attended the meeting. "We can no longer say that the status quo is acceptable. It's not."

But critics, who made up the majority of speakers at Tuesday's three-hour meeting, call the project an expensive water grab by Southern California cities and San Joaquin Valley farmers that could saddle Santa Clara County residents with higher water bills and property tax hikes.

"Rather than build more large infrastructure, there are better ways to address California's water needs," said Roberta Hollimon with the League of Women Voters of Santa Clara County, which opposes the twin tunnels project.

Hollimon said communities around the state should instead boost conservation, recycled water projects, storm-water capture and other sources.

John Sanders, a San Martin resident, told the board Tuesday that construction of the new Bay Bridge was originally supposed to cost \$1 billion but ended up costing \$6 billion. He also noted that when voters approved high-speed rail in 2008, the cost was projected at \$33 billion and is now estimated at \$64 billion.

"What happens to us, your customers, if the cost doubles or triples?" he said.

Supporters of the two-tunnel plan said the state needs the jobs and more resiliency in its water system. Even though state officials have said the twin tunnels would provide no more water than farms and cities receive now, without them they could receive less, project backers have argued.

“Great projects have always come with great controversy,” said Bob Jennings, Northern region director for California State Building Construction Trades Council, citing the Hoover Dam in the 1930s.

Brown administration officials have said two tunnels are needed for redundancy, in case something happens to one. The one-tunnel idea, in concept, has won support as far back as 2013 from San Diego, Contra Costa Water District, East Bay Municipal Utility District and some environmental groups, including the Natural Resources Defense Council.

Last week the two-tunnel project was endorsed by the Metropolitan Water District of Southern California, which provides water to 19 million people. It offered \$4 billion toward the costs. Kern County Water Agency announced late last week that it would partially participate, committing about \$1 billion.

Earlier this week, U.S. Sen. Dianne Feinstein questioned the need for two tunnels.

“Two big, 40-foot-wide tunnels? Running 150 feet underground for 35 miles?” the California Democrat said in an interview in the Los Angeles Times. “When I look at that and see what it would take to get down to them if something happens — there has to be all these shafts — it’s awfully hard for me to see this is the way to go.”

(see below for Santa Clara Valley Water District Statement)

## **Santa Clara Valley Water District board votes to participate in California WaterFix project, with conditions**

Contact: Colleen Valles  
Office: 408-630-2985  
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Oct. 17, 2017

SAN JOSE—On Tuesday, the Santa Clara Valley Water District voted to participate in the California WaterFix project, the state’s proposed plan to improve the infrastructure that carries water through the Sacramento-San Joaquin Delta. The participation is conditional, based on seven guiding principles listed below. The water district will now work with the state and water agency partners in support of a lower-cost, scaled-down, and staged project that meets the needs of Silicon Valley.

As much as 40 percent of the water Santa Clara County uses each year comes through the Delta. But the Delta’s aging network of earthen levees faces risks from rising seas, earthquakes and flooding, while the declining conditions for fish and wildlife have led regulators to put more restrictions on when water can move through the Delta.

“Conditions in the Delta threaten our future water supply,” said Board Chair John L. Varela. “Today, in a 7 to 0 vote, the Board of Directors took action to help our area continue to thrive by protecting Santa Clara Valley’s water supply. I commend my fellow board members for having the courage to stand up for what’s right for the people and businesses of Santa Clara County.”

Over the last several years, the board has held dozens of workshops and presentations on the Bay Delta Conservation Plan and California WaterFix projects to hear updates and consider diverse perspectives. The importance of input is even enshrined in one of the principles the board adopted Tuesday to guide the water district’s participation in the project. The principles are:

1. Santa Clara County needs are the primary drivers in all our decisions involving the WaterFix project.
2. We will not allow Silicon Valley values and priorities to be placed at a disadvantage relative to Central Valley Agriculture or Southern California.
3. We are advocating for a flexible approach that addresses Silicon Valley stakeholder and community input.
4. As water is a human right, we must make investments to make sure our water supply meets future needs at a cost affordable by everyone.
5. Equity and costs are important.
6. Any final arrangement must provide flexibility to acquire supplemental water by taking advantage of future wet years to ensure residents have a reliable water supply, no matter what extreme weather the changing climate brings.
7. Keep negotiating for the best deal for Santa Clara County.

Video of the discussion and the board’s action are [available online](#).

The [agenda](#), which includes links to supporting documents, including the guiding principles, is available online as well.

Read the [Suggested WaterFix Guiding Principles Incorporated into a Resolution](#) adopted by the board. This document is subject to some changes requested by board members during the meeting. The final document will be posted once complete.

To learn more about the California WaterFix, [visit our website](#).

(Revised 10-18-2017)

October 17, 2017

# Secretary Laird Comments on WaterFix Vote by Santa Clara Valley Water District

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SACRAMENTO – California Secretary for Natural Resources John Laird issued the following statement regarding today's decision by Santa Clara Valley Water District to participate in the California WaterFix project.

"We commend Santa Clara Valley Water District's board members for taking action today to stabilize their water supply for generations to come. Their 7-0 vote adds to the momentum we've seen in the last two weeks as local agencies around the state have seen the value of WaterFix and formally voted to participate in the project.

Now that we know the universe of local agencies that want to formally join WaterFix, the state will meet with participating contractors to discuss specifics of the project and determine how best to optimize construction of the project to meet their needs. Though dialog continues with federal contractors, our efforts are focused on agencies that have voted to join the project.

As we transition into the next stage of this effort, we must maintain forward momentum to ensure this generational opportunity to fix the state's aging water delivering system becomes a reality.

Over the next several weeks, the state will look at the certified environmental documents for the project to understand how to best utilize them to proceed with any optimized construction of the project. We will continue to move forward on all permitting processes so we can be prepared for implementation.

Again, we commend the Santa Clara Valley Water District for supporting WaterFix. Like many regions that are making aggressive investments in local supplies from recycling and groundwater recharge, Santa Clara has recognized these important investments do not eliminate the need for reliable supplies for the Delta and cannot be viable without the backbone supply that WaterFix will ensure."

California WaterFix is a science-driven proposal to upgrade the state's outdated water system and maintain a reliable source of water for 25 million Californians and more than 3 million acres of farmland in the Bay Area, Central Valley and Southern California.

## Public Policy Institute of California

# New Bills Ease Funding and Improve Accounting for Water

VIEWPOINTS  
The PPIC Blog

[Henry McCann](#), [Caitrin Chappelle](#) October 18, 2017

This was a busy year for water policy in the California Legislature. Governor Jerry Brown signed more than a dozen bills affecting the way we manage water. The bills cover a wide range of issues, from funding water infrastructure to reporting on new groundwater wells in overdrafted basins.

