



California Fair Political Practices Commission

March 3, 1989

Honorable Tom Torlakson
Supervisor, District Five
Contra Costa County
300 East Leland Road, Suite 100
Pittsburg, CA 94565

Re: Our File No. I-89-138

Dear Mr. Torlakson:

You have requested advice concerning the duties of Mr. Wruble, a member of the West Pittsburg Alliance, under the Political Reform Act (the "Act").^{1/} The Commission does not provide advice to a third party about the conduct of a public official unless the third party is the authorized representative of the public official and discloses the name of the official. (Section 83114; Regulation 18329(c), copy enclosed.) Therefore, we decline to provide the advice you have requested.

Enclosed is a copy of a complaint form. If your questions relate to a public official's past conduct and you believe that conduct is in violation of the Act, you may file a complaint with the Commission's Enforcement Division. Please contact the Enforcement Division at (916) 322-6441 if you have any questions about the complaint procedure.

Sincerely,

Diane M. Griffiths
General Counsel

Kathryn E. Donovan

By: Kathryn E. Donovan
Counsel, Legal Division

DMG:KED:plh
Enclosures

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

Tom Torlakson

Supervisor, District Five
Contra Costa County
Board of Supervisors



300 East Leland Rd.
Suite 100
Pittsburg, California 94565
(415) 427-8138

February 13, 1989

Fair Political Practices Commission
P.O. Box 807
Sacramento, CA 95804
Attn: John Wallace

Dear Mr. Wallace:

Additional circumstances related to the approval or disapproval of the Garrett development include the proposed Evora Road realignment by the Public Works Department to address the safety concerns they referred to in their letters dated December 5, 1988, which you previously received, and the additional letters from 1986 (attached).

Traffic from the Garrett proposal and from previous approvals would push the volume of traffic on Evora Road to levels beyond our county "minimum standards" for arterials. Evora Road needs to be upgraded to meet those standards in order to reduce identified hazards since it was originally designed and built by Caltrans only as a highway frontage road through an undeveloped area--not as an arterial.

Please note that the Community Development Department had recommended that if the Garrett project were to be approved that the westerly parts should be done as a second phase and not approved at this time--in order to allow the Public Works engineers and the planners to determine the feasibility of various route alignment alternatives. The alternative attached is one of the major ones being examined.

Note that this alignment goes through the Mota Ranch Homeowners Association open space--property that is owned in common by Mr. Wruble and other property owners in that subdivision--and brings the impacts of the Garrett project much closer than their actual property line to the property that Mr. Wruble owns.

John Wallace
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From the map, you can see, therefore, that the Garrett proposal has potential project consequences within or very close to the automatic 300 foot criteria. Whether this road alternative constitutes a "part of" the Garrett project since it is being recommended by staff for conditions to keep open the option and for conditions to help pay for it or dedicate land for it is a legal question for your staff.

It appears that this aspect of the decision falls under 18702.3a(1): "The effect of a decision is material as to real property..."

The existence of this road alternative may be another reason for the developer and Mr. Wruble wanting the Garrett proposal to move ahead as is--without the two phase approach or the extra conditions.

Finally, another important piece of information has come to my attention regarding Mr. Wruble's involvement in supporting and promoting the Garrett project. Besides voting on it as a West Pittsburg Alliance member and appearing before the regional planning commission to advocate for it, Mr. Wruble was one of the main pushers within the West Pittsburg Redevelopment Project Area Committee to support the Garrett proposal. He seconded an official motion to support the Garrett proposal. The committee member, Jack Moore, who made the motion now feels differently about the developer's proposal and indicates support for the modified proposal (saving Hill 310 as a park) currently being backed by the adjacent neighborhood and other West Pittsburg leaders. Mr. Moore has indicated to me that he and the committee were not aware of all the circumstances and history of the project when the first vote came up (since only a builder representative was present to describe the project). Neighborhood leaders have now asked for a discussion and vote on the matter by the West Pittsburg Redevelopment Project Area Committee at its March meeting.

While the Garrett property is outside the agency boundaries, it has been reported to me by Jerry Raycraft, the county planner who is staff to the committee, that one of the main arguments advanced by Mr. Wruble and the developer representative was the positive effect of an upgrade of property values.

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This information raises more than the question of Mr. Wruble's vote as a member of an unofficial community group, but now also as a member of an official county committee subject to the conflict of interest codes. In particular, it is important to know if a legal conflict exists since the West Pittsburg Redevelopment Project Area Committee is scheduled to vote again on this project in early March.

Sincerely,

A handwritten signature in cursive script that reads "Tom Torlakson".

Tom Torlakson

TT:gro

Attachments

WCC

PUBLIC WORKS DEPARTMENT
CONTRA COSTA COUNTY

DATE August 1, 1986

TO: Steve Wright, Civil Engineer,
Community Development Department

FROM: Thomas L. Dudziak, Associate Civil Engineer,
Public Works Department



SUBJECT: 3036-86, Warehouses, Evora Road, Memo 2

Staff, composed of Shiu, Vukad, Neustader, Gleichman and I discussed two important issues that directly affect this land use application, and others along the frontage of Evora Road.

Basically, we are experiencing growth adjacent to the road that is producing more travel trips than anticipated from the present agricultural zoning, than can be accomodated adequately and safely on the road as built by the state. Secondly, the current planning for the area is deficient in roads of arterial design to properly handle the growth. Traffic is further aggravated by congestion on SR4 during the AM and PM peaks. Slow highway traffic is resulting in diversion of through trips to Evora Road. This diversion artificially inflates peak travel volumes to near capacity in the AM and to higher speeds. Safety is now a concern, and will soon become an issue.

