

Divided Council waives Dunivan annexation fees

[Donna Beth Weilenman](#) | April 22, 2018 | [0 Comments](#)

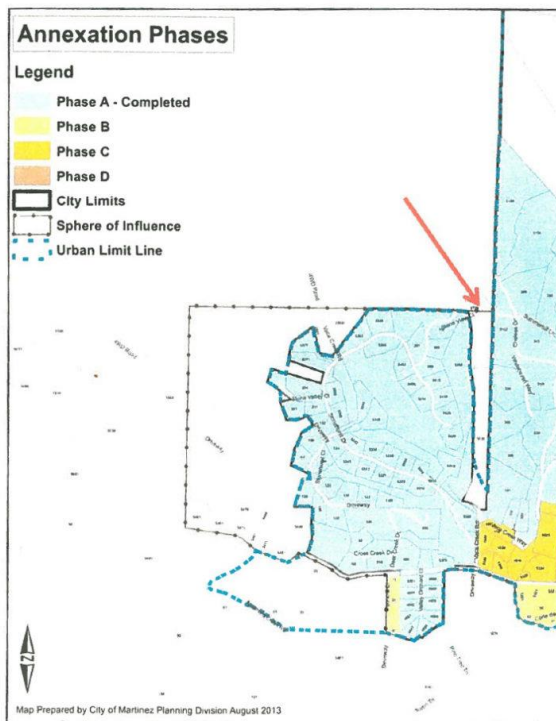
MARTINEZ, Calif. – A divided Martinez City Council voted 3-2 to spend up to \$5,000 in reserves to cover the costs of an annexation request by the Dunivan Family Trust.

Proponents were Mayor Rob Schroder and Councilmembers Mark Ross and Noralea Gipner, who saw the approach as cleaning up a complication in a past annexation that left a long, narrow 10-acre strip of unincorporated land nearly surrounded by the city boundary.

Vice Mayor Lara DeLaney and Councilmember Debbie McKillop opposed the resolution, with DeLaney concerned that it continued setting a costly precedent the city can't afford – one that started in September, when the Council agreed to waive application fees.

The Council chose to wait to determine whether future annexation applications should be eligible for fee waivers and what conditions those applications must meet to get that financial break.

DUNIVAN ANNEXATION & URBAN LIMIT LINE



Martinez city staff requested the Council clarify its intent when it voted Sept. 6, 2017, with DeLaney opposing and McKillop absent, to waive annexation fees for the Dunivan Family Trust application. It also directed staff to waive fees for properties that were continuous to the city limit, that had a public water system in place and that had existing development on the lands to be annexed.

Since then, Martinez has received several applications for annexation, some of which meet those three requirements, and staff posed several questions to the Council for clarification:

Did the Council want those waivers only for Alhambra Valley properties, or would Mountain View or other lands in the city's "sphere of influence" be eligible? Would this include Urban Limit Line adjustments that don't trigger public votes? Is the waiver limited to just the application fee, or does it cover cost of application materials and fees due to the Contra Costa County Local

Agency Formation Commission (LAFCO)? Should waiver requests be decided by the Council or by staff?

Answers to those questions will come later, at a future meeting; Wednesday night, the panel focused on the Dunivan Family Trust application.

The city, which provides water to the land, had requested annexation of that acreage along with other parcels in the Alhambra Valley annexation.

When Martinez extends water service to property outside the city limits, it can require landowners in exchange to give up their right to object to annexation.

Because the city initiated the action, application fees were waived for all parcels in the Alhambra Valley annexation. As Ross explained, property owners who didn't ask to be annexed wouldn't want to be saddled with application fees for something they didn't request.

However, at the time of the Alhambra Valley annexation, county rules on Urban Limit Line (ULL) changes would have forced Martinez to give up Contra Costa County transportation revenues if the Dunivan property were included in the annexation, Schroder told the Council. "This completes what was started in 2010."

"We spend a lot of money cajoling people (to annex into the city)," Ross said. "This is a unique situation."

He said the Council at the time "did not want to [go] against the county. It was foisted upon us."

Gipner noted the city paid fees for those who were allowed to join the city. "We should pay."

"The reason the property was not in the original annexation was it was bifurcated by the Urban Limit Line," Schroder said. The city, which had requested the annexation, then had to ask the family trust to withdraw the land from the process, subject to future consideration should county rules changed.

The ULL is not established by the city, said Veronica Nebb, the city's legal counsel, and Martinez had to ask the trust to remove the land from consideration so the half-cent sales tax transportation funds Martinez receives wouldn't be jeopardized.

Since September, representatives of the Dunivan Family Trust have asked not only that the city fees be waived, but that Martinez pick up the costs of preparing a land map and the land's legal description.

The trust has agreed to pay the \$8,500 LAFCO application fees. City staff requested the Council clarify whether the city should pay for the other documents.

"I'm not surprised we're in this quandary," DeLaney said. "I didn't support it at the time, and I will not support this. Pointing out that city staff already has spent.... We have fees for a reason."

She said if the Council proceeded, it would be \$15,000 in revenue lost. If three more areas get the same treatment, that's \$45,000 lost at a time the city is in a financial crisis, she said.

"I'm not against annexation," DeLaney said, saying she welcomed those who want their land inside the city limits.