Paying for water emerged as a major theme in this year's crop of water bills. Here's a summary of newly signed bills:

- **Stormwater:** [SB 231](#) gives the courts guidance on how to interpret Proposition 218, which requires that a majority of landowners or a two-thirds majority of all local voters approve new stormwater drainage fees—making it difficult for agencies to pay for needed improvements to their systems. SB 231 defines stormwater as part of the sewer system. This puts stormwater services on par with water, sewer, and trash collection, none of which are subject to direct voter approval of new fees. If the courts uphold SB 231's interpretation, this will give stormwater agencies more flexibility to raise funds.
- **Safe drinking water:** [AB 560](#) and [AB 339](#) expand funding options for projects that enhance drinking water quality in poor communities and meet emergency water supply needs. AB 560 will make it easier for some disadvantaged communities to access grants and get more affordable terms on loans for safe drinking water projects through the Drinking Water State Revolving Fund. And AB 339 makes permanent a temporary authorization to use the State Cleanup and Abatement Account for emergency drinking water supply problems such as shortages or impaired quality.
- **Water and parks bond:** [SB 5](#) (the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018) is a \$4 billion general obligation bond for improving outdoor open spaces and parks, protecting rivers and coastlines, and supporting solutions to a range of other water management issues such as groundwater sustainability and flood protection. This will go before voters in June 2018.

Two bills improve water use accounting:

- [AB 589](#) creates standards for water use measurement techniques. This addresses the relatively recent requirement that [surface water diverters measure and report water use](#) to the state.

- [SB 252](#) specifies types of information that groundwater users must report to their local jurisdictions when they apply to dig new wells in critically overdrafted basins. Reporting includes characteristics such as well location and depth, distance from surface water areas, estimated volume to be pumped, and category of use. The bill, which sunsets on January 30, 2020, is aimed at filling a critical data gap until groundwater sustainability plans are [adopted under the Sustainable Groundwater Management Act](#).

Other pending water policies that did not make it to the governor's desk this year are likely to return in 2018. To pay for safe drinking water projects in disadvantaged communities, [SB 623](#) would create a Safe and Affordable Drinking Water Fund, to be funded by fees on agricultural chemicals and urban water use. And [AB 1668](#) (in conjunction with SB 606) would authorize state agencies to establish long-term urban water use efficiency standards. The bill also proposes additional components to agricultural water management planning and reporting. [SB 606](#) proposes changes to urban water shortage planning policies.

The new laws are designed to improve access to funding and strengthen existing tools for improving the way California manages water. We will keep track of updates and new proposals in 2018.

Learn more

Read [California's Water: Paying for Water](#) (from the [California's Water](#) briefing kit)

Read the report [Accounting for California's Water](#)

Visit the [PPIC Water Policy Center](#)

## **Richmond Standard**

# **Richmond council proceeds tentatively on North Richmond annexation**

October 18, 2017

The Richmond City Council voted in favor Tuesday of moving forward with the application to annex unincorporated North Richmond, but not without simultaneously voting to conduct outreach and polling of North Richmond residents which, depending on the results, could end up derailing annexation.

In a 5-2 vote — with Councilmembers Eduardo Martinez and Jovanka Beckles voting against — the council agreed to launch the application process with the Local Agency Formation Commission (LAFCo), a preliminary step toward annexation.

However, the council also voted to conduct public outreach and surveys in North Richmond to ensure residents and property owners have an educated voice on whether to incorporate the area of roughly 3,700 residents — which is almost completely surrounded by Richmond. For decades, the area has received public services from the county.

If the results of forthcoming polling reveal that a majority of North Richmond residents oppose annexation, council would move to nix the LAFCO application, Councilman Jael Myrick noted Tuesday.

Richmond Mayor Tom Butt, a longtime supporter of annexation, expressed concern about the effectiveness of an informal survey, saying he doubted it would reach an adequate number of North Richmond residents.

Influential locals supporting North Richmond's annexation include Contra Costa County Board of Supervisor John Gioia and famous local historian Betty Reid Soskin, the nation's oldest working National Park Service ranger.

Supporters say annexation would correct a decades-old injustice for crime-ridden North Richmond, pointing to [historical accounts](#) since WWII times that the area remained unincorporated, unwanted and ignored largely because of its poor, nearly all-black populace.

In recent weeks, Mayor Butt penned an opinion piece highlighting these historical accounts, as did Soskin and Gioia. Meanwhile, the annexation proposal has led to heated online debates among political factions, community leaders and residents.

Few North Richmond residents have come out in support of annexation, partly due to an independent financial audit that found their annual bills would increase under Richmond's jurisdiction. They would pay a higher real property tax, higher real estate transfer tax and a



utility tax they don't currently pay to the county, among other fees. See a breakdown of the financial analysis for annexation [here](#).

Some politically active North Richmond residents see annexation as a land grab by Richmond elites that will ultimately lead to gentrification.

At Tuesday's council meeting, Gioia emphasized the importance of North Richmond residents having a voice in the annexation decision. In the longterm, Gioia said, North Richmond residents would benefit from becoming part of Richmond despite the increase in annual costs.

A majority of North Richmond's residents are renters who will benefit from Richmond's rent control laws, which don't exist in the county, Gioia argued. Richmond and North Richmond would likely become safer, Gioia added, by having a more streamlined law enforcement system with the Richmond Police Department taking over for the sheriff.

The supervisor also believes North Richmond residents would have improved public works and planning services under Richmond's jurisdiction, as well as a voice in Richmond city elections and planning decisions.

"I believe that North Richmond has a chance to advance the improvements we've collectively made by becoming part of the City, instead of remaining an isolated unincorporated pocket totally surrounded by the City of Richmond," Gioia said. "But, let me also stress — I strongly believe that the residents of North Richmond should have a strong voice in this decision. Those who do not live in North Richmond should not be making the decision for them since they will be the ones who will live with this decision."

The LAFCo application process also includes public vetting. LAFCo has the ability to either approve the city's application, modify it or deny it. If approved, possible objections by residents would lead to a protest hearing.

If less than 25-percent of registered voters or landowners disagree with annexation, LAFCo would still confirm annexation. If between 25 percent and 50 percent of landowners or registered voters are opposed, then there will be an election. If over 50-percent of landowners and registered voters oppose, then annexation is terminated.

## East Bay Times

# Antioch creates news website as part of push to promote positive image of city



Antioch on the Move is a new website promoting positive news about the East Bay city.

By [Aaron Davis](#) | [aarondavis@bayareanewsgroup.com](mailto:aarondavis@bayareanewsgroup.com) | Bay Area News Group  
PUBLISHED: **October 18, 2017** at 2:35 pm | UPDATED: October 19, 2017 at 5:27 am

ANTIOCH — Frustrated at the city’s negative image, city officials and staff have been quietly working on a marketing campaign that will promote positive news while reducing negative news.

While the efforts aren’t new, the campaign to push a positive image of the city has taken a creative turn recently.

One of the city’s new efforts — [www.antiochonthemove.com](http://www.antiochonthemove.com) — came up suddenly in late July as a destination for “community news and events,” specifically promoting positive news about the city of Antioch.

“We are a big city and most of the news media are attracted to negative news, but we know there are way more positive stories coming out of Antioch than negative,” said Lizeht Zepeda, program manager for the Economic Development Department.

