

## Magee Ranches continued

Other flooding and erosion. The Town will provide no mitigation for flooding and erosion impacts from the project other than requiring a holding pond to be built to lessen the probability of even worse flooding than is now experienced downstream during storms. But the entire East Branch of Green Valley Creek can be expected to receive worsening of the duration of existing flooding, and worsening of existing erosion. For example, homeowners that border Magee ranch at the location planned for the 66 homes are reporting recent severe erosion such as the loss of a section of property 20 feet long by 10 feet wide by ten feet deep, with additional areas in jeopardy, and the project will make matters worse. Clearly, the creek can accommodate no additional development draining to the creek.

**OUR RECOMMENDATION:** We believe that the project should be redesigned or reduced in size to greatly lessen flooding and erosion impacts. If the project is to be approved, existing failed or failing banks need to be stabilized as a condition of project approval.

**MOVING FORWARD:** We will continue to monitor the project and the upcoming schedule for hearings regarding its approval, which is anticipated to happen later this spring. Comments may be submitted regarding the project, the Town's failure to mitigate its negative impacts, and its failure to provide a Measure S public vote on the project, to dcrompton@danville.ca.gov.

If the project is approved "as is" we will obtain by referendum a

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public vote on it. We hope and expect that the Town of Danville voters will reject the project.

For additional information and to donate to the effort to obtain a public vote on the project, please go to our website, [sosdanvillegroup.com](http://sosdanvillegroup.com), and click on the donate button. Or send a check addressed to and payable to Danville Open Space Committee (which will handle the referendum), P. O. Box 295, Diablo, CA 94528.

To volunteer to help or be added to my email list, please email me at [maryann.cellia@gmail.com](mailto:maryann.cellia@gmail.com).

Thank you for your support over these many years!

Best regards,

Maryann Cella  
SOS-Danville Group  
Diablo resident since 1991

## SOCIAL NEWS

**Donald and Julie Nejedly** are thrilled to announce the engagement of their son **Sam Nejedly** to **Emily Chandler**. The couple met while living and working in Houston. They will be married in June 2019 at St. Isidore Church in Danville, and celebrate their wedding at a reception at Diablo Country Club. They plan to honeymoon in Canada and will live in The Heights neighborhood of Houston.

## 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 Julie Nejedly at 925-361-7449 or [jwnspoon@aol.com](mailto:jwnspoon@aol.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!!!

## 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:

Dana Pingatore, President	415-601-9274
Don Nejedly	925-838-0538
Terri Davis, Secretary	720-878-5296
Jeff Mini	925-743-3710
Ruhli Alikhan	925-361-7449
Leslie Keane	209-988-8474
Mellissa Ovadia	415-439-3697
Jan Novak	925-785-4463

#### Diablo Community Service District

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

##### email contacts:

Ray Brant, President & Security Advisor	<a href="mailto:rbrant@diablocsd.org">rbrant@diablocsd.org</a>
Kathy Urbelis, Vice President & Community Liaison Commissioner	<a href="mailto:kurbelis@diablocsd.org">kurbelis@diablocsd.org</a>
Greg Isom, Finance Commissioner	<a href="mailto:gism@diablocd.org">gism@diablocd.org</a>
Leonard Becker, Roads Commissioner	<a href="mailto:lbecker@diablocd.org">lbecker@diablocd.org</a>
Jeff Eorio, Secretary	<a href="mailto:jeorio@diablocsd.org">jeorio@diablocsd.org</a>
Christie Crowl, Legal Counsel,	Jarvis, Fay & Gibson, LLP
DCSD Website:	<a href="http://www.diablocsd.org">http://www.diablocsd.org</a>

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	<a href="mailto:peterschmidt1979@hotmail.com">peterschmidt1979@hotmail.com</a>	837-5977
Harry Baggett, Corresponding Secretary	<a href="mailto:trvlr1@sbcglobal.net">trvlr1@sbcglobal.net</a>	837-7960
Robert Canepa, Recording Secretary	<a href="mailto:Robert@canepa.org">Robert@canepa.org</a>	837-7556
Patrick Fanning, Archivist	<a href="mailto:Fanningp@ceteranetworks.com">Fanningp@ceteranetworks.com</a>	330-3195
Bob Beratta, Member at Large	<a href="mailto:beratta@sbcglobal.net">beratta@sbcglobal.net</a>	837-8551
Tony Geisler, Alternate	<a href="mailto:awgeisler@sbcglobal.net">awgeisler@sbcglobal.net</a>	837-4670

