

## Supervisors to hear Orinda spice company appeal; planners recommend derailing project

By Rick Radin  
Contra Costa Times

Posted: 02/22/2010 01:59:29 PM PST

Updated: 02/22/2010 01:59:29 PM PST

ORINDA — A partially built house and spice-packing facility in open space land above the Caldecott Tunnel should be blocked because Contra Costa County planners mistakenly approved it without legal sewer or water connections, the Board of Supervisors has been told.

The 8-inch sewer line with a capacity as high as 90,000 gallons a day could serve about 450 homes, according to an estimate provided by the Central Contra Costa Sanitary District.

The project, if allowed, could set a precedent for development in open space areas, according to another agency in charge of regulating building outside the urban limit line. Supervisors are to consider the planners' recommendations today.

The Bayseng Spice Company is on Fish Ranch Road and Old Tunnel Road north of the Orinda entrance to the Caldecott Tunnel.

Bayseng executives Tamara and Paul Attard of Orinda received Contra Costa permits in 2008 to

build a house and a 3,000 square-foot processing facility where they would dry and package bay leaves sold for cooking. They say they have spent more than \$3 million on the project and costs are mounting. Tamara Attard's brothers James and Michael Lewis of Orinda are partners in the business.

The county halted construction at the end of 2008 after realizing it had mistakenly issued the home construction permit without the county health officer first verifying that legal sewer and water hookups were available.

Contra Costa also stopped work on the outbuilding because, after the permit was issued, the Attards added a plan for a restroom, which would require sewer service, according to a staff report.

The couple say they have spent \$2.4 million on the outbuilding and for a deep foundation for the house and that interest payments have mounted to \$300,000.

"It's a mystery how the permit for the home could have been granted without any approval of water or sewage disposal by the county health officer," said Bob Drake, the county planner assigned to the project.

The Attards say they arranged for sewer service to their property by paying \$800,000 in 2005 to help Caltrans upgrade a 1934 sewer system in the Caldecott Tunnel. The line empties into Oakland's sewer system, but Bayseng never acquired an Oakland sewer permit, Drake said.

Oakland approved the Caltrans sewer, but did not authorize Bayseng's use of it, said Gus Amirzehni, division manager for engineering design. The

Advertisement



**End-to-End Training as It Should Be: 100% ONLINE!**

**Earn Your Master Certificate in Internet Marketing**

- SEO & Paid Search
- Online Branding
- Web Analytics
- Internet Law
- Media Buying
- Social Media

→ 1-800-268-9943  
USanFranOnline.com/FD

Print Powered By  FormatDynamics™

# CONTRA COSTA TIMES

ContraCostaTimes.com

Attards say Oakland approved their use of the sewer and that Contra Costa planners walked the route of the proposed sewer line to their property and had no objection.

The Attards are frustrated. "They're changing the rules after the approval, throwing the book at us retroactively," Paul Attard said. "An enormous amount has been invested, and it's not going to stop here."

The staff report cites other objections, including that the Attards' sewer connection also needs approval of the Contra Costa Local Agency Formation Commission, since the property lies a mile outside the county's urban development limit. The commission is a semi-local body that regulates boundary issues among governments and communities.

Even if supervisors overrule the planners, the commission would have to approve the sewer line, said Supervisor Gayle Uilkema of Lafayette, an agency commissioner.

"LAFCO rules state that no urban services should be extended into open space lands," Uilkema said. "They (the Attards) have an eight-inch sewer hookup that is large enough to serve a great number of homes."

**Contact Rick Radin at 925-952-5053**

Advertisement



**Florida Tech**  
UNIVERSITY ONLINE

**Bring the Classroom to Your Home  
With a Degree Online From Florida Tech**

**APPLY TODAY!**  
FloridaTechOnline.com/FD | 1-888-253-5946



Print Powered By  FormatDynamics™

## Brentwood to examine plan to change urban limit

By Rowena Coetsee  
Contra Costa Times

Posted: 02/24/2010 04:09:28 PM PST

Updated: 02/24/2010 10:21:27 PM PST

### Related Links

- **Photoblog:** Share your Brentwood photos and videos
- **Forum:** Discuss Brentwood news
- **More Brentwood coverage**

BRENTWOOD — City Council members have agreed they need to take a good look at how a proposed ballot initiative that would establish Brentwood's own urban limit line could affect the city.

They unanimously decided Tuesday to ask city staff members to examine the proposal from a variety of angles, including the potential ongoing financial burden as well as the cost of the election itself.

Council members also want to know what might happen to the city's businesses and efforts to generate more local jobs if voters approve the measure, and how land that's now open space might be developed.

The initiative seeks to establish Brentwood's own urban limit line rather than continue with the one that voters around the county updated in 2006.

The new, more expansive boundary would include

740 acres comprising 17 undeveloped parcels to the west of the city.

The findings will be presented at the March 9 council meeting, at which council members will know how much the election would cost.

They also are expected to approve a resolution to place the issue on the June ballot, something they legally must do if the initiative's supporters have collected the required number of valid signatures.

City Manager Donna Landeros emphasized Tuesday that the city's role isn't to campaign for or against the initiative but simply to provide facts.

Meanwhile, debate over the measure's long-term benefits and drawbacks is heating up.

Resident Kathy Griffin criticized the proposal, arguing that the city should protect its agricultural heritage by preserving open space.

And if the measure's proponents are serious about maintaining that buffer between Brentwood and Antioch — as they're telling voters — why even mention the possibility of developing it? Griffin asked rhetorically.

However, Tom Koch, a consultant representing the five parties who own the property in question, said on Tuesday that another reason proponents want to bring that area into the urban limit line is so Brentwood — not Antioch — will have the say in when, how and even whether it should be developed.

The fact that the 740 acres are already within Brentwood's sphere of influence doesn't mean that can't change, Koch said after the meeting.

Advertisement



**End-to-End Training as It Should Be: 100% ONLINE!**

**Earn Your Master Certificate in Internet Marketing**

- SEO & Paid Search
- Online Branding
- Web Analytics
- Internet Law
- Media Buying
- Social Media

→ 1-800-268-8843  
USanFranOnline.com/FO

Print Powered By  FormatDynamics™

# CONTRA COSTA TIMES

ContraCostaTimes.com

Whether a change happens depends on the Contra Costa County Local Area Formation Commission, which establishes and modifies the boundaries of areas beyond cities' limits. Once the commission has approved a sphere of influence, a community can start planning how it will develop the land once it has been annexed.

Koch noted that commissioners just last year removed a sphere of influence they previously had set around a different swath of land adjoining Brentwood.

He also emphasized that although the initiative allows the construction of up to 200 multifamily units, its supporters don't want that to happen.

"We have no interest in building apartments on this property," he said.

This option must be part of the initiative, however, because state law requires cities to include in their general plans for residential development a range of housing, including units for low- and moderate-income families.

Contact Rowena Coetsee at 925-779-7141.

Advertisement



  
**Florida Tech**  
UNIVERSITY ONLINE

**Bring the Classroom to Your Home**  
With a Degree Online From Florida Tech

 **APPLY TODAY!**  
FloridaTechOnline.com/FD | 1-888-253-5946



Print Powered By 