Troy Fujimoto

Subject: FW: GPAC - Draft General Plan Elements - Environment Element
Attachments: W. Nelson Comments on Environment Element.docx; ATT00001.htm

From: Will Nelson <williamrnelson@yahoo.com>
Sent: Thursday, January 28, 2021 1:03 PM
To: Troy Fujimoto <Tfujimoto@pleasanthillca.org>
Subject: Re: GPAC - Draft General Plan Elements - Environment Element

Hello Troy,

I'm sorry for the late notice, but as it turns out, the other meeting I have tonight directly conflicts with GPAC. I will join late if I'm able. I have attached preliminary comments on the Environment Element for the committee's consideration.

Thanks,
Will Nelson

Sent from my iPhone

W. Nelson Comments on Environment Element

Universal Comments

- It's unnecessary to adopt policies requiring enforcement of, or compliance with, other codes, regulations, statutes (see ENV-1.2 for example). Enforcement/compliance is already compulsory. If we want to exceed the regulatory requirements, then a policy or ordinance change is appropriate. If the purpose of the policy is simply to make the reader aware that the requirements exist, describe them in the narrative instead.
- There's inconsistent treatment of agency names. For example, BAAQMD is included in the Key Terms, but others are not. Why only BAAQMD? Next, San Francisco *Bay* Regional Water Quality *Control* Board is the agency's name (see variations in ENV-3.5 and ENV-10.8). It could be in the Key Terms then abbreviated throughout the document, like BAAQMD. Next, *California Department of* Fish and Wildlife (ENV-3.5). The names of these agencies and others are familiar to those of us who regularly work with them, but not to the general public. The complete names should be provided at least in the first instance of their use.
- I see variations of the same basic phrase: "new development," "new proposed development," "proposed new development," and "proposed development." For consistency and to avoid redundancy, I recommend using either "proposed development" or "new development."

Individual Policy Comments

- ENV-2.3: Nonsensical. End at "development" or replace "provided" with "unless."
- ENV-2.5: Isn't this already required by NPDES/C.3?
- ENV-2.6: Second sentence is nonsensical.
- ENV-3.2: This is an example of a weak policy. Instead of encouraging, how about requiring unless the developer demonstrates that preservation or reclamation is infeasible.
- ENV-3.4: Isn't this already required by PHMC Title 15?
- ENV-3.5: See universal comment above.
- ENV-4.4: Poorly written. It begins by requiring development in CTS areas, and requiring study and mitigation. Read the sentence in its entirety.
- ENV-5.2: Already required by State law.
- ENV-6.2: Weak policy. The City can't maintain structures it doesn't own, so this must mean City-owned structures, right? That should be clarified. Also, what does "appropriately designate and protect" actually mean? This policy lacks substance.
- ENV-7.4. There's no substance here at all. Name or describe some of those strategies.
- ENV-7.7: Unnecessary.
- ENV-9.2: Why only encourage? The City could adopt an ordinance requiring this.
- ENV-9.4: Exceed State standard by how much? One percent? Ten percent? This policy lacks meaning without an established target.

Troy Fujimoto

From: Alan Bade <alanb1491187@gmail.com>
Sent: Thursday, January 28, 2021 1:43 PM
To: Planning
Cc: Troy Fujimoto; Heather Rosmarin
Subject: Comments for Pleasant Hill General Plan- Draft Environment Element
Attachments: 2021-01-28 FPHC+MDAS Letter with Bird Survey Data.pdf

Dear Troy,
Attached are comments for the Draft Environment Element of the new Pleasant Hill General Plan.

Thanks, Alan Bade

Friends of Pleasant Hill Creeks

Mount Diablo Audubon Society

January 27, 2021

Troy Fujimoto, Acting City Planner
100 Gregory Lane
Pleasant Hill, CA 94523

Via email: planning@pleasanthillca.org

RE: Pleasant Hill General Plan- Draft Environment Element
Avian Species Data for Grayson Creek Corridor

Dear Mr. Fujimoto:

On behalf of Friends of Pleasant Hill Creeks (FPHC) and Mt. Diablo Audubon Society (MDAS), we are writing to submit avian species data relevant to the Environment Element of the new General Plan for Pleasant Hill.

Friends of Pleasant Hill Creeks is an all-volunteer community organization of Pleasant Hill residents who care about our creeks.

Mt. Diablo Audubon Society is a chapter of National Audubon Society and is committed to the sustainable balance of our community's people, birds, other wildlife, and habitat through conservation, education, and advocacy.

Since 2017, FPHC and MDAS have been collaborating on the Grayson Creek Bird Survey, a joint community science project to document avian biodiversity along Grayson Creek in Pleasant Hill. The study area includes the Grayson Creek corridor along the 10-acre Civic Project site to Beatrice Rd., and the publicly accessible areas between Viking Rd. and Chilpancingo Parkway.

MDAS members with expertise in habitat assessment and bird identification worked with FPHC to design the monthly survey, which is modeled on the Audubon Society's Christmas Bird Count, one of the oldest and largest community science programs in the country. Over 39 months (November 2017 to January 2021), the survey documented 100 species of birds on or near Grayson Creek, including 96 species of native and migratory birds and 7 species of raptors.

Attached is a list of the species documented [see "Grayson Creek Species List"]. These data are publicly available at the following eBird hotspots; Grayson Creek (Oak Park Blvd), Contra Costa County, CA, US - eBird Hotspot and Grayson Creek, Contra Costa County, CA, US - eBird Hotspot.

The survey demonstrates that the Grayson Creek riparian corridor is important and sensitive habitat for native and migratory birds, including raptors. Accordingly, the GP should consider policies that encourage the restoration of creeks and wetlands, preserve and plant canopy trees, and discourage the use of non-native plants, especially invasive plants adjacent to waterways such as ivies and broom.

We look forward to working with the community to support bird-friendly educational and recreational opportunities, such as naturalist programs and interpretative signage.

Thank you for your consideration of these comments.

Sincerely,

/s/ Alan Bade
Leader, Grayson Creek Bird Survey
Co-Founder, Friends of Pleasant Hill Creeks
Mt Diablo Audubon Society Bd member

/s/ Juan Pablo Galvan
Conservation Chair
Mt. Diablo Audubon Society Bd member

Enc.

Friends of Pleasant Hill Creeks

Mount Diablo Audubon Society

Grayson Creek Bird Survey Species List

Grayson Creek Riparian Corridor sections between Oak Park Blvd. and Chilpancingo Parkway, Pleasant Hill, CA
November 2017—January 2021

