

## POINT MOLATE

# Environmental groups sue over development

Richmond is considering approval for mixed-use project at the former base

By Annie Sciacca

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**RICHMOND »** A coalition of environmental groups, including the Sierra Club, is suing the city of Richmond over its approval of a controversial mixed-use project that would build about 1,450 homes and more than 400,000 square feet of commercial space

on the Point Molate peninsula, the site of a former military base.

The plaintiffs, which also include groups such as the Golden Gate Audubon Society, California Native Plant Society, Ocean Awareness Project and a collection of people opposed to the project called the Point Molate Alliance, say the city's environmental impact report failed to properly address the project's impacts on the environment, sufficiently evaluate alternatives to the development or respond to comments from the public.

The lawsuit, filed Friday in

Contra Costa County Superior Court, goes on to say that the project as proposed by Winehaven Legacy LLC and approved by the City Council is inconsistent with the city's general plan, thereby rendering it "invalid."

"The project's Environmental Impact Report was completely inadequate, ignoring significant impacts to rare ecosystems and failing to respond to serious concerns raised by many members of the Richmond community and responsible agencies," Norman La Force, an attorney representing the petitioners in this

case and a member of the Sierra Club San Francisco Bay Chapter Executive Committee, said in a written statement.

Mayor Tom Butt said he was not surprised by the filing of a lawsuit and is confident city staff and contractors tasked with developing the environmental report and analyzing the project were "highly competent."

"I believe we did everything right," he said. "All of these issues have been examined, argued, picked over, fought about for 20 years."

The proposal approved last

month by a majority of the council calls for reserving about 70% of the Point Molate site — 193 acres — for public parks and open space. Along with housing and commercial space, the plan includes building a fire and police station and rehabilitating existing historical buildings into a "live-work" village.

The plaintiffs argue that residents and opponents of the project were not given sufficient time or in some cases, advanced notice, to comment at various meetings and hearings. They

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# Lawsuit

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contend the city also did not properly consider the impacts of climate change and the threat of wildfire to the area.

Butt said the council and city officials discussed the threat of wildfires and were assured by experts that the risk would not be as high as project opponents say.

A letter from East Bay Regional Parks District Manager Robert Doyle submitted to the city in September has echoed concerns by the environmental groups. In it, Doyle rejects previous requests that the park district potentially manage the hillside open space at Point Molate, citing the risk posed by having homes in the area.

“It is our opinion that the design of Suncal’s development areas between the Shoreline and the slope of Ridgeline poses an extreme fire danger which cannot be mitigated by having a fire station nearby,” Doyle writes.

It’s one of many concerns brought by residents and activists who say the project’s environmental report disregards impacts that could be significant, such as the loss of eelgrass beds from any ferry service or water taxi and pollution from construction runoff. Two rare ecosystems at Point Molate—coastal prairie and northern coastal bluff scrub—could be significantly damaged, some environmentalists say.

They have also raised concern about future development over sites sacred to indigenous people. Courtney Cummings, a Richmond spokesperson for the Confederated Villages of Lisjan (commonly known as the Ohlone people) on Point Molate issues, said it is “heart-breaking” to desecrate the remains of people buried at the site centuries ago.

“To have their burial sites be turned into a housing project or a parking lot or sewage treatment facility shows the ultimate disrespect to indigenous Americans, the First People of this land,” Cummings said.

The plaintiffs and their allies had suggested an alternative: building some commercial space, including a hotel, to promote jobs at Point Molate while keeping most of property open as accessible land and moving housing to downtown.

They have also criticized the project as too high-end — the agreement commits the developers to only 67 units of affordable housing. While city law would require additional affordable housing based on the actual number of units and affordability levels, the developer can meet that obligation by paying in lieu fees instead of actually building affordable units.

Butt countered that the city needs more housing of all kinds — both market rate and affordable, and that city leaders have “been actively recruiting developers in the downtown.”

Of the future of the site and the lawsuit, he said, “we’ll just have to see how it plays out.”

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# Alamo: Measure W aims to increase local parks funding without raising taxes

Ballot question asks voters to raise county's financial allocation to \$1.75M

by **Ryan J. Degan** / Danville San Ramon

Uploaded: Tue, Oct 13, 2020, 2:23 pm

Amid a slew of state propositions and the county sales tax measure, voters in the unincorporated community of Alamo have their own ballot question with Measure W, which seeks to increase the financial appropriations limit for Alamo Parks and Recreation with no tax increase implications.

Placed on the ballot by the Contra Costa County Board of Supervisors, Measure W seeks to raise the county's financial allocation to Alamo parks services to \$1.75 million for 2019-20 and adjusted thereafter based on Alamo's changes in the cost-of-living and population -- all without raising taxes for residents in Alamo or other parts of Contra Costa County.

A simple majority is required for Measure W to pass.

"A 'Yes' vote on Measure W allows tax money already collected by the County on your property tax bill to be spent in your Alamo community," proponent Anne Struthers wrote in the ballot argument in favor of Measure W -- written on behalf of the Alamo Municipal Advisory Council.

