

Diablo Property Owners'
**Spooktacular
Halloween Social**
6-8pm October 31st

@ The Haunted Home Stretch 1749 Alameda Diablo

Residents of all ages welcome.

Diablo Treasures Book in Progress

For over a year, the Diablo Historic Preservation Committee of the DPOA has been joyously researching and writing about Diablo's historic homes—our Diablo Treasures. Our goal is to publish a book about them. Over twenty-five Diablo residents are working on the project. In addition, two very special contributors—Kate Alexander of Colorado and Gina Hind Hodgson of Alamo, who fondly remember visiting their grandparents in Diablo—have brought Diablo's early years to life.

Kate vividly remembers spending summers in Diablo in the 40s and 50s with her grandmother Mrs. Charles (Wilhelmina) Morey at "Iris Banks," now the Kennedy home. Wilhelmina lived in Diablo for 55 years and was a founding member of the Diablo Garden Club. Gina, great-granddaughter of William Letts and Carrie Brown Oliver, the original owners of the Mehran home, remembers as a child hearing the train rattling up Diablo's 17th fairway behind the Oliver's villa on its way to Oakwood Station, which is now the location of

the Mackesey home.

Thanks to very generous contributions to the DHPC given over and above their DPOA dues by residents over the last several years, the committee plans to publish the book about Diablo's historic homes this spring and provide a gift copy to every family residing in Diablo. Additional copies will be printed and can be purchased for children, grandchildren and friends. The purpose of our committee and for publishing the book is to build awareness of and appreciation for Diablo's history and its historic homes and to encourage their preservation. We have had great fun writing the histories of the homes and have learned many fascinating things about them, the people who lived in or visited them and about Diablo's Golden Era. — *Mugs Freeman*

ATTENTION NEW RESIDENTS Welcome to the Neighborhood!

New residents are an important part of our Diablo community. If you have recently moved to Diablo, or know of a new neighbor to Diablo, DPOA would like to hear from you! Please contact Ruhi Alikhan at 925-361-7449

or ruhialikhan@gmail.com.

DPOA has a welcoming gift and information about the Diablo community for you. We are thrilled you are here and welcome you to Diablo!!!

The Devil's Advocate
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Diablo Property Owners Association
P. O. Box 215, Diablo, CA 94528
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925-820-6113
Ebirka@aol.com

Need to Reach Us? Here's How:

Diablo Property Owners' Association

The DPOA meets every other month on the first Tuesday at 7:30 at the Diablo Country Club PO Box 215, Diablo, CA 94528. Please check the schedule posted at the Post Office.

Volunteer Board Phone Contacts:

Don Nejedly, President	925-838-0538
Dana Pingatore, CFO	415-601-9274
Terri Davis, Secretary	720-878-5296
Jeff Mini	925-743-3710
Ruhi Alikhan	925-361-7449
Leslie Keane	209-988-8474

Diablo Community Service District (DCSD)

Meeting Schedule: 2nd Tuesday of every month at 7:30 PM at the Diablo Country Club
email contacts:

Ray Brant, President & Security Advisor
rbrant@diablocsd.org
Kathy Urbelis, Vice President & Community Liaison Commissioner
kurbelis@diablocsd.org
Kathy Torru, Finance Commissioner
ktorru@diablocsd.org
Sheila Langon, Roads Commissioner
slangon@diablocsd.org
Dave Watson, Director-at-Large
dwatson@diablocsd.org
Dick Breitwieser, General Manager
dbreitwieser@diablocsd.org
Christie Crowl, Legal Counsel,
Jarvis, Fay & Gibson, LLP

DCSD Website: <http://www.diablocsd.org>

Login to get meeting agendas, minutes, financials and DCSD history; organization history; community events and alerts; and information on both the Diablo Municipal Advisory Council and the Diablo Advisory Committee.

Diablo Advisory Committee

Peter Schmidt, Chairman	peterschmidt1979@hotmail.com	837-5977
Harry Baggett,		
Corresponding Secretary		837-7960
Bob Beratta, Archivist	beratta@sbcglobal.net	837-8551
Tony Geisler, Member	awgeisler@sbcglobal.net	837-4670
Patrick Fanning, Recording Secretary		330-3195
Robert Canepa, Member		837-7556

Historic Preservation Committee

Co-Chairmen
Dee Geisler 837-4670
Tony Geisler

Meeting Place: On an as-needed basis

DPOA PRESIDENT'S MESSAGE

Boo!!

