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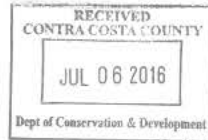
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July 6, 2016



Via Email and U.S. Mail

William Nelson  
Contra Costa County  
Department of Conservation and Development  
30 Muir Road  
Martinez, CA 94553  
Email: William.Nelson@dcd.cccounty.us

Re: Comments on Recirculated Draft Environmental Impact Report for the Saranap Village Mixed Use Project (SCH # 2014032060)

Dear Mr. Nelson:

These comments are submitted on behalf of **Saranap Area Residents for Responsible Development** ("Saranap Area Residents"), as a supplement to the previous comment letters submitted by Saranap Area Residents on November 17, 2014 and January 21, 2015, regarding the Environmental Impact Report prepared for the Saranap Village Mixed Use Project ("Project") in Contra Costa County ("County"). Copies of our previous comment letters are attached hereto as **Attachments 1 and 2**, respectively, and incorporated herein by reference, including the expert comments submitted by Mr. Matt Hagemann and Mr. Anders Sutherland.

The interests of Saranap Area Residents are described in the attached comments, which address numerous deficiencies in the City's initial Draft Environmental Impact Report ("DEIR") for the Project. Unfortunately, the City's Recirculated DEIR ("RDEIR") does not remedy these deficiencies, and introduces new deficiencies. Based upon our review of the RDEIR and County records, we conclude that the RDEIR is inadequate under CEQA and must be withdrawn. The RDEIR fails to adequately describe the revised Project or applicable mitigation measures. As a result, the RDEIR fails to fully identify and mitigate the Project's potentially significant environmental impacts. In addition, the RDEIR fails to

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provide a sufficiently detailed environmental setting to enable an adequate analysis of significant impacts, and fails to identify and reduce the Project's potentially significant impacts on air quality, greenhouse gases, hazardous materials, stormwater, and land use. These defects render the RDEIR inadequate as an informational document. The numerous defects in the County's analysis, set forth in greater detail in the following paragraphs and further explained in the attached comment letters, are fatal errors. The County must withdraw the RDEIR and prepare a revised RDEIR which fully complies with CEQA.

I. **THE RDEIR ARBITRARILY INCREASES THE TIMELINE FOR PROJECT CONSTRUCTION, ARTIFICIALLY REDUCING POTENTIALLY SIGNIFICANT IMPACTS.**

Despite the fact that the revised Project is smaller in size than the originally proposed Project, the RDEIR assumes without explanation that the revised Project would take 28 months to construct, with construction spanning over three years.<sup>1</sup> This estimated timeline is 9 months longer than the original 19-month Project construction schedule that was estimated in the DEIR.<sup>2</sup> As a result of this change, the Project's construction emissions are spread over a longer period, with fewer average daily emissions. Based on these low average daily emissions, the RDEIR estimates that the revised Project will not exceed certain previously identified significant impacts, and will require "fewer controls" to mitigate other impacts.<sup>3</sup>

The arbitrary change in the length of the construction period is unsupported by evidence. The RDEIR uses unreasonable assumptions about the construction schedule in order to avoid full identification, analysis, and mitigation of significant impacts. By calculating the Project's construction emissions under an assumption that construction will take 147% more time than originally estimated for the Project, the average daily emissions are greatly reduced, which allows the County to avoid a finding of significant impacts, and allows the Applicant to avoid air quality mitigation measures during construction. The result is a cost savings for the Applicant but an undue threat to the health and air quality of the County's

<sup>1</sup> RDEIR pp. 6-15, 6-30.  
<sup>2</sup> DEIR pp. 1-1, 3-17.  
<sup>3</sup> E.g. RDEIR p. 6-29.

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residents and workers. The RDEIR provides no justification for this change, and the RDEIR must be revised to accurately reflect air quality impacts and health risks during construction.

2 cont.

**II. THE RDEIR FAILS TO ADEQUATELY DESCRIBE THE PROJECT.**

As described in the previous comment letters, the DEIR did not adequately describe construction staging areas, construction traffic, Project water requirements, disposal plans for excavated soil, and other essential Project-related details. The RDEIR does not address these flaws in the DEIR, and therefore the RDEIR is similarly flawed and must be revised and recirculated.

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**III. THE RDEIR FAILS TO ADEQUATELY ADDRESS AIR QUALITY IMPACTS.**

The DEIR failed to incorporate standard dust control measures recommended by the Bay Area Air Quality Management District, address air pollution impacts on Project residents from nearby sources, use an accurate estimate of demolition haul trips, and address other potentially significant air quality impacts. The RDEIR does not remedy these flaws and therefore remains inadequate under CEQA.

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**IV. THE RDEIR FAILS TO ADEQUATELY ADDRESS GREENHOUSE GAS EMISSIONS.**

The DEIR overestimated the amount of greenhouse gas ("GHG") reductions that would be achieved through standard energy saving measures, and also proposed improper "deferred" mitigation for GHG impacts, in the form of a future GHG reduction plan. The RDEIR does not address these significant flaws. Without revision and recirculation, the RDEIR's analysis of GHG impacts remains inadequate.

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**V. THE RDEIR FAILS TO ADEQUATELY ADDRESS HAZARDOUS MATERIALS.**

The DEIR did not analyze whether past removal of underground storage tanks met soil cleanup standards for residential land use, or explore other potentially hazardous soil conditions on the Project site. Without this information, and without comprehensive soil testing as part of the CEQA review process,

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workers and residents could be exposed to contamination. The RDEIR does not address these issues and remains inadequate.

6 cont.

**VI. THE RDEIR FAILS TO ADEQUATELY ADDRESS LAND USE IMPACTS.**

Both the DEIR and RDEIR improperly conclude that the Project's land use impacts would be less than significant. The County Zoning Code requires a minimum lot size of 15 acres for a mixed-use Planned Unit Development.<sup>4</sup> The Project occupies a much smaller area, and is therefore inconsistent with the minimum lot size requirement. The RDEIR states that the County is considering a revision to its General Plan or Zoning Code to reduce the minimum lot size requirement. Otherwise, the Project will require a variance from the requirement.<sup>5</sup> The Project site remains inconsistent with the requirements of the Zoning Code, and pursuant to the CEQA Guidelines this is a potentially significant impact.<sup>6</sup> Accordingly, the RDEIR must be revised to acknowledge that the Project will create a potentially significant land use impact.

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**VII. CONCLUSION**

We thank the County for this opportunity to comment on the RDEIR and urge the County to prepare and circulate a revised RDEIR which adequately describes the Project, identifies the Project's potentially significant impacts, and requires the Applicant to incorporate all feasible mitigation measures into the Project to reduce impacts to a less than significant level.

Sincerely,

  
Ellen L. Wehr

Attachments  
ELW:ljl

<sup>4</sup> RDEIR p. 3-9.

<sup>5</sup> *Ibid.*

<sup>6</sup> CEQA Guidelines, Appendix G, Section X ("Land Use").

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