However, she criticized the staff report, saying it didn't provide background on the impact of the ULL rules on the 2010 action.

She also disagreed with Ross, who said there was no policy to guide the Council's decision in this case.

The city does have a policy, she contended – its fees and fee schedules. "There should have been no waiver," she said.

Two speakers suggested the waiver was based not on the 2010 situation but because the Dunivan family contributes to incumbents' campaigns, particularly those of the mayor.

Ross said he hasn't received any campaign donations from the family since 2002.

Another speaker, John Stevens, said if any other name were associated with the matter, it wouldn't be politicized. However, he cautioned the city about annexing properties with the thought that property taxes would cover costs of services.

"Can we give them the services they expect?" he asked.

He also worried that the city was not being consistent in its fee waivers.

Susan Gustofson told the Council she was disappointed that voters had turned down the chance to annex part of the Pacheco community, which would have given Martinez land on which to establish industries that would improve the city's tax base.

McKillop worried that existing criteria could lead to piecemeal annexation of individual parcels, and said she preferred larger, contiguous areas be acquired instead.

"I have mixed feelings," she said. She's heard from people who have bought property thinking it was in the city limits. "There are people who want to be part of Martinez. I'd like to find a way to incentivize people to be part of Martinez."

East Bay Times

Sacramento made us do it: Cities blame lawmakers for unpopular housing decisions

‘If the neighbors complain, you can blame those bastards in Sacramento’

By [Katy Murphy](#) | kmurphy@bayareanewsgroup.com |

PUBLISHED: April 16, 2018 at 11:41 am | UPDATED: **April 23, 2018** at 3:09 pm

Carefully, like a doctor explaining treatment options to a sick patient, a consultant for a tiny Peninsula city laid out a stark choice: Allow 2,000 homes to be built on a barren 684 acres or risk tangling with state lawmakers who have threatened to jam through a development twice as large.

“We talked to the council about everything between doing a full-throated fight with Sacramento to doing a very quick and dirty compromise, which is done in Sacramento all the time,” attorney Tom McMorrow told the small group of residents at a recent Brisbane City Council meeting, assuring them that a full environmental clean-up of the contaminated Baylands site was part of the deal.

In the Capitol, he said, “Issues don’t just go away because you’ve defeated them once. The way you get them to go away is responsible compromise.”

A huge redevelopment proposal, the Brisbane Baylands, would develop the 684-acre property in northern San Mateo County west of Highway 101.

Brisbane — which to outsiders has become emblematic of development gridlock and NIMBYism — is one of many cities grappling with Sacramento’s forceful response to California’s housing crisis. As renters, would-be buyers and employers reel from runaway prices, powerful lawmakers are aiming to boost the supply of homes, one reluctant city at a time.

This week, cities [managed to fend off](#) the most contentious of housing bills, Senate Bill 827, which would have overridden single-family zoning near transit hubs throughout the state, allowing for more apartments. But at least 200 other proposals have been introduced this year alone, according to the League of California Cities — many of them directed squarely at local governments. In the weeks and months ahead, lawmakers will debate legislation to force cities to OK development on [BART station parking lots](#); to more aggressively [plan for needed low-income housing](#); to stop collecting local fees for new granny units; to ease parking requirements; and to speed approvals of long-term [apartments for the homeless](#).

At least one city, anticipating a local backlash, has already mounted a public relations effort to clarify who is responsible for changing the rules.

Lafayette, an upscale East Bay suburb that also has been a flashpoint for housing development, will be expanding its social media presence and holding meetings to explain how the legislation could affect the city, said Steven Falk, a longtime city manager.

“As projects come down the line that may be denser and encroach upon single-family neighborhoods in a way that people aren’t comfortable with,” Falk said, “I know my public officials want to have the residents know very clearly that it is the doing of the state and not the city.”

But some lawmakers and pro-development activists argue that the weakening of local control actually could be a political gift to local elected officials.

“If the neighbors complain, you can blame those bastards in Sacramento and say, ‘my hands are tied,’ ” said Brian Hanlon, a lobbyist for the pro-housing development coalition California YIMBY, which sponsored SB 827, at a recent briefing in the Capitol.

State Sen. Jerry Hill, a San Mateo Democrat who helped broker a deal with Brisbane officials to allow housing on the Baylands site — pending voter approval — has heard similar sentiments.

“It has, I’ve been told, relieved local elected officials from the pressure of local constituencies by placing the blame on Sacramento for things they feel are necessary but would have a difficult time doing on their own,” he said in an interview. “That, I have heard from some council members in my district.”

Developers already have used one new law, Senate Bill 35, to fast-track stalled developments of affordable and market-rate housing in [Berkeley](#), San Francisco and at [the dead Vallco mall](#) in Cupertino.

Still, some worry that in the rush to build more homes, the state is giving too much authority to developers and concocting policies out of step with local needs and concerns — in the case of Brisbane, pushing development on a former landfill and rail yard without a full understanding of the health risks. One woman speaking at the Brisbane council meeting, who had come from a town hall meeting with Hill, said the erosion of local control will not go over well in California.

“If you think there are people who are happy with the loss of local rule, you should have been at (Hill’s) offices today,” she said, “because there is a large number of people who will come out against losing local rule.”