These are scary times in the neighborhood. No, it's not the Christmas decorations popping up before Halloween, nor the political yard signs sprouting up everywhere, but the delightful Halloween scenes at the entrances. Many thanks go to our newest DPOA board member, Leslie Keane, and her team of artistic volunteers. Leslie is the creative mastermind behind the fantastic seasonal décor and planting. Thanks to her enthusiasm and flair in making a welcoming first impression of the neighborhood. If you enjoy it, please contribute to the DPOA to keep this going in 2019.

Please join us for our annual Halloween Pre-Trick or Treat Social – our biggest social event of the year! Adults and kids, please come early (5:30 pm) for a drink and a slice of pizza, and you can be the judge of who makes the best Elvis, superhero or unicorn of 2018. A special thanks to the DCSD and Sheriff Dan for closing a portion of Alameda Diablo between 6:00 and 8:00 pm Halloween night to make it safer for little trick or treaters to navigate. Also, thank you to Mark and Shannon Jones for hosting our community social and to all of the Alameda Diablo residents that contribute to such a creatively embellished and festive community event. It is events like this and the Ice Cream Social that make Diablo a uniquely wonderful place to live. Come out and meet your neighbors!

*Happy Halloween,
Don Nejedly
DPOA President*

Diablo Property Owners Association
P. O. Box 215
Diablo, CA 94528

Save the Date Celebrating Dick Breitwieser's 50 years of service to Diablo

December 6
6:30 pm to 9:30 pm

Diablo Country Club

Open House

Hors d'oeuvres
No Host Bar

DCSD NEWS

by Kathy Urbelis

Lawsuit Status:

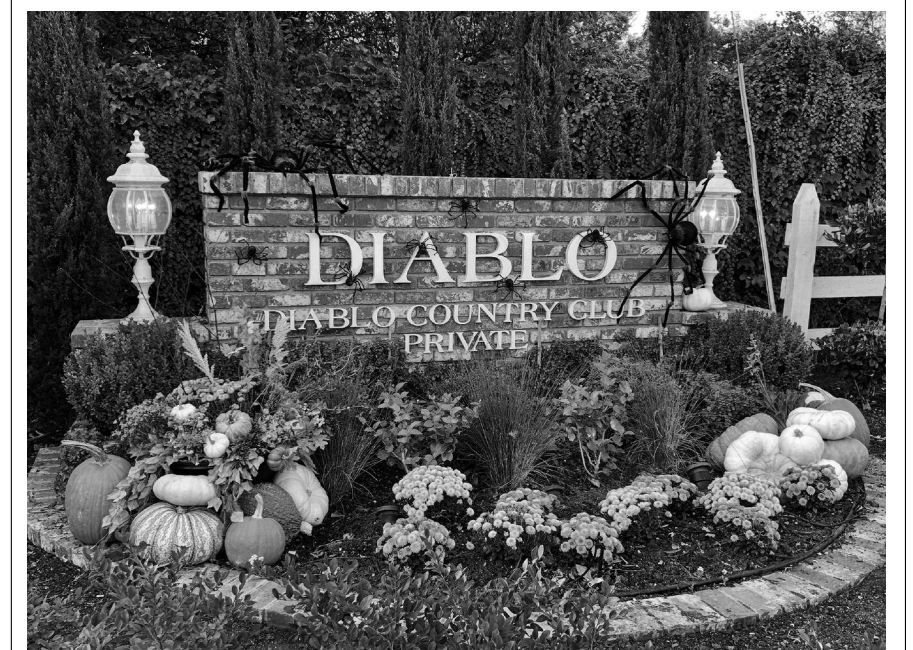
Tiernan et al. vs DCSD et al.

On October 5, the Contra Costa Superior Court agreed with the DCSD and ruled that DCSD does not have the authority to prevent the general public, including cyclists, vehicles, and pedestrians, from using Calle Arroyo.

Furthermore, the court stated that the 1993 DCSD Ordinance Code provision that attempts to exclude the public, which is in effect, and which was the focus of discussion at the Town Hall held on July 24, is illegal and unenforceable. This provision (5-2-202), which must be removed from the Ordinance Code, states:

No one shall be permitted to use the

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Diablo, CA 94528

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private roads which are located within the boundaries of the Diablo Community Services District except members of the Diablo Community Services District and their guests, members of the Diablo Country Club and their guests, and persons having legitimate business with members of the Diablo Community Services District or the Diablo Country Club.

