

Judge halts scenic housing development

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Agenda Item 15c

Seeno, Discovery Builders plan to appeal court's ruling next week

PITTSBURG HILLS

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PITTSBURG >> A judge has dealt a major blow to the developers of a massive housing project planned for a scenic ridgeline in the Pittsburg hills, delivering at least a temporary victory for the group of environmentalists that sued to stop it.

The Seeno family of development companies wants to build 1,650 homes in the hills that overlook the Concord Naval Weapons Station. The project, known as Faria/Southwest Hills, was approved by the Pittsburg City Council last year despite opposition from hundreds of residents.

The decision immediately was challenged by local environmentalists, including

the conservationist group Save Mount Diablo, which contends the homes would mar the highly visible open space and harm the habitats of several sensitive species.

Contra Costa County Superior Judge Edward G. Well ruled last week that the city's environmental review of the project was inadequate because it failed to assess how so many houses would impact water supply, air quality and nearby plant life, according to a statement from Save Mount Diablo.

"The court's decision says to developers: 'You don't get to kick the can down the road. You have to do a thorough analysis of your project's impacts before you lock in project approvals,'" Winter King, the environmental group's attorney, said

in a statement. "The court got it right."

The ruling also determined that the city failed to account for the possible environmental impacts of 150 accessory dwelling units, which were added to the development just before the council approved it, according to Save Mount Diablo.

The project faced enormous opposition at the outset from both housing advocates who oppose urban sprawl and Pittsburg residents who feared an influx of more than a thousand homes south of the city.

In a statement about the ruling, an attorney for the developers pointed out that the court's rul-

ing signed off on most of the project's details.

"There were four issues where, respectfully, we believe the court overlooked key evidence in the record," said Kristina Lawson, a managing partner for the Hanson Bridgett LLP. "We will bring this evidence to the court's attention next week, and we are hopeful that the court will reconsider its decision in light of the full

family, which has built and managed properties in Contra Costa County for several generations.

The family of builders has earned a reputation for engaging in drawn-out legal battles against public agencies and environmental groups, though the companies also have fostered a strong relationship with local labor unions.

family returned for another bidding round and won the right to take over the Naval Weapons Station project as master developer

Just as Pittsburg residents criticized the Faria development, Concord residents last year took the council to task for handing the city's future to the Seeno companies.

evidentiary record.”

The 1,650 homes, as approved last year by the City Council, would be clustered in valleys along the ridgeline, encompassing 341 acres. Building the homes would require extensive grading of the site, which Save Mount Diablo claimed could result in landslides and the destruction of creeks and streams.

But the developers promised to also build a youth recreation center at the project site and preserve 265 additional acres of land as open space. The pitch was ambitious enough to secure the council’s unanimous approval last year.

Pittsburg council members could not be reached for comment Friday about the court ruling.

The development team includes Seeno companies Discovery Builders Inc. and Faria Investors LLC. Discovery was founded by a member of the Seeno

Last year, the Seeno team settled a separate lawsuit with the East Bay Regional Park District, which contended the Faria homes would disrupt views of the hills, which can be seen from the Concord Naval Weapons Station. The district is creating a large regional park on the former weapons site.

As part of that settlement, the developers promised to build the homes back a ways from property lines so they would be less visible from the eventual parkland.

Seeno also previously sued the Navy to stop its transfer of nearby land to the city of Concord for eventual development of a 13,000-home community. The suit followed the Concord City Council’s decision to award the master development contract for that project to another team instead of Seeno’s team.

When the other team pulled out last year in the wake of a labor dispute, Discovery Builders and the Seeno

But opponents of Seeno have won the latest skirmish, at least for now.

“This is a major victory for Pittsburg’s hills,” Save Mount Diablo Land Conservation Director Seth Adams said in a statement. “Open space, habitat for wildlife and the community’s scenic views have won the day, and poorly planned development will not go forward, for now. We are very happy with the court’s decision.”

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Saturday, 02/19/2022 Page .B01

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The New York Times<https://www.nytimes.com/2022/02/14/climate/western-drought-megadrought.html>

How Bad Is the Western Drought? Worst in 12 Centuries, Study Finds

Fueled by climate change, the drought that started in 2000 is now the driest two decades since 800 A.D.

By Henry Fountain

Feb. 14, 2022, 10:59 a.m. ET

ALBUQUERQUE — The megadrought in the American Southwest has become so severe that it's now the driest two decades in the region in at least 1,200 years, scientists said Monday, and climate change is largely responsible.