New research from Boston University professors suggests that this cherished form of direct democracy can actually perpetuate inequality. The researchers analyzed public comments at council and planning commission meetings in 97 Massachusetts cities and towns. By matching the speakers to the state’s voter file, they found that the participants were more likely to be older, male, and homeowners — and that the speakers came out overwhelmingly against new housing development, even when public opinion statewide favored the construction of needed homes.

“When we consider these projects on an individual basis,” Boston University Assistant Professor Katherine Levine Einstein said, “we’re going to motivate opponents to show up much more than proponents because opponents are the ones who stand to lose something.”

Oakland resident Pamela Drake, who is active in Democratic politics, said she wants to see more housing density and less sprawl in California — changes she doubts can be made, city by city, because of overwhelming opposition to change. She is watching some of the bills closely and helped organize a forum on SB 827. But she also is worried the state is approaching the problem backwards, moving to add development without properly investing in affordable housing subsidies or public transportation.

“Until we have a governor who says we have to put money into this,” she said, “it’s a whole bunch of bandages on a gaping wound.”

Cupertino Mayor Darcy Paul, roundly criticized for his recent assertion that the housing and jobs imbalance in his city — home to a new Apple campus — [was “not dire.”](#) said he doubts laws to spur new housing will solve the affordability problem.

“If we’re truly looking at a shortage of housing and housing that’s much too expensive,” he said in an interview, “we can’t suddenly say we’re going to create a whole bunch of housing that’s not expensive, because that’s not how the market works.”

Some leaders, such as Richmond Mayor Tom Butt, say their cities don’t fit into the NIMBY narrative. In Richmond, where rents are lower than other Bay Area cities but the cost of construction is just as high, he said, housing development is a tough sell.

“Clearly in some places NIMBYism has been an impediment to getting housing built,” he said. “In my city, it’s different. We’re actually looking for people to come to Richmond to build. Come to Richmond, we’re open for business.”

Sacramento housing bills

Five key proposals to get cities to boost housing supply:

More apartments: Senate Bill 827, from Sen. Scott Wiener, D-San Francisco, would have required cities to allow apartment buildings that are four to five stories high within a half mile from all rail stations as well as bus stops with high-frequency service. The bill died in its first committee hearing on Tuesday after getting backing from just four of the 13 lawmakers.

More teeth: Senate Bill 828, Wiener: Would overhaul a major California law — little-known to the general public — that guides planning for housing needs, adding new requirements and penalties for falling short. (Wondering about this Reena person that planning types are always talking about? They’re probably complaining about RHNA, the Regional Housing Needs Allocation.)

Homeless housing: Assembly Bill 2162, from Assemblyman David Chiu, D-San Francisco, would fast-track approvals of housing that is entirely below-market rate with at least 35 percent of the units set aside for the homeless.

BART living: Assembly Bill 2923, from Chiu, gives Bay Area cities two years to update their zoning to allow for housing on BART property (mostly, parking lots) or risk ceding control over projects to the transit agency.

Granny units: Senate Bill 831, Sen. Bob Wieckowski, D-Fremont, would make it illegal to charge any connection or impact fees to homeowners adding a granny unit — or to require off-street parking when a garage is converted into living space.

Water Deeply

Long Road Still Ahead for California's Delta Tunnels Plan

Despite getting a financial boost earlier this month, California's project to build two new water tunnels still faces big regulatory and legal challenges.

Written by [Tara Lohan](#) Published on σ April 24, 2018 Read time Approx. 4 minutes



The Sacramento-San Joaquin River Delta between Jersey and Bradford islands. *Kelly M. Grow / California Department of Water Resources*

A decision by California's largest water supplier on April 10 ended months of uncertainty over its role in the funding of [California Water Fix](#), the state's plan to build new water conveyance infrastructure in the Sacramento-San Joaquin Delta.

The board of the Metropolitan Water District of Southern California [voted to chip in \\$10.8 billion](#) to help Water Fix's nearly \$17 billion price tag for two tunnels that would transport water under the Delta.

Metropolitan's decision puts the project on a much firmer financial footing, but Lisa Lien-Mager, deputy secretary for communications at the California Natural Resources Agency, said there are a few water agencies that still need to take specific funding commitments to their boards and more details on the project funding will be available in May.

Financing is not the only issue that needs to be addressed. There is still a long list of regulatory and legal hurdles the project needs to clear.

A lengthy hearings process is already under way with the State Water Resources Control Board (SWRCB), which will decide whether to approve a [water right change petition](#) filed by

California's Department of Water Resources (DWR) and the U.S. Bureau of Reclamation. The tunnels would require three new points of diversion on the Sacramento River and the hearings, which began in 2016, have been split into several parts.

The first part of the hearings explored whether there were potential impacts on other legal users of water, such as downstream municipalities. And the second part of the hearings, which began in February, is examining the potential impacts on fish and wildlife, as well as how much water needs to flow through the Delta. Those hearings are expected to conclude later this year.

The possibility of a third part to the hearings was discussed earlier this year when the state floated the idea of pursuing a phased construction approach – building one tunnel first and another later – but that's looking less likely at the moment. Water board staff also said it's possible that they will have a limited reopening of part one of the hearings if information presented in the second part warrants revisiting previously discussed issues.

