

Written Public Comment (partial) of 1/19/21 and 2/2/21 to City of Walnut Creek by Michele Sheehan:

Jan 19, 2021

...Today's component which we are addressing is the developer's request that the City "*Execute an Irrevocable Offer to Dedicate Right of Way*" in regard to "Lot A", located at the north end of Kinross Dr. The request was first brought to City staff and individual Councilmembers in April of 2020 and has been discussed in subsequent closed sessions in July, November and December.

The public was advised by the City Attorney in December that "*any final review and consideration by the City Council will be included as an open session item*" and "*the Council will not consider taking any action on the matter before the County has completed environmental review, pursuant the California Environmental Quality Act (CEQA), of the proposed project.*"

To execute this *Irrevocable Offer* would negate the City's 1970 underlying Public Purpose which was then and remains to ensure that Kinross Drive not be extended to create a through public street into the County property, to the detriment of the City's residential areas. This action did not and does not isolate the County property at Seven Hills Ranch since an entrance to the property already exists at another location.

The City sought to protect its neighborhoods from a through-way to the Ranch which has a land use designation of SFM, Single Family Medium, allowing for, at most, 150 housing units. The current developer's proposal offers an even greater reason for the city to retain the protective "Lot A" as the proposal is for a development of 350 housing units in addition to a 100 bed Health Center.

Contrary to what the Draft document for the "*Irrevocable Offer to Dedicate Right of Way*" asserts in RECITAL section E, it was ALWAYS intended that the City would retain ownership of the Right of Way Strip when the goals and policies of the City's General Plan was and is to protect its neighborhoods.

The developer has also suggested that ALL of Kinross Drive become a public street. Either this or the dedication of 'Lot A' would transform Kinross Drive from a collector road to an arterial road, which is inconsistent with the City's General Plan goal to prohibit conversion of Kinross Drive into an arterial road.

February 2, 2021

I am Michele Sheehan, a resident of Walnut Creek, and I am representing Save Seven Hills Ranch.

Spieker Development would like the City Council to execute the *Irrevocable Offer to Dedicate Right of Way* in regard to the City's '**Lot A**' near the end of Kinross Dr.

I would like the council to recognize the following issues with the document:

- The express Public Purpose of this lot's purchase by the city in 1970 was that "Kinross Drive shall not be connected to Seven Hills Ranch". It is clear that the City did not want Kinross Drive to become a through road, then or now as precisely stated and/or implied in the past and current City of Walnut Creek General Plans. They sought to protect their

neighborhoods by eliminating any possibility that traffic would use Kinross Dr. to access Seven Hills Ranch, as another entrance to that property already existed and still exists.

- The *Irrevocable Offer* rests on several highly questionable assumptions:

Assumption 1: the document states:

“It was never intended by the City to retain ownership of ‘Lot A’ “

- Documentation does not support this statement by Speiker. The City most certainly intended to retain ownership of ‘Lot A’ to protect its neighborhoods from exactly the kind of action the Developer wishes to take. The city’s intentions are clearly stated, both in precise and implied wording of their General Plans.

Assumption 2: the document states:

“ No further CEQA Analysis is Needed for the City to Execute and Record this Offer”

- First, the developer is arguing that the *Offer* is part of an older, 1970 ongoing project and is therefore not subject to current CEQA standards. This is a highly questionable assumption presented as fact and seems to be an attempt to sidestep environmental review requirements put in place to protect the public.
- Second, the *Offer* states “*the execution of the Offer is expressly not a project because it cannot directly or indirectly cause a physical change in the environment...*” It is easily arguable that this is indeed a project which will indirectly cause a change in the environment, namely a new road and through-way across a small but existing habitat area with trees and wildlife and which serves as a drainage area.
- Third, to avoid CEQA review the developer maintains that the ‘Lot A’ is not “*...an essential part of ... the development of the County property*” We agree. It is not essential to the development of the property and the city should retain ownership. However, this can not be used as an argument to avoid prior CEQA review should the City agree to cede ‘Lot A’ to the developer.

We ask the City Council to examine this document more carefully as it exhibits the weaknesses as shown above. In addition, please visit SevenHillsRanch.org for more details on the property and the developer’s proposal.