1. Greater White-fronted Goose (Anser albifrons)
2. Cackling Goose (Branta hutchinsii)
3. Canada Goose (Branta canadensis)
4. Wood Duck (Aix sponsa)
5. American Wigeon (Mareca americana)
6. Mallard (Anas platyrhynchos)
7. Bufflehead (Bucephala albeola)
8. Hooded Merganser (Lophodytes cucullatus)
9. Wild Turkey (Meleagris gallopavo)
10. Rock Pigeon (Columba livia)
11. Eurasian Collared Dove (Streptopelia decaocto)
12. Mourning Dove (Zenaida macroura)
13. White-throated Swift (Aeronautes saxatalis)
14. Black-chinned Hummingbird (Archilochus alexandri)
15. Anna's Hummingbird (Calypte anna)
16. American Coot (Fulica americana)
17. Killdeer (Charadrius vociferous)
18. Wilson's Snipe (Gallinago delicata)
19. Ring-billed Gull (Larus delawarensis)
20. California Gull (Larus californicus)
21. Double-crested Cormorant (Phalacrocorax auratus)
22. Great Blue Heron (Ardea Herodias)
23. Great Egret (Ardea alba)
24. Snowy Egret (Egretta thula)
25. Green Heron (Butorides virescens)
26. Black-crowned Night-Heron (Nycticorax nycticorax)
27. Turkey Vulture (Cathartes aura)
28. Northern Harrier (Circus hudsonius)
29. Sharp-shinned Hawk (Accipiter striatus)
30. Cooper's Hawk (Accipiter cooperii)
31. Red Shouldered Hawk (Buteo lineatus)
32. Red-tailed Hawk (Buteo jamaicensis)
33. Belted Kingfisher (Megaceryle alcyon)
34. Red-breasted Sapsucker (Sphyrapicus ruber)
35. Acorn Woodpecker (Melanerpes formicivorus)
36. Downy Woodpecker (Dryobates pubescens)
37. Nuttall's Woodpecker (Dryobates nuttallii)
38. Northern Flicker (Colaptes auratus)
39. American Kestrel (Falco sparverius)
40. Merlin (Falco columbarius)
41. Western Wood-Pewee (Contopus sordidulus)
42. Willow Flycatcher (Empidonax traillii)
43. Pacific-slope Flycatcher (Empidonax difficilis)
44. Black Phoebe (Sayornis nigricans)
45. Say's Phoebe (Sayornis saya)
46. Hutton's Vireo (Vireo huttoni)
47. Steller's Jay (Cyanocitta stelleri)
48. California Scrub-Jay (Aphelocoma californica)
49. American Crow (Corvus brachyrhynchos)
50. Common Raven (Corvus corax)
51. Chestnut-backed Chicadee (Poecile rufescens)
52. Oak Titmouse (Baeolophus inornatus)
53. Northern Rough-winged Swallow (Stelgidopteryx serripennis)
54. Tree Swallow (Tachycineta bicolor)
55. Violet-green Swallow (Tachycineta thalassina)
56. Barn Swallow (Hirundo rustica)
57. Cliff Swallow (Petrochelidon pyrrhonota)
58. Bushtit (Psaltriparus minimus)
59. Wrentit (Chamaea fasciata)
60. Ruby-crowned Kinglet (Regulus calendula)
61. Red-breasted Nuthatch (Sitta canadensis)
62. White-breasted Nuthatch (Sitta carolinensis)
63. Marsh Wren (Cistothorus palustris)
64. Bewick's Wren (Thryomanes bewickii)
65. European Starling (Sturnus vulgaris)
66. Northern Mockingbird (Mimus polyglottos)
67. Western Bluebird (Sialia Mexicana)
68. Hermit Thrush (Catharus guttatus)
69. American Robin (Turdus migratorius)
70. Cedar Waxwing (Bombycilla cedrorum)
71. House Sparrow (Passer domesticus)
72. American Pipit (Anthus rubescens)
73. House Finch (Haemorhous mexicanus)
74. Purple Finch (Haemorhous purpureus)
75. Pine Siskin (Spinus pinus)
76. Lesser Goldfinch (Spinus psaltria)
77. Lawrence's Goldfinch (Spinus lawrencei)
78. American Goldfinch (Spinus tristis)
79. Chipping Sparrow (Spizella passerine)
80. Fox Sparrow (Passerella iliaca)
81. Dark-eyed Junco (Junco hyemalis)
82. White-crowned Sparrow (Zonotrichia leucophrys)
83. Golden-crowned Sparrow (Zonotrichia atricapilla)
84. Savannah Sparrow (Passerculus sandwichensis)
85. Song Sparrow (Melospiza melodia)
86. Lincoln's Sparrow (Melospiza lincolnii)
87. California Towhee (Melozone crissalis)
88. Spotted Towhee (Pipilo maculatus)
89. Yellow-breasted Chat (Icteria virens)
90. Western Meadowlark (Sturnella neglecta)
91. Hooded Oriole (Icterus cucullatus)
92. Bullock's Oriole (Icterus bullockii)
93. Red-winged Blackbird (Agelaius phoeniceus)
94. Brown-headed Cowbird (Molothrus ater)
95. Brewer's Blackbird (Euphagus cyanocephalus)
96. Common Yellowthroat (Geothlypis trichas)
97. Yellow Warbler (Setophaga petechia)
98. Yellow-rumped Warbler (Setophaga coronata)
99. Townsend's Warbler (Setophaga townsendi)
100. Western Tanager (Piranga ludoviciana)

Total Species: 100
Total Native and Migratory Species: 96
Total Raptor Species: 7

Data Source: Grayson Creek Bird Survey, a joint community science project of Friends of Pleasant Hill Creeks (a project of SEE) and Mt. Diablo Audubon Society. Updated: 01/26/21.
Contact: pleasanthillcreeks@gmail.com

Troy Fujimoto

From: Heather Rosmarin <hrosmarin@mac.com>
Sent: Thursday, January 28, 2021 2:13 PM
To: Planning
Cc: Troy Fujimoto; Alan Bade; Heather Rosmarin
Subject: GPAC Comments - Draft Environment Element
Attachments: PH General Plan_FPHC_Comments_Environment Element 1.28.21 Final.pdf

Dear Committee - Attached for your review are comments submitted by Friends of Pleasant Hill Creeks (FPHC) on the draft Environment Element.

In addition, Alan Bade separately submitted bird species data on behalf of FPHC and Mt. Diablo Audubon Society.

Thank you very much for your consideration.

Sincerely,
Heather Rosmarin
Co-Founder, Friends of Pleasant Hill Creeks

Pleasant Hill Community
GREEN AWARD WINNER

Friends of Pleasant Hill Creeks

January 28, 2021

Pleasant Hill General Plan Advisory Committee (GPAC)
Via email: planning@pleasanthillca.org

RE: Draft Environment Element

Dear Committee:

Friends of Pleasant Hill Creeks (FPHC), a nonprofit community organization of Pleasant Hill residents who care about our creeks, respectfully submits the following comments on the Draft Environment Element.

1. **General Comments:** We strongly support the inclusion of goals and policies in the Draft Environment Element that support the protection and restoration of our community's creeks. During the General Plan workshops, the restoration of creeks, riparian corridors, and open space areas was identified as a top priority opportunity. In addition, since 2017, more than 150 volunteers have participated in creek cleanups, wildlife surveys, water quality monitoring, invasive plant removal, and educational activities in Pleasant Hill. We are therefore pleased to see that the community's interest and efforts to protect and restore our creeks are reflected in multiple General Plan goals and policies, in particular, ENV-2.6 "Creek Preservation," ENV-2.7 "Watercourse Preservation," ENV-3 and related policies, ENV-4 and related policies. However, in the current draft, these goals and policies lack specific Implementation Programs. We provide preliminary suggestions in the attached comments to Section 8.6 and will forward additional suggestions as we identify programs that we believe would be beneficial.

2. **Specific Comments on Draft Environmental Element:** Attached are suggested line edits, comments, and data relevant to Key Terms, Section 8.1 (Water Resources), Section 8.2 (Biological Resources), and Section 8.6 (Implementation Programs). We also support the other goals, policies, and programs included in the draft Environment Element that will provide for a healthy, sustainable community.

3. **Process / Information Requests:** Thank you for including links to the draft elements with the email notice and on the website. For future revisions, please provide a chart or other document showing how substantive public comments have been addressed. We also request that written public comments be posted on the General Plan 2040 website.

4. **Green Infrastructure Plan:** We note that this Element does not discuss Pleasant Hill's Green Infrastructure Plan. Will this plan be addressed in another Element?

Thank you for considering our input and comments.