#### Historial Preservation Committee

##### Co-Chairmen

Dee Geisler

Tony Geisler

**Meeting Place:** On an as-needed basis

837-4670

# DEVL'S The ADVOCATE

March 2019  
Volume 1

## DIABLO PROPERTY OWNERS' MESSAGE

"Spring is nature's way of saying, 'Let's Party!'" ~ Robin Williams

Thank you to Leslie Keane and Beth Hess for another fresh, creative spring planting at our Avenida Nueva and Alameda Diablo entrances. If you have enjoyed all the valentine love, luck of the Irish, plants, posters etc at our post office, it's Jill Denis that we have to thank for that. And did you know that Elizabeth Birka-White has been producing this charming newsletter since she moved here in 1987? It's a real labor of love. Thank you!

### Warm Welcome to New Diablo Residents

Shirley Osmer, Julie Nejedly, Julie Wallunus and Jill Denis have stepped up our efforts to welcome new residents to Diablo. We've been tracking houses as they sell and delivering lovely welcome packages that include information about our community. While we do our best to try to keep tabs on the homes that sell, there is no foolproof process. So if you've moved to Diablo and not yet received a welcome package, or have a new neighbor, please reach out to us at [membership@diablopao.org](mailto:membership@diablopao.org).

### Taking the Baton

I am taking a turn serving as President of our Property Owners' Association. I'd like to personally thank Don and Julie Nejedly for their time and dedication over the last 2 years. They BOTH do so much for our community. Don was steadfast in keeping us focused on our mission - beautification and community building – as political tempers flared in

our community. And Julie organizes our welcome efforts, prints countless labels for mailings, facilitates our annual Food Bank Drive and coordinates emergency response for El Nido. I feel lucky to have them as neighbors and friends I can rely on.

### If You Love Diablo, Why Not Contribute Too?

As of March 15th, just 50% of property owners have contributed to our association. We focus on efforts that build a strong sense of community and beautification - intangibles that build value in your home. The planting at entrances, this newsletter, the owner directory, welcome gifts, events like the Ice Cream Social, Halloween Pre-Trick or Treat and the Flags of Diablo are only made possible through 2019 DPOA dues. It's not too late to send your contribution. Please see insert inside or visit [www.diablopao.org](http://www.diablopao.org).

If you are not a regular contributor to the DPOA, I'd really appreciate some feedback on why not. It can only improve the work we do.

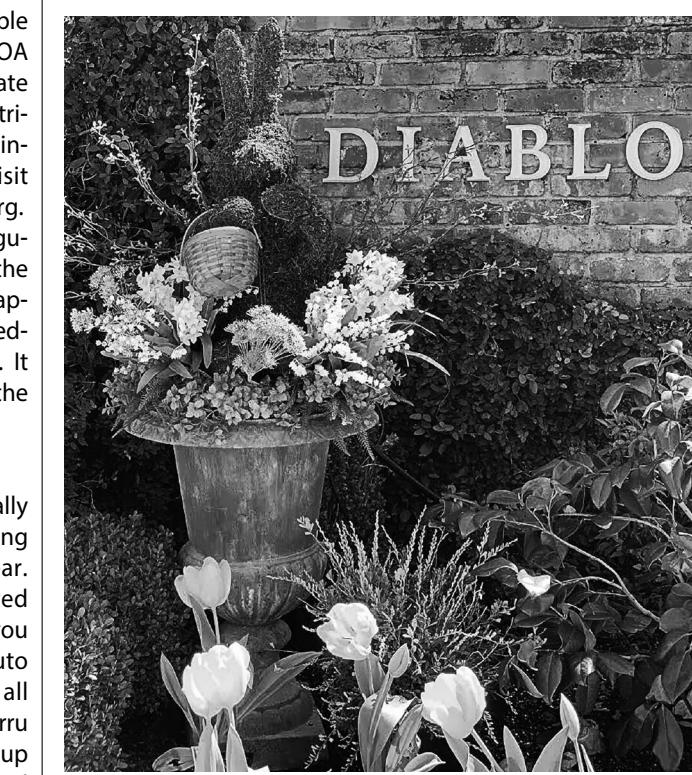
### Get Involved!