Since DCSD does not have the authority to exclude the public, it cannot enact ordinance code provisions that purport to do so. This ruling does not have any impact on ordinance code provisions pertaining to Diablo's signage, security or road maintenance.

Nor does it change the 1969 Formation Document's assertion that roads maintained by the District are private subject to right-of-way by the public.

Given this ruling, the DCSD's involvement in the lawsuit should have concluded.

However, the court granted the Plaintiffs, Tiernan et al., 30 days to add a new cause of action to the original complaint if the Plaintiffs so desire. Plaintiffs stated at the court hearing that they want to add a new cause of action to ask the court to compel the DCSD to close all pedestrian and bicycle cut-through paths, which are on private property, to both residents and nonresidents. If Plaintiffs add this new cause of action, and if they are successful, residents who live on Mt. Diablo Scenic Blvd and others who use the cut-through paths could be impacted.

A copy of the court's ruling is available on the DCSD's website (diablocsd.org). The Board mailed a letter to all residents on October 12 summarizing the complaint and the ruling, including relevant text from the ruling. This letter is also available on the DCSD website.

Autumn: Crisp, Cozy, Colorful...

And a reminder that winter is on the way. All of us need to schedule time to clear the drains and creeks on our properties of debris to ensure that when the winter rains arrive, the water will flow easily away from homes and streets. Climate change makes timing and the amount of rainfall unpredictable, so let's all hope for a good amount of rain and be prepared when it comes.

Election day is Tuesday, November 6

Please Vote! Being mid-terms, there are many federal and state seats up for election, a number of propositions, and three seats on our DCSD Board. Candidates are Leonard Becker, Jeffrey Eorio, Greg Isom and Kelly Trevethan; their statements can be found in the Contra Costa County Voter Information Guide.



MAGEE RANCHES PROJECT UPDATE

Dear Diablo Neighbors:

This will update you on Davidon Homes' proposed 69+ unit "Magee Ranches" project for the Diablo Road corridor. The project remains essentially the same, but has been euphemistically renamed the "Magee Preserve" project.

1. THE PROJECT: If the project were approved, sixty-six homes (plus between 7 and 50 attached second residential units) would be built on land designated for Agricultural Open Space use and accessed from Blackhawk Road ¼ mile east of Mt. Diablo Scenic Blvd., next to Jillian Court. Another three homes would be built on McCauley Road across from the Green Valley School parking lot.

2. BACKGROUND: The Danville Town Council initially approved the Project and its Final Environmental Impact Report ("EIR") in 2013. To circumvent the Ballot Measure S public vote required when any Agricultural Open Space land is changed to residential or other use, the Danville Town Council claimed that the 30+ acres to be covered by 66+ homes, roads and other infrastructure, and a 5-acre holding pond to retain floodwaters, will remain in "Agricultural use."

SOS-Danville Group, comprised of local Diablo and Danville residents, sued the Town. In 2015, the California Court of Appeal held that the project's EIR violated California environmental law by

failing to adequately consider the safety impacts to bicyclists from the project's increased traffic. As a result, the Town had to rescind its approvals of the project and the EIR. The first developer, SummerHill Homes, then pulled out. In 2017, Davidon Homes substituted in as the applicant.

3. DRAFT REVISED EIR RELEASED--- NO ADDITIONAL MITIGATION FOR PROJECT IMPACTS, INCLUDING THE WORSENING OF EXISTING DANGEROUS ROAD CONDITIONS FOR BICYCLISTS. Because of the Court's order, the Town has revised its previous EIR and submitted a draft revised EIR ("DREIR") for public review. There are already about 100,000 bicyclist trips per year and 13,000 cartrips per day on the windy, narrow and busy segment of Diablo Road between Green Valley Road and Avenida Nueva. Nonetheless, the DREIR claims that the Road is i) acceptable for bicyclists; and ii) in any event, adding more car trips per day (about 550) from the project will not significantly worsen bicyclist conditions. Obviously, local residents, bicyclists and SOS-Danville's bicycle safety expert disagree, and believe that the increased vehicle traffic will only worsen conditions and raise the risk profile for bicyclist and motorist alike.

On September 25th, the Planning Commission held a hearing before a large crowd in the Town Meeting Hall to receive oral comments on the DREIR. Many objected to the DREIR'S analysis and conclusions, among them SOS-Danville Group's bicyclist safety expert, who presented his analysis of the project's impacts on bicyclist safety. The expert and SOS-Danville Group members have spent hundreds of hours studying the road, accident data, specifications for road improvement contracts, and what needs to be done. Our expert concluded that the DREIR had failed to adequately and fairly assess current safety conditions for bicyclists, and further concluded that the project's additional traffic would significantly worsen the already-dangerous conditions for bicyclists on Diablo Road between Green Valley Road and Mt. Diablo Scenic Blvd. He recommended that four-foot wide, bicyclist-usable paved shoulders for both lanes be required as a condition of approval of the

project.