The marketing campaign is an early effort by the city to control the city's narrative and will soon be followed by a [\\$100,000 proposal](#) for a public relations firm to rebrand the city.

The \$5,000 purchase order assigned to the project was never made public, due to a 2014 administrative memo that increased the amount of money city staff could spend without an open bidding process.

Adding to the obscurity of publicly available information was that the website was registered to a company that is used to keep the website's owners identities private. The site has a .com address, rather than a .gov, which would indicate it is a government-owned website.

A public records act request returned most of the publicly available information, and after an additional, in-person request, the city made documents such as the purchase order public.

Zepeda said the vendor the city contracted with, Nancy Mai Cagadoc of Brentwood-based Dualhare Inc., purchased the domain name and was planning on transferring it to the city. Cagadoc did not return calls seeking an interview for this article.

Councilman Lamar Thorpe was surprised to hear that the website was commissioned by the city of Antioch, saying it "was news" to him, but supported the effort as an improved "community newsletter."

The trend toward local governments becoming their own news publishers has increased in recent years as the number of journalists employed around the country continues to dramatically drop.

Andrew Seaman, ethics chairman for the Society of Professional Journalists labeled the content "propaganda" in [an interview with the San Diego Union-Tribune](#) over San Diego's positive news website.

Zepeda said that the inspiration for the website came about after the city received several unsolicited proposals for media relations.

On April 6, the city received its first unsolicited proposal, which came from the Burkholder Media Group, a local company owned by Oakley resident Mike Burkholder, who is also the author and publisher of [EastCountyToday.net](#).

"I think that all governments can do a better job of putting out their information in a format that is easier for people to find," Burkholder said. "I don't think it should be 100-percent one way or another (positive or negative information). I think it should be real information that is useful to anybody."

The offer wouldn't be Burkholder's first proposal to a local government agency: In February, Burkholder proposed [a similar arrangement to the Antioch Unified School District](#) for \$53,900 a year. Burkholder's media relations company, Mike & Mike Media, has also done work for the Antioch Police Activities League and [photography work for current police chief Tammany Brooks](#).

After meeting with Burkholder, Zepeda said they received two more unsolicited proposals after which Zepeda recommended Dualhare for the work, she said.

City officials did not vote and were not briefed on the website, Zepeda said, and had only found out about it at the end of September when the public records act request was returned to the East Bay Times.

Councilwoman Lori Ogorchock referred many questions to city manager Ron Bernal, who has not responded to requests for comment, but said that Cagadoc had “done some social media work” for her in the past and likes the “positive content,” Cagadoc was creating.

Mayor Sean Wright compared the city’s efforts to cleaning up a house before a visitor comes over by “putting the best foot forward.”

As part of the city’s push toward a positive image, Wright said that City Council members agreed to remove crime narratives from the city manager’s weekly reports after the 2016 election.

“We’re not yelling, ‘here’s the bad information,’ we’re just doing what the other cities are doing,” Wright said. “Antioch would like to be more positive. It doesn’t mean there aren’t things we need to work on and fix, but if we want our home values to go up and we want the view to change, we need to focus on the positives.”

## **Brentwood Press**

# **Expert says East Contra Costa Fire Protection District funding problems not an easy fix**

- [Kyle Szymanski Staff Writer](#)
- Oct 19, 2017

The prospects of overturning State Proposition 13, the root of the East Contra Costa Fire Protection District's (ECCFPD) funding problems, are bleak, said Christina Lokke, California Special Districts Association senior legislative representative.

Lokke expressed this to Contra Costa County special district representatives during a recent meeting, which focused on property-tax reallocation and ECCFPD funding.

In 1978, at a time when volunteer departments were sufficient to cover far East County, Proposition 13 cemented the district's property-tax rate. It now wreaks havoc on the agency, forcing it in part to diminish from eight stations in 2008 to three today.

The simple fix is to overturn the proposition, but that is no easy task, Lokke said.

“If any agency is going to get a benefit and receive more money, that means that other agencies are going to lose money, because we can't just increase the money that is coming in for property taxes,” she said.

In its current state, the district is struggling to provide adequate service. For 16.5 hours in September, all three district engines were tied up, which meant incoming calls during those hours were handled by firefighters outside the district or by ambulances alone.

When ECCFPD crews are able to respond, they are failing to meet the targeted national response time of five minutes – responding to calls in 7.5 to 25 minutes – said Fire Chief Brian Helmick.

The district is responsible for the protection of 110,000 residents and 249 square miles of property in the cities of Brentwood and Oakley, along with the unincorporated areas of Bethel Island, Byron, Discovery Bay, Knightsen and Marsh Creek-Morgan Territory.

“We have three engine companies that are covering a lot of area, and it does not protect the area that we need,” said Helmick.

District residents appear unwilling to help the situation, having shot down a revenue-generating parcel tax, benefit assessment and utility-user tax since 2012.

Lokke said it's unlikely the state will step in to fix the problem.

"The legislature would have to decide the needs and wants of all the communities in California and all the local governments in California (if they want to change Prop. 13)," Lokke said. "How do you even go about establishing that?"

At least one local group, however, believes it has a plan that could help without raising taxes.

The grassroots East County Voters for Equal Protection's plan calls for all property tax-receiving agencies in ECCFPD's coverage area – which includes the cities of Brentwood and Oakley, the county and several special districts – to permanently shift 5.2 percent of their allocated funds to the district over the course of three or four years.

Hal Bray, co-chair of the organization, believes the solution could permanently fix the district's funding woes by bringing its property-tax allocation percentage (8 percent) from the lowest of all county fire agencies to the average amount (12 percent). It would also allow the ECCFPD to reopen three stations.

Critics of that plan, however, contend the group would have better luck directing its efforts at the state level, where changes in state policy could trickle down to the counties and the cities. Others are concerned the group's plan could force agencies to cut critical services if they are required to give up some of their property-tax funds.

"It's a zero-sum game," said Discovery Bay resident Bob Mankin, who also spoke at the meeting. "In order for somebody to win – in this case the fire district – someone will have to lose."

Moving forward, Helmick said the district plans to begin crafting a strategic plan in January, hoping to work out how to move from the current three stations to the recommended nine, as determined by an independent 2016 deployment performance and headquarters staffing adequacy study.

"We need a solution, and we need it fast. But until then, we will live within our means," said Helmick, who indicated that the district's three-station model is financially sustainable for at least the next 10 years but doesn't adequately serve the public.

Other special district members in attendance expressed a range of opinions on the district's plight.

"The problem I am having is when people's insurance rates are going up \$4,000 to \$5,000 a year, I think it would be not that difficult to get a couple thousand dollar a year of parcel tax (to pass), because they would be saving that much more," said Larry Nagel, a Kensington Fire Protection District board member. "The arithmetic doesn't add up for me."

However, John Burgh, a Contra Costa Water District board member, expressed optimism for the future, in part because firefighters are currently held in extra high esteem amid the disastrous North Bay fires.