"Vote to preserve property values by keeping our property tax dollars in Alamo to maintain and expand our parks and recreational programs while not raising your taxes," Struthers added.

Struthers explained that the need for Measure W is based on California state law that allows Alamo voters to increase their share of county property tax revenues funds for park services every four years.

Property taxes paid by Alamo residents over the past 35 years have been used to build and maintain a number of public lands and recreational facilities in the region, according to Struthers, such as Livorna Park, Alamo School Field and Batting Cages, Rancho Romero Field and Hap Magee Ranch Park.

Struthers added that through the Alamo Municipal Advisory Council, Alamo Parks and Recreation is building a new trailside park in Alamo, Hemme Station Park, which she said "will enhance the Alamo park system and improve our lifestyles in Alamo."

"Alamo MAC was responsive to residents' requests for recreational activities by establishing a partnership with the YMCA to offer exercise classes, programming for youth sports, and trips for seniors. Without an increase in the appropriations limit, which will not increase your taxes, parks and recreation would suffer in our community," Struthers said.

No argument opposed to Measure W was filed with Contra Costa County's Elections Division.

[The ballot question reads](#), "Shall the appropriations limit under California Article XIII-B for County Service Area R-7 (Alamo Parks and Recreation) be increased to \$1,750,000 and adjusted for changes in the cost-of-living and population, with the increase effective for the Fiscal Years 2019/2020 through 2023/2024 (inclusive) to provide for the expenditure of funds that will be available to the Service Area during the stated fiscal years?"

# East Contra Costa Fire Protection District Mulls Major Merger

By [John Ramos](#) October 17, 2020 at 7:02 pm

OAKLEY (KPIX) — During the Great Recession of 2009, East Contra Costa County Fire Protection District began closing fire stations, from nine down to only three. Now the district's board is considering voting themselves out of existence to change that.

From the time a call goes out, firefighters get ready to roll in about a minute and a half. The rest of the response time is spent driving to an incident.

“Throughout the majority of our territory, we should be within four minutes of response to any point in the area and we're pushing anywhere from eight to 10 minutes at this point,” said East Contra Costa Fire's public information officer Steve Aubert.

That's a problem for people living in the remote Summer Lake development east of Oakley. They actually have a new fire station nearby provided by the developer but East Contra Costa Fire has never had enough money to keep it staffed.

“We have a very large retirement community out here,” said Summer Lake resident Juliana Petrosch. “Like I say, if someone has a heart attack or a medical emergency, ten minutes can be forever.”

East Contra Costa Fire only has three stations to serve 250 square miles with more than a quarter million residents. Now, the fire district board has begun looking into the possibility of dissolving itself to consolidate their existing resources into the county's larger Con Fire district. here are more questions than answers about what that proposal might do.

“What does that mean?” Aubert said. “If we do consolidate, with the money that we already currently have, does that mean we can open up additional stations? Does that mean we can actually put more firefighters on the street any given day of the week?”

That's what an independent evaluator will be assessing. It's hard to get new taxes passed in the generally-conservative area. At present, Contra Costa County stands to benefit from two tax measures on the ballot: Proposition 15 and Measure X. But, because East Contra Costa Fire is a special district, it will not get any more money even if either of those passes. The district is considering whether, if it joins the county, they can finally benefit from tax measures approved by voters countywide.

“Does that mean that we have some sustainable, recurring funds that we can count on to increase those levels of services?” Auber wondered. “That's everything that we're trying to evaluate right now as well.”

Consolidation is a two-way street and the county would have to approve it. No one is sure if Con Fire would be willing to take over firefighting responsibility for that much territory when many residents don't seem willing to pay extra to support it.



Posted in [Local News](#)

# Oakley spars with fire district over claim city hasn't provided adequate funding

by [Sam Richards, Bay City News Foundation](#) October 19, 2020

The East Contra Costa Fire Protection District has struggled financially while voters have rejected multiple attempts by the district to obtain more funding. The district's board says the city of Oakley has not done its part to collect fire impact fees from developers. (Photo courtesy of East Contra Costa Fire Protection District/Facebook)

The city of Oakley and its county-run fire district are embroiled in a disagreement over whether the city collects enough developer impact fees to help pay for the needed level of fire protection, the fire district board's president contends.

On Oct. 8, Brian Oftedal, president of the East Contra Costa Fire Protection District board, sent Oakley a 10-page letter critical of the city's approval of new housing developments as the district is struggling to provide service to the existing homes and commercial properties. Oftedal said the city has violated terms of a 2018 contract by allowing developers to build new houses and pay fees insufficient to properly pay for fire protection.

Specifically, the fire district criticized what it called Oakley's "longstanding practice" of discounting or waiving developer fees that help pay for fire protection, and what district leaders view as Oakley's reluctance to require new development to be part of community facilities districts that collect taxes to help fund fire protection.

"Developers have been paying outdated low fees. We are clearly not being given the much-needed attention we require."