The water board has no specific timeline for making its decision and there will be only one ruling for all of the issues addressed in the hearings. "The board's staff would develop a draft decision acting upon the petition, and then we would bring that draft decision to the board for consideration, so it really depends upon how long that process takes," said Diane Riddle, assistant deputy director in the SWRCB's division of water rights. "It depends upon the complexity of the issues we have to address and what comes out of the hearing process."

Considering the lengthy hearing record already, she said, it could be as short as six or nine months, or as long as several years. "It really depends upon the process and the feedback we get from the board as we draft the order, what decisions they want to make and how much additional time that takes," she added.

There's also one other role the state water board plays in the process: it needs to approve the application for a [water quality certification](#) indicating that the project complies with requirements in the federal Clean Water Act.

Then there are the lawsuits filed over Water Fix – nearly 20 have been filed in state court and two in federal court. Most of the cases have been coordinated before one judge in the Sacramento County Superior Court. The initial case management conference was held on March 23 and the next will be on May 24.

[Robert Wright](#), an attorney representing several environmental organizations involved in the litigation against the tunnels project, said that judging by previous lawsuits of a similar nature it could be two or three years before decisions are reached on these legal challenges. And it's "likely parties would seek a preliminary injunction if they tried to go ahead with the project while litigation was still pending," he added.

Wright said that Water Fix "violates the California Environmental Quality Act for a number of reasons, but the biggest and most important is the long-term failure to consider what we call a 'reasonable range of alternatives,'" he said. Those alternatives include recycling and

conservation and increasing flows of freshwater through the Delta by decreasing water exports. “It’s as wasteful economically as it would be destructive environmentally,” he said.

Other legal challenges center on the federal Endangered Species Act and the use of bonds to pay for construction of the project.

The DWR does not comment on pending litigation, but Lien-Mager said officials “look forward to continued discussions with our local water agency partners – including those on the federal side – to finalize details and begin construction on this project.”

But if or when that happens is still a long way off.

East Bay Times

Pittsburg: Grand Jury says Los Medanos Healthcare District should dissolve



Greg Stidham/Times archive

The former Los Medanos Community Hospital building, which closed in 1994, is shown here in 1997 before it reopened as the Pittsburg Health Clinic.

By [Aaron Davis](#) | aarondavis@bayareanewsgroup.com | Bay Area News Group

PUBLISHED: April 26, 2018 at 10:20 am | UPDATED: **April 26, 2018** at 2:50 pm

PITTSBURG — A Contra Costa Grand Jury has recommended that the Los Medanos Community Healthcare District be dissolved, considering it no longer runs a community hospital, spends more money administering grants than on the grants themselves and does not track the effectiveness of its programs.

The report, which was issued on April 19, details what it sees as the fiscal mismanagement, duplication of services, and a lack of transparency.

The district's 2017-2018 budget anticipates bringing in \$1 million in property taxes and spending half of that — \$510,000 — on administrative overhead and \$412,000 on the grants themselves. In the past six budgets, four have allocated more money for administering grants than on the grants themselves.

Similar local government entities spend around 10 to 20 percent of their budgets on administration.

The Los Medanos Community Healthcare District did not return calls requesting comment.

Additionally, the report indicated there was no evidence that the district collaborated with the county or any other entities in administering the grants. LMCHD gave out similar grants to the same groups as the county, through the Keller Canyon Mitigation Fund, though the two did not collaborate.

In terms of measuring impact, the grand jury found that LMCHD didn't measure the outcomes of its grants in any transparent way, nor did it use a community health needs assessment to determine where grants should go.

After exit interviews with grand jury members, a Community Health Profile appeared on the district's website. The profile was prepared by Dr. Vern Cromartie, a district board member and chair of the sociology department at Contra Costa College.

"When we did the investigation that report was not available," said Mario Gutierrez, grand jury foreman. "It's good they are proactive."

The district came under fire in recent years following the arrest of a director, Emmanuel Ogunleye, of felony assault with a deadly weapon in 2014. A jury narrowly failed to convict Ogunleye in 2015 in an 11-1 vote. Throughout it all, Ogunleye continued to serve on the board and was promoted to president, until he was convicted in a retrial in 2017 and was [sentenced](#) to six years in state prison.

The scathing report wouldn't be the first grand jury report critical of the healthcare district's operational inefficiencies. It was [the fourth](#).

A [2009-2010 grand jury](#) report, titled "'Lost' Medanos Community Health Care District: Awash in a Sea of Inefficiency," identified numerous grants that were dubious in nature, including \$5,000 for a children's reading corner at the Pittsburg Health Clinic with no books. The district said that the kids had taken the books home.

The grand jury recommended that the Local Agency Formation Commission dissolve the district, set the county up as the successor, maintain current funding levels and use the savings on administrative costs to expand these programs.

"Our recommendation is to expand the healthcare programs that are in that area," Gutierrez said. "They don't have an emergency center. I'm not saying the savings would cover that expense, but it could help."

The district was initially formed in 1948 to operate the Los Medanos Community Hospital. The hospital went bankrupt and shuttered in 1994 and the district has lived on, leasing the former building to the Pittsburg Health Center.

