

Contra Costa County sued over controversial open-space housing plan

Sierra Club, East Bay Municipal Utility District file separate suits

Undeveloped land is seen in Contra Costa County near Danville, Calif., on Thursday, Oct. 20, 2016. (Kristopher Skinner/Bay Area News Group)

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Contra Costa County was hit by two lawsuits Thursday, a month after the Board of Supervisors [approved a boundary change to allow construction of 125 homes in protected open space](#) near Danville.

In a controversial decision on July 13, the supervisors voted 4-1 [to stretch the urban limit line](#) east of Blackhawk so developers could build the homes on 30 acres in the Tassajara Valley. In exchange, the developers promised to dedicate 700 acres of land elsewhere to be preserved as open space.

County voters had set the boundary in 1990 to protect the open space beyond it and discourage urban sprawl.

One of the suits was filed by a collective of two environmental groups and a pair of Contra Costa County residents, and the other by the Easy Bay Municipal Utility District.

The district has maintained for years that it doesn't have enough water to supply the homes, and alleges it was illegal for the county to approve the project knowing the district had no water to give.

In an interview, EBMUD spokeswoman Andrea Polk said the district has opposed the project since it was first proposed more than a decade ago.

And while a commission that oversees local agencies could one day force the district to incorporate the Tassajara Valley within its water service area, Polk said that would be a largely unprecedented move and not a smart one considering [much of California is in a severe drought](#).

"The drought we're facing is a really good reminder to all of us that water is precious and we need to be mindful and thoughtful about how a water agency can serve its population and residents both now and into the future," Polk said.

Undeveloped land is seen in Contra Costa County near Danville in 2016. The Contra Costa Board of Supervisors might soon decide whether to approve a new housing project in the Tassajara Valley. (Kristopher Skinner/Bay Area News Group)

In addition to the water district, the Sierra Club, Greenbelt Alliance and former county supervisor Donna Gerber collectively sued the county for ignoring the environmental impacts of building 125 new homes in the middle of natural open space.

They contend the supervisors improperly used a technicality to justify the urban limit line's outward expansion.

Developers FT Land, Meach, BI Land and TH Land entered into a preservation agreement with the county, San Ramon and East Bay Regional Park District in which they guaranteed that 727 acres of land they own elsewhere will be protected open space, safe from future development.

The supervisors considered the deal a good trade-off.

“One of the things we wanted to do with the urban limit line is end sprawl development,” Supervisor Federal Glover said at last month's hearing. “Certainly the gifting of 700-and-some-odd acres would actually serve that purpose.”

But the preservation agreement did not include Danville, which is directly west of Tassajara Valley and has staunchly opposed the development from the outset. According to the environmental groups' lawsuit, Danville was bypassed because the urban limit line can only be moved if a “majority of cities” involved in a preservation agreement support it.

Danville City Manager Joe Calabrigo said in an interview last month the city will be determining whether to legally challenge the county's action.

Undeveloped land is seen in Contra Costa County near Danville, Calif., on Thursday, Oct. 20, 2016. (Kristopher Skinner/Bay Area News Group)

Jessica Blome, an attorney representing the Sierra Club and Greenbelt Alliance, said the preservation agreement not only is invalid but also counterproductive to conservation efforts. Compromising on 30 acres to preserve 700 acres elsewhere only serves to “gradually chip away at what we're trying to protect,” she said.

“There's this idea of a future boogeyman development,” Blome added, “but the boogeyman is here now with (this project). We should just enforce the rules now.”

An attorney in the Contra Costa County Counsel's Office declined to comment on the two lawsuits, saying the office has not yet been served with either.

The 125-unit development proposal drew a large number of critics at last month's supervisors meeting. Before then, more than 5,400 people signed an [online petition](#) against it.

But the proposal also received support, including from conservationist group Save Mount Diablo and the East Bay Regional Park District, which praised the developers' offer to forever dedicate 700 acres of open space.

Candace Andersen, the only dissenting supervisor, said at the time that the board did not have enough evidence to support moving the urban limit line.

“If we're going to move the urban limit line, I really think it should be up to the voters,” Andersen said. “I feel this method that we're using is very contrived.”

Seeno team may be main housing developer

Company has history of litigation involving a range of projects

CONCORD NAVAL WEAPONS STATION

By Shomik Mukherjee

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CONCORD >> In a split vote, the City Council on Saturday gave a group of developers that includes the controversial Seeno Cos. an exclusive shot to possibly oversee one of the most ambitious housing developments in East Bay history.

The council voted 3-2 to enter an exclusive negotiating agreement with Seeno Cos., Discovery Builders Inc., Lewis Group of Companies and California Capital Investment Group that could result in the team becoming the master developer of the Concord Naval Weapons Station.

