

State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 • • • 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance • • Administration • • Executive/Legal • • Enforcement • • Statements of Economic Interest
(916) 322-5662 322-5660 322-5901 322-6441 322-6444

November 28, 1984

Dennis A. Lee
City Attorney
City of Pleasant Hill
3300 N. Main Street
Pleasant Hill, CA 94523

Re: Your Request for Advice
Our File No. A-84-266

Dear Mr. Lee:

This letter is sent in response to your request for advice dated October 18, 1984, on behalf of Louis E. Weldon, Councilmember and Board Member of the Redevelopment Agency of the City of Pleasant Hill ("City"). I previously advised you concerning Mr. Weldon and the Pleasant Hill Commons Redevelopment Area (Advice Letter A-84-188). This second request for advice centers on the proposed Schoolyard Neighborhood Plan, proposed amendments to the General Plan and zoning and annexation of new territory into a second existing redevelopment project called the "Schoolyard Redevelopment Plan." The following advice given pursuant to Government Code Section 83114(b) is based on the facts as stated in your letter.^{1/}

QUESTIONS PRESENTED

1. Can Mr. Weldon, as a member of the City Council, participate in the vote on the proposed amendments to the General Plan and rezoning to Planned Unit Development in connection with the Schoolyard Redevelopment Plan?
2. Can Mr. Weldon as a member of both the City Council and the Redevelopment Agency, participate in the vote on the expansion of the Schoolyard Redevelopment Plan to include the

^{1/} All statutory references are to the Government Code unless otherwise noted.

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Pleasant Hill High School site and the strip along Oak Park Boulevard?

3. Can Mr. Weldon participate in the subsequent approval decisions by the Redevelopment Agency for specific project review?

CONCLUSIONS

1. Mr. Weldon may participate in the vote on the proposed amendments to the General Plan and rezoning to Planned Unit Development.

2. Mr. Weldon may participate in the vote on the expansion of the Schoolyard Redevelopment Plan to include the Pleasant Hill High School site and the strip along Oak Park Boulevard.

3. Mr. Weldon may participate in the subsequent approval decisions by the Redevelopment Agency for specific project review.

DISCUSSION

As I advised you in the previous advice letter, Mr. Weldon's auto radio and air conditioning business is both an investment and a source of income to him within the meaning of Section 87103. In addition, his interest in the real property located at 1825 Contra Costa Boulevard is a financial interest under Section 87103(b). Since he has a 10 percent or greater interest in Investors Affiliated, sources of income to that business are sources of income to him under Section 87103(c); this would include California Dental Ceramics, Inc. Accordingly, Mr. Weldon must refrain from participating in any Council/Agency decisions which could foreseeably result in a material financial effect on any of these financial interests.

In addition, as I advised you in that letter, normally redevelopment decisions will be presumed to have a reasonably foreseeable material financial effect on real property or a business located in the redevelopment area since the intended effects of redevelopment are to revitalize and upgrade the area and to increase the property values in the area. Therefore, I concluded that Mr. Weldon could not participate in the decision to expand the Redevelopment Area nor may he participate in any of the other Redevelopment Area decisions which would have an effect on the Pleasant Hill Commons Area as a whole.

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However, the present questions concern another Redevelopment Area where Mr. Weldon does not have financial interests as outlined above. The northern-most end of the Schoolyard Neighborhood lies approximately 3/4 of a mile south of Mr. Weldon's property and business. Thus the former advice is not applicable in this situation.

The issue here is whether any of the City's decisions concerning the Schoolyard Neighborhood Area could foreseeably have a material financial effect on Mr. Weldon's property or business. It is our opinion that Mr. Weldon's financial interests will not be directly or significantly affected by the decisions on the Schoolyard Area because of the distance between the two Redevelopment Areas. It seems that there are only two possible ways Mr. Weldon's interests could be directly affected:

1. If the financing decisions on either of the two Areas affects the financing of the other Area; or
2. If the proposed street widenings or other improvements will affect the businesses along Contra Costa Boulevard.

If either of these two possibilities are applicable in this situation, I would be happy to provide you with further advice.

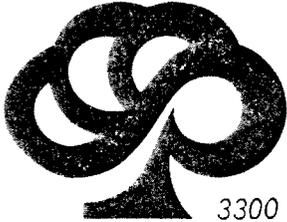
I apologize for any inconvenience caused by the delay in my written response to you.

Sincerely,



Diane Maura Fishburn
Staff Counsel
Legal Division

DMF:plh



City of Pleasant Hill

3300 N. MAIN STREET, PLEASANT HILL, CALIFORNIA 94523 PHONE (415) 934-6050

October 18, 1984

Ms. Diane Fishburn
Fair Political Practices Commission
1100 "K" Street
P. O. Box 807
Sacramento, CA 95804

Re: Request for Advice

Dear Ms. Fishburn:

This second request for advice from the Fair Political Practices Commission is again made on behalf of Louis E. Weldon, Councilmember and board member of the Redevelopment Agency of the City of Pleasant Hill, with reference to his obligations under Chapter 7 of the Political Reform Act of 1974.