“I venture to predict five years from now we may go back to another election or whatever, and we may be surprised at the community’s recognition of the value that fire services represent in East County and everywhere else,” he said.

Susan Morgan, an Ironhouse Sanitary District and ECCFPD board member, said she hopes the discussion will spiral into other sessions to eventually fix the funding crisis.

“This is not an easy problem to solve,” she said. “One of the things that we would like to do is call on our elected representatives to further engage in finding a solution. We would like them to engage more publicly. We need to find and formulate solutions, and we need people to come together to do that.”

## East Bay Times

# Council approves dual-track approach to North Richmond annexation

**Richmond will apply to the Local Agency Formation Commission to annex North Richmond and simultaneously seek residents' feedback**



Council approves dual-track approach to North Richmond annexation

By [Tom Lochner](#) | [tlochner@bayareanewsgroup.com](mailto:tlochner@bayareanewsgroup.com) | Bay Area News Group

PUBLISHED: **October 19, 2017** at 2:41 pm | UPDATED: October 19, 2017 at 2:44 pm

**RICHMOND** — The City Council this week gave the go-ahead to launch the process of annexing North Richmond, and simultaneously conduct public outreach to gauge the unincorporated enclave's support for such a move.

There has been broad consensus among officials that North Richmond becoming part of Richmond could remedy a shameful piece of history. The unincorporated community, sandwiched between San Pablo and its namesake Bay, but surrounded entirely by the city of Richmond, resulted from World War II-era housing restrictions on African-Americans. Later, Richmond annexed the Hilltop area, making it contiguous to the rest of the city via a thin strip of land between the Union Pacific and Burlington Northern Santa Fe railroad tracks, while bypassing North Richmond.

Officials also broadly agreed that North Richmond residents would likely get better services, among them law enforcement, by being represented at Richmond City Hall rather than at the more distant county seat of Martinez. On the downside, North Richmond's property taxes would go up under annexation, as would the real estate transfer tax. Residents also would become subject to the city's utility tax.

But officials differed on how to time and prioritize various steps toward possible annexation. On Tuesday, the council voted to get the ball rolling by approving an annexation application to



the Local Agency Formation Commission (LAFCO), a regional agency that oversees expansion or dissolution of cities and local governments.

The council voted to send a mailing to North Richmond residents that includes answers to frequently asked questions about annexation, and an informal ballot asking residents whether they are for or against annexation.

Vice Mayor Jovanka Beckles and Councilman Eduardo Martinez voted no. Beckles had argued that filing an application with LAFCO before consulting North Richmond residents is doing things in the wrong order.

Councilman Jael Myrick, who made the motion that the council eventually adopted, argued that postponing the LAFCO application process could result in annexation occurring shortly after the next general election, in November 2018, depriving North Richmond voters of a voice at a crucial time.

Among those who recommended the dual-track approach was Contra Costa County Supervisor John Gioia, who also spoke at Tuesday's meeting.

According to a city staff report, unincorporated North Richmond is about 900 acres in area, and land use consists of a mix of residential, industrial and commercial, as well as some open space. The 2010 U.S. Census reported a population of 3,717.



# Richmond Confidential

## Richmond council takes first steps to make North Richmond part of the city after 60 years of independence



Mayor Tom Butt and Councilmember Jovanka Beckles listen to a statement by Supervisor John Gioia on incorporating North Richmond at last Tuesday's city council meeting.

By [Josh Slowiczek](#) Posted **October 21, 2017** 6:57 pm

Tensions were high on Tuesday as Richmond City Council voted to bring North Richmond into the fold after 60 years of political isolation. Residents addressed officials with loud voices. Electeds shook heads and raised their eyebrows. At the end of the discussion, council voted to begin the process of annexing unincorporated North Richmond.

Each councilmember expressed interest in incorporation, but the evening's wedge issue was how to go about it.

In a 5-2 vote, it was decided that the city will formally begin the application process with the county, the first step in correcting what many say was a historic injustice. In addition, informational material and a non-binding city ballot will be sent to North Richmond residents in order to gauge public opinion.

There were impassioned voices on both sides of the debate. Several North Richmond residents spoke out against annexation during the meeting, citing an increase in taxes and the area's own history of self-determination as the main reasons why they did not want to be incorporated. Others were for it, however, and spoke of the need for increased services and public safety. But fewer than 30 North Richmond residents chimed in — out of roughly 3,700.

This lackluster engagement reinforced the driving question of the night: What do the residents of North Richmond truly want?

Aaron Morgan, a 31-year-old North Richmond resident and member of its municipal advisory committee, said he was excited by the council's decision. He said that, beyond the new city services and increased political representation, incorporation of the area would strengthen Richmond as a whole.

"I believe in unity," he said. "Now, we've got one purpose and one goal for progress."

Richmond's approach to annexation will mirror what happened in the city of Antioch in 2014. It will begin the process by creating and submitting an application to Contra Costa county's Local Agency Formation Commission (LAFCO). At the same time, it will do public outreach and mail a nonbinding, advisory ballot to as many North Richmond residents as possible.

If the response to incorporation is overwhelmingly negative, Richmond will have the opportunity to retract its application.

Supervisor John Gioia suggested this approach during his comments to the council on Tuesday. "Last night's vote was about Richmond extending an offer to North Richmond residents to allow them to become part of Richmond," Gioia said. "I think it was a positive step forward."

Gioia, who has represented North Richmond at the county's board of supervisors for nearly two decades, said that residents' lack of awareness about the issue was apparent.

Lou Ann Texeira, an executive officer with LAFCO, commended the city's outreach plan. "That's a very key component when you've got controversy," she said.

The application itself will cost Richmond roughly \$8,000. Once the paperwork is received, it will take an additional six months for the first public hearing. Texeira said there is plenty of work to be done, but "from a LAFCO perspective, it [annexation] makes sense."

Councilmembers Jovanka Beckles and Eduardo Martinez both voted against the motion. They argued that starting the official LAFCO application before having a more thorough sense of public opinion was pre-emptive.

"I think depending on what the survey says, we may be throwing \$8,000 out the window," said Martinez, adding that "North Richmond residents need to have time to learn what the process is about, and have time to state their preferences."

Martinez supports annexation and sees benefits in incorporating the area. But he is also concerned that prematurely starting the LAFCO process is reflective of "paternalistic decision-making," and said North Richmond residents should be allowed to exercise self-determination.

The council member's position reflected a statement by the Richmond Progressive Alliance's steering committee, which was released last week. It said the city "should not initiate the annexation process with LAFCO unless and until North Richmond votes in favor of it."

Oscar Garcia, a 37-year-old life-long resident of Richmond, said he was concerned by the progressive group's letter. "I was a little afraid that the whole thing was going to be derailed because they [the RPA] didn't agree with the LAFCO process," he said.