Sincerely,

Heather Rosmarin

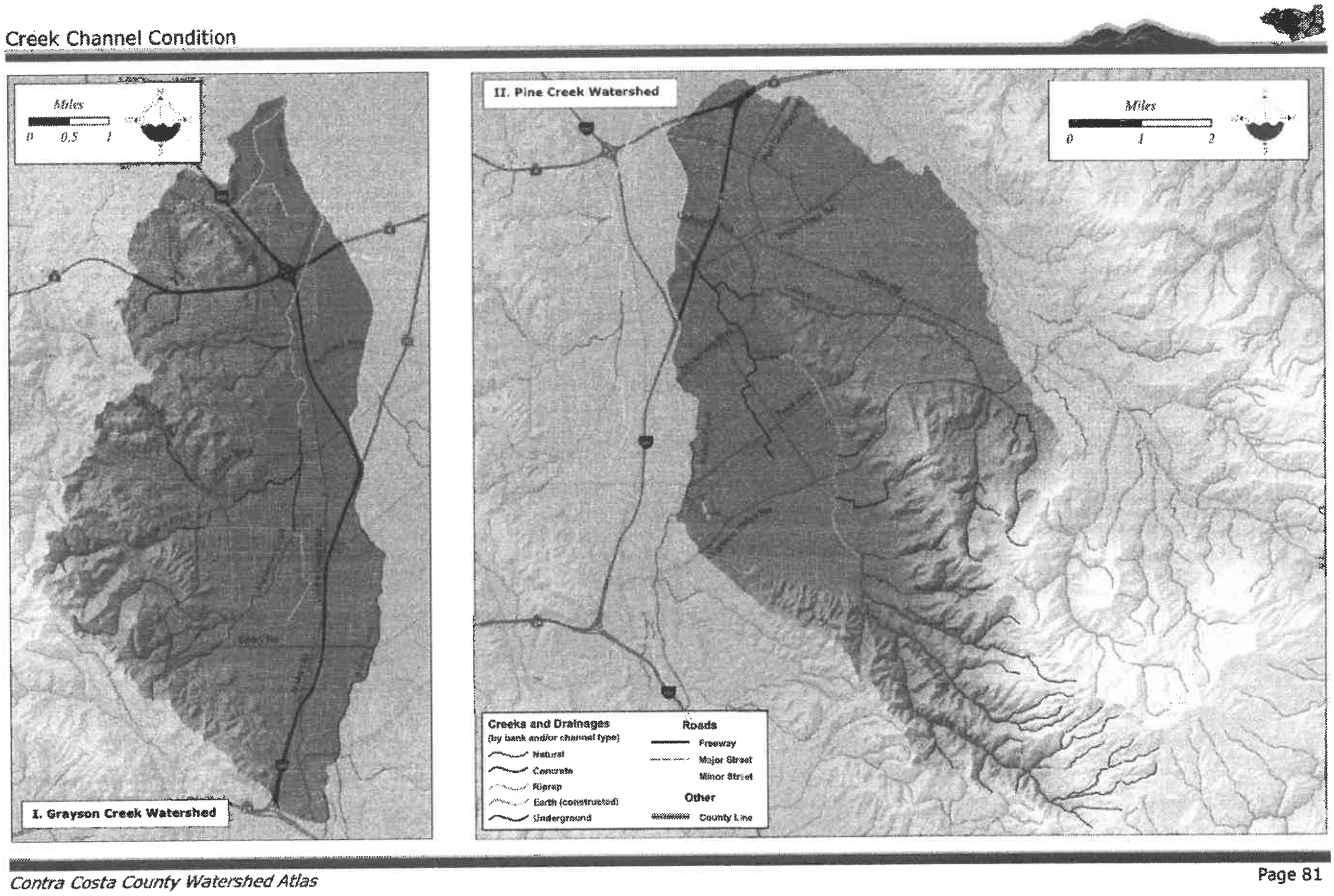
Heather Rosmarin
Co-Founder, Friends of Pleasant Hill Creeks (pleasanthillcreeks@gmail.com)

Enclosures

COMMENTS TO KEY TERMS

A. "Watershed." Please note that Pleasant Hill is within the Grayson Creek Watershed, which is part of the Walnut Creek Watershed, the largest in Contra Costa County. See Figure 1 below.

Figure 1
Grayson Creek Watershed (Map on Left, Showing Creek Channel Condition)



Source: *Contra Costa County Watershed Atlas*, http://cocowaterweb.org/wp-content/uploads/Watershed-Atlas.pdf, p. 81.

COMMENTS TO SECTION 8.1:
WATER RESOURCES

Please also see attached line edits.

A. Please include creeks as a water resource of great interest in Pleasant Hill. Restoration of creeks, riparian corridors, and open space was identified as a top priority opportunity during General Plan workshops, and since 2017, more than 150 volunteers have participated in creek cleanups, wildlife surveys, water quality monitoring, invasive plant removal, and educational activities in Pleasant Hill.

B. Does the City currently have a "Green Building Code"? If yes, please include a definition. If not, please add adoption of such a code as a goal.

C. Please note that watershed runoff in Pleasant Hill also includes unhealthy levels of contaminants such as nitrates, which should be minimized. Source: Walnut Creek Watershed Report Card (2018-2019), https://thewatershedproject.org/wp-content/uploads/2020/01/Walnut-Creek-Watershed-Report-Card-2018-19.pdf.

D. Sources of debris and pollution in Grayson Creek include litter, illegal dumping, homeless encampments, and chemical runoff, all of which should be monitored and addressed by policies and implementation programs.

E. Please add the following new policies under ENV-2:
   - Collaborate with local and regional agencies, businesses, property owners, and organizations to reduce litter, illegal dumping, pollution from homeless encampments, and chemical runoff.
   - Conduct regular trash assessments in creeks and waterways and implement programs to address sources of pollution, e.g, by requiring improved litter capture measures.

F. Please add to ENV-2.6: "Creek setbacks should, where feasible, exceed minimum regulatory setback guidelines to allow for increased riparian buffers."

COMMENTS TO SECTION 8.2:
BIOLOGICAL RESOURCES

Please also see attached line edits.

A. Suggested revision to second paragraph: "Grayson Creek, Murderers Creek (and several others see creek map **[please include creek map]**) and the Contra Costa Canal form the major waterways in Pleasant Hill. Most of the wetlands in the city have been converted to urban use. However, most of the creeks in Pleasant Hill still flow through natural or earthen channels that provide riparian habitat and wildlife corridors for protected native species. For example, Grayson Creek provides habitat for more than ninety resident native and migratory bird species **[see Grayson Creek Bird Survey Species List[1]]** as well as fish, amphibians, crustaceans, and mammals including river otters.[2] Additionally, the Contra Costa Canal and those sections of creeks which have been channelized still provide some habitat in the channel bottoms, where sediment collects and creates opportunities for plant and animal species to become established. Seasonally wet areas become evident during rainy periods, and the creek corridors include remaining wetlands and riparian vegetation which are important for providing wildlife habitat and also recharging and filtering water supplies."

B. Please provide title/link to source publication in Table 8.1. Please also note that there are documented occurrences of protected species within the City including migratory birds and river otters (see above).

C. "Critical habitat" is not a defined term. Please define it. If this term is referring to "critical habitat" as defined by the US Fish and Wildlife Service, please check the map. It appears that there is "critical habitat" in Pleasant Hill's sphere of influence on the west side of the city.

D. Consider the term "restore" rather than "reclaim." Restoration is the more commonly used term in the watershed community and emphasizes natural channel systems that provide improved native habitat, water quality, and other benefits.

E. Ensure that creeks and riparian corridors are shown on General Plan and planning / land use maps.

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[1] Letter dated January 27, 2021 from FPHC and Mt. Diablo Audubon Society submitting Avian Species Data for Grayson Creek Corridor.

[2] River Otter Ecology Project, Bay Area River Otter Sightings Map, https://riverotterecology.org/otter-spotter-community-based-science/.

COMMENTS TO SECTION 8.6:
IMPLEMENTATION PROGRAMS

FPHC offers the following suggestions.

A. Implement an annual reporting program to City Council and the community that tracks progress towards the Environment Element's Goals, Policies, and Programs.

B. Establish a creek- and open space-focused advisory committee or task force.

C. Coordinate City programs with regional efforts to protect and restore waterways, protect and enhance open space, install/improve trail networks, and protect the Walnut Creek Watershed. These include efforts by the Contra Costa County (CCC) Clean Water Program, CCC Flood Control District, Contra Costa Resource Conservation District, Pleasant Hill Recreation and Park District, East Bay Regional Park District, Contra Costa Watershed Forum, and Walnut Creek Watershed Council.

D. Coordinate with community organizations and businesses to promote nature-based recreation, education, and eco-tourism focused on our creeks as assets.

E. Periodically (at least every 5 years) evaluate and incorporate best practices for creek easements and setbacks.

F. Integrate wildlife species data into planning processes to ensure that habitat and wildlife corridors are protected and enhanced.

G. Provide information to the public on enhancing wildlife habitat, co-existing peacefully with wildlife, and avoiding wildlife-human conflicts (there is existing information from county agencies that can be shared).

H. Coordinate with local and regional agencies and organizations to address pollution from homeless encampments.

I. Conduct outreach, education, monitoring, and enforcement to reduce illegal dumping.

J. Evaluate and implement bans on Styrofoam and single use plastics, which constitute a major source of pollution in Pleasant Hill's creeks.

K. Promote creek stewardship by providing information to and engaging with public and private landowners on how they can protect and restore creeks on their property.

L. Encourage and support volunteer efforts to protect and restore creeks, e.g., through annual community cleanups, invasive plant removal, native plantings, and wildlife monitoring.

M. Direct City agencies to reduce pesticide, herbicide, and nitrogen-based fertilizer use on City property to reduce toxic runoff into waterways. Provide information to residents and businesses to encourage alternatives.

N. Coordinate with other local, county, and regional agencies to share best practices on Integrated Pest Management.

O. Require City agencies and businesses operating in Pleasant Hill to install covered trash receptacles and implement other measures to prevent trash from reaching the creeks. Coordinate with other government entities operating in Pleasant Hill to encourage similar measures.

P. Encourage private and public landowners in Pleasant Hill to remove invasive species, plant natives, and prevent pollution from entering the creeks. Provide residents and businesses with information on invasive plants to avoid and native plants that are appropriate for Pleasant Hill.

