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## **Legal Review Finds Tassajara Valley Sprawl Proposal Illegal**

*Project is “scare tactic” without chance of approval*

**San Ramon, CA** – A legal review released today by Save Mount Diablo and Greenbelt Alliance shows that the proposed “New Farm” project in the Tassajara Valley would, if approved, violate numerous local laws and policies. Far from a credible development proposal, the project is being advanced by development consultant Tom Koch and his client, foreign speculator Samir Kawar, as a scare tactic to convince San Ramon voters to expand the city’s urban growth boundary. The legal review was conducted by Shute, Mihaly & Weinberger LLP, one of the most respected land-use law firms in California, on behalf of Save Mount Diablo and Greenbelt Alliance.

It finds the project is “inconsistent with numerous provisions of the (Contra Costa County) General Plan, including provisions adopted by voter initiative. Therefore, it would be unlawful for the County to approve the Project as proposed.” The analysis also concludes that approval of the “New Farm” project would violate Measure J of 2004, making the County ineligible to receive its return-to-source portion of the half-cent sales tax for transportation projects authorized by the measure.

The 185-unit “New Farm” suburban project was proposed in 2007 by Koch and Kawar in the Tassajara Valley, just east of the city of San Ramon. The name refers to vineyard and olive orchard landscaping included in the project to suggest compliance with the area’s agricultural zoning. In reality, the project would be urban development—million dollar houses and urban services which would violate urban limit lines. The project site lies outside of Contra Costa County’s and the Town of Danville’s voter-approved urban limit lines, and outside of the City of San Ramon’s voter-approved urban growth boundary. If approved it would illegally break these open space protections. All three growth boundaries were most recently re-approved by a majority of voters in 2006.

The Koch-Kawar “New Farm” proposal is intended to frighten San Ramon voters into supporting a November 2010 ballot measure to expand the city’s urban growth boundary to include the project site and additional parcels under the guise of establishing “local control” over the area. In reality, an expansion of the city’s boundary would pave the way for development of the Tassajara Valley by removing a critical open space protection. San Ramon so far refuses to reveal how many units it proposes in the Tassajara Valley but a previous proposal by the same developers and existing zoning

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in the neighboring Dougherty Valley suggest a range of between 2,370 and 4,280 new residential units on 1,624 acres.

If developers are successful in expanding San Ramon's urban growth boundary, they will dramatically increase the number of units proposed in the secluded agricultural valley, competing with nearby home sales and depressing property values that have been battered by the recession. New development in the area would also bring increased traffic, pollution, and water constraints to nearby communities.

According to Seth Adams of Save Mount Diablo, "This legal analysis is further evidence that the Koch-Kawar proposal is a sleazy campaign tactic rather than a real proposal. Tom Koch requested a County General Plan Amendment study three years ago and has still not submitted a complete application to the county or begun a required Environmental Impact Report."

He added, "Another significant missing piece of the application is a required legal analysis justifying that his project is in compliance with the Contra Costa County General Plan. The Shute, Mihaly & Weinberger analysis confirms the opposite: the application is inconsistent and illegal. This puts the nail in the coffin."

### **Approach "out of touch" with Contra Costa County voters, policy**

The Koch-Kawar "New Farm" proposal and San Ramon growth boundary expansion are strikingly out of touch with the latest trends concerning growth in Contra Costa County. Voters are increasingly speaking in favor of protecting the region's farms, woodlands, and watersheds while encouraging development of walkable neighborhoods with easy access to jobs, services, and transit.

This trend was vividly demonstrated earlier this month with the defeat of Tom Koch's Measure F, which would have expanded the City of Brentwood's urban limit line and added 1,300 houses on agricultural land. Koch used a similar "local control" scare tactic in that campaign, but a grassroots effort led by Save Mount Diablo and Greenbelt Alliance defeated the measure by 15 points. "The Koch-Kawar proposal is a lot of sound and fury, signifying that sprawl developers want to scare San Ramon voters," explained Matt Vander Sluis of Greenbelt Alliance. "Developer Tom Koch tried the same dirty tactics earlier this month in Brentwood with Measure F. Voters knew they were being manipulated. They understood their quality of life was at risk and overwhelmingly rejected Measure F. Sadly, this fall, Koch is at it again, even though residents have repeatedly supported protection of the Tassajara Valley."

Koch-Kawar New Farm proposal: County File #SD9280 and DP10-3002

Shute, Mihaly & Weinberger review: <http://www.greenbelt.org/regions/eastbay/index.shtml>

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For more than 50 years, Greenbelt Alliance has been the San Francisco Bay Area's advocate for open spaces and vibrant places, with offices in San Francisco, San Jose, Walnut Creek, San Rafael and Santa Rosa. [www.greenbelt.org](http://www.greenbelt.org) [www.growsmartbayarea.org](http://www.growsmartbayarea.org)

Founded in 1971, Save Mount Diablo's mission is to preserve Mount Diablo's peaks, surrounding foothills, and watersheds through land acquisition and preservation strategies designed to protect the mountain's natural beauty, biological diversity, and historic and agricultural heritage; enhance our area's quality of life; and provide recreational opportunities consistent with protection of natural resources. [www.savemountdiablo.org](http://www.savemountdiablo.org)