We have a really nice group working together this year. Jan Novak created the lovely thank you card with the auto decals sent to all donors. Kathy Torru has helped us set up online payment and

improve our financial processes. Jeff Mini is going to produce one more round of custom Diablo flags – to be delivered in May. Melissa Ovadia is working on some ideas for a spring community social. And David Macksey and the Historic Preservation committee have agreed to host another History of Diablo Walk. If you'd like to help, you are invited to attend our next meeting on Tuesday March 26th at 7:30pm at Diablo Country Club.

Enjoy the neighborhood  
and Happy Spring!

Dana Pingatore  
President, Property Owners' Assoc.  
[membership@diablopao.org](mailto:membership@diablopao.org)



Diablo Property Owners Association

P. O. Box 215

Diablo, CA 94528

P.O. Box Holder  
Diablo, CA 94528

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## DCSD NEWS

by Kathy Urbelis

### Welcome to our New Board Members!

In November, Diablo elected three new members to our Board. To help you get to know them, here is a short bio for each:

**Greg Isom**, his wife Courtney and their four children moved into their home on Diablo Lakes Lane in 2016. Greg has been a resident of the Danville area for his entire life, growing up in his family home two miles from Diablo, and attending local public schools (Vista Grande, Los Cerros, Monte Vista).

Greg, who is the Board's Finance Commissioner, is a registered municipal advisor, specializing in California school districts. He works closely with the districts, advising them in how best to structure debt for capital expenditures, such as new school buildings, upgraded classrooms, new equipment, and helping them to raise the capital required.

When Greg ran for a Board seat, his focus was road safety, a motivation intensified through conversations with other Diablo residents. Given that Diablo's narrow roads are used continually by pedestrians, bicyclists, and cars—which often drive too fast, Greg plans to engage the Board in discussion of road safety issues. He believes that working as a community we can find solutions and reach "an understanding where we can all enjoy the roads safely together."

**Jeff Eorio** and his late wife Karen purchased their home on Alameda Diablo in 1979 and raised their two children (both now pushing 40!) here in our community. He brings expansive municipal government experience to the table: 22 years with San Ramon, 10 years with Walnut Creek, and 4 years with Piedmont. Jeff's background in public service is an important asset to the Board, especially in terms of regulations that govern us. He is a strong believer in working positively and proactively with our neighbors on issues and projects that effect Diablo; whether it is the County, Town of Danville, Blackhawk, Sheriff's Department, cycling organizations or other nearby entities.

As a new Board member, Jeff, who is

Secretary for the Board, set these key goals for his tenure: to assist in resolving the Tiernan lawsuit; to ensure that our tax funding for roads and security is not at risk as a result of the suit; and to return Diablo to "to the wonderful place that I know it can be."

**Leonard Becker**, whose home is on Calle Arroyo, has been a resident of Diablo since 1998. He and his wife Joanne raised their three children, Sidney, Samantha and Jake, right here in Diablo. Leonard joined Diablo Country Club in 1994, served two terms on its Board of Directors and was President for two years. He has been practicing law for 35 years, starting his practice as a sole proprietorship, and evolving it into a small law firm. Leonard was recently nominated and accepted into the American Board of Trial Advocates (ABOTA).

Leonard, who is serving as Roads Commissioner for the Board, has a primary goal for this term, which is to use his legal expertise and leadership skills to help resolve the issues that have arisen with regard to the Tiernan lawsuit as well as to work with the Board to define solutions which he hopes will "right the ship and head us on a course of tranquility and peace, the way Diablo was and should be."