The story is as old as healthcare districts. It took four grand jury reports to finally close the Mount Diablo Healthcare District in Concord in 2012. The [Mt. Diablo Medical Center](#), which was the reason that district was formed, closed in 1996 and the district was criticized for spending more of its money on administration than healthcare.

Water Deeply

California Delta a Flash Point for Conflict as Climate Change Unfolds

Sea level rise and changing streamflows are converging with uncertain results in the Sacramento-San Joaquin Delta. Ronald Melcer, a senior environmental scientist at the Delta Stewardship Council, explains what the future may hold.

Written by [Matt Weiser](#) Published on σ April 27, 2018 Read time Approx. 5 minutes



The California Aqueduct is the state's largest and longest water transport system, fed by the Sacramento-San Joaquin Delta. Climate change is expected to make water delivery and flood management more challenging in the estuary, the largest on the West Coast of the Americas. *Citizens of the Planet/Education Images/ UIG via Getty Images*

California's Sacramento-San Joaquin Delta is vital to water supplies for 25 million people and 4 million acres of farmland. It is linked to the Pacific Ocean via San Francisco Bay, which makes this water supply uniquely vulnerable to sea level rise.

Yet understanding sea level rise in the Delta is complicated. The largest estuary on the West Coast of the Americas, it consists of some 70 islands and more than 1,000 miles of levees. It is also fed by California's two largest rivers, which drain the Sierra Nevada range.

All of this complicates how sea level rise “propagates” through the Delta. It also increases the urgency of the need to understand how changing weather patterns caused by climate change will affect streamflow through the estuary.

To help with these questions, the Delta Stewardship Council, a state government agency, recently published a comprehensive new white paper on the issue: “[Climate Change and the Delta: A Synthesis](#).” To summarize the paper, Water Deeply interviewed Ronald Melcer, a senior environmental scientist at the council.

Water Deeply: What is the purpose of this report? Is it a first?



Ron Melcer is a senior environmental scientist at the Delta Stewardship Council, which has released a new white paper examining climate change impacts on the Sacramento-San Joaquin Delta. (Photo Courtesy Delta Stewardship Council)

Ronald Melcer: We’ve set out to do a series of synthesis papers that try and really distill the new science since 2013 related to various topics. We see climate change as a major one.

I don’t believe there’s been a synthesis of climate change specific to the Delta, though. So in that sense, this is new. It’s a more definitive look at climate change in the Delta than we’ve had before. We were really trying to set the stage for how we think about restoration in the Delta, and at the same time be as comprehensive as possible.

Water Deeply: What is your sea level rise projection in this report?

Melcer: There is nearly a 70 percent chance that by 2100 we’re going to see 2.4ft of sea level rise at the Golden Gate Bridge. That’s with a low-emissions scenario, which is based on the Paris climate agreement. So if we were to do some significant work, it would take really relying on the best available technology, doing carbon sequestration and coupling that with a zero-emissions way of living. The way we operate on the planet would fundamentally change. It’s pretty optimistic to think that we’ll get there. But that’s what the Paris agreement calls for.

The high emissions scenario is more akin to the trajectory that we’re on at this point. That’s sort of a business as usual scenario. So if we don’t do anything, that’s where we’re headed. That shows 3.4ft of sea level rise by 2100.

Water Deeply: Will the Delta see the same magnitude of sea level rise as the Golden Gate?

Melcer: Depending on where you are, it will be less than these maximum numbers. But there are some interesting interactions that happen as land elevation changes and the forces of streamflow come in to meet with the tidal waters. That actually drives the water surface elevation up a little bit in localized areas.

Currently we're working on engaging some technical expertise to do a climate vulnerability assessment within the Delta. This is a key question we would be looking to answer: What do water surface elevations look like within the Delta? We'll be identifying assets and vulnerabilities.

Water Deeply: How will water flows change through the estuary?

Melcer: There is not universal agreement on the total amount of precipitation we would expect. But the big takeaways are that we expect to see higher streamflow due to rainfall in the winter across all the models. That ties back to atmospheric temperature, ocean temperature, warmer storms coming onboard. And on average, the peak of runoff would shift by one month earlier in the season.

Water Deeply: What sort of management issues does this raise?

Melcer: The system is really predicated on a large snowpack that slowly feeds the reservoirs and river systems. So if we see shifts in runoff, that system starts to require changes in how we operate reservoirs. And that then has downstream impacts on our ability to provide for water supply and water quality management. There's this cascading effect across all the functions that we rely on our reservoir systems for.

Water Deeply: What are the potential downstream effects?

Melcer: The Department of Water Resources has done some interesting modeling that shows the effects of just an increase in the frequency and magnitude of flood flows. There's also an expectation that the occurrence of atmospheric rivers will increase. So on average, we expect flood volumes to increase 60–80 percent on the San Joaquin River, and 10–20 percent on the Sacramento River. That has to do with elevations of the mountain ranges in those different basins.

These are significant increases in the amount of water that's flowing across the landscape during a flood event. Whereas, historically we would see some of that contributing to snowpack and then being released slowly through the melting process later in the year.

For some San Joaquin basin streams, we expect to see more than a 50 percent increase in 100-year flood events. That's a massive increase in risk. We have an opportunity to start to figure out what that means, what our flood management infrastructure should look like, with some of the modeling work that's come out. We should be thinking about what we need on the landscape to pass that magnitude of water.