*Brian Oftedal, East Contra Costa Fire Protection District board president*

In his letter, Oftedal also contends that Oakley has disregarded several commitments made as part of a funding agreement between the city and the fire district about building the district's Station 55, which also involve the city's waiving of fire impact fees. He asks that the city ensure that future development contributes sufficient funding to provide "fire protection service consistent with national standards." A key step, he said Thursday, would be for Oakley to require fee increases at established intervals to keep pace with inflation.

"Developers have been paying outdated low fees," Oftedal said. "We are clearly not being given the much-needed attention we require."

## Oakley's mayor responds

In a statement of his own, Oakley Mayor Kevin Romick said the city has not been reluctant to form community facility districts to ensure revenue sources for fire protection. He also said that Amazon, which will soon move into the new Contra Costa Logistics Center in Oakley is paying the "full" fire

impact fees to help fund fire services, as will other occupants when they move in. The city, Romick said, can't charge higher impact fees than were originally agreed to.

Romick, who served on that fire district board himself years ago when board members were appointed by the fire district's cities, said he understands the dire "financial predicament" it is in. Over the past 25 years, the district has gone from almost entirely rural to increasingly urban. Developer fees have not kept up, and East Contra Costa voters have turned down three tax proposals in recent years that would have subsidized fire district operations. These failures include a 2012 parcel tax proposal, a proposed benefit assessment district in 2015, and a utility user tax in 2016. Partly as a result of that, three of the district's six stations sit idle and unstaffed.

This past week, the fire district's board directed its chief, Brian Helmick, to ask leaders from Oakley, Brentwood and Contra Costa County to consider declaring public safety emergencies, paving the way for the fire district to apply for federal and state relief funds. Fire districts cannot unilaterally declare such emergencies.

## **Developer threatens legal action**

Oakley City Attorney Derek Cole said the fire district and the city have been talking for about six weeks about an update of the city's impact fees. He acknowledges that at least one developer, Discovery Builders, has threatened legal action. City officials will continue to evaluate the fire district's recommendations for impact fees, as well as Discovery Builders' concerns about raising them.

While Discovery Builders has concerns about higher developer fees, the Building Industry Association of the Bay Area weighed in on the matter in a July letter to a number of East Contra Costa elected leaders and other officials.

"While our industry remains deeply concerned about the overall negative impacts of high fees on housing production rates and home affordability, our members recognize the vital role that adequate fire protection plays in our communities," the letter said. "We want very much to be a part of the solution and we remain committed to supporting the (East County fire district's) diligent efforts in this arena."

Cole said staff needs more time to assess the fire district's proposed impact fees, which have not been increased in two decades, and Discovery Builders' concerns about them. He also said he expects the city and the fire district to reach agreements on fee-related points in the next several weeks.

"We have some real differences of opinion, but we know we have to have financially viable fire service, and the (Oakley) City Council agrees wholeheartedly," Cole said.

Oftedal isn't so optimistic about a resolution to this impasse anytime soon. "There's so much to go over," said Oftedal, adding that the discussions will indeed continue.

# Assemblyman, vice mayor call for East Contra Costa Fire, ConFire merger

## Assemblyman Jim Frazier, Vice Mayor Joel Bryant say they will work toward consolidation

By [Judith Prieve](mailto:jprieve@bayareanewsgroup.com) | [jprieve@bayareanewsgroup.com](mailto:jprieve@bayareanewsgroup.com) | Bay Area News Group

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Assemblymember Jim Frazier, D-Fairfield, announced his support for consolidating the East County Fire Protection District with Contra Costa County Fire Protection District to provide improved fire and emergency services to far East County.

“How to sufficiently upgrade fire service in Brentwood, Oakley, Discovery Bay and far East County has been a critical issue for a decade or more and it’s our residents who continue to suffer,” Frazier said.

Brentwood Vice Mayor Joel Bryant also made clear his support in a campaign advertisement on Friday and later said he would only support the idea if it could be accomplished without tax hikes.

“This is an opportunity to provide the people of Brentwood and far East County with the fire service we need and deserve,” said Bryant, who is running for mayor this November. “The two districts already provide mutual aid to each other, mainly with fire stations and personnel in Brentwood, Oakley, Discovery Bay and Antioch.”

The announcements came days after the financially challenged East County Fire Protection District said it was in a state of emergency, though it can’t officially declare that because only cities, counties, state and the federal government can do that. Instead, it asked for local governments to declare a public safety emergency to help the district seek potential grants and resources it cannot do alone.

Frazier, who is up for election in November, said that “drastic times call for drastic measures,” adding that East County residents deserve a fire service that only consolidation will bring.

“Between the increasingly dangerous, life-threatening fire seasons, and the need for faster 911 emergency services, fire service in East County is at emergency proportions,” Frazier said.

He also noted that this week the Trump Administration abruptly rejected — but later approved — California’s request for federal disaster relief funds to help residents affected by the Creek and other recent fires.