### Lawsuit Status: Tiernan et al. vs DCSD et al.

At the end of October, Tiernan et al. filed an amended complaint against the District (i.e., third cause of action) asking the court to compel the DCSD to close the cut-through path from Alameda Diablo to Mt. Diablo Scenic to all resident and non-resident traffic including pedestrians, bicycle, golf carts, horses, etc. The cut-through is located on private property. DCSD filed an Answer to the amended complaint with the court on Friday, March 15, requesting that the court declare whether the DCSD has the authority to close the cut-through. You can find a copy of the amended complaint and the DCSD response on our website: [Diablocsd.org](http://Diablocsd.org).

### Winter Rains

### Yield Spring Greens

With winter and perhaps most of our rainy season over, we are all finally enjoying the California sunshine and the glorious green colors of our residential

landscapes and Mt. Diablo as we look up at it heading home each day. The drought is over in all of California for the first time since 2011. How nice to look toward summer without the worry of water rationing! On the other hand, it is time for us to start checking the spring growth where our landscape meets the road. Please walk your street boundaries on occasion to be sure that our paved roadways are clear of vegetation.

### UPDATE ON “MAGEE RANCHES”

#### 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 as previously attempted by Summerhill Homes, but is now renamed the "Magee Preserve" project. In the coming weeks, we expect the Town of Danville Planning Commission and then the Town Council to approve the replacement developer's request for rezoning and approve the Final Environmental Impact Report, and that a public vote obtained through a legally-binding referendum petition will be required to reject the overly-ambitious and ill-considered development.

1. **THE PROJECT:** Sixty-six of the homes (plus between 7 and 50 attached second residential units) are proposed for land designated for Agricultural Open Space use in the 2030 Danville General Plan and accessed from Blackhawk Road ¼ mile east of Mt. Diablo Scenic Blvd., next to Jillian Court. The other three homes would be built on McCauley Road across from the Green Valley School parking lot.

2. **BACKGROUND:** The Danville Town Council approved the Project and its Final Environmental Impact Report ("EIR") in 2013. To circumvent a required Ballot Measure S public vote if any Agricultural Open Space land is changed to residential 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 for floodwaters, should still be

deemed in "Agricultural Use".

SOS-Danville Group, comprised of local Diablo and Danville residents, sued the Town. In 2015, the California Court of Appeal held the project's EIR violated California environmental law by failing to adequately consider the safety impacts to bicyclists from the project's increased traffic (550 more cartrips per day heading west on Diablo Road, another 300 more cartrips per day heading east on Blackhawk Road). As a result, in 2016 the Town was ordered to rescind its approvals of the project and its EIR. The first developer, SummerHill Homes, then pulled out of the project.

In 2017, Davidon Homes substituted in as the applicant and the process for re-approving the project began with the Town revising its legally-invalid EIR to address Diablo Road bicyclist safety, redo its obsolete traffic study, and investigate greenhouse gas impacts from the project's traffic.

3. **CURRENT DEVELOPMENTS:** In August 2018 the Town released for public comment a draft revised EIR

("DREIR"). Local residents, bicyclists, SOS-Danville Group leaders, an SOS-Danville-retained bicyclist safety expert, and others (collectively, "we") submitted written and oral (at the 9/29/18 Planning Commission hearing) comments challenging the DREIR's conclusions in several areas:

**A. BICYCLIST SAFETY.** The DREIR contended that Diablo Road between Green Valley Road and Avenida Nueva (that segment is located within the Town and is maintained by the Town) is acceptable for bicyclist travel and that adding about 550 more cartrips per day to the 13,000 existing cartrips per day on that segment will not significantly worsen bicyclist conditions.

**OUR RECOMMENDATION:** We recommended that four-feet wide, bicyclist-usable paved shoulders be required as a condition of approval of the project as mitigation for bicyclist safety impacts. Funds for such improvements should be provided by the developer and by the Town, which has access to many sources of outside-Danville public funding for such improvements (for example, Measure J sales taxes and state funding sources earmarked for bicyclist safety improvements).

#### B. TRAFFIC CONGESTION:

The DREIR concluded as did its predecessor EIR that the project would cause a significant traffic impact at the Diablo Road/Mt. Diablo Scenic Blvd. intersection. The Town plans to require as mitigation only that the developer contribute to signalizing that intersection should the County choose to do that in the future.