But Garcia was pleased with the city's decision to inform and reach out to North Richmond residents, the majority of whom are Latino. He said he has family and friends living in the area who weren't aware annexation was being discussed. He also said he has seen a lot of deaths due to the ongoing violence between gangs in Richmond and North Richmond, and hopes annexation will begin to address the issue.

Mayor Tom Butt shared his sentiment. But, like Beckles and Martinez, he expressed dissatisfaction with the outcome of Tuesday's vote.

Butt would have preferred to leave out the ballot and proceed only with the official LAFCO process, which he said includes plenty of opportunities for North Richmond residents to voice their opinion.

The LAFCO process would reach out to registered voters and landowners, but the Richmond ballot will be sent out to a much broader category of residents. The logistical details of the ballot were not discussed during the council meeting, but Gioia suggested that the city could work with utility providers to gain a more accurate sense of who was living in the area.

"I think it's superfluous and redundant, and it's got a lot of problems," Butt said. "But that's what we're going to do, so we'll figure it out."

Filed under: [Development](#), [Featured](#), [Front](#), [Government](#), [History](#), [North Richmond](#)

Tagged: [Annexation](#), [Eduardo Martinez](#), [Jovanka Beckles](#), [LAFCO](#), [North Richmond](#), [Richmond City Council](#), [supervisor john gioia](#), [Tom Butt](#)

### 3 Comments

1.  *Don Gosney*

[October 22, 2017 at 1:46 pm](#)

We've read a lot of letters, reports and emails over the past couple of weeks about this attempted annexation.

Still, there are a lot of questions that need to be asked. It's bad enough that we can't get answers but there's no indication that the Councilmembers are even asking the questions.

Because of the restrictions on our time when we speak at the dais, let me just ask a few of the questions with the hope that before any action is taken we can get the kinds of answers we need:

- I asked this before but no one has responded—what exactly do the people of Richmond get out of this? How will we benefit from an endeavor that will cost us an estimated \$2.4 million per year? [Nearly \$540 of our taxes for each and every resident of North Richmond above and beyond what we get from them.]
- Why isn't anyone asking the people of Richmond if this is something they want?
- Where was the groundswell of support from the people of North Richmond and even from Richmond that prompted this discussion? Exactly what brought this to the attention of the elected representatives who took an oath to represent THE PEOPLE OF RICHMOND?
- Who are the developers looking to cash in on what would be the availability of very lucrative weed cultivation businesses once this takes place?
- How much more will the people in North Richmond have to pay for their sewage collection, the Richmond Police Retirement tax and any more Richmond taxes that the people of North Richmond might find on their plate that they were unaware of?
- Are the people of North Richmond okay with the 11% increase in their sales tax?
- When LAFCO starts their process and notifies the people of North Richmond of what is being done to them—using the 1/8 page newspaper notifications—do they think that North Richmonders subscribe to the East Bay Times? Does anyone ever really look where public announcements are posted? And in what languages should we expect these announcements to be drafted?
- After the comments made by members of the Council prior to the summer hiatus, how much of this revolves around the concept of turning the whole world into a rent control community? [This has been brought up several times by various members of the Council.]

And for those that are claiming that this annexation was quashed after the war years because of racism and the fact that it was a poor community, I say that it may very well may have been the case seventy years ago. What bothers me is that the people that are shouting this the loudest weren't here to know for sure. With the exception of two members of the Council, they're all newborn babes. Even the two old guys are relatively recent implants. So exactly how do they know what was going through the minds of the people back then?

At least I can say that I was here during that time period. I may have been crawling around in diapers watching Howdy Doody but you won't find me trying to tell people what was in the minds of the people around me when I really don't have a clue what they were thinking.

2.  *Commenter*

[October 22, 2017 at 6:36 pm](#)

Don Gosney,

Good points all around. You have no argument from me. For the sake of some historical background I will add this information which is taken from a 1970 Brandeis University study on the riots of June 1968 in downtown Richmond:

“In February of 1953 the North Richmond Citizens Council requested annexation of the unincorporated county area of North Richmond by the city, while another local citizens group requested its annexation by the city of San Pablo. In the controversy that followed, four industrial concerns lying between North Richmond and San Pablo applied to the city of Richmond for annexation. In May of 1953, following a verdict in the courts, Richmond annexed a strip of land 10,000 feet long and 400 to 1300 feet wide, lying directly between the unincorporated section of North Richmond and the city of San Pablo, making annexation to San Pablo impossible. During this same period the City Council of Richmond postponed indefinitely any plans to annex North Richmond. Richmond has maintained that only through incorporation of both the residential areas and the potentially tax-rich surrounding land can North Richmond pay its own way. However, the greenhouse operators and land speculators who own most of the surrounding parcels of land have consistently resisted plans to incorporate North Richmond. They contend that annexation would raise their property taxes without appreciably benefiting them. The most recent move to annex the county area-in 1965-failed when owners of over half the areas assessed property vetoed the measure. Another faction opposing annexation is the marginal element in North Richmond-which has benefitted from lack of law enforcement in the area. Gambling, prostitution, drug dealing, and traffic in stolen property are among the activities which some individuals wish to maintain in the community. “

3.  *Commenter*

[October 22, 2017 at 11:58 pm](#)

(Continued)

From a January 2012 article in Richmond Confidential on the life of former Mayor George Livingston:

Livingston fought several times in the 1970s and 1980s to annex North Richmond, but he and his allies were stymied.

“We were up against a lot of money and a lot of lobbying, and ultimately we couldn’t get the support to annex,” Livingston said. “It’s a shame because the people out there have never got the services they deserve.”

# Ruling may lower bar for voters to raise taxes

By *Dominic Fracassa*

Backers of a ballot measure to divert more than half of San Francisco's hotel-tax revenue to pay for arts programs and homeless family services watched with dismay last year as their initiative won well over half the vote, yet still lost.

Now they may go back to the ballot — and thanks to a legal opinion by the city attorney, half the vote plus one will be enough.

City Attorney Dennis Herrera's office told the Elections Department in a legal memo last week that, thanks to a recent state Supreme Court ruling, citizen-instigated ballot initiatives to raise taxes now need only a simple majority to pass instead of two-thirds, the standard that had been in place for more than 20 years.

The finding could help usher in a profound shift in the way in which public projects, like roads, schools or arts programs, are funded in San Francisco.

Ever since state voters passed Proposition 218 in 1996, special taxes — ones intended to fund specific projects — have needed a two-thirds vote to pass. However, in August, the state Supreme Court issued a ruling that appeared to apply that tough standard only to measures put on the ballot by government officials, not ordinary citizens.

The city attorney's memo said that's exactly what the ruling did — good news for the backers of the hotel-tax measure, Proposition S, which gained a 63.7 percent "yes" vote in November, and other citizens who qualify a tax measure by gathering signatures on petitions.

The city attorney's conclusion "certainly means that we should expect to see more initiative-based tax proposals, for good and for bad," said Alan Auerbach, an economics professor at UC Berkeley and the director of the Robert D. Burch Center for Tax Policy and Public Finance.