Q. Improve water quality in Pleasant Hill's creeks by reducing pollution. Monitor and report on water quality in Pleasant Hill's creeks. This could include inviting county water quality monitors to share their findings to staff, City Council, and the community.

R. Partner with local agencies and organizations to secure grants, mitigation funds, and other resources to protect, restore, and enhance open space and creeks in the community.

S. Adopt/update lighting design guidelines to minimize night-light pollution and protect dark sky resources.

T. Adopt/update building code to require bird-friendly glass, wherever feasible, to reduce fatal collisions.

U. Enforce Tree Protection Ordinance and prioritize planting of native tree species when trees need to be replaced.

SUGGESTED LINE EDITS WITH CROSS-REFERENCES TO FPHC COMMENTS

Sphere of Influence. A planning boundary that designates the probable future boundary and service area of a city or special district.

Water Quality. The chemical, physical, and biological characteristics of water, usually in respect to its suitability for a particular purpose.

Watershed. The land surface area from which water drains into a common point.

Wetlands. Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

8.1 Water Resources

Water resources of the greatest interest in Pleasant Hill include water supply, water quality, groundwater recharge, and water recycling and conservation. An adequate and high-quality water supply is an essential need, and as such, the government regulates water supply, quality, and use. Because water moves across jurisdictional boundaries above ground and through aquifers, much of the regulation occurs at the regional, State, and Federal levels. Nonetheless, cities have legal authority over development and land use, which means they need to consider the adequacy of water supplies relative to the effects of development on the quantity and quality of water available to the community.

The long-term adequacy of groundwater and surface water resources has become a major public concern in California. Issues include lowered groundwater levels, salt loading, water needs of wildlife, increased storm water runoff, sediment and pollutant loading in runoff, summer rationing in dry years, water use rates, conservation methods, water storage limitations, re-use of water, and continued changes in regulations.

Water Supply

Pleasant Hill water is supplied by four water districts: Contra Costa Water District, East Bay Municipal Utility District, Diablo Vista Water System, and the Martinez Water District. The primary water source is the Sacramento-San-Joaquin River Delta. The Central Contra Costa Sanitary District (Central San) provides landscape irrigation water that meets the State Water Resources Control Board Division of Drinking Water requirements for unrestricted landscape irrigation. Approved uses include irrigation at schools, parks, playgrounds, roadway median strips, and sports fields. Water from Central San can also be used for construction project dust control.

ENV-1	Provide an adequate water supply for residential, business, and other uses needed to support the existing and projected city population. *[Source: New Goal]*

ENV-1.1 **Adequate Water Supply and Delivery**
SUS
Work with water districts and Central San to assure adequate water supply for, and delivery to, existing and future customers in Pleasant Hill. *[Source: New Policy]*

→ 8.1B

ENV-1.2 SUS **Green Building Code**
Enforce the Green Building Code to ensure the design, construction, operation, use, and occupancy of new construction and remodeling are subject to contemporary water efficiency standards. *[Source: New Policy]*

ENV-1.3 SUS **Commercial and Business Water Conservation**
Require new or remodeled commercial and industrial development to conserve water by installing efficient or replacing inefficient plumbing fixtures, installing drought-tolerant and water-wise landscaping, and harvesting rainwater for irrigation. *[Source: New Policy]*

ENV-1.4 SUS **Municipal Water Conservation**
Require, where feasible, that City facilities conserve water by installing efficient in new construction or renovations, replacing inefficient plumbing fixtures, and installing drought-tolerant and water-wise landscaping. *[Source: New Policy]*
L with a priority for natives.

ENV-1.5 SUS **Water Conservation in Public Facilities**
During construction or renovation of public facilities, institute water conservation measures such as hot-on-demand water faucets, low flush toilets, and low water using appliances. *[Source: New Policy]*

ENV-1.6 SUS **Recycled Water at Public Facilities**
Partner with Contra Costa Sanitary District to establish recycled water lines to public facilities to connect public landscape irrigation systems to a recycled water distribution system when renovating or developing new public facilities. *[Source: New Policy]*

ENV-1.7 SUS **Water Supply Resiliency**
Work with Contra Costa Sanitary District and the DVWS to expand the use of recycled and other non-potable water for landscape irrigation and other appropriate uses. *[Source: Source: Existing General Plan, Community Development Program 23.7]*

NOTE: Goals and policies pertaining to water service and district suppliers are covered in the Public Facilities, Services, and Infrastructure Element.

Water Quality

Depending on the location of a city, water quality can potentially be affected by saltwater intrusion from sea level rise, and watershed runoff of contaminants such as those used in automotive and manufacturing uses, dry cleaners, or other chemical and industrial processes. Pleasant Hill's water quality is generally good with minimal exposure to contaminants, and consistently ranks high in annual water quality based on reporting from all ~~three~~ water districts.
L four

8.1C

A portion of eastern Pleasant Hill is in the FEMA 100-year flood plain hazard zone due to its proximity to Grayson Creek, which is subject to periodic flooding, in part because of debris. Sedimentation and

debris in water sources like Grayson Creek can compromise water quality in the creek and the water bodies into which it flows.] 8.1D

ENV-2 Protect the quality of water resources in Pleasant Hill. *[Source: New Goal]*] 8.1E

ENV-2.1 SUS
Drainage System Maintenance
Maintain and upgrade the city drainage system, including regularly clearing drainage systems of debris build up that exacerbates flood impacts. *[Source: Existing General Plan, Safety and Noise Policy 1A and 1B, modified]*

ENV-2.2 SUS
Drainage Improvements
Cooperate with regional agencies to complete regional storm drainage improvements. *[Source: New Policy]*

ENV-2.3 SUS
Limit Impervious Parking Areas
Discourage additional parking over the required minimum standards for any new development ~~provided~~ the developer can demonstrate the need for additional parking. *[Source: New Policy]* (unless and incorporates green infrastructure. ←

ENV-2.4 SUS
Alternative Driveway Design
~~Encourage~~ alternative materials and designs to limit driveways, parking areas and parking lots in residential zones, including pervious paving material, turf stones, and "ribbon strip" driveways. *[Source: New Policy]*

(Require

ENV-2.5 SUS
Alternative Drainage Design
~~Encourage~~ bioswales and other innovations in new development to allow runoff from parking lots and all impervious area to drain into landscaped areas and rainwater percolate into the ground. *[Source: New Policy]*

ENV-2.6 SUS
Creek Preservation
Require adequate setbacks between creeks or waterways and new development. Require retention of existing vegetation plant buffers with the use of native plant species, where feasible. *[Source: New Policy]* → 8.1F

ENV-2.7
Watercourse Preservation
Preserve natural watercourses or provide naturalized drainage channels within the city. Where feasible, implement restoration and rehabilitation opportunities. *[Source: New Policy]*

NOTE: Goals and policies pertaining to parks, open space, and subsequent areas for recreation are covered in the Open Space, Parks, and Recreation Element.

8.2 Biological Resources

Most land in the city and its sphere of influence is developed, limiting the amount of sensitive plant and animal habitat. Undeveloped hillsides and other open spaces in Pleasant Hill support pockets of grassland, oak woodland, and shrubland-chaparral habitat. The city also has a variety of plants and trees that provide additional cover and food for animals. This "urban habitat" includes residential and commercial landscaping and streetscape plantings. Rodents, small mammals, and birds use trees and vegetated areas for foraging and nesting. Some sensitive plant and animal species have been historically identified as having the potential to be present as well. These are provided in Table 8.1. ← 8.1

Grayson Creek, Murderers Creek (and several others see creek map) and the Contra Costa Canal form the major waterways in Pleasant Hill. Most of the wetlands in the city have been converted to urban use, and what remains are channelized streams. While both water ways include a portion that is paved and channelized, they still provide some habitat in the channel bottoms, where sediment collects and creates opportunities for plant and animal species to become established. Seasonally wet areas become evident during rainy periods and the creek corridors include limited wetlands and riparian vegetation that provide habitat for birds, amphibians, fish, and terrestrial species. The wetlands that remain in the city are important for recharge and filtering of water supplies. 8.2 A

Wildlife species listed as threatened or endangered in the surrounding area include the California red-legged frog and the Alameda whipsnake. Critical species in the San Joaquin Delta north of Pleasant Hill include the delta smelt and steelhead trout.