The drought, which began in 2000 and has reduced water supplies, devastated farmers and ranchers and helped fuel wildfires across the region, had previously been considered the worst in 500 years, according to the researchers.

But exceptional conditions in the summer of 2021, when about two-thirds of the West was in extreme drought, “really pushed it over the top,” said A. Park Williams, a climate scientist at the University of California, Los Angeles, who led an analysis using tree ring data to gauge drought. As a result, 2000-2021 is the driest 22-year period since 800 A.D., which is as far back as the data goes.

The analysis also showed that human-caused warming played a major role in making the current drought so extreme.

There would have been a drought regardless of climate change, Dr. Williams said. “But its severity would have been only about 60 percent of what it was.”

Julie Cole, a climate scientist at the University of Michigan who was not involved in the research, said that while the findings were not surprising, “the study just makes clear how unusual the current conditions are.”

Dr. Cole said the study also confirms the role of temperature, more than precipitation, in driving exceptional droughts. Precipitation amounts can go up and down over time and can vary regionally, she said. But as human activities continue to pump greenhouse gases into the atmosphere, temperatures are more generally rising.

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As they do “the air is basically more capable of pulling the water out of the soil, out of vegetation, out of crops, out of forests,” Dr. Cole said. “And it makes for drought conditions to be much more extreme.”

Although there is no uniform definition, a megadrought is generally considered to be one that is both severe and long, on the order of several decades. But even in a megadrought there can be periods when wet conditions prevail. It's just that there are not enough consecutive wet years to end the drought.

That has been the case in the current Western drought, during which there have been several wet years, most notably 2005. The study, which was published in the journal *Nature Climate Change*, determined that climate change was responsible for the continuation of the current drought after that year.

“By our calculations, it's a little bit of extra dryness in the background average conditions due to human-caused climate change that basically kept 2005 from ending the drought event,” Dr. Williams said.

Climate change also makes it more likely that the drought will continue, the study found. “This drought at 22 years is still in full swing,” Dr. Williams said, “and it is very, very likely that this drought will survive to last 23 years.”

Several previous megadroughts in the 1,200 year record lasted as long as 30 years, according to the researchers. Their analysis concluded that it is likely that the current drought will last that long. If it does, Dr. Williams said, it is almost certain that it will be drier than any previous 30-year period.

Understand the Latest News on Climate Change

Depleting water supplies. The world's glaciers may contain less water than previously believed, suggesting that freshwater supplies could peak sooner than anticipated for millions of people worldwide who depend on glacial melt for drinking water, crop irrigation and everyday use.



Tree rings are a year-by-year measure of growth — wider in wet years, thinner in dry ones. Using observational climate data over the last century, researchers have been able to closely link tree ring width to moisture content in the soil, which is a common measure of drought. Then they have applied that width-moisture relationship to data from much older trees. The result “is an almost perfect record of soil moisture” over 12 centuries in the Southwest,” Dr. Williams said.

Using that record, the researchers determined that last summer was the second driest in the last 300 years, with only 2002, in the early years of the current drought, being drier.

Monsoon rains in the desert Southwest last summer had offered hope that the drought might come to an end, as did heavy rain and snow in California from the fall into December.

But January produced record-dry conditions across much of the West, Dr. Williams said, and so far February has been dry as well. Reservoirs that a few months ago were at above-normal levels for the time of year are now below normal again, and mountain snowpack is also suffering. Seasonal forecasts also suggest the dryness will continue.



Lake Mead, the largest artificial reservoir in the United States, is at a third of its capacity and has a visible “bathtub ring” due to the western drought. Patrick T. Fallon/Agence France-Press — Getty Images

“This year could end up being wet,” Dr. Williams said, “but the dice are increasingly loaded toward this year playing out to be an abnormally dry year.”

Samantha Stevenson, a climate modeler at the University of California, Santa Barbara who was not involved in the study, said the research shows the same thing that projections show — that the Southwest, like some other parts of the world, is becoming even more parched.

Not everywhere is becoming increasingly arid, she said. “But in the Western U.S. it is for sure. And that’s primarily because of the warming of the land surface, with some contribution from precipitation changes as well.”

“We’re sort of shifting into basically unprecedented times relative to anything we’ve seen in the last several hundred years,” she added.