

ENVIRONMENTAL ADVOCATES
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Via U.S. Mail and Electronic Mail

Telma Moreira
Contra Costa County
Department of Conservation and Development
30 Muir Road
Martinez, CA 94553
E-Mail: Telma.Moreira@dcd.cccounty.us

Re: Additional Comments on Final Environmental Impact Report and Potential Conditional Use Permit for Creekside Memorial Park Cemetery, County File No. LP 052096

Dear Ms. Moreira and Department of Conservation and Development:

I am writing to further address ongoing concerns with the proposed Creekside Memorial Park Cemetery Project ("the Cemetery" or "Creekside"), County File No. LP 052096 on behalf of the Friends of Tassajara Valley, a local group of concerned citizens; and Bill and Holly Newman, neighbors who reside next to the proposed Creekside Memorial Park Cemetery Project. The Friends of Tassajara Valley and Bill and Holly Newman specifically wish to provide additional comments for the record to the Department of Conservation and Development/Contra Costa County ("the County") concerning information suggesting the owner of the Creekside parcels and the prospective operator applicant for Creekside are intending not to comply with County ordinance requirements concerning non-transferability of a cemetery.

As an initial matter, the current record before the County is unclear and should be clarified as to whom the owner of the Creekside parcel is/are as this information is required to be in the record pursuant to Contra Costa County Ordinance § 88-2.402(b)(1). In an application filed with the County on December 15, 2005 (and amended in January 2006), Sid Corrie, Jr. indicated he was the owner of the Creekside parcel and that the applicant Corrie Development Corporation would be Creekside's operator (as you have also effectively acknowledged in e-mail communications with us, the latter appears to be a closely held corporation controlled by Mr. Corrie, who is the President and one of the Directors of the Corporation). Exhibit 1, 2; *see also* Ex. 6 (May 5, 2016

e-mail message from T. Moreira) (attached). However, if this information was ever accurate, it does not appear to be now.

On August 17, 2010, Sid Corrie, Jr. transferred the Creekside parcel to 7000 CMP, LLC. Exhibit 3 (attached). 7000 CMP, LLC is a limited liability company that also appears to be closely held/controlled by Mr. Corrie. Ex. 6 (May 5, 2016 e-mail message from T. Moreira) (attached). Moreover, in a bankruptcy filing in the United States District Court for the Southern District of Florida in 2012 by another corporation controlled by Mr. Corrie, River Island Farms, Inc. (Case No. 11-15410 BKC-RBR), Mr. Corrie indicated that he only had a 75% interest in the Creekside parcel, *i.e.*, indirectly acknowledging that there are other owners of the Creekside parcel that Mr. Corrie has apparently not disclosed to the County. Exhibit 4 (attached). At a minimum, to comply with County Ordinance § 88-2.402(b), the change in ownership of the Creekside parcel and a complete disclosure of who the owners of the parcel are should be reflected in a changed permit application, as the County should not be granting a permit with erroneous information concerning whom the owner of the parcel is.¹

Of greater concern is that current information indicates a planned violation of Contra Costa Ordinance § 88-2.208's mandate that: "No permit shall be assignable before the actual establishment of the cemetery or extension of an existing cemetery, nor shall the permit be used by any person other than the applicant or applicants in the establishment of a cemetery or extension of an existing cemetery." It appears that the owners of the Creekside parcel and the ostensible Creekside operator that has applied for a County conditional use permit do not intend to comply with this Ordinance requirement. The County should deny a conditional use permit to the owner and operator on this basis.

Mr. Corrie and the various corporations associated with Creekside that Mr. Corrie apparently controls have repeatedly indicated their intention to sell Creekside long before it is fully developed as a cemetery, perhaps even before it is developed at all (and thus to assign the conditional use permit's development rights to a third party). In the River Islands Farms bankruptcy proceeding referred to above, Mr. Corrie indicated "negotiations are in process to sell the cemetery to the five local cities surrounding property." Exhibit 4 (attached). In 2012, the former mayor of San Ramon, Abram Wilson, indicated in an interview that Mr. Corrie had approached the city to explore the city's purchase of Creekside. This interview is available at <http://www.blogtalkradio.com/san-ramon-observer/2012/04/18/abram-wilson-answers-questions-on-tassajara-valley>.² In addition, Mr. Corrie has listed for sale what obviously is the Creekside parcel in a real estate listing posted in Florida in October 2015 and that is still actively posted on

¹ As September 12, 2014 and May 5, 2016 e-mail messages from Telma Moreira to Bill and Holly Newman indicate, the County is aware of this change in ownership, and thus should be requiring an amended permit application that reflects the true ownership of the Creekside parcel. See Exhibit 6 (attached).

² Bill and Holly Newman have transcribed the entire interview and placed their transcription on the Internet at:

http://www.stopthecemetery.org/uploads/6/2/3/2/6232140/roz_interview_wilson04-18-12.pdf

the Internet. Exhibit 5 (attached) (real estate listing posted on the Internet at <http://www.loopnet.com/Listing/19461336/1000-Camino-Tassajarra-Danville-CA/>).³ Mr. Corrie's conditional use permit application as well as the AGI Study unmistakably outline a plan to continually develop the cemetery over at least the next several decades. Contra Costa County Ordinance § 88-2.208 expressly forbids Mr. Corrie and his closely held companies from transferring the cemetery until it is completely developed. The real estate listing, however, plainly evidences an intent to transfer the cemetery well sooner than decades from now.

An additional pertinent development is 7000 CMP, LLC's grant in August 2010 of a deed of trust to Costa Ventures, Inc. as trustee for the beneficiaries Bloch Family Limited Partnership and E. Greg Kent, an individual. The stated purpose for this deed of trust was to provide security for payment of a \$2,500,000 promissory note from 7000 CMP, LLC to the beneficiaries, *i.e.*, to secure a loan of \$2,500,000 from these beneficiaries to 7000 CMP, LLC. *See* Exhibit 3 (attached). This underscores another major flaw in AGI Valuations ("AGI")'s Financial Feasibility Study ("AGI Study"), dated August 14, 2015 and revised on December 29, 2015. The AGI Study includes no analysis concerning the structure of this promissory note, the timing and amount of payments that will be due to meet the terms of this promissory note, and the ability of Mr. Corrie and Creekside to generate the income to meet the terms of this promissory note. A demonstration that Creekside will be able to service the debt secured by the deed of trust in question without default is further important for ensuring that the Creekside parcel is not foreclosed upon by Costa Ventures, Inc. Such a foreclosure while the cemetery was still being developed over the next several decades would result in either *de facto* transfer of the conditional use permit in violation of Contra Costa Ordinance § 88-2.208 or a halt to further development of the cemetery--which would also bring to a halt the development of the endowment fund necessary for long-term cemetery maintenance.

We will shortly submit additional comments expressing our additional objections on legal and policy grounds to approval of the Cemetery along the lines proposed in the Final EIR.

Thank you for your consideration of our comments. Please keep us informed of the County's further processing of approval requests for the Cemetery.

³ The name "Creekside Memorial Park" does not appear in this listing, which also lists the address as "1000 Camino Tassajara, Danville, California." While neither the correct address nor the Creekside name appears in the listing, the information supplied in the listing makes it plain that it is indeed for the Creekside parcel owned by Mr. Corrie and his closely held companies. The listing includes project drawings that match those supplied by Mr. Corrie for Creekside in his application to the County and further includes a Google map link that when clicked on takes the viewer to what is unmistakably the Creekside location. *See* Exhibit 5 (attached).

Sincerely,

Christopher a. Sproul

Christopher Sproul
Environmental Advocates

Attachments