Table 8-1 Vegetative Communities and Animal Species with the Potential to Occur in the Planning Area 8.2B

Vegetative Communities	Sensitive Plant Species	Sensitive Animal Species
Brackish Marsh/Mudflat	Alkali milkvetch	Bay checkerspot butterfly
Freshwater marsh	Antioch Dunes evening primrose	California clapper rail
Grassland	Contra Costa goldfields	California least tern
Seasonal wet grassland	Contra Costa wallflower	California red-legged frog
Seasonal wet plowed grassland	Large-flowered fiddleneck	California tiger salamander
Non-habitat	Mason's Lilaeopsis	Giant garter snake
Oak woodland	Mt. Diablo bird's beak	Lange's metalmark butterfly
Open water	Rock sanicle	Longhorn fairy shrimp
Shrubland/chaparral	Soft bird's beak	Saltmarsh harvest mouse
		San Joaquin kit fox

Source: Contra Costa Water District 2016 — Publication?

Pleasant Hill is also home to several protected tree species and is surrounded by critical habitat for animal species, although no critical habitat exists within the city limits. The City has taken steps to encourage the protection of a variety of tree species through the City Zoning Ordinance (Section 18.50.110). The Zoning Ordinance includes supplemental regulations to protect native oak trees and indigenous trees with a trunk diameter of nine inches or larger at a height of 24 inches above ground. 8.2C

restore (8.2D)

ENV-3 Preserve and ~~reclaim~~ streams, wetlands, and riparian areas to function as open space. *[Source: Existing General Plan, Community Development Goal 21, modified]*

and wildlife corridors.

ENV-3.1 SUS
Stream, Wetland, and Riparian Reclamation
Reclaim degraded streams, wetlands, riparian areas, and wildlife migration corridors, where possible, in cooperation with the Flood Control District. *[Source: Existing General Plan, Community Development Policy 21A]*

(and other agencies and organizations.

ENV-3.2 SUS
Reclamation with New Development
Require
~~Encourage~~ new proposed development to preserve or reclaim on-site streams, wetlands, and riparian areas *[Source: Existing General Plan, Community Development Program 21.1, modified]*

ENV-3.3 SUS
Natural Stream Corridor Retention and Improvement
Require
~~Encourage~~ the retention of natural stream corridors, and the creation of natural stream channels where improvements to drainage capacity are required. *[Source: New Policy]*

ENV-3.4 SUS
Erosion Control Plans
Require erosion control plans for proposed new development that require significant grading or are near streams, wetlands, and riparian areas. The plans shall include recommendations for grading practices that prevent erosion, loss of topsoil, and scour of drainageways, consistent with biological and aesthetic values. *[Source: New Policy]*

ENV-3.5 SUS
Creekbank Alteration
Require new proposed development that includes approved creekbank alteration to obtain necessary permits from Fish and Wildlife, San Francisco Regional Water Quality Board and the City and implement the recommendations appropriately. *[Source: New Policy]*

← 8.2E

ENV-4 Protect and preserve natural habitat, plants, and wildlife. *[Existing General Plan, Community Development Goal 22, modified]*

ENV-4.1 SUS
Minimize Development Impacts
avoid or
Require proposed new development and construction activities to minimize impacts and disturbances on plants and animals, including sensitive habitat and migration corridors, landforms, and trees. *[Source: Existing General Plan, Community Development Policy 22A and Existing General Plan, Community Development Program 22.2, modified]]*

ENV-4.2 SUS
Natural Habitat Protection
Preserve, protect, and improve remaining natural habitat, waterways, and wetlands. *[Source: New Policy]*

ENV-4.3 **Fish Bypass Facilities**
SUS
Support efforts of the County to determine the feasibility of constructing fish bypass facilities for flood control drop structures in area creeks. *[Source: Community Development Program 22.5]*

ENV-4.4 **California Tiger Salamander Protection**
SUS
Require new development proposed in areas of documented occurrence of the California Tiger Salamander, and require site-specific study and mitigation of potential impacts, which may include avoidance of habitat, reduction of habitat disturbance, and offsite or onsite restoration or protection of similar habitat. *[Source: Existing General Plan, Community Development Program 22.4, modified]*

ENV-4.5 **Urban Forestation**
SUS
Encourage increased urban forestation in proposed new development by promoting site and landscape design that retains existing trees and includes native species. *[Source: New Policy]*

8.3 Historic and Cultural Resources

Contra Costa County and the greater San Francisco Bay Area have a long, rich history of human habitation, with the earliest known records dating from around 200 BC. In general, archaeological research has focused on the coastal San Francisco Bay Area, where large shell mounds were easily identified in the landscape. Native American occupation of the region included the areas of modern Walnut Creek and Pleasant Hill. The larger Bay Area consisted of several independent tribal territories during prehistoric and early historic periods, including the Bay Miwok language speakers, who occupied the eastern parts of Contra Costa County, from Walnut Creek to the Sacramento-San Joaquin Delta. While the area offered resources that Native American groups could utilize for food and other uses, there are no known ethnographic settlements in the outlying margins of the San Francisco Bay Area that include Pleasant Hill. Lithic scatters, quarries, habitation sites, petroglyph sites, milling features, and isolated burial sites have been documented and have the potential to occur throughout the city and its sphere of influence, however. Archaeological sites with evidence of these cultures are still found in and around Pleasant Hill. State records list seven Native American archeological sites in Pleasant Hill. The city also has several historic homes and places, such as Rodgers Ranch and others listed below.

Rodgers Ranch Heritage Center

The Rodgers family moved to the area in 1868 and established a 149-acre ranch where they grew crops and were active members of their community. Over time, the ranch changed hands and reduced in size until the original buildings were transformed into a heritage park at the recommendation of the Pleasant Hill Historical Society. Now, the Rodgers Ranch Heritage Center is just over two acres in size and includes the Rodgers' farmhouse and an urban farm that serves as an education center, hosting workshops and events including farm-to-table culinary courses, gardening, and permaculture. The site is owned and managed by the Pleasant Hill Recreation and Park District (Rec. & Park) and offers a summer day camp, hosts field trips and a harvest festival, and provides tours to the public. A partial list of other buildings and structures of potential historic significance is depicted on Figure 6-1 and include the following:

Troy Fujimoto

From: Wendy Gollop <wendygollop@jps.net>
Sent: Thursday, January 28, 2021 2:20 PM
To: Planning
Cc: Troy Fujimoto
Subject: General Plan Advisory Meeting Environmental Section meeting 1/28/2021
Attachments: 20200320_Grayson_Crk_styrofoam1.jpg; 20200320_Grayson_Crk_styrofoam2.jpg

Dear General Plan Advisory Group

I would like to make some comments about the Environmental section of the General Plan. First, I would like to see Policies and goal that address the following issues:

1. Invasive species removal. The creeks and waterways that flow through Pleasant Hill are used as the main drainage system for storm water removal. At present they are clogged with invasive species such as privet hedge, ivy, Himalayan black berry, Arundo, periwinkle, etc. These species reduce the creek capacity and require annual removal. They also do not enhance the riparian or any other environment in which they are growing In fact ivy is the perfect housing for rats and other unwelcome creatures. Native species on the other hand provide food and shelter for birds and other wildlife. This is important even in well-developed commercial and residential areas, as the birds, mammals and other creatures use these areas as part of their urban habitat. Therefore it is important to make sure that invasive species are not planted. A DO NOT PLANT list as advised by the California Invasive Plant Council should be adopted by the City . Similarly, The City should have goals to plant native species whenever possible. California is blessed with a wide variety of beautiful drought tolerant native plants to choose from. We do not have to pick plants from South Africa or other continents to fulfill these requirements. https://www.cal-ipc.org/solutions/prevention/landscaping/dpp/?region=bayarea https://www.cal-ipc.org/wp-content/uploads/2018/05/InvasivePlantChecklistforCaliforniaLandscaping.pdf

2. A goal to promote dark skies. https://www.darksky.org/light-pollution/ Light pollution is a major problem throughout the globe. It effects bird and animal migration, human health, wildlife and ecosystems and wastes energy. Lighting standards with guidelines for light color and fixtures to reduce light pollution should be a goal. https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/

3. Encourage tree replacement with native species where feasible and have a tree replacement ratio for tree removal. Oaks and other native trees provide good habitat and are a good source of shade. Parking lots should be required to plant trees to cover a certain percentage of the parking lot with shade. This helps with the heat island effect that raises the temperature of cities.

4. Creek restoration and creek setbacks especially as wildlife corridors. Many Cities in Contra Costa County value their creeks as special amenities that enhance the ambiance of the community. People enjoy sitting by a creek to eat or strolling along a waterway to watch the wildlife and feel connected to nature. Creek setbacks are important for wildlife corridors, flooding issues and beauty.