“East County Fire has done its due diligence to forward every option possible to increase its service to Brentwood, Oakley and far East County, but without success. It’s time now to consolidate for the safety of our residents,” Frazier added.

ConFire is conducting a feasibility study regarding the possibility of consolidating both departments, which already provide mutual aid to each other. The proposed merger would include at least two additional staffed fire houses, and the salaries and benefits of ECCFPD firefighters would be made equal to that of ConFire personnel.

The assemblyman said he will contact elected officials and fire representatives in East County to begin the discussion about the merits of consolidation, which has already been on their radar.

In 2017, Frazier authored bills that aimed to reallocate property tax revenue from the East Bay Regional Park District to the East Contra Costa Fire Protection District, as a way to improve fire safety and emergency medical response. The bills faced a lot of opposition from the parks district and later that year he withdrew them.

The East Contra Costa Fire Protection District was formed in 2002 by combining the Bethel Island Fire District, The East Diablo Fire District, and the Oakley Fire District. In 2009, there were calls to consolidate East Contra Costa Fire with ConFire but the recession put a halt on it as the eastern area would have had to find ways to raise more money for the merger as its firefighters were paid less.

Frazier represents residents in Brentwood, Oakley, Discovery Bay, Bethel Island, Knightsen and Byron, all served by the East Contra Costa Fire Protection District.

# Fire board says Oakley is shortchanging it for services

## In a letter to the council, the board accuses city of waiving or discounting fire fees

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In a letter to the Oakley City Council, the East Contra Costa Fire Protection District board accuses the city of detrimental development practices that hurt its ability to provide effective fire service.

Fire Board President Brian Oftedal says in the 10-page letter emailed late last week to council members that the city breached a 2018 contract by continuing developer incentive programs and allowing new projects without requiring developers to pay for the cost of increased demands they'll place on already strained fire and medical emergency services.

"It's putting us further in a hole and making our problem worse and we need to stop this," East Contra Costa Fire Chief Brian Helmick said. "We really need to leverage and do all we can on all new development (to help pay for fire services).

"You can't continue to negotiate on our backs," he added.

Speaking on behalf of the board, Oftedal said Oakley has for years failed to collect impact fees from both residential and commercial developments or under-collected them, as he says is the case with the new Contra Costa Logistics Center light industrial park where an Amazon fulfillment center is set to soon open.

"It's in effect, asking the rest of the district to subsidize that effort by Oakley," board Vice President Stephen Smith added. "We're going to build a huge complex over here but we're not going to collect the (needed) impact fee for the station that's needed to serve it."

Mayor Kevin Romick did not answer this news organization's questions regarding the issue but said he would respond later this week after the council meets. On Monday he posted a video response on the city's Facebook page, saying that developer of Amazon and the second building under construction at the Contra Costa Logistics Center paid full fire impact fees that will go toward future fire district needs.

"The district wants the city to charge a higher impact fee for future buildings, but this project was in the works and approved well before the district proposed a higher impact fee in March of this year," he said. "The city cannot legally or morally go back and arbitrarily change the impact fee after this project was approved."

But Oftedal contends in his letter that the city stymied the district's repeated attempts in 2019 to be involved in negotiating a development agreement and fire fees with the 2-million-square-foot Contra Costa Logistics Center.

"We clearly need to communicate and collaborate better as a whole," Oftedal said. "We need to have a seat at the table. The city need not make assumptions about what our costs are."

The agreement froze the fees at the current rate, which hadn't been increased in two decades, including for three yet-undeveloped buildings on the site, even though the city knew the district was in the process of proposing new rates and said the old fees were inadequate, he said.

Oftedal said the agreement, the details of which became known to the district only weeks ago, shortchanged the district by hundreds of thousand dollars yet it included a \$850,000 one-time "community benefit contribution" that the city can use how it sees fit.

"Essentially, the Logistics Center developer's agreement waived impact fees that would have gone to the district, and granted the city unrestricted funds for its own use," Oftedal said.

Since taking the helm in 2017, the fire chief has been trying to fix the district's longstanding funding issues, including impact fees. He said the letter was intended to alert the City Council of the fire services' history with the city, its current challenges and the needed remedies after the district tried for months to work things out with city staff and the mayor.

"It's disappointing that it has escalated to this point," Helmick said.

The city, which sets developer impact fees for fire protection, has been discounting and waiving them for years and is reluctant to require new development to join community facilities districts to support fire protection operations, the letter said.

Romick, however, said in his video response that's not the case, noting 16 developments have signed on to be included in such districts.

"It appears that with this letter the city of Oakley is being held to a higher standard than one that applies to the county, the city of Brentwood and to the district itself," he said.

Oftedal meanwhile said Oakley's practice of developer incentives that waive fire impact fees has hurt the district financially and limited its ability to meet national standards.

According to a 2016 district staff study, fire service response times should be 7 minutes and 30 seconds for at least 90% of its calls. The district, which serves 249 square miles with three stations — half of what's needed — responded to 90% of its calls within 12 minutes, 56 seconds in 2019.