The state court's ruling had touched off a debate among tax policy experts, legal scholars and local officials over whether the justices meant to upend decades of precedent by relaxing the requirement for citizen ballot initiatives. The case itself had to do with whether the city of Upland (San Bernardino County) had violated the rights of the California Cannabis Coalition in 2014 when it refused to put a measure on the ballot that included a tax on marijuana businesses.

Despite lingering uncertainties about the court's intentions, and the prospect of future lawsuits challenging the ruling, "it seems very likely that voters may now propose special taxes by initiative subject only to a majority vote," said the memo by Herrera's office.

"The issue of whether a tax measure could be approved by a simple majority, rather than a two-thirds majority — that was not clear from that (court) opinion," said John Arntz, director of the city's Elections Department. "We needed to know what the number is to indicate whether something passed or not, so that's what the city attorney's office is providing guidance on."

Jonathan Moscone, chief of civic engagement at Yerba Buena Center for the Arts and a coauthor of Prop. S, said the city attorney's memo has reinvigorated discussions among the arts community about putting a similar measure in front of voters next year. Prop. S would have diverted slightly more than half of the city's 14 percent hotel tax to the arts and to programs to help homeless families. All the tax's revenue now goes to the city's general fund.

"I'm heartened, and I think anybody would find this heartening," Moscone said. "It changes the threshold for the city to coalesce around the will of the majority of the people and democratizes the process in a way that gives citizens more of a voice to make change. It's a powerful time to be a citizen in San Francisco."

Anti-tax activists and some state Republican lawmakers, however, are chafing at the prospect that the court's ruling will make it easier to pass new taxes. The Howard Jarvis Taxpayers Association, which represented Upland before the state Supreme Court, has asked the justices to clarify their ruling and has filed a petition to reargue portions of the case. Assemblyman Chad Mayes, R-Yucca Valley (San Bernardino County), has introduced legislation that would ask voters to reinstate the supermajority requirement for special taxes through a constitutional amendment.

“You use the supermajority to ensure greater consensus on really, really important matters,” said Jon Coupal, president of the Howard Jarvis Taxpayers Association. “At the very core of it, this opens the door to additional taxation.”

Requiring only a simple majority to pass citizen-sponsored measures could embolden interest groups, like casino operators, stadium backers or unions, to try to levy new taxes for their own benefit, Coupal said. His group has also raised concerns about local governments doing the same — “colluding” with interest organizations to enact new taxes more easily.

The court will decide by the end of November whether to grant a rehearing on the two-thirds issue.

“The case is not over,” Coupal said.

Dominic Fracassa is a San Francisco Chronicle staff writer. Email: [dfracassa@sfchronicle.com](mailto:dfracassa@sfchronicle.com) Twitter: @dominicfracassa



# Flood experts say California levees need much more money



Central Valley Board Flood Protection Board President Bill Edgar Monday shares the latest on flood management efforts and encourage Californians to be ready for the flood season during a press event held on the northern levee of the Sacramento Bypass Wildlife Area in Yolo County. (Florence Low — California Department of Water Resources)

By [Steve Schoonover, Chico Enterprise-Record](#) |

PUBLISHED: **October 25, 2017** at 10:33 am | UPDATED: October 25, 2017 at 11:32 am

Sacramento – California needs to spend another \$100 million a year to keep the state’s levee system sound, according to state flood control experts.

At a press conference marking flood preparedness week Monday at a levee repair site near Sacramento, Bill Edgar, president of the Central Valley Flood Protection Board said the levees will need a \$17 billion to \$21 billion investment over the next 30 years to protect the seven million Californians at flood risk.

That number includes \$130 million a year annually for repairs and maintenance, up from the \$30 million currently spent.

Where the money will come from is uncertain. Edgar mentioned bond measures, and local, state and federal funds.

“Everyone is paying now,” he said, “and everyone is going to have to pay more.”

However an effort to get \$100 million into the budget this year from emergency levee repairs was killed in the Legislature.

The effort was mounted by Assemblyman James Gallagher, R-Yuba City, and state Sen. Jim Nielsen, R-Red Bluff, with bi-partisan support.

After Monday’s press conference Gallagher and Nielsen issued a joint press release agreeing with Edgar that \$30 million is not enough.

“Moving forward, we are hopeful that the Democratic super-majority will re-consider our request next year and make flood control a serious priority in the state budget,” according to the release.

“This investment will help protect lives, preserve property and save the state billions in economic losses and emergency repairs.”

## **THIS YEAR**

The storms of 2017 and the releases from Oroville Dam during the February spillway emergency damaged a number of levees, according to Jon Ericson, acting chief of the state’s Division of Flood Management.

The state committed \$80 million to fix 30 critical damaged spots, but another 10 could not be completed.

An effort to obtain a list of the sites was unsuccessful as of deadline.

One of the largest repairs was a \$28.5 million project to fix three miles of Feather River levee in Yuba City that protect 75,000 people.

Another 100 less-critical sites have been identified and “contingency plans” are being prepared.

Ericson said residents should take steps to protect themselves, including talking to an insurance agent about buying flood insurance, or contacting the National Flood Insurance Program at 1-800-427-4661 or going to [www.fema.gov](http://www.fema.gov) for information

People should have an evacuation plan and an evacuation kit. Tips are available at [www.redcross.org](http://www.redcross.org).

Stay informed during heavy storms about changing condition, and evacuate if told to do so.

More information is available at <https://www.ready.gov/floods>.

Reach City Editor Steve Schoonover at 896-7750.

# Firestorms: A Sonoma County Supervisor Speaks from the Heart

Posted by : [California State Association of Counties](#)  
October 26, 2017

*By Supervisor James Gore.*

Hello from Ground Zero.

On behalf of Sonoma County, and in camaraderie with my fellow Supervisors in Napa, Mendocino, Lake, Solano, Yuba, Butte, Nevada, Orange and Fresno counties affected by these firestorms, I want to express my heartfelt gratitude for the outpouring of support we've received from the CSAC family. CSAC President Keith Carson called me personally and pledged the full support of CSAC, and that promise has been followed up on with abundant action. CSAC Executive Director Matt Cate drove out last week to tour the devastation in my District, and brought with him ideas, support and well wishes from both CSAC and the Finance Corporation. Thank you!

And even more impressive, when I look around at our response and recover activities, I am emboldened to see all your amazing first responders and mutual aid workers here. It proves that WE ARE NOT ALONE!

I look to my left and see Peace Officers from Alameda keeping looters out of the damage area. I look to my right and see Contra Costa Sheriff Deputies flying drones over impact zone, mapping for safety and planning. I look all around me and see Firefighters from Madera, Merced, Mono, Sutter, Amador, Stanislaus, San Bernardino, Santa Clara, Kern, El Dorado, Del Norte, and others. They are digging hand lines, driving bulldozers, piloting air drops, and pouring their blood, sweat and tears in to our community while grasping so few moments of sleep in tents at our command center.