**COUNTY RECOMMENDATION:** The County has recently told the Town that the developer should both pay for and install a signal at Mt. Diablo Scenic

Bvd. at the same time as the project is being built. As a precursor to signalization, the County is asking Davidon to conduct a study to determine if a roundabout would be effective at Mt. Diablo Scenic.

**OUR RECOMMENDATION:** If the project is to be re-approved, we have asked the Town to redesign the project or reduce its size to minimize impacts to traffic congestion throughout the Diablo Road corridor, including traffic at the Mt. Diablo Scenic intersection. We believe that signalizing that intersection will only move the same traffic delay to the Green Valley intersection closer to the fire house, retirement communities and elementary school, and will also make it even more difficult to exit and enter Avenida Nueva and other streets west. Likewise, a roundabout is expected to make it extremely difficult to exit Avenida Nueva and streets west during peak times.

The Town refuses to redesign the project, or scale it back. Instead, they insist on continuing to allow almost all the homes to be built on the portion of the ranch where they will cause the greatest environmental harm: extreme traffic congestion, even worse safety conditions for bicyclists, flooding and erosion, destroying a breeding habitat of the federally-protected endangered CA Red-legged frogs, and loss of one of the last few remaining parcels of Agricultural Open Space land in Danville.

**C. FLOODING AND EROSION IMPACTS.** Undersized culvert. The Town has refused to address the fact that its admittedly failing 12-feet-diameter culvert at the Diablo Road/Alameda Diablo intersection is too small to accommodate large storm flows. In large storms, the failing culvert might back up and cause flooding both onto upstream and downstream properties. That already occurred in 1966, and development upstream has increased substantially since then.

**OUR RECOMMENDATION:** We have asked that as a condition of approval of the project, the culvert be replaced with an adequately-sized one.



Our new resident Mr. Squirrel was brought to us by Charlotte Garner, whose home "Redwood Acres" is directly across the street. When the pine tree died, woodcutter artist Glen Seivert came to the rescue with his chainsaw.