Oftedal pointed out that the city only began charging fire impact fees in 2018 as required by its agreement to build Station 55 on Cypress Avenue.

"If the city had applied the escalator as required by law, the city's impact fees would be approximately 60% higher today," Oftedal said.

And, for seven years before the 2018 agreement, the city collected no impact fees at all from commercial development, he noted.

"In other words, nonresidential development in the city over the past decade has not contributed anything to the district's increased capital costs for providing service to that development," Oftedal wrote in the letter.

The board also accused the city of disregarding its commitments in the funding agreement regarding the building of the still-unopened Station 55. In August 2018 the district advanced the city \$1.9 million to build the station because it said it hadn't yet collected enough fees to pay for it.

Oakley hasn't made any payments on the \$1.9 million advance the district gave it to build Station 55, Helmick said.

Romick, however, said the \$1.9 million was not a ["loan"](#) but a "contribution" to the station that the city would own.

The fire chief said the district will continue to work with Oakley, Brentwood and county officials to take on a more regional approach to solving fire service funding issues, including new fees and district-wide community facilities districts.

In August, the Brentwood City Council approved the fire district's recommended fee increases — the city's first updates since 2009.

"They (Brentwood) worked with us to clean up past issues," Helmick said.

The Oakley City Council meanwhile was originally set to discuss the district's new fees on Sept 8 but will reschedule it because staff needed more time to review them, according to City Attorney Derek Cole.

Helmick said he is hopeful that the new fees will be adopted soon.



# East Bay fire district seeks emergency declaration

## Officials with agency say move would let it pursue additional funding, resources

By [Judith Prieve](mailto:jprieve@bayareanewsgroup.com) | [jprieve@bayareanewsgroup.com](mailto:jprieve@bayareanewsgroup.com) | Bay Area News Group

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Wildfires, droughts and now a pandemic have all combined to push the East Contra Costa Fire Protection District further into a state of emergency, agency officials say.

But without the authority to declare itself in such a crisis — only cities, counties, state and federal agencies can do that — the district's cries for help have largely gone unanswered, fire officials add. In an effort to change that, the fire district's board has directed its chief to work with Oakley, Brentwood and Contra Costa County to declare public safety emergencies, which would let the district apply for state and federal money that it cannot secure alone.

"Our situation has not improved," fire district Board of Directors President Brian Oftedal said about staffing, stations, equipment and response times. "We have been in the eye of the storm for years. This is one of those attempts to weather the storm by reaching out. With the assistance of local counterparts, this could get us on the radar of other governmental agencies to see what opportunities are available."

Without such help, Oftedal added, the fire district will only be able to provide "a subpar level of service."

The district has been forced to close several stations in the past few years and is down to three, half as many as fire officials say are needed to serve the district's 249 square miles and 128,000 residents. Another new station in Oakley sits idle without the money to staff it. In the past few months, the district has been working to revise the impact fees cities charge developers to help pay for fire services.

Those fees haven't been updated for years, and the district is in the process of creating a community facilities district to also help pay for operating expenses. Resources meanwhile continue to be strained as the wildfire seasons get longer and hotter and the district gets calls to help fight major blazes such as the recent SCU Lightning Complex Fire at Round Valley, Chief Brian Helmick said in his report.

"This is our opportunity to look outside the box," Oftedal said. "We need to utilize our partners to declare an emergency because at some point we are not going to be able to keep the pace. This is a way to ensure that we can get on different desks — even on the governor's desk."

Referring to the state-of-emergency declarations the fire district is seeking, "This is that cry for help — to try to be creative and turn over every rock and get to every desk that we haven't gotten to yet," he added.

Fire district board Director Joe Young agreed with the president's assessment of their agency's financial state.

"Hopefully, we will be able to come up out of the tunnel in some two- to five-year time frame," he said.

# Danville Town Council issues formal opposition to Tassajara Parks housing development project

Project would construct 125 homes east of Danville

by **Ryan J. Degan** / Danville San Ramon

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The Danville Town Council has officially taken a stance in opposition of the 125 single-family home Tassajara Parks housing development project, which is set to be reviewed by the Contra Costa County Planning Commission and Board of Supervisors.

Council members approved the resolution by a 4-1 vote, with members citing the significant policy and environmental issues the town claims the project presents. Councilman Robert Storer was the lone dissenting vote, asking the council to table the discussion.

"This has been a six-year process. It has been one where we have initially been at the table and subsequently we haven't been and that's not through any fault of ours," Town Manager Joe Calabrigo said During the special meeting Tuesday. "The project is ready to move forward to the county planning commission and is being brought to you this evening because staff believes that it's better for the town to take a position before the county does."

"The town for the last few years has raised valid policy and environmental concerns related to the project mainly because town residents stand to be those most directly impacted by the downstream impacts," he added.

Located in unincorporated Contra Costa County just east of Danville, the Tassajara Parks project is composed of two, noncontiguous, areas of land, divided as the "Northern Site" and the "Southern Site."