Many other comments were also presented, including about the undersized Diablo Road culvert at the Alameda Diablo intersection. In large storms, the already failing culvert might back up and cause flooding on both upstream and downstream homes. We have asked that as a condition of approval of the project, the culvert be replaced with an adequately-sized one. If the culvert fails suddenly, Diablo Road would need to be closed for a substantial period of time while the culvert is replaced, with thousands of cars diverted through Diablo's narrow and increasingly busy roads. A landscape architect also presented drawings showing that due to existing erosion in the East Branch of Green Valley Creek, gabion walls dozens of feet high will be required to support the emergency vehicle access that is necessary for the project.

4. NEXT STEP IN THE PROJECT APPROVAL PROCESS. A Town planner stated at the meeting that all comments on and questions about the DREIR will be answered as part of preparing the Final EIR, which is anticipated to be presented back to the Planning Commission for approval in early 2019. It is expected that the Town plans to go ahead with the project as is, with no meaningful changes to improve bicyclist safety on Diablo Road, replace the failing undersized culvert, or mitigate the significant traffic impact the Town admits the project will have at the Mt. Diablo Scenic Blvd./Diablo Road intersection, where four days per week there is already a 100-car back-up as far as the entrance to Hidden Oaks.

5. WHAT WE PLAN TO DO. Although the deadline for commenting on the DREIR was October 15th, comments may still be submitted regarding the project itself, and the Town's rejection of any additional mitigations for the project's negative impacts on those that live in the Diablo/Blackhawk Road corridor and those that travel through it. Comments may be directed to dcrompton@dan-ville.ca.gov, as well as to Planning Commissioners and Town Council members (email addresses available on the Town's website). If the project is approved as is, we will seek a public vote on it by obtaining the 2700 necessary Town of Danville registered voters' signatures.

For additional information and up-



An outstanding example of the *Diablo Treasures Book* (See page 4 for details) Oakwood, 1925 Alameda Diablo. Original Owner: General and Ellen Colton. Architectural Style: Federal, Built in 1896

Oakwood was constructed in 1876 by the The Western Development Company, an entity wholly owned by a group of five of the most influential businessmen in America: Leland Stanford, Collis Huntington, Charles Crocker, Mark Hopkins and General David Doubt Colton.

In 1877, General Colton purchased the five thousand acre property from his partners to utilize as a summer home for his family. Upon Colton's untimely death in 1878, the home passed to his daughter, Carrie Colton Cook and her husband Dan Cook. When Dan passed in 1883 it was sold to Seth Cook. The ranch was known for fine racing and trotting horses and prize-winning livestock.

In 1889, the ranch passed to a niece, Louise Cook Boyd, who improved upon the property and named it Oakwood Park. She sold the ranch to Robert Noble Burgess in 1912. In 1914, Burgess created the Mt. Diablo Park Club and renovated the Oakwood home to become the Club Inn. The Inn included a restaurant named The Tap Room, plus an enclosed veranda and a covered walkway from the second floor over the creek to the colonnade at the back of The Chalet. The Club Inn welcomed visitors to Diablo for 35 years. In 1948, the Curtola family purchased Diablo Country Club and converted the Club Inn back to a private residence.

Oakwood is a three-story Italianate house with a brick first floor and wood shiplap along the second floor and attic. Its ornate fretwork under the eaves is repeated under the porch. The decorative brackets under the eaves of the attic and the front porches are offset by the austere square utilitarian shape of the structure which is softened with porches. The first story porch originally wrapped around three sides of the home but now includes two sides. Most of the double hung windows are original. There are also a number of casement windows that may have been later additions. This landmark residence, the oldest standing structure existent in Diablo, has been lovingly maintained by its current owners, Chris and Christina Harney. - David Mackesey

dates and to donate to the effort to obtain by referendum a public vote on the project, please go to our website, sosdanville-group.com, and click on the donate button. Or send a check addressed to and payable to Danville Open Space Committee (which expects to organize any refer-

endum effort), P. O. Box 295, Diablo, CA 94528.

Thank you for your support over these many years!

Best regards,
Maryann Cella,
SOS-Danville Group