The council chose the Discovery/Seeno group over two other development teams after all three made their pitches and dozens of residents and advocates gave their take on the competing development teams.

If it and the city agree to terms for the project's specific plan, the Discovery/Seeno team could be charged with building 13,000 housing units and millions of square feet of office and commercial space on 2,300 acres of the former weapons site. The Navy still must remove toxic

chemicals before transferring the land to the city.

The family-run Seeno Cos. goes back several generations in Concord and currently is run by Albert Seeno III, who promised on Saturday that the developer's local ties to the community will bring a much-needed continuity to a project that has seen starts and stops over the years. The last master developer left last year after a scrape with city officials over a refusal to

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A view of ammunition bunkers and downtown Concord are seen at the former Concord Naval Weapons Station in Concord on May 23, 2018.

JANE TYSKA STAFF PHOTOGRAPHER

Seeno

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hire only union workers.

"Our team is here, our family is here, I was born and raised here, some of the first subdivisions I ever built are here from many decades ago," Seeno told the council. "It's something that I know we can pull together." The Seeno Cos.' long history of developing real estate in the East Bay has been a checkered and polarizing one, however, marked by its filing of

for decades.

"The Discovery team made a commitment by reaching out early and making a commitment before anyone else to unions," Kyle Swarens of Carpenters Local 152 said.

Local conservationists opposed the team, citing its litigious past and constant run-ins with environmental groups, including Save Mount Diablo.

"They have only ever built sprawling, climate-unfriendly ventures," said Zoe Siegel of the Greenbelt Alliance. "Their track record and lackluster

lawsuits against local cities, agencies and environmental groups and internal scandals that previously led to a federal mortgage fraud investigation.

And in 2018, Seeno filed a lawsuit to halt the naval weapons station from being developed by a company that beat it and other groups to become the project's master developer.

Last year, Seeno also sued to stop the Navy from transferring some of its land to the East Bay Regional Park District.

Mayor Tim McGallian, Vice Mayor Dominic Aliano and Councilman Edi Birsan voted for the Discovery/Seeno team, citing its good relationship with labor unions, local roots and relatively small size. The secondplace company was multinational real estate giant Brookfield Properties.

Council members Carlyn Obringer and Laura Hoffmeister dissented, saying they favored Brookfield because of its breadth of vision and experience. The third applicant, City Ventures, received no votes from the council.

McGallian praised Discovery/Seeno for being "truly local" and committed to housing U.S. veterans in the project.

"It comes out of their pocketbooks when it's all said and done," McGallian said. "They build in good times, they build in bad times." In renewing the search for a master developer, the council also focused on who could sign a project labor agreement with the Contra Costa Trade and Labor Council, which guarantees that only local union workers would be hired for the construction work.

Negotiations between the labor council and the city's previous master developer, Lennar Corp., fell apart after the two sides failed to agree on worker wages. Miffed that the council insisted on getting a project labor agreement done, Lennar walked away from the project last year.

All three development teams competing for exclusive negotiating rights had signed such agreements, but the unions clearly supported the Discovery/Seeno team, which has worked closely with local labor

presentation today made it clear they would not create a climatesmart and transit-friendly development." In response to questions by Councilman Birsan, who said he supports Discovery/Seeno instead of another "Wall Street company" like Lennar, Seeno said he wasn't personally involved in his company's past scandals, some of which involved members of his direct family.

Birsan sharply criticized Save Mount Diablo for its written comment template - sent to the city by hundreds of the organization's members ahead of Saturday's meeting - that referred to Discovery/Seeno as the "Seeno family" and called its business practices "unethical and illegal." "I found that excessively offensive and especially disappointing in the leadership that would actually put those words in an e-mail - this is America, we do not go after families," Birsan said.

Vice Mayor Aliano also readily gave Discovery/Seeno his vote, calling the Seeno Cos. an approachable, individual-run enterprise. And he credited Seeno for seeking out a project labor agreement first.

But Councilwoman Hoffmeister said who came up with a labor agreement first is irrelevant. She placed Brookfield a "notch above" Discovery/Seeno, citing the company's success with the 4,500-unit Bishop Ranch development in San Ramon.

Councilwoman Obringer also praised Brookfield for its diverse experience with large-scale projects.

"A large number of Concordians work at Bishop Ranch," Obringer said. "This is an amazing opportunity to have a team to bring that world-class vision to fruition." Seeno did not publicly acknowledge the team's detractors. In a speech to the council, he promised to operate off three values: "truth, honesty and commitment." "We're going to be part of and stay part of the community," Seeno said. "I'll make a pledge that I'm going to be involved every step of the way."