The northern site proposes a 54-acre development footprint (of the total property's 771 acres) that includes 125 single-family homes, public streets, related grading, a neighborhood park, drainage facilities, staging area and other improvements.

The Project would require a change to the Contra Costa County Urban Limit Line (ULL) to include the 30-acre residential development area in the Northern Site, a move Danville council members vehemently opposed.

"It doesn't give me trust in the people who made that vote for me. I looked at that first and I said if you can make these exceptions (to the ULL), people are going to stop trusting into the system on why we do the things we do," councilwoman Lisa Blackwell said.

Calabrigo further argued that making an exception to the voter-approved ULL would need voter approval.

Town officials also took issue with concerns over the lack of available water that could service the project and new housing development, with the East Bay Municipal Utility District saying there is currently no viable source of water currently exists to serve the proposed project.

The final decision on the project will be made by county officials; however, town staff hope that coming out in direct opposition to the project will help give the town a seat at the table and potentially influence the decision by the Contra Costa County Planning Commission and Board of Supervisors.

"Us saying 'no' isn't going to stop the county from doing what they are going to do, but we need to weigh in if we want to have the ability to push it any further," said city attorney Rob Ewing.

In casting the lone dissenting vote, councilman Storer stated that he was not in favor of the project, going so far as to say that it served "no benefit to Danville," but believed that the decision should have been tabled until a future date.

"We could just sit back to see this thing unfold," he said. "If we say no right now, we're not at the table anymore and at some point we may want to be..." he said. "Instead of just saying 'opposed,' why don't we just say neutral or reschedule it? Let's just kick this can down the road a little bit to try and understand from other jurisdictions where we are at with this."

The project was scheduled to be reviewed by the Contra Costa County Planning Commission during its regular meeting on Sept. 30. However, that meeting was canceled and will be rescheduled for consideration sometime in November.

## LOCAL NEWS

# Two struggling Contra Costa fire districts exploring merger with larger agency



by Sam Richards, Bay City News Foundation  
October 25, 2020



The Contra Costa County Fire Protection District is studying the possibility of merging with the Rodeo-Hercules Fire Protection District and/or with the financially troubled East Contra Costa Fire Protection District.

The latter move, officials say, could improve firefighting services for Brentwood, Oakley and surrounding rural areas where firefighting forces have been stretched dangerously thin.

Con Fire spokesman Steve Hill said work began this month on a Fire District Annexation Feasibility Study, being done on behalf of the three fire districts by Sacramento-based firm AP

Triton Consulting.

The study, Hill said, will be done in two phases: the first will involve an economic feasibility analysis of the East Contra Costa district. The second will then take on the actual annexation feasibility for each of the districts.

*“To be clear, Con Fire is not interested in a consolidation or consolidations that would result in its subsidizing of other agencies. ... Successful consolidations will be ones that result in gains for the residents of both districts.”*

Steve Hill, Contra Costa County Fire Protection District

The three agencies are sharing the cost of the studies, Hill said, with the first phase expected to be completed by mid-November.

If the study’s phase-one findings warrant, the second phase will be conducted for ECCFPD, Rodeo-Hercules or both. Phase two would examine whether a merger could bring about economic benefits.

“While our districts already work very closely together on mutual aid assignments across our individual borders, we all maintain completely separate operations, training and administrative functions,” Hill said. “We believe this situation creates many potential areas of benefit for each of the districts involved, not the least of which is considerable economies of scale by bringing completely separate operational entities under one overhead structure.”

That work, if pursued, would likely take an additional six months, Hill said.

### **Another attempt at finding a solution**

The ECCFPD board last month approved spending \$30,000 on this study. Brian Oftedal, the fire district’s board president, said similar thoughts have come up periodically over the years, and that this study is another attempt at finding a solution. Also, many of the people at both Con Fire and the East Contra Costa district have turned over, Oftedal said, and that could perhaps present a new dynamic.

“We were always viewed as too much of a liability” to be a consolidation partner, Oftedal said. “Now there are suggestions that this could be doable.”

There have been multiple discussions among fire service leaders about the potential benefits of merging these three agencies over the years, Hill said. Also, multiple Contra Costa County Local Agency Formation Commission reviews have identified certain efficiencies and economies of scale that could be achieved through a larger, more regional, fire service organization.

The East Contra Costa district's financial woes have been a long time in the making. Voters in the district have rejected several parcel tax assessments in the past dozen years.

The district also says that rapid development in Brentwood and Oakley hasn't been accompanied by proportionate development impact fees that help fund firefighting operations; the fire district and the city of Oakley are now in discussions about improving that situation for the district.

The Rodeo-Hercules district has also had financial difficulties. District voters in 2016 approved a \$215 annual parcel tax, which may have saved the district from bankruptcy.

"To be clear, Con Fire is not interested in a consolidation or consolidations that would result in its subsidizing of other agencies; that would be counterproductive and not our intent," Con Fire's Hill said. "Successful consolidations will be ones that result in gains for the residents of both districts."