Water Deeply: How will salinity change in the estuary?

Melcer: There are a couple of implications. An increase in water surface elevation increases the amount of salt water that makes its way into the Delta. We really focus on the implications for habitat, for fish species. That mixing point between freshwater and salt water is really important for the aquatic ecosystem.

If we are to continue to manage water quality in the Delta with reservoirs, it really is going to require increased reservoir releases to counter that influx of salinity. Some studies have shown that, with 1ft of sea level rise, it would require almost 500,000 acre-feet of additional Delta outflow, generally in the form of reservoir releases, to meet salinity requirements as they stand at this point.

Water Deeply: That sounds like a lot of additional pressure on the state's water system.

Melcer: It starts to paint a picture where we're having difficulty meeting all of those objectives. The implications of increasing streamflow in winter and less runoff later in the year leave us with reservoirs that are not full, and then we're unable to really use managed flows to deal with things like salinity intrusion in the Delta.

We release flow at certain times of year to protect fish and their spawning activities. Supporting these fish becomes really difficult in these future scenarios where that flexibility continues to be reduced by dynamics of precipitation, sea level rise and salinity intrusion.

East Bay Times

Showdown looms as counter-initiative for Antioch development proposed



Mount Diablo can be seen in the distance along the closed portion of Empire Mine Road which runs through the Sand Creek Focus Area. (Susan Tripp Pollard/Bay Area News Group)

By [Aaron Davis](#) | aarondavis@bayareanewsgroup.com | Bay Area News Group
PUBLISHED: April 30, 2018 at 4:32 pm | UPDATED: **May 1, 2018** at 4:09 am

ANTIOCH — Dueling interest groups will ask for your signature on similar initiatives for the November ballot to preserve either all or a portion of the Sand Creek Focus Area.

The Sand Creek Focus Area is an approximately 2,783-acre area sitting between the city of Brentwood on the east and the Black Diamond Mines Regional Preserve on the west.

The area east of Deer Valley Road already has two approved developments, so both initiatives are focusing on the area between Deer Valley Road and Black Diamond Mines.

Most residents know of the efforts from a [coalition of citizens](#) and conservation groups, known as the Antioch Community to Save Sand Creek. The initiative, which is called “[Let Antioch Voters Decide](#),” aims to designate 1,800 acres of land that lies west of Deer Valley Road as rural residential, agriculture and open space.

The initiative would also make it so that any big developments or changes to the city limit line be approved by voters first. The backers include residents, Save Mount Diablo, the Greenbelt Alliance, the Sierra Club and the California Native Plant Society.

Recently, the campaign has advertised for temporary, paid signature gatherers, offering \$3 per signature collected.

On Friday, residents and backers of a different initiative submitted their plans to the city. The “West Sand Creek Open Space Protection” initiative aims to zone 1,244 acres west of Deer Valley Road as rural residential, agriculture and open space. The remaining land in the western portion of the Sand Creek Focus Area — approximately 608 acres — would be open for [“The Ranch,”](#) which the developer has agreed to drop from 1,307 new homes down to 1,177.



Area affected by the initiative is outlined in red. Green areas would be zoned for rural residential, agricultural and open space purposes. The Ranch project area is outlined in yellow and would be single family homes, executive estate housing, senior housing and commercial uses. (Photo courtesy of Gene Endicott of Endicott Communications)

The proposal was brought about by resident Terry Ramus, a director on the board of the Chamber of Commerce and member of the chamber’s Government Affairs committee. Co-signers on the proposal are former city councilor Manny Soliz Jr. and Matthew Malyemezian.

The proposal also has big backers: Richland Communities, the planner and developer behind The Ranch project.

“We are listening to the citizens of Antioch and substantially revising our project so that it includes fewer homes and protects the hills, ridgelines, and valuable open space and environmentally sensitive areas around Sand Creek,” wrote Matt Bray, CEO of Richland Communities, in a news release. “We see ourselves as a community partner and want to do the right thing.”

The West Sand Creek Protection initiative aims to allow only development on the lower lying portion of Sand Creek, maintaining The Ranch development rights but rezoning the proposed Zeka development to the west.

The current General Plan allows for [up to 4,000 homes](#) to be built throughout the Sand Creek Focus Area.

The developer of The Ranch agreed to charge a \$1,000 fee on each new home to generate \$1 million for Deer Valley High School sports and performing arts facilities and ban development on hills, ridges and along Sand Creek in the western portion of the Sand Creek Focus Area.

The plan intends to preserve “at least 98 percent” of the trees in The Ranch and establish an open-space corridor approximately 430-feet wide along Sand Creek.

The plan will also require developers to donate a site near Deer Valley Road and Sand Creek Road for a future fire station, widen and improve Deer Valley Road and provide a “Village Center” across from Kaiser Permanente Antioch Medical Center.

Seth Adams, a land conservation director with Save Mount Diablo, sees the conservation-minded tilt in The Ranch project as a win for their movement.

“Our initiative is resonating with people and obviously already having an effect, so they are making some changes to their project,” Adams said.

Adams said that their organization had anticipated a counter-initiative, suggesting that the goal may be to muddle the issue or confuse voters before they head to the polls.