Whereas the first request for advice dated July 13, 1984 focused on the Pleasant Hill Commons Redevelopment Area, wherein Mr. Weldon's real property and business, California Auto Radio and Air Conditioning, Inc., is located, this request centers on the proposed Schoolyard Neighborhood Plan, proposed amendments to the General Plan and zoning and the annexation of new territory into a second existing redevelopment project called the "Schoolyard Redevelopment Plan".

I. FACTS:

A. **Present Boundaries of the Schoolyard Redevelopment Plan and Proposed Plan for the Schoolyard Neighborhood**

The existing Schoolyard Redevelopment Plan covers a section of the City generally bounded by Boyd Road to the north, Highway 680 to the east, Oak Park Boulevard to the south, and the eastern border of Pleasant Hill High School to the west. (See Exhibit 1-5; area outlined in orange.) An adjacent enclave of single family dwellings located between Oak Park Boulevard on the south end, Astrid Drive to the north, Main Street to the east and the East Bay Municipal Utility District strip to the west, will remain unaltered. This area is not being considered for annexation to the redevelopment area. (See Exhibit 3; area outlined in pink.)

The Schoolyard Neighborhood will be the southern "gateway" into the City. It will include a portion of the central business district, retail store space, additional housing resources and professional and administrative offices in support of the Pleasant Hill Commons. However, it is not intended to compete with the Commons in terms of intensity of use and development scale. Rather, it will provide a moderate scale of development found in outlying suburban

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office parks and moderate density residential development. (See Exhibit 4, Proposed General Plan and Exhibit 6, Proposed Zoning, and compare to Exhibit 3, Existing General Plan and Exhibit 5, Existing Zoning.)

To facilitate the anticipated increase in traffic into and out of the Schoolyard Neighborhood, the Plan includes the proposed widening of North Main Street and Oak Park Boulevard, both two-lane roadways, to four-lane arterials. Cleaveland Road would be extended further south to connect with Oak Park Boulevard (See Exhibit 7, roadways outlined in green.)

In addition to the City's planning for the Schoolyard Neighborhood, the County of Contra Costa desires to locate a court facility on the former Oak Park Elementary School site (8 + acres approximately), to be named the Diablo Valley Justice Center (DVJC). (See Exhibit 3, area containing red star)

B. Proposed Expansion of Schoolyard Redevelopment Plan Boundaries.

The Planning Commission will soon be considering a proposal to expand the Schoolyard Redevelopment Plan to include the Pleasant Hill High School property, which is to be sold by Mt. Diablo Unified School District, an adjacent vacant parcel and a strip of residences and retail businesses along Oak Park Boulevard. Additional professional and administrative offices, low density residential structures and retail store space have been suggested for this proposed expansion area. The neighborhood park would remain unaltered. (See Exhibits 2, 3, 4, 5, and 6, outlined in blue.) The final decision on this expansion, of course, rests with the Redevelopment Agency and the City Council.

C. Location of Mr. Weldon's Business in Relation to the Schoolyard Neighborhood Redevelopment Area.

The northern-most end of the Schoolyard Neighborhood lies approximately 3/4 of a mile south of Mr. Weldon's property and business. (See Exhibits 1 and 2; City boundaries in red; location of Mr. Weldon's business in yellow; Schoolyard Neighborhood in orange and proposed expansion area in blue.) Planned for the northern section of the present Schoolyard Neighborhood is a portion of the central business district and high-density residential structures (see Exhibits 3-6). This section is intended to compliment the Pleasant Hill Commons Plan.

D. Vote on Expansion of Boundaries and Implementation of Schoolyard Plan.

In order to implement the Schoolyard Neighborhood Plan, the City Council will vote on the proposed amendments to the existing General Plan and existing zoning to Planned Unit Development (see Exhibits 3-6).

Then, the members of the Redevelopment Agency and afterward the City Council will vote on the Planning Commission's proposal to expand the boundaries of the Schoolyard Redevelopment Plan as indicated in paragraph B above.

The City Council or the Redevelopment Agency will hear matters on appeal from the Planning Commission, as well, regarding this project.

II. Questions Presented:

A. Can Mr. Weldon, as a member of the City Council, participate in the vote on the proposed amendments to the General Plan and rezoning to Planned Unit Development?

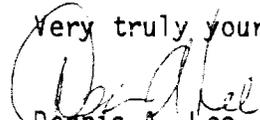
B. Can Mr. Weldon, as a member of both the City Council and the Redevelopment Agency, participate in the vote on the expansion of the Schoolyard Redevelopment Plan to include the Pleasant Hill High School site and the strip along Oak Park Boulevard?

C. Can Mr. Weldon participate in the subsequent approval decisions by the Redevelopment Agency for specific project review?

Your prompt attention with regard to this inquiry is greatly appreciated.

Please feel free to call me if you should have any questions.

Very truly yours,



Dennis A. Lee
City Attorney

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Attachments