### **Dissimilar histories**

While the Contra Costa County Fire Protection District is part of the county government structure, the East Contra Costa and Rodeo-Hercules districts are not. ECCFPD is an independent district, created in 2002 by the merger of three local fire districts. It serves Brentwood and Oakley, and unincorporated areas in East County that include Discovery Bay, Bethel Island, Knightsen, Byron, Marsh Creek and Morgan Territory.

The Rodeo Fire District was established in 1937, and the City of Hercules was annexed into the district in 1978.

The possibility of a fire district consolidation has been a popular topic with East County political candidates, most of whom favor the study.

A consolidation "is an opportunity to provide the people of Brentwood and far East County with the fire service we need and deserve," said Joel Bryant, the vice mayor of Brentwood, a current candidate for mayor and a onetime president of the ECCFPD board of directors. "The two districts already provide mutual aid to each other, mainly with fire stations and personnel in Brentwood, Oakley, Discovery Bay and Antioch."

One thing he and others stress is that there be no new taxes tied to any merger proposal.

The ECCFPD's Steve Aubert said the initial phase of the study should be illuminating, especially regarding finances.

"We're trying to turn over every rock before going back to the community with any potential ask," Aubert said.

# Board of Supervisors to discuss East County fire fees

## Ordinance proposes fees on new construction

Uploaded: Mon, Nov 2, 2020, 5:07 pm

Updated firefighting facilities fees that would help the cash-strapped East Contra Costa Fire Protection District could be approved Tuesday by the county's Board of Supervisors.

On Tuesday's agenda is an ordinance that would establish fees for construction of new homes and commercial structures that would help fund fire district operations.

The proposed fees would range from \$1,292.13 per new single-family house; \$916.99 per dwelling unit in new apartment or condominium buildings; \$1,167.08 per 1,000 gross square feet of office space, and \$875.31 per 1,000 gross square feet of commercial space.

Effective July 1, 2021, and every year on that date, the amount of each of the fees in the proposed ordinance would rise (or fall) according to the regional Consumer Price Index, a cost-of-living adjustment.

Independent fire protection districts in California such as ECCFPD lack the independent authority to impose development impact fees on their own, thus the county Board of Supervisors would have to approve them.

The fire district has had significant funding problems in recent years, as stable funding sources have not kept up with population growth and the increasing urbanization of East County. The fire district now has enough ongoing funding to keep open three fully staffed fire stations that provide service to a district of 249 square miles covering the cities of Brentwood and Oakley, and portions of unincorporated Contra Costa County including Discovery Bay, Bethel Island, Knightsen, Byron, Marsh Creek and Morgan Territory.

The district has three other stations sitting empty and unstaffed. District officials are working with city and county officials to improve their longstanding funding issues.

Tuesday's Board of Supervisors meeting begins at 9:30 a.m.; it can be viewed by going [here](#).

— Bay City News Service



## As fire district scrapes for funds, Oakley OKs two new housing developments | Local News Matters



The East Contra Costa Fire Protection District's new Station 55 in eastern Oakley was completed in August 2019, but remains unused due to a lack of funds to staff it. The district has been locked in a battle with Oakley and other cities to increase fees on new development to pay for fire services. (Photo by Chris Campos/Bay City News Foundation)

The Oakley City Council has approved an expansion of two major housing developments proposed on the city's East Cypress Road corridor that may eventually add more than 5,700



new residential units to the city.

The council's approval Nov. 10 came amid a continuing struggle over the financing of the East Contra Costa Fire Protection District, which this year warned local officials that a lack of funding would lead firefighters to limit its response to some residential fires during wildfire season.

Fire Chief Brian Helmick has been pushing hard to increase support for a district that includes three fire stations to cover nearly 129,000 residents across 249 square miles in eastern Contra Costa County.

At any time, the district deploys only nine firefighters on regular duty to protect Brentwood, Oakley, Discovery Bay, Bethel Island, Byron, Knightsen, Marsh Creek, Morgan Territory and surrounding rural communities. Three fire stations remain empty for a lack of funding to staff them.

The district has recently reached agreements for added financial support from Brentwood and the Contra Costa County Board of Supervisors. The fees, created to fund special Community Facilities Districts or CFDs, are attached to the cost of new housing purchases and property tax bills in order to fund local firefighting districts or other public services.

The CFD fees for the fire district were set decades ago when most of the area was rural and mostly agricultural. The rush of growth in housing construction has created a massive increase in calls but little increase in operational funding through CFDs.



An aerial image shows the 2,546-acre parcel the Oakley City Council recently approved for residential development between Bethel Island and the Summer Lake subdivision. The project will add up to 5,759 housing units in eastern Oakley. (Google image)

The Nov. 3 passage of the county's Measure X is expected to add financial support for the fire district.

The fire district has been circulating a proposal for a new schedule of fees to the county and cities in its coverage area. Despite approval from the county and Brentwood, Oakley has yet to sign on to the increase while continuing its march of housing approvals.