I look in front of me and see Public Information Officers from Contra Costa, Los Angeles, Riverside, and Fresno Counties proactively preparing us to calm the public, while also defending us from the vultures who look for blame, drama, and sensationalism. I look into our shelters and see Salvation Army volunteers from Santa Cruz, San Luis Obispo, Tulare, Lassen, Alpine, and San Francisco as they calmly infuse unconditional love, support, and compassion to our evacuees.

And then I look ahead of me, at the seemingly insurmountable task of recovery that lies just over the horizon from the present crisis, and I already see our friends from Lake, Santa Barbara, Trinity, and San Diego – they are already with us, advising on how we can learn from their own journey towards recovery from similar disasters.

I have met your colleagues, your employees, and your constituents here in my community, my district, and my home. They infuse me and my neighbors with the faith in each other that we need to have in order to move forward. They help me believe that we can transform this disaster from a fire that has burned our community into a fire that we can use to forge a more proactive, practical, resilient future for not just my own community, but for all of us.

Here's to all of us coming together to overcome the challenges of yesteryear and today, and to instead follow the lead of our CSAC President in Alameda County, who has pushed us to not just think as futurists, but to act as leaders in forging the future our kids deserve.

Please remember, while Sonoma County has been horribly affected by these firestorms, our friends and peers in Napa, Mendocino, Solano, Lake, Orange, Butte, Yuba, Nevada and Fresno Counties deserve attention, support, and love. We are in this together.

If any of you have ideas, advice, best practices, or potential resources that we need to pursue to recover and rebuild, please reach out to me and these other county leaders personally. We need you.

As an example, Lake County Supervisor Rob Brown – someone who led his community through the Valley Fire and beyond – has been an irreplaceable partner for our entire community this past week. His calm demeanor, practical experience, and sound advice have infused confidence in our community partners and in me personally. This kind of authentic, selfless support is the most crucial gift I could receive from him and you all.

We cannot let jurisdiction isolate us from learning from the trials and tribulations of other counties, and from embracing the solutions we need to drive forward.

As CSAC Immediate Past President Richard Forster always says, “One Family, 58 Strong!”

We feel the strength of our County family here at ground zero of this disaster.

And we thank you.

Onward toward a more resilient and vibrant future.

[Originally posted at the California State Association of Counties.](#)

**Next City**

# San Diego's Affordable Housing Program Could One Up California

By [Josh Cohen](#) | October 26, 2017

San Diego's population is growing fast — nearly 16,000 people moved to the California city between July 2015 and June 2016, a roughly 1.5 percent increase — and the supply of housing hasn't kept up with demand.

As with many U.S. cities, this has created an affordability problem. Since 2002, rents [have increased](#) 32 percent while the median income of local renters has decreased by 2 percent. There are nearly 9,000 homeless people living in San Diego County. According to a recent San Diego Housing Commission [report](#), the city needs to almost triple the amount of housing it builds each year to meet demand.

For one solution, San Diego turned to the market, using inclusionary zoning to try to spur affordable housing development. This zoning tool, which is being deployed in various forms [in cities throughout the U.S.](#), typically allows developers to put up bigger buildings, with more units, in exchange for contributing in some way to a city's supply of homes that rent below the market rate and are therefore affordable to a greater percentage of residents. For many years, San Diego relied on a statewide program, but in 2016, the city rolled out more incentives for developers and, according to one new report, the effort is showing promise.

California's longstanding inclusionary zoning law allows residential developers to receive incentives, including approvals to build taller or with a bigger footprint, or to provide fewer parking spaces than typically required, if they provide a certain number of rent-restricted units. The ability to build higher or wider than zoning would otherwise allow is the centerpiece of the program. The bonus varies and depends on how many such units a developer provides and for what income level they are affordable. The maximum bonus is a 35 percent increase in density if 11 percent of units are rent-restricted.

The program had marginal success in San Diego. The San Diego Union-Tribune [reports](#) that in the past 10 years, 16 projects have taken advantage of the bonus program and built 292 rent-restricted units. Another 12 projects in the pipeline will yield 181 such units.

With statewide incentives not producing robust enough results, the city launched the Affordable Homes Bonus Program (AHBP) in June 2016. It's an expanded version of the state program that, among other incentives, offers a maximum of 50 percent density increases in exchange for 15 percent rent-restricted units built. AHBP allows developers to get up to five bonus incentives, where the old program capped out at three. According to [a new report](#) from Circulate San Diego, a transportation and sustainable growth advocacy group, AHBP is already proving more successful than the state program in the city.

AHBP hasn't been around long enough to produce any housing, so the comparison isn't apples to apples. But, Circulate looked at several data points including number of applicants, number of affordable units they might produce and the average density bonus applicants will get if approved.

To date, 18 market-rate developers have applied for the new program. Between 2005 and 2016, a total of 36 developers applied to the state density bonus program. Circulate points out that broken down as applications per month, that's a 900 percent increase. The AHBP applicant pool will get an average density increase of 35 percent, compared with 28 percent under the state program. The existing applicants will produce 96 rent-restricted units, a far faster production rate when compared to 292 rent-restricted units built in a decade.

"With the old programs, the incentives weren't robust enough. ... AHBP modestly built on existing law in California to allow greater land use density when people provided more affordable housing," says Colin Parent, Circulate's interim executive director. Parent helped craft the AHBP in his previous role as the San Diego Housing Commission's policy director.

The increased density bonus for developers has drawn criticism. Nico Calavita is a San Diego State University professor emeritus whose research focused on affordable housing policy and especially inclusionary housing policies.

"It's a question of balance and it's a question of trade-offs," says Calavita. "It is wonderful for developers. It is wonderful for affordable housing. It is wonderful for the people who want to make the city higher density and more transit conducive. They are laudable goals, but at what cost?"

Calavita sees drawbacks for neighborhood planning and quality of life. Because AHBP increases the state law's bonus and allows for building heights and footprints not otherwise permitted by San Diego's community plans, Calavita thinks residents are getting a raw deal.

"It's not true that it's a modest increase. Fifteen percent is not modest. ... It does away with community plans that decided on a particular density that everyone can live with," he says.

Robert Hickey, a Washington, D.C.-based housing policy consultant, seconds Calavita. "Ideally this kind of policy is integrated into the city's neighborhood or general plan," he says, "so that the bonus units are already anticipated in the building envelope that a community has ratified."

But he concedes, "Not all cities have the luxury of time to wait seven years for the general plan to be updated. In those cases they have to walk the right line of community input."

Parent says that rolling out AHBP, rather than going through community plan updates, was the only way to get the levels of density and affordable housing increase the city desperately needs.

"One of the challenges we've had in the San Diego region is that any time anyone talks about urbanism or more transit-oriented development they talk about updating our community plans.

But it's really challenging to add capacity in those documents," he says. "Those incumbent NIMBY groups are often strong voices for the status quo."

San Diego has 52 communities. In 2016, the city approved four community plan updates. According to Voice of San Diego, the four plans together allowed for a 4 percent density increase.

Inclusionary housing won't fix San Diego's affordability crisis alone, but Parent thinks it's part of the solution.