A common element to both plans is giving Antioch voters the right to determine whether Antioch’s Urban Limit Line can be extended. Voters reserved the right to decide when the line would be extended in a vote in 2005, but this right sunsets in 2020.

Both initiatives need a little more than 5,100 signatures from Antioch voters to be placed on the November ballot.

Learn more about the “Let Antioch Voters Decide” initiative at letantiochvotersdecide.org

Read the West Sand Creek Open Space Protection initiative at docdro.id/qiq4T9i

East Bay Times

Discord rules in contentious Lafayette development election



This is an artist's rendition of the community park area of the 44-unit Deer Hill housing development plan that's part of Lafayette's Measure L. Voters will decide the fate of the plan on June 5. (Courtesy of Yes on L)

By [Jon Kawamoto](#) | jkawamoto@bayareanewsgroup.com | Bay Area News Group
PUBLISHED: May 1, 2018 at 2:59 pm | UPDATED: **May 2, 2018** at 5:01 am

LAFAYETTE — Voters will decide on June 5 whether to allow 44 houses to be built on 22 acres, and while opponents have been vocal, they say they would prefer a scaled-down project.

The campaign surrounding Measure L has been contentious, with accusations of misinformation over air pollution, a sports field, a playground and traffic concerns; scare tactics; and threats of litigation pending the outcome.

The Lafayette City Council's decision to hold a referendum on Deer Hill is itself rooted in controversy. In February, the council agreed to an election after a state appellate court ruled that city leaders had erred when they refused to allow the public to vote on proposed zoning changes on the site. Voters have to decide whether to accept or reject a 2015 ordinance that changed the zoning on the Deer Hill parcel to single-family residential.

What further complicates the election — and is looming as a potential option should Measure L fail — is the original plan for the site, a 315-unit apartment complex called the Terraces. The Terraces proposal, which first came before the city in 2011, was put on hold after the city negotiated the current 44-house plan, with amenities that would include a sports field and playground.

Other features of the Deer Hill plan include 11 acres of public parklands and trails; a 2.9-acre dog park; a 78-vehicle parking lot near Acalanes High School; and more than \$500,000 in bicycle and pedestrian improvements such as a roundabout and walkways. The houses would range from 2,000- to 3,000-square feet and be priced at market rate.

Michael Griffiths, president of the preservationist group Save Lafayette, is opposed to the plan, saying the houses, sports field and playground will put people at risk because of unhealthy pollution levels and will add to traffic congestion.

“You can have a modified project,” Griffiths said. “Put the sports field somewhere else. That also gets rid of 60 percent of the traffic. Reduce the number of homes, maybe move them back from the polluted area a bit. Those kinds of things are a possibility.”

In 2015, Lafayette conducted an environmental impact report on the Terraces plan and concluded there would be no significant risk of air pollution with mitigation measures such as watering the construction site daily and installing air filters in the apartment residential ventilation systems.

In addition, a report was released last week by PlaceWorks of Berkeley, which was commissioned by the developer, O’Brien Land Company. The report confirmed no significant health risk and “no mitigation measures are required” based on air pollution standards by the state Office of Environmental Health Hazard Assessment and the Bay Area Air Quality Management District.

Save Lafayette says the Bay Area Air Quality Management District has identified Deer Hill as an area “with elevated levels of air pollution,” and cites an April 2 letter by environmental author James Leach of Sustainable Lafayette to the City Council. “My objection to constructing a sports field and play area at the Deer Hill project is that the level of air pollution close to Highway 24, Pleasant Hill Road and Deer Hill Road, is unhealthy for such activities,” Leach wrote. “These conditions are especially hazardous for children.”

“I’ve been on the City Council for 14 years and been through the whole process of the Terraces conversion to the Deer Hill project that we have today,” Lafayette Councilman Mike Anderson said. “Watching this whole process has given me a clear sense that this is a better alternative for that particular site.”

Anderson added: “There is a great deal of misinformation that’s being generated by those who are opposed to Measure L. It is not the assigned fact, and it’s basically being used to scare people. ... We have folks who are simply making up things.”

The two sides disagree about what could happen if Measure L is defeated. Supporters say the private property’s developer could pursue the Terraces apartment plan. Opponents said the Terraces would be subject to another referendum vote, which supporters dispute.

Both sides are optimistic of their support. Yes on L’s spokeswoman Angela Ramirez Holmes cited a growing list of endorsers. These include: current and former mayors and current City Council members; Lafayette Chamber of Commerce members; Lafayette school board trustees;

Lafayette Parks, Trails and Recreation Commission members; Sustainable Lafayette members; and several sports groups such as the Lafayette Little League and Lamorinda Rugby.

Griffiths is counting on the support in Lafayette that led to the defeat of Measure C, a city sales tax in 2016, as well as the city's new, restrictive policy on conflict of interest. "With the conflict of interest (policy) a step in the right direction, if we can put this in the right direction, we can make a positive policy for the city and the voters," Griffiths said. "Once the word gets out, we'll win."

Should Measure L win, Griffiths said, "litigation is a possible option, since the project appears to be inconsistent with numerous important land use policies."

"There will always be some percentage of people who don't want anything to happen," said former Lafayette Mayor Brandt Andersson, a Measure L endorser. "I tell people that everybody who moved to Lafayette thought it was absolutely perfect the day they moved in — and any change to that is a direct assault on their future lives."