At the end of October, the Brentwood City Council approved allocating \$1.5 million more annually to the fire district. The approval passed with the condition that Oakley and the county

sign on to the new joint funding arrangement. The added funds would support hiring of a fourth crew of nine firefighters at one of its three empty stations.

Last week's Oakley City Council vote will allow added housing units to the Bethel Island Property and Lesh Property projects that will total 5,759 units across 2,546 acres adjacent to the Summer Lakes development and Bethel Island.

"The burden of funding the staffing of the new stations is mostly falling on the new residents of Oakley."

*Mayor Kevin Romick*

Helmick said Tuesday before the most recent council approval that "Oakley has been challenging" in trying to reach added financial support through a new fee structure, calling it "surprisingly difficult."

Oakley Mayor Kevin Romick again Tuesday during the council meeting expressed his reluctance to approve the new CFD structure with the fire district.

"Now we're being asked to pay for a Brentwood station," Romick said. "The burden of funding the staffing of the new stations is mostly falling on the new residents of Oakley."

Helmick did say Tuesday that he was encouraged by "recent progress in talks with city staff in Oakley" and he hopes for a resolution sometime soon.

Oakley City Manager Bryan Montgomery pointed out Wednesday that last week's house approvals are "yet another example" of the city's support of the fire district.

"When the Specific Plan for those areas was approved in 2006, the City Council required that the developments join a CFD for Fire. That approval last night confirmed over 3,000 homes in Oakley that will pay into a Fire CFD," he added in an email.

The Contra Costa County Fire Protection District has also initiated talks with its East County neighbor about the possibility of consolidation of the two districts. East County has been relying on mutual aid agreements with the county to cover their emergency staffing coverage.

# San Ramon council to consider expanding Crow Canyon Specific Plan boundary area

Plus: Review agricultural preservation agreement for 125-home Tassajara Parks project

by **Ryan J. Degan** / Danville San Ramon

Uploaded: Mon, Nov 23, 2020, 1:48 pm

In its continued efforts to revitalize the business community in northwest San Ramon, the San Ramon City Council is set to review plans for updating and expanding the Crow Canyon Specific Plan boundary area during its regular meeting on Tuesday.

Adopted in 2006 to guide the evolution of the 128-acre office and service commercial area, city officials will consider approving targeted updates to the Crow Canyon Specific Plan (CCSP) that will be used to keep the area competitive and economically vibrant.

"The project consists of targeted updates to the CCSP intended to encourage investment and new development within the plan area through a coordinated program of public improvements and a clear pattern of land uses that provides property owners with a level of certainty regarding the future form and character of development," senior planner Cindy Yee said in a staff report.

"As full buildout of the plan area will take place incrementally over a period of many years, a vision is needed to guide future development and redevelopment in order to avoid piecemeal decisions and foreclosed opportunities," Yee added.

Updates to the plan are based on input from community members as well as city officials according to Yee, and will be used to make the plan adapt to changing conditions throughout the region, such as the concentration of retail in the City Center Bishop Ranch complex.

Some key aspects of the plan that have been supported by council members in past meeting include the creation of a walkable core area at San Ramon Square, the development of new pedestrian and bicycle improvements at the Village Center, the creation of a new Production, Distribution, and Repair (PDR) designation for businesses and the expansion of the planning area boundary to include Ryan Industrial Court.

[The San Ramon City Council's regular meeting](#) is set to be held virtually at 7 p.m. on Tuesday. Interested residents can view the meeting on the [city's YouTube page](#) or on its [Zoom account](#) using webinar ID 953 9024 2006.

Residents can submit public comments via email to [CityClerk@sanramon.ca.gov](mailto:CityClerk@sanramon.ca.gov). Comments must be sent prior to 6 p.m. on Tuesday and include "Public Comment 11/24/2020" in the subject line.

## In other business

\* Council members are also set to review a series of development agreements regarding the [CityWalk Master Plan](#), that will be used to make sure that the 4,500 housing unit development project is in line with city ordinances.

\* Next, city officials will consider authorizing Mayor Bill Clarkson to execute an agricultural preservation agreement for the Tassajara Parks residential project, which is currently under review by the Contra Costa County Planning Commission.

Located in unincorporated Contra Costa County just east of Danville, the Tassajara Parks project includes a 54-acre development footprint (of the total property's 771 acres) that includes 125 single-family homes, public streets, related grading, a neighborhood park, drainage facilities, staging area and other improvements.

City staff say the agricultural preservation agreement (APA) would preserve and protect up to 17,667 acres subject to the current county agricultural general plan and zoning standard.

"The APA would preserve certain land in the county for agriculture and open space, wetlands, or parks," community development director Debbie Chamberlain said in a staff report to the council. "The parties to the APA would be pledging to the others not to support extension of urban infrastructure or services. **The city would make commitments not to annex and the County would make commitments not to change General Plan or Zoning designations to categories not compatible with agriculture.**"