"I think the scale of the program is still relatively small compared to the scope of the housing needs in the region. But it is going to chip away at the lack of affordable housing," he says.

A bolder program may be on the horizon. Earlier this week, Council Member Chris Ward [wrote a memo](#) asking the mayor and council to explore the possibility of a mandatory inclusionary housing policy.

Josh Cohen is a freelance writer in Seattle. His work has also appeared in The Guardian, The Nation, Pacific Standard and Vice.

## East Bay Times

# Hit-and-run reignites debate over safety on road to Mount Diablo



Aric Crabb/Bay Area News Group

Steve Whelan, left, and Al Kalin are photographed along Calle Arroyo road at an entrance to the Diablo Country Club on Tuesday, Oct. 24, 2017, in Danville, Calif. The two would like more bicyclists to ride a route through the country club rather than along Diablo Road to access Mount Diablo State Park. (Aric Crabb/Bay Area News Group)

By [Sam Richards](#) | [srichards@bayareanewsgroup.com](mailto:srichards@bayareanewsgroup.com) | Bay Area News Group

PUBLISHED: **October 31, 2017** at 6:00 am | UPDATED: October 31, 2017 at 11:15 am

DANVILLE — Diablo Road’s 19th century rural charm can make for a beautiful and exhilarating stretch on a bike ride to Mount Diablo. But with 21st century vehicle traffic and a steadily increasing volume of bicyclists, the narrow, winding roadway between Green Valley Road and Mount Diablo Scenic Boulevard is a dangerous stretch, too.

“I live right near here,” said Jason Ham, who last week was running on the tree-lined Barbara Hale Trail adjacent to Diablo Road. “Whenever I hear a siren, I wonder if someone’s gotten hit.”

Indeed, after two bicyclists were seriously injured Oct. 21 as they pedaled along Diablo Road and were struck by a hit-and-run driver, the long-debated topic of making the road safer has resurfaced with a furor.

The debate involves a complicated mix of geographical barriers, existing and potential lawsuits and the popularity of the Diablo Road corridor not only with bicyclists and motorists headed to and from Mount Diablo, but for neighborhood school kids and others.

There’s little dispute, though, that Diablo Road is dangerous, especially for bicyclists.



“It’s a ‘substandard’ road, meaning that cars and bikes can’t safely coexist in the same lane,” said Maryann Cella, a resident of the unincorporated community of Diablo who lives a short distance from the road and trail. The lanes are as narrow as 10 feet wide in some places between Green Valley Road and Mt. Diablo Scenic.

Added Clelen Tanner, another Diablo resident, “To pass a bike, cars must cross the double-yellow line, and that’s a disaster waiting to happen.”

For Al Kalin, part of the answer to address safety is under everyone’s nose.

“These bicyclists should be using the paved (Barbara Hale) trail,” said Kalin, a Danville resident, president of the Mount Diablo Cyclists and chairman of the Danville Bicycle Advisory Committee, whose aim is to make Danville safer for bicyclists and pedestrians all over town.

However, some contend the paved trail is no safer than the road. Cella said the winding trail is crowded on weekdays with school kids and other walkers, and mixing them with sometimes fast-moving cyclists could be disastrous.

“It’s often wet and leaf-covered, and it’s a multi-use trail,” said Cella, a member of the citizens group SOS-Danville, which has sought improvements to Diablo Road, including widening of the road. “Many cyclists would much rather just stay on Diablo Road.”

Whelan, president of the Dublin-based Valley Spokesmen Bicycle Club, says there’s an alternative for cyclists to bypass the most dangerous sections of Diablo Road. That route includes the half-mile Barbara Hale trail from Green valley Road east to the Diablo County Club, and through the country club to connect with Mt. Diablo Scenic Boulevard.

“But with most people coming in from out of the area, even experienced cyclists may not know about it,” he said.

There’s another problem: whether bicyclists and others are allowed to use the bucolic private roads along that stretch. People heading that way are greeted with a sign posted on a stone column that reads “Private.”



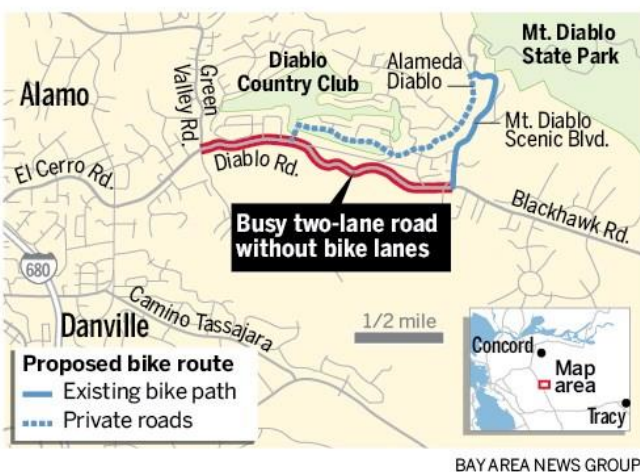
A sign is photographed on a residents fence in the Diablo Country Club on Tuesday, Oct. 24, 2017, in Danville, Calif. (Aric Crabb/Bay Area News Group)

Indeed, Calle Arroyo — the narrow road into the country club — doesn't look like anyone's idea of a through route. The "private" and "no trespassing" admonitions don't make it any more welcoming.

Kalin and Whelan said the public has a right to pass through the country club because the roads there are maintained with taxpayer dollars through the Diablo Community Services District. Some legal opinions, the most recent being from 2013, affirm that idea. "Obey traffic rules, be courteous and don't have loud conversations early in the morning," Whelan said.

Such affirmation isn't universal. Bob Tiernan, a lawyer and since the 1960s a resident of Calle Arroyo, believes it's legally clear that if Diablo residents can prove they built the roads privately, the roads are indeed private, community services district or not.

"If the (community services district) paves my driveway, I may owe them some money, but it doesn't make my driveway their driveway," said Tiernan, adding that a lawsuit over access isn't out of the question.



SOS-Danville sued Danville in 2013 over the environmental impact report for Magee Ranch, a proposed 69-house subdivision on the south side of Diablo Road east of Diablo. In March 2016, a Contra Costa County Superior Court judge sided with SOS-Danville on one point — that the environmental report must be redone to address bicycle safety along Diablo Road. That is now in process.

Danville Town Manager Joe Calabrigo said eastward extension of the Barbara Hale trail hinges on approval of the Magee Ranch subdivision. There simply isn't much room to markedly improve bicycle safety along Diablo Road, he said, given the environmental constraints of hillsides, property lines and trees.

"It would be extremely difficult and costly to do any widening, and it would significantly alter the character of the area," Calabrigo said.

Still, Cella said the road must get safer, and building new homes isn't the way to do it. "Danville has the responsibility to take action on that road," she said.

In the meantime, the town is doing something, such as adding signs, especially west of Green Valley Road, letting people know the paved trail alongside Diablo Road is there.

"The town's been pretty good about listening to us about that," Kalin said.