

Adams\_Broadwell

ADAMS BROADWELL JOSEPH & CARDOZO

DANIEL L. CARDOZO
THOMAS A. ENSLOW
TANYA A. GULESSERIAN
LAURA E. HORTON
MARC D. JOSEPH
RACHAEL E. KOSS
JAMIE L. MAULDIN
MEGHAN A. QUINN
ADAM J. REGELE
ELLEN L. TRESMOTT

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
801 GATEWAY BOULEVARD, SUITE 1000
SOUTH SAN FRANCISCO, CA 94080-7037
TEL: (650) 589-1600
FAX: (650) 589-5062
mqinn@adamsbroadwell.com

SACRAMENTO OFFICE
520 CAPITOL MALL, SUITE 350
SACRAMENTO, CA 95814-4721
TEL: (916) 444-6201
FAX: (916) 444-6209

November 10, 2014

Via Email and U.S. Mail

Theresa Speiker
Chief Assistant County Administrator
Contra Costa County
651 Pine Street,
1st Floor, Room 106
Martinez, CA 94553
Email: Theresa.Speiker@cao.cccounty.us

John Kopchik, Interim Director
Department of Conservation and
Development
Contra Costa County
30 Muir Road
Martinez, CA 94553
Email: John.Kopchik@dcd.cccounty.us

Via Email Only

William Nelson
Email: William.Nelson@dcd.cccounty.us

Re: Request for Extension of Comment Period for the Draft
Environmental Impact Report Prepared for the Saranap
Village Mixed Use Project in Contra Costa County (SCH #
2014032060)

Dear Ms. Speiker, Mr. Kopchik and Mr. Nelson:

We are writing on behalf of Saranap Area Residents for Responsible
Development ("Saranap Area Residents") to request a 30-day extension of the public
comment period for the Draft Environmental Impact Report ("EIR") prepared for
the Saranap Village Mixed Use Project ("Project") in Contra Costa County
("County") proposed by Hall Equities Group ("Applicant"). The County Department
of Conservation and Development's ("DCD") current deadline for the Draft EIR is
November 17, 2014. A County Planning Commission Hearing on the Project has
not yet been set.

3199-002cv

printed on recycled paper

Adams\_Broadwell

November 10, 2014
Page 2

Saranap Area Residents is an unincorporated association of individuals and
labor organizations that may be adversely affected by the potential public and
worker health and safety hazards and environmental and public service impacts of
the Project. The coalition includes individuals that live in Contra Costa County, the
International Brotherhood of Electrical Workers Local 302, Plumbers and
Steamfitters Local 159, Sheet Metal Workers Local 104, and their members and
their families and other individuals who live and/or work in Contra Costa County.

An extension of the currently schedule comment deadline is required because
the County failed to provide the public with all documents referenced or relied upon
in the Draft EIR for the entire public comment period, as required by the California
Environmental Quality Act ("CEQA").1 A Notice of Availability ("NOA") of a Draft
EIR was made publicly available on September 19, 2014.2 At the time of the Draft
EIR's release, only a select number of references, namely, Appendices A through G,
Cultural Resource Reports, Hazardous Materials Reports, Geological Reports and
Utilities Reports, were posted to the County's DCD website. However, the
"References" section of the Draft EIR included an extensive twelve page list of
documents referenced in the Draft EIR. For 82 of the documents listed, no links,
web addresses or other information was provided for where these materials could be
obtained. The County eventually posted 75 additional reference documents to the
DCD website on November 7, 2014, only ten days prior to the close of the comment
period of the Draft EIR. The DCD website indicates that the remaining seven
documents can be found by searching the Contra Costa County website.

The minimum public comment period on a Draft EIR that is submitted to the
State Clearinghouse is 45 days.3 Extending the existing comment deadline by 30
days would ensure that the public is afforded adequate time to review all the
referenced documents made available on Friday, November 7, 2014. CEQA requires
that "[t]he public review period for a draft EIR shall not be less than 30 days."4
Indeed, courts have echoed the importance of a sufficient period for public review,
holding that the failure to provide even a few pages of a CEQA document for a
portion of the CEQA review period invalidates the entire CEQA process.5

1 See Pub. Resources Code, § 21092, subd. (b)(1); 14 Cal. Code Reg. § 15087, subd. (c)(5).

2 See Notice of Availability and Notice of Public Hearing for the Saranap Village Mixed Use Project -
Draft Environmental Impact Report (Sept. 19, 2014) available at
http://www.cccounty.us/DocumentCenter/View/33348.

3 14 Cal. Code Reg. § 15105.

4 Id.

5 Ultramar v. South Coast Air Quality Man. Dist. (1993) 17 Cal.App.4th 689.

3199-002cv

22
cont.

Adams\_Broadwell

November 10, 2014  
Page 3

Unless the comment period is extended, the public will not have sufficient time to review the voluminous materials recently made available prior to the November 17, 2014 comment deadline—much less the 45 days required by statute. The failure to make all supporting documents publicly available undermines the informational purposes of CEQA and precludes an opportunity for meaningful public comment.

We request that the comment period for this Project be extended by 30 days until December 17, 2014. As you know, the currently noticed deadline for submitting comments on the Project Draft EIR is one week from today: November 17, 2014. Therefore time is of the essence.

By this letter, we also request written notification of any and all public hearings related to the Project, including CEQA-related hearings. With such notification, please include the time, date and location of the public hearing along with the decision making body that will be presiding over the hearing. We make this request for notice under California Public Resources Code Section 21092(b)(1) and Government Code Section 65092.

I can be reached at (650) 589-1660 if you have any questions regarding this request. Thank you for your prompt attention to this matter.

Sincerely,



Meghan A. Quinn

MAQ:clv

3199-002cv

↑  
22  
cont.  
↓