5. Consider policies around Bird friendly glass. With more glass being incorporated into buildings and buildings getting taller, more birds are killed every year due to collisions with glass. These collisions kill over 1 Billion birds in the US each year. https://abcbirds.org/glass-collisions/?eType=EmailBlastContent&eId=9cc9df95-01ce-4bdf-84c2-465d80074ed3 Many local cities have added bird friendly glass into their building codes.

6. Trash. Trash pours into storm drains and pollutes storm water runoff. A recent creek clean up on Grayson Creek resulted in loads of plastic bags, plastic food and drink containers, tons of Styrofoam from packaging of goods and food, disposable medical supplies such as gloves and masks, straws and food wrappers. The City should provide municipal public garbage containers WITH LIDS, and require them for commercial and public developments. This helps to prevent the spillage of trash into streets and waterways due to wind and other factors such as wildlife. A ban on plastic straws, and Styrofoam food containers would also help with the trash problem. Please see attached photos of trash in Grayson Creek.

A few other items that seemed in need of further clarification.

Env. 2.3 "Discourage additional parking over the required minimum standard for new development unless the developer can demonstrate the need for additional parking". I think that most will agree that parking is a big topic in Pleasant Hill. I have not seen a complaint from a resident that some development has too much parking. If anything there is usually not enough parking. Most people in the suburbs have numerous vehicles. The houses in Poets Corner have between 2 and 5 vehicles a piece. My neighbor across the street has an ADU. Her renters had 3 vehicles plus a motorcycle that all parked on the street. I do not think that just because people live in multi-family housing makes them less likely to have fewer vehicles. Public Transportation is not very good and most people will need a car for work or school transport. Also I am not sure why this is in the environmental section.

Env 2.4 Encourage alternate materials and designs to limit driveways, parking areas and parking lots in residential areas. I am not sure why you want to limit parking areas but alternate materials that allow water to sink into the soil is good.

Env 6.2 The Old School House was left off of the list of historical buildings. It is one on the oldest in Pleasant Hill and was on the last list. Even if the City is not considering it for preservation, I think that it should still be on the list.

Finally, Please consider posting comments from the Advisory committee on the 2040 website under the comments section. When commenting at the meetings it is difficult to hear all of the discussion and comments due to the lag time in the phone-in feature of the platform.

Thank you for your consideration of these issues and look forward to hearing them discussed tonight.

Wendy Gollop and Alan Bade

280 Longfellow Dr
Pleasant Hill CA

Pepsi

Troy Fujimoto

From: Heather Rosmarin <hrosmarin@mac.com>
Sent: Thursday, January 28, 2021 3:25 PM
To: Planning
Subject: General Plan Comment - Environment Element Section 8.4 (Air Quality)

Dear GPAC - Please include a policy/program in Section 8.4 to address air pollution from gas-powered leaf blowers. Gas-powered leaf blowers generate significant greenhouse gas emissions, noise, and toxic exhaust. One hour of operation of a commercial gas leaf blower emits smog-forming pollution comparable to driving about 1100 miles. Since there are readily available alternatives (electric and battery-powered), many communities are adopting rules to restrict gas-powered leaf blowers and transition to cleaner technologies. I urge Pleasant Hill to explore and implement similar rules.

Thank you,
Heather Rosmarin
Pleasant Hill Resident

References:
CARB - California Air Resources Board, "Lawn, Garden & Landscape Equipment," https://ww2.arb.ca.gov/our-work/topics/lawn-garden-landscape-equipment
Contra Costa County Climate Leaders, "Gas Leaf Blower Fact Sheet," https://ccclimateleaders.org/wp-content/uploads/2019/05/4CL-Gas-Leaf-Blower-Fact-Sheet.pdf

RECEIVED
JAN 25 2021
PLANNING DIVISION
CITY OF PLEASANT HILL

January 25, 2021

Dear Pleasant Hill GPAC Members:

I live adjacent to the Grayson Woods Open Space parcel located at 400 Iron Hill Street, Pleasant Hill, California. My family home borders this land. This open space with an abundance of wildlife enriches our quality of life and is the main reason my family decided to buy our home here.

Enclosed are 10 copies of the 10-page Grant of Scenic Easement detailing the mutual covenants pertaining to this property. I want to acquaint you with the history as well as the legal history of this land.

The City of Pleasant Hill executed this binding agreement on June 26, 1992 and recorded it on July 30, 1992. It clearly states in one section of this document, "*The Easement shall run with the land in perpetuity and shall bind Grantor and its successors and assigns*".

Of major importance: There was a density transfer issued to the Grayson Woods residents when the housing development was built. The housing density was increased and exchanged for the preservation of the open space. The open space is part of the agreement the City made with the Grayson Woods residents.

There was a comparison of the Grayson Woods Open Space land at the last December 16, 2020 GPAC meeting to the Contra Costa Country Club. Both parcels are also privately owned with a restriction of a scenic easement on them. A GPAC member suggested treating Grayson Woods in the same way as both are privately owned, "open space with a scenic easement". I read in the updated 7.1 Section of the General Plan on Open Space (12/20/20) that it still lacks reference to this parcel of land. I want to ensure that it remains Open Space and designated as such in the General Plan as the Contra Costa Country Club is designated.

It would be advantageous for you to actually see the land in person that's under discussion but the pandemic prohibits such as visit. The best I could provide at this time is an aerial view of the property pasted above.

May you continue to be guided by honoring your predecessors' language that's stated in the enclosed Grant of Scenic Easement. Thank you.

Sincerely,

Cynthia Heilesen

Cynthia A. Heilesen
(925) 937-2909
cynthiaheilesen@comcast.net

JUL 30 199

RECORDED AT REQUEST OF Founders

JUL 1992

Recording Requested By And
When Recorded Return To: 92 101559

CITY OF PLEASANT HILL - PUBLIC WORKS
100 GREGORY LANE
PLEASANT HILL CA 94523

AT 10 O'CLOCK A M.
CONTRA COSTA COUNTY RECORDS
STEPHEN L. WEIR
COUNTY RECORDER
FEE 26.00 pd

JUL 30 199

BOOK 17706 PAGE 628

GRANT OF SCENIC EASEMENT
(Golf Course)

THIS GRANT OF SCENIC EASEMENT (the "Grant of Easement") is made by and between BA PROPERTIES I, a Delaware corporation (the "Grantor") and THE CITY OF PLEASANT HILL, a public body corporate and politic (the "City").

R E C I T A L S:

A. Grantor is the owner of that certain real property in the City of Pleasant Hill, County of Contra Costa, State of California, shown in the Map of Subdivision 7243 filed of record substantially concurrently herewith in the Office of the Recorder of Contra Costa County, California (the "Subdivision Map"), and also comprising the land described in Exhibit "A" attached hereto ("the Project").

B. A certain portion of Parcel A of the Subdivision Map is shown thereon as "Scenic Easement No. 3" and is referred to herein as the "Golf Course Scenic Easement Area".

C. Pursuant to the approved Subdivision Map and the conditions of approval of Tentative Subdivision 7243 (Resolution TTM 7243 of City), Grantor wishes to change the character of the existing use, or the extent or intensity of the existing use of the Project, which change has required certain approvals by the City. Pursuant to said conditions of approval, Grantor offers to the City a scenic easement on and over the Golf Course Scenic Easement Area.

D. After consideration of the Grantor's offer, the City recognizes that the Golf Course Scenic Easement Area has a natural beauty and existing openness for outdoor recreation as described in Govt. Code Sections 6954 and 65560(b)(3), which is enhanced by the development of a golf course and accessory uses as approved by the Conditions of Approval of Tentative Subdivision 7243 and the related Planned Development Plan for the Project as approved by the City.

E. Accordingly, pursuant to the open-space plan adopted by the City, the City desires to accept the proposal made by the Grantor, and to accept a scenic easement on the Golf

Course Scenic Easement Area in a form satisfactory for recording in the Office of the Recorder of Contra Costa County, California.

F. The Grantor and the City desire to preserve and conserve for the public's visual benefit the natural scenic beauty and openness which the golf course and accessory uses will provide.

G. The acceptance of the interest in the Golf Course Scenic Easement Area conveyed herein is consistent with the City General Plan.

NOW, THEREFORE, for good and valuable consideration the sufficiency of which is hereby acknowledged, the parties do hereby agree as set forth below.

1. Recitals and Exhibits: The recitals set forth above are true and correct and the recitals and all exhibits hereto are incorporated herein by this reference.