Even though a west bound climbing lane on SR4 west of the West Pittsburg interchange, is planned for construction in the next few years, the attractiveness of the route will allow the diversion to again grow, following the short-term relief to be obtained from the climbing lane, and again following the major reconstruction of the highway to an 8-lane freeway, which is expected to occur in the 5 to 10 year range. These concerns have been expressed in the EIR for the Pacific National General Plan Amemdment (#16-85-CO), but no acceptable mitigation was offered.

The existing roadway, which is planned and constructed as a low volume frontage road is presently 2 lanes, minimum horizontal curvature and 10% maximum grades. Characteristic of the roadway is long straight inclines which result in slow speeds uphill, and unusually fast speeds downhill. The proliferation of new access points to adjacent property will require cars stopping before executing the turn from the road. Hazards of rear end accidents will increase particularly in the down hill direction, and slow moving uphill vehicles will encourage risky passing moves.

The staff recommends that the remedy to this problem be directed in two areas:

1. The whole West Pittsburg area, bounded by Bailey Road on the east, the Naval Weapons Station on the north and west, and the high hills south of SR 4, should be designated as a study area to evaluate the circulation and arterial needs, and other infrastructure, with the potential development in the area. Special consideration will be given to minimizings the

use of Evora Road for arterial purposes. Avila Road (south frontage road) will receive a similiar evaluation. Results of the study may be utilized in the major state construction, resulting in partial reconstruction of the frontage roads. Maximum potential development will be assessed regardless of jurisdiction. An adequate arterial system will be recommended. Transportation planning will handle this phase.

2. The immediate problem with Evora Road will be handled through development as conditions of approval recommended as follows:

a. The RW and Pavement should be widened symmetrically about the centerline to provide a 72/92 section, which can provide a 12 ft and 16 ft lane in each direction, and a 16 ft. median. The median will be used to control the number of left turns on the roadway. Not all driveway requests will be given will be allowed nor given left turn access.

b. The developer's engineer should be required to provide the Public Works Department with a scale drawing strip map showing the existing and final configuration of the roadway geometrics, complete with striping plan, limited local access point, median breaks and transitions. This plan should be reviewed and approved by Public Works prior to starting on the improvement plans for road improvements.

The remainder of my memo of July 10, 1986 are still valid.

cc - Barbara Neustader
cc - T.S. Khanna
cc - Terri Larson, F. Lee
cc - L. Vukad
cc - Engineering Services w/file

tld.3036.86.evora.rd.2

PUBLIC WORKS DEPARTMENT
CONTRA COSTA COUNTY

DATE: December 5, 1988

TO: Harvey Bragdon, Director, Community Development
FROM: J. Michael Walford, Public Works Director
SUBJECT: Developments North of Evora Road in West Pittsburg

We are very concerned about continued urbanization of the area north of Evora Road and the lack of adequate access to this area. Evora Road is a very steep frontage road for Highway 4. A considerable amount of traffic is using this road as an alternative to Highway 4 at Willow Pass Grade.

The current intersection of Mota Drive and Evora Road is undesirable due to the steep uphill slope on Mota Drive and the steep downhill slope of Evora Road. We strongly believe this intersection should be lowered and the steepness of Evora Road should be corrected by lowering the road grade through the saddle in the hills to the west.

We would like to suggest that your department consider the use of a Specific Plan to control the future urbanization in this area. The plan should address the problems of access onto Evora Road, where access should be allowed and under what conditions. The specific plan should also identify and define the other points of access needed for adequate circulation.

We believe the conditions of approval for any further development in the area must assure that the problems with Evora Road as an access road to residential developments are addressed. The pending development to the east and west of Mota Drive and north of Evora Road must be constructed at an elevation compatible with the new road grade. This development should not proceed until the new road grade has been established and funding for the work has been identified.

If your staff has any questions on this matter, please have them contact Maurice Shiu or Milton Kubicek at extension 4410.

JMW:MFK:md
evard.t12

cc: Members of the Board
M. Kubicek, Dep. P.W. Dir.
M. Shiu, Road Engineering

PUBLIC WORKS DEPARTMENT
CONTRA COSTA COUNTY

DATE: November 3, 1988

TO: Steve Wright, Community Development Department
FROM: Maurice M. Shiu, Assistant Public Works Director, Road Engineering
SUBJECT: Subdivision 7152

M. Shiu

Since there will be extensive grading in this development, you should consider requiring the developer to form an Geological Hazard Abatement District to maintain drainage in the open space area and subdrainage, if any, in the development. This district can also be responsible for repairing any landslides that may occur within the development in the future.

Evora Road was built by the State of California as a rural frontage road to provide access to a few parcels of land. Because of this, the road was built to the County's Collector Road Standard. The road was also built where it cannot be symmetrically widened to accommodate more than two lanes. The reason is that the right of way of the future State Route 4 is just south of the road in many locations.

As the area north of Evora Road is rapidly developed into a high density residential area, Evora Road is now being used as an arterial. The Board of Supervisors policy for arterials is that it should have a minimum design speed of 40 miles per hour and a maximum grade of eight percent.

County will be preparing^{ing} an alignment study on Evora Road for a four lane arterial. If any portion of the modification to Evora Road is within the limits of this development, please condition the modification to be part of this development.

MMS:lv
Sub7152.t11

cc: K. Wandry, Comm. Dev.
M. Kubicek, Deputy PW Director
J. Causey, Engr. Svcs.
T. Dudziak, Road Engr.