Continued on Back Page

# Thank You Diablo Residents For Supporting the Property Owners' Association

Jim & Sandra Aberer	Tom & Jessica Fluehr	David & Lynda Mackesey	Mike & Janet Scarpelli
Penny Adams	Leigh Freeman	Paul & Sia McDonald	Rob & Deborah Scharnell
Tom & Roxanne Aitchison	Josh & Chelsea Freeman	Dan & Mary Lou McDonnell	Peter & Catherine Schmidt
Michele & Joseph Alioto	Marshall & Mugs Freeman	Paul & Lila McIntire	Hal & Nancy Seibert
Paul & Anh Ambrose	Jamie & Becca Frick	Drew & Kaeti McMillan	Jim & Margie Shaughnessy
Tony & Lena Amor	John & Laura Fulton	Fred & Nancy McNeil	Michael & Tricia Sheinberg
Ted & Barbara Barstad	Colin & Lisa Gaffey	Katie McNichols	Matt Sherman & Joanna Bell
Dave & Wendy Bauer	Paul & Marilyn Gardner	Tom & Kelly McQueen	Dong Hoon Shin & Mi Kwon
Leonard & Joanne Becker	Charlotte Garner	Michael & Ute Medford	Eugene Shortt
Jack & Sue Bell	Tony & Dee Geisler	Alex & Maggie Mehran	Ken Slater & Patricia Polizzi
Chuck & Mary Bewall	Jason & Ginna Girzadas	Maryam Mehran	Jerry & Margi Slavonia
David & Elizabeth Birka-White	Tim & Cathy Gonzalez	Jeff & Christine Mini	John & Anne Smith
Richard & Patricia Black	Charles & Kathe Grinstead	Michael & Selma Moore	Mark & Alexandra Smith
Jim & Eng Bozzini	Keith & Hallie Grossman	Verne & Melody Murray	Mike & Michele Stedman
Douglas & Barbara Bradley	Ryan & Julie Haener	Mark & Dolores Musco	Rick & Caren Steffens
Ray & Ann Brant	Matt & Mona Hall	Don & Julie Nejedly	Kenneth & Deborah Stevens
Richard & Gail Breitwieser	Richard Hamilton	Dan & Deana Nelson	Leslie & Heather Stretch
Rick & Emily Busquets	Christopher & Christina Harney	Irvin & Jacquie Nicholas	Eric & Halley Struijk
Steve & Vicki Cadet	Joseph & Candice Harney	Katie Nicholson	Rick & Linda Stubblefield
Judy Carter	Steven & Rhanna Haynes	Rich & Janice Novak	Arrigo & Barbara Sturla
Winston & Colleen Cervantes	Steve & Marilee Headen	John & Barbra Nystrom	Joel Summers &
Bob & Andrea Challinor	Mike Hench & Sharon Cavazos	Mike & Rosanne Ogles	Kathy Urbelis
Alan & Ellen Chun	Joshua & Kathleen Hitchcock	John & Shirley Osmer	David & Karen Tancreto
Michael Cobler	Garth & Rita Hobden	Jason & Melissa Ovadia	Tom & Lisa Thompson
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Jerry & Frances Davis	Mark & Shannon Jones	Mark & Carol Perry	Tom & Nancy Wander
Mario & Lia De Tomasi	Patrick & June Joseph	Shawn & Alyssa Phillips	Jeff & Kay Warneke
Chris & Jill Denis	Lou & Lisa Jug	Toby & Naomi Phipps	David & Valerie Watson
Ray & Lori DePole	Nick & Lauren Kavajiotidis	Matthew & Dana Pingatore	Tom & Kay Weatherford
Gautam & Uma Desai	Justin & Leslie Keane	Larry & Joan Porter	John & Charlene Weber
Bhagdeep & Ruby Dhaliwal	Thomas & Susie Keane	Scott & Barbara Prosser	David & Stacy Welsh
Thomas & Judy Domeno	Adam & Kathy Kennedy	Ralph & Arlene Reed	Mark & Ellen Whitfield
Greg & Diane Dresdow	David & Mary Lynn Kipp	Casey & Kristi Rhodes	John & Mlu Wilhelmy
Cecil Dunlap & Kerry	James & Charlotte Krejci	Gary & Rochelle Rich	Scott & Cindy Wilmore
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Jimi & Babette Dunlop	Jeff & Carla Land	Josh & Rikki Roden	Peter & Catherine Yewell
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Jeff Eorio	Jason & Erin Lee	Hank & Nancy Salvo	
Mary Fairman	Adam & Elizabeth Leftik	Carl & Carol Santa Maria	
Patrick Fanning		Tom & Anne Sauer	
Bobby & Marcia Field			

\* As of March 15, 2019



Name 1

Name 2

Home Street Address in Diablo

Mailing Address (or PO Box #)

Resident Since (year)

E-mail address for Name 1

E-mail address for Name 2

Phone: Cell / Home / Office (please circle)

Phone: Cell / Home / Office

**2019 Contribution** Supports planting & decor, socials, newsletters, flags etc.

**\$125.00**

OPTIONAL Additional Donations:

**Purchase a Flag of Diablo kit - \$125 Yours to keep!**

**Sponsor a "History of Diablo Walk' in 2019 - \$25**

**TOTAL**

## 1) Send Payment

- MAIL CHECK *Diablo Property Owners' Assoc. PO Box 215, Diablo, CA 94528*
- PAY PAL [www.paypal.com](http://www.paypal.com) Send to [membership@diablopoa.org](mailto:membership@diablopoa.org)
- SQUARE CASH APP (download for iPhone or Android) Send to [@diablopoa](https://www.sqapp.us/@diablopoa)

## 2) Return This Form:

- E-MAIL Take a picture and send to [membership@diablopoa.org](mailto:membership@diablopoa.org)
- MAIL DPOA P.O. Box 215, Diablo, CA 94528

**How would you like to receive renewal request next year? E-MAIL      MAIL**

**Would you be willing to help with a project? Welcome new residents    Web Site    Socials**

**Thank you very much for your donation!**

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