2. Grant of Easement: In consideration of the mutual covenants and promises contained herein, and the recitals set forth above, Grantor hereby grants, delivers and conveys to the City a scenic easement in accordance with Govt. Code Section 6950, the California Open-Space Easement Act of 1974 (Govt. Code Section 51070, et. seq.) and Rev. & Tax. Code Section 421(e) and (g)(3) (the "Easement") on and over the Golf Course Scenic Easement Area, of the nature and character and to the extent hereafter expressed and on the terms and conditions set forth herein. The Easement shall run with the land in perpetuity and shall bind Grantor and its successors and assigns. The Easement shall be for the visual benefit of the public generally, as represented by the City.

3. Restricted Uses: This Easement shall constitute a servitude upon the Golf Course Scenic Easement Area, which results from the restrictions imposed by this instrument upon the use of the Golf Course Scenic Easement Area. To that end and for the purpose of accomplishing the intent of the parties, Grantor does covenant with the City on behalf of itself and its successors and assigns, that the Golf Course Scenic Easement Area shall be used for only golf course and related purposes, maintaining the existing open and scenic character of the Golf Course Scenic Easement Area. Subject to Paragraph 4, below, Grantor, on behalf of itself and its successors and assigns, agrees to refrain from doing any of the following acts upon the Golf Course Scenic Easement Area:

(a) Placing or erecting or causing the placement or erection of any building, structure or improvement intended for human occupancy, or commercial purposes other than those which are described or approved in Resolution No. TTM 7243 and Resolution No. CUP 513-89 of the City (the "Resolutions");

Book 17206 Page 629

provided, however that subject to the terms of said resolutions (or amendments thereto hereafter approved by City, if any), any improvement to be used in connection with the operation of the Golf Course Scenic Easement Area as a golf course shall be permitted, including but not limited to, restrooms, parking for employees, members and guests of the golf course, clubhouse facilities, tennis facilities, swimming facilities and roadways or pathways for ingress and egress to the golf course.

(b) Doing or causing to be done any act which will materially change the general topography or the present natural form of the Golf Course Scenic Easement Area except as is necessary to develop a golf course and permitted accessory uses in accordance with the Resolutions.

4. Rights of Grantor: Notwithstanding the limitations of Paragraph 2, above, Grantor, on behalf of itself and its successors and assigns, expressly reserves the following rights and privileges with respect to the Golf Course Scenic Easement Area:

(a) The right to use, develop, maintain and operate the Golf Course Scenic Easement Area for use and operation as a golf course including all accessory uses permitted by the Resolutions.

(b) All uses of, and ingress and egress to, in and upon, the Golf Course Scenic Easement Area which are not inconsistent with the restrictions specifically enumerated herein, including the right to prohibit entry thereon by unauthorized persons.

(c) The right to lay, construct, repair and replace drainage and irrigation improvements.

(d) The right to manage the land and its resources in a manner consistent with accepted principles of conservation practice.

(e) The right to grant to others scenic easements or other similar easements in, to, over, across or otherwise with respect to the Golf Course Scenic Easement Area or any portion thereof.

(f) The maintenance of any and all easements existing as of the date hereof and any and all easements, dedications and rights of way granted, offered for dedication or otherwise created under the Subdivision Map.

(g) The grant of any required utility easements, ingress and egress easements or other easements required for the Project which easements are approved by the City.

5. No Subdivision: Grantor and its successors and assigns shall not divide the Golf Course Scenic Easement Area into two or more parcels under separate ownership by sale, gift, lease or otherwise except such divisions necessary for public acquisition.

6. Enforcement: Grantor further intends and hereby specifically provides that the City shall have the right to enforce said Easement pursuant to Government Code Section 51086. Grantor specifically intends by its grant of the Easement, and the City specifically intends by its acceptance thereof, that the City shall have no right of control over or duties or responsibilities with respect to the Golf Course Scenic Easement Area under this Grant of Easement which would subject the City to any liability for injury occurring upon the Golf Course Scenic Easement Area inasmuch as the City shall have no right to go upon the Golf Course Scenic Easement Area for the purpose of correcting any dangerous conditions as defined by applicable statute.

7. Permitted Uses: Grantor intends that the Easement granted herein shall confine the use of the Golf Course Scenic Easement Area to use as a golf course, the construction of permitted accessory uses on the Golf Course Scenic Easement Area, and such other open space uses as the City may hereafter, by final resolution of its Planning Commission or City Council, as the case may require, agree do not conflict with the aesthetic and environmental values which the Grantor and the City seek to preserve through the grant and acceptance of this Easement.

8. Valuation: This Easement constitutes an enforceable restriction on the Golf Course Scenic Easement Area pursuant to Rev. & Tax. Code Section 427 and the Golf Course Scenic Easement Area shall therefore be valued in accordance with Rev. & Tax. Code Section 423 for so long as the Easement is in effect.

9. Effective Date: The grant of the Easement is effective as of the date of its acceptance by the City pursuant to Government Code Sections 6950, 51080 and 51083, which date is set forth below.

IN WITNESS WHEREOF, the Grantor has executed this Grant of Easement this 26th day of June, 1992.

BA PROPERTIES I,
a Delaware corporation

By: _____
Renee A. Proulx * Vice President

By: _____
Joyce A. Stitt * Asst. Vice President

STATE OF CALIFORNIA)
) ss.
COUNTY OF _____)

On this ___ day of _____, 19__, before me, _____, personally appeared _____, personally known to me (or proved on the basis of satisfactory evidence) to be the person that executed this instrument as _____ of the City of Pleasant Hill and acknowledged to me that the City of Pleasant Hill executed the same.

WITNESS my hand and official seal.

_____
Notary Public, State of California
My Commission Expires: _____

BOOK 17706 PAGE 632

ACCEPTANCE

This Grant of Scenic Easement is hereby accepted by the City of Pleasant Hill pursuant to Government Code Sections 6950 and 51080 and by Resolution 58-92 of the City Council dated July 6, 1992, finding that:

(a) The preservation of the Golf Course Scenic Easement Area as open space is consistent with the General Plan of the City; and

(b) The preservation of the Golf Course Scenic Easement Area as scenic open space is in the best interest of the City and specifically because one or more of the following reasons exist:

(1) That the Golf Course Scenic Easement Area is essentially unimproved and if retained in its natural state has either scenic value to the public, or is valuable as a watershed or as a wildlife preserve, and the instrument contains appropriate covenants to that end.

(2) It is in the public interest that the Golf Course Scenic Easement Area be retained as open space because such land either will add to the amenities of living in neighboring urbanized areas or will help preserve the rural character of the area in which the land is located.

(3) The public interest will otherwise be served in a manner recited in the resolution and consistent with the purposes of Government Code Sections 6950 or 51080, et seq. and Section 8 of Article XIII of the Constitution of the State of California.

CITY OF PLEASANT HILL

Date of Acceptance: 7/23/92

By: Henry T. Hassett

By: _____

STATE OF CALIFORNIA)
) ss.
COUNTY OF Contra Costa)

On this 23rd day of July, 1992, before me, Elizabeth Anne Norton, personally appeared Henry T. Hassett, personally known to me (or proved on the basis of satisfactory evidence) to be the person that executed this instrument as president on behalf of the corporation therein named and acknowledged to me that the corporation executed the same. Mayor on behalf of the city.

WITNESS my hand and official seal.

Elizabeth Anne Norton
Notary Public, State of California
My Commission Expires: 6/16/95

ELIZABETH ANNE NORTON
NOTARY PUBLIC-CALIFORNIA
CONTRA COSTA COUNTY
My Comm. Expires JUN 16, 1995

NOTARY SEAL DECLARATION

Pursuant of Govt. Code 27361.7, I certify under penalty of perjury that the notary seal on the document to which this declaration is attached reads as follows:

Name of Notary: Elizabeth Anne Norton

County: Contra Costa

Date Commission Expires: 6/16/95

Dated: 7/30/92 at Martinez

Signature: _____

177068633

STATE OF CALIFORNIA)
) ss.
COUNTY OF _____)

On this ___ day of _____, 19__, before me, _____, personally appeared _____, personally known to me (or proved on the basis of satisfactory evidence) to be the person that executed this instrument as _____ of the City of Pleasant Hill and acknowledged to me that the City of Pleasant Hill executed the same.

WITNESS my hand and official seal.

_____
Notary Public, State of California
My Commission Expires: _____

BOOK 17706 0624

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

On 26th day of June, 1992, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Renee A. Proulx and Joyce A. Stitt personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) who executed the within instrument as the Vice President and Assistant Vice President on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its board to directors.

WITNESS my hand and official seal.