If you're interested

Yes on L: www.yesonl2018.org

Save Lafayette: <http://savelafayette.org>



Published May 2nd, 2018

MOFD board splits over proposed Moraga stormwater fee measure

By Nick Marnell

Despite pleas from Moraga stormwater fee measure proponents, the Moraga-Orinda Fire District declined to return a ballot on the stormwater fee proposed for its two town parcels, the board unable to justify using Orinda tax dollars to fund a Moraga capital expenditure.

Moraga Town Manager Cynthia Battenberg and Council Member Kymberleigh Korpus provided the board background for the proposed fee: The Moraga storm drain system is aging and requires \$29 million in repairs which the town is unable to squeeze out of its \$8.6 million operating budget; the fee would bring in \$800,000 a year, with no sunset, and would cover capital improvements, maintenance and operation of the system; and only Moraga property owners would be charged. Dick Olsen, speaking as a representative of the Moraga Save Our Storm Drains Committee, told the board that the fee was insurance against future sinkholes, and would have a positive impact on district emergency response times.

No one disputed that the work needed done, but the board divided mainly on the philosophical issue of fair taxation.

Orinda Director Craig Jorgens said that Orinda fixed its storm drain infrastructure by issuing a bond, which owners of taxable city property pay for. (MOFD, which owns three fire stations in Orinda, is exempt from paying property tax.) "We shouldn't be paying taxes to one entity that we don't to a different one for exactly the same purpose," said Jorgens, who bristled at the use of the word fee. "It's semantics," he said.

"The city has known about this a long time, but has failed to develop adequate reserves," said Moraga Director John Jex of the town's prior actions.

"Yes, the town should have saved money for this, but they didn't," said Moraga Director Kathleen Famulener. "We need to do something." Director Steve Anderson, who resides in Orinda but whose division comprises portions of both municipalities, called the proposed \$2,540 annual fee on the two Moraga district parcels cheap insurance, which would allow MOFD to better fulfill its mission of saving lives and property. But it came down to what the board termed a taxation issue. "They didn't want people who don't live there to affect the outcome - they only wanted property owners to do it," Jorgens said of the town's strategy of having only Moraga property owners vote on the proposed fee. "In reality, you're asking people who live in Orinda to vote for something for Moraga."

That was the crux of the stance by President Brad Barber, who agreed that it is in the interest of MOFD that roads and infrastructure remain in excellent condition. "But I feel awkward voting to increase taxes in a jurisdiction that I do not reside in," said Barber, an Orinda resident.

Barber chose to abstain from every possible vote on the stormwater ballot: yes, no or abstain. The resultant perpetual deadlock of Jorgens and Jex voting no, and Anderson and Famulener voting yes, left the district no alternative.

"In the absence of direction from the board, we will not turn in a ballot," said Fire Chief Dave Winnacker at the conclusion of the April 18 meeting.

"It is unfortunate that there was a split vote at the MOFD meeting on the town's proposed stormwater fee measure," said Battenberg, who added that the town will provide the district further information on how the storm drain infrastructure supports emergency response. She said she understood the challenge for the multijurisdictional district to consider a fee that would apply to only Moraga.

Reach the reporter at: nick@lamorindaweekly.com

[back](#)

Copyright © Lamorinda Weekly, Moraga CA

Published May 2nd, 2018

Democratic Party of Contra Costa County honors Local 1230 president

By Nick Marnell



Vince Wells, center, surrounded by firefighters as he receives the Robert Reich Award. Photo provided

Vince Wells, president of Local 1230 of the firefighters union, received the inaugural Robert Reich Award from the Democratic Party of Contra Costa County at the 2018 Franklin D. and Eleanor Roosevelt President's Award Dinner April 21 in Concord.

The Robert Reich Award, named after the former U.S. Secretary of Labor during the Clinton administration, recognizes an individual "who is a tireless advocate for union labor and strengthens the partnership with the Democratic Party," according to party chair Maria Alegria.

"I am honored to receive this award and to represent the members of a well respected profession," Wells said. "I have been the union president for the last 10 years and it has allowed me to build relationships throughout the county and state. These relationships have helped me help our members as we fight for adequate staffing as well as pay and benefits."

Wells, a Contra Costa County Fire Protection District captain, has had to walk a fine leadership line throughout his representation of firefighters from both Lamorinda fire agencies. During the economic downturn after the Great Recession, Wells struggled with seven ConFire station closures and the precarious financial situation of the Moraga-Orinda Fire District. By agreeing to defer wage increases for the rank and file, Wells attempted to not only maintain a high level of service to the community but also help the agencies stay afloat.

The party also recognized Wells' support of political campaigns, ballot measures and other legislative initiatives that impact working families across the state of California.

Reich, Professor of Public Policy at UC Berkeley, congratulated Wells on receiving the eponymous award. "May we all be inspired by his work and leadership and continue striving to fulfill the vision of our nation - as one that allows for the achievement of the American Dream - no matter your background or history," Reich wrote in a letter to the party.

Reach the reporter at: nick@lamorindaweekly.com

[back](#)

Copyright © Lamorinda Weekly, Moraga CA