Marie Parah
Notary's Signature

OFFICIAL SEAL
MARIE PARAH
NOTARY PUBLIC - CALIFORNIA
LOS ANGELES COUNTY
My Comm. Expires April 2, 1993

Notary Seal

BOOK 17706635

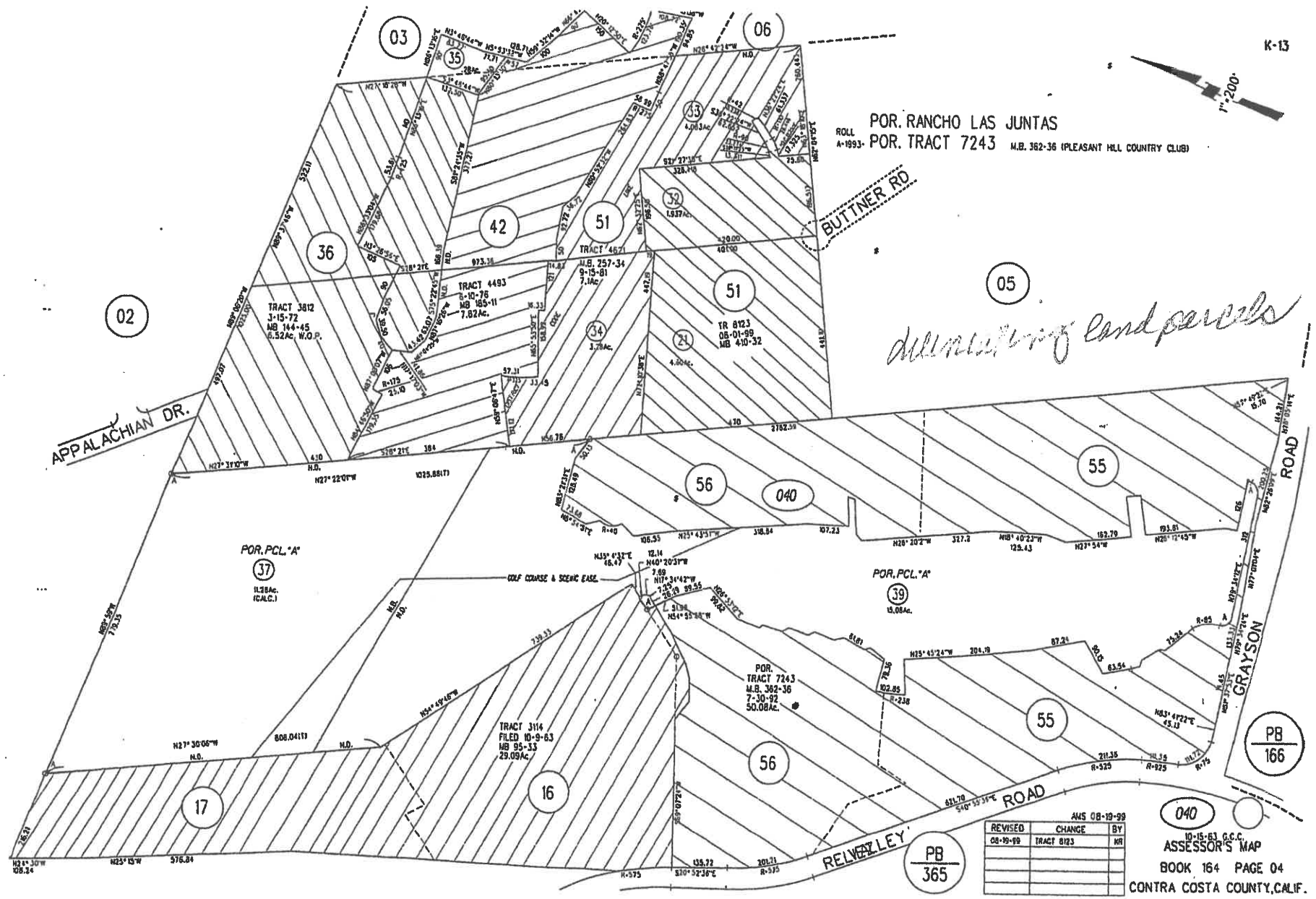
EXHIBIT "A"

Legal Description

All that certain real property in the City of Pleasant Hill, County of Contra Costa, State of California, described as follows:

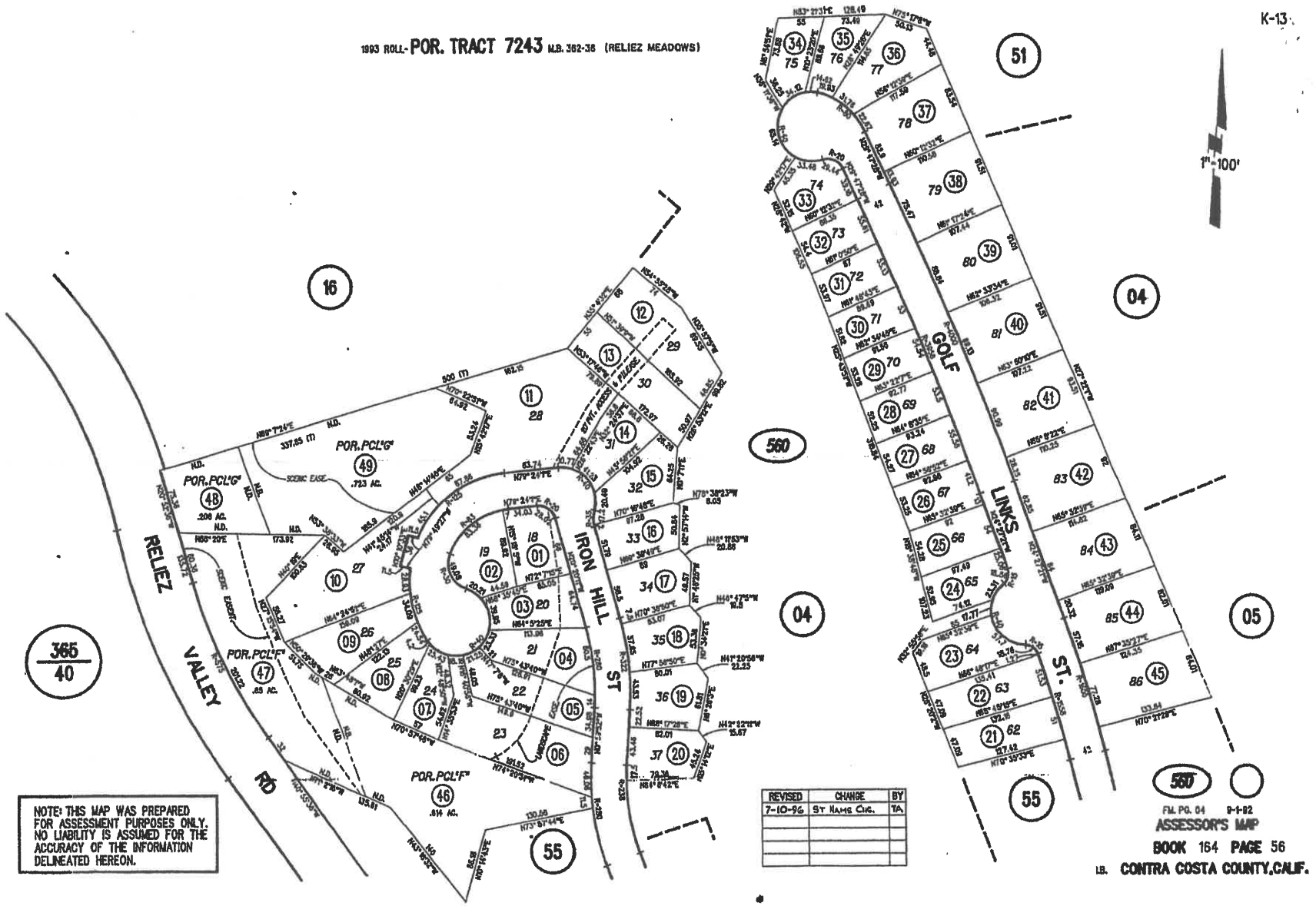
Portions of Parcel A of the Map of Subdivision 7243 (Pleasant Hill Country Club), which map is filed of record in Book 362 of Maps, Pages 30, et seq., Official Records of Contra Costa County, California, depicted on said Map as "Scenic Easement 3".

END OF DOCUMENT



dividing land parcels

Description: Contra Costa, CA Assessor Map 164.4 Page: 1 of 1
Order: b Comment:



ion: Contra Costa,CA Assessor Map 164.56 Page: 1 of 1
Comment: