

FINAL
Environmental Impact Report
Del Hombre Apartments Project
Contra Costa County, California

State Clearinghouse Number: 2018102067

Prepared for:
Contra Costa County
30 Muir Road
Martinez, CA 94553-4601
925.674.7790

Date: May 15, 2020

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Table of Contents

Section 1: Introduction	1-1
Section 2: Responses to Written Comments	2-1
2.1 - Master Responses	2-1
2.2 - List of Authors	2-9
2.3 - Responses to Comments	2-10
Section 3: Errata.....	3-1
3.1 - Changes in Response to Specific Comments	3-1

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SECTION 1: INTRODUCTION

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, Contra Costa County (County) has evaluated the comments received on the Del Hombree Apartments Project Draft Environmental Impact Report (EIR). The responses to the comments and errata, which are included in this document, together with the Mitigation Monitoring and Reporting Program (MMRP), form the Final EIR for use by Contra Costa County in its review.

This document is organized into three sections:

- **Section 1—Introduction.**
- **Section 2—Responses to Written Comments.** Provides a list of the agencies, organizations, and individuals who commented on the Draft EIR. Copies of all of the letters received regarding the Draft EIR and responses thereto are included in this section.
- **Section 3—Errata.** Includes an addendum listing refinements and clarifications on the Draft EIR, which have been incorporated.

The Final EIR includes the following contents:

- Draft EIR (provided under separate cover)
- Draft EIR appendices (provided under separate cover)
- Responses to Written Comments on the Draft EIR and Errata (Sections 2 and 3 of this document)
- Mitigation Monitoring and Reporting Program (provided under separate cover)

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SECTION 2: RESPONSES TO WRITTEN COMMENTS

This section includes master responses as well as individual responses to public comments submitted during the Draft EIR 60-day public review period.

2.1 - Master Responses

Master responses address similar comments made by multiple public agencies, businesses, organizations, or individuals through written comments submitted to Contra Costa County.

2.1.1 - List of Master Responses

- Master Response 1—General Opposition to the Project
- Master Response 2—Traffic Congestion
- Master Response 3—Setbacks and Building Heights
- Master Response 4—Density
- Master Response 5—Tree Health, Removal, and Replacement
- Master Response 6—Parking
- Master Response 7—Community Character
- Master Response 8—Emergency Access

Master Response 1—General Opposition to the Project

Summary of Relevant Comments

Several commenters expressed general opposition to the project.

Response

The California Environmental Quality Act (CEQA) requires that the Final Environmental Impact Report (Final EIR) address comments on adequacy of the Draft EIR (Public Resources Code [PRC] § 21091(d)(2)(B); CEQA Guidelines § 15088(c)). CEQA considerations are limited to environmental issues and potential impacts of the project on the environment. Personal opinions expressing general support for, or opposition to, the project are noted and will be included within the overall administrative record for the project, but do not require a written response if they do not relate to an environmental issue or topical area that is addressed within the Draft EIR. Likewise, opinions about general desirability, merits, or purely economic or political considerations of the project are not within the purview of CEQA and do not require a written response. Concerns about project approval should be submitted directly to Jennifer Cruz, Senior Planner, at Contra Costa County Department of Conservation and Development, 30 Muir Road, Martinez, CA 94553.

Master Response 2—Traffic Congestion

Summary of Relevant Comments

Several commenters expressed concern regarding traffic congestion.

Response

Construction

As described in Section 3.15, Transportation, Mitigation Measure (MM) TRANS-1a would require the preparation and implementation of a construction traffic control plan that indicates where the equipment, supplies, and trucks would be located, as well as conduct a before and after study of pavement conditions on Del Hombre Lane. Procedures for lane closures, if required, would be developed as part of the construction traffic control plan. The Draft EIR concluded construction related traffic impacts would be less than significant with the implementation of MM TRANS-1a.¹

Operation

The project would result in the construction of 284-apartment units with 380 parking spaces, and would generate an estimated 1,800 daily vehicle trips, including 109 AM peak-hour and 128 PM peak-hour trips. The project is also expected to generate additional bicycle, pedestrian, and transit trips in the area given the project's proximity to high-quality transit (Bay Area Rapid Transit [BART]), the Iron Horse Trail, and a number of employment opportunities. As part of the project, a number of transportation enhancements would be constructed, including widening of Del Hombre Lane along the project frontage to provide two 12-foot travel lanes and an 8-foot wide loading zone on the southwest corner of the project site. At the approach to Las Juntas Way on Del Hombre Lane, the existing parking lane would be eliminated to accommodate a northbound left-turn pocket. Sidewalks would also be constructed along the project frontage of Del Hombre Lane and Roble Road to improve pedestrian connectivity in the immediate project area. A new crosswalk and reconstructed/new curb ramps would also be constructed on Del Hombre Lane, connecting to existing pedestrian facilities in the area. Impacts to the transportation system of land use developments have been traditionally evaluated by measuring the effect of vehicle traffic on levels of existing and projected congestion, based on level of service calculations, during the AM and PM peak-hours, when traffic volumes on the roadway network are typically the highest. These calculations evaluate the delay that vehicle occupants typically experience as they travel through intersections. In addition to the Vehicle Miles Traveled (VMT) analysis, the Transportation Impact Analysis (TIA) evaluated the AM and PM peak-hour operations of 10 intersections in the immediate project area when the project generates the most traffic and the adjacent street traffic is at its highest. The study intersections were selected in consultation with Contra Costa County Staff, consistent with guidelines from the Contra Costa County Transit Authority (CCTA) Technical Procedures Manual, and based on a review of the project location and the amount of traffic that could be added to the intersections in the site vicinity.

The effects of project traffic on intersection operations tend to dilute the farther one travels from a project site. Results of the analysis indicate that the project would have a less than significant impact on intersection operations based on the significance criteria, except at the intersection of Coggins Drive at Las Juntas Way, where deficient operations are projected to occur prior to the addition of project traffic. The addition of project traffic to this one intersection would result in a significant impact in both the Opening Year and Cumulative Year scenarios. The County identified mitigation measures that would decrease vehicle delay; however, these mitigations were rejected as infeasible.

¹ FirstCarbon Solutions (FCS). 2019 Del Hombre Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Page 3.15-55. September.

because they conflicted with numerous County policies (e.g., Complete Streets and the Pleasant Hill BART Specific Plan), as well as general best practices in transit-oriented development planning (specifically General Plan Policy 5-18, which directs the County to prioritize intermodal safety over capacity). These mitigations would also result in secondary impacts to bicyclists and pedestrians although additional enhancements to the intersection to improve bicycle and pedestrian travel were identified.

While the impacts to the roadway system are based on the level of trip generation during a 1-hour period in the morning and evening, daily vehicle trip generation estimates for the project were also calculated. Accounting for future residents of the site walking, bicycling, and taking transit for some trips, as well as using Transportation Network Companies (TNCs) such as UBER and Lyft, and driving personal vehicles, the project is expected to generate approximately 1,800 daily vehicle trips.. Considering the level of vehicle activity that is projected to occur during the AM (109) trips and PM (128 trips) peak-hours, the project is expected to generate less than 100 vehicle trips during the other hours of the day, or less than two vehicle trips per minute. Because the peak-hour represents the worst-case, highest volume of traffic to the area, the incremental impacts to vehicle travel outside of the peak-hours are not evaluated in the TIA.

A VMT analysis was conducted to determine if this project would contribute to decreasing vehicle miles of travel on a per capita basis, or increasing vehicle miles of travel on a per capita basis. Results of the VMT analysis conclude that the project would contribute to a decrease in VMT on a per capita basis as the project adds a housing development in an area close to transit and employment centers. Therefore, the traffic impact would be less than significant based on the Office of Planning and Research's recommended 15 percent reduction threshold. Moreover, placing the same level of development in another part of the County could result in higher overall levels of vehicle trip generation and longer average trip lengths, contributing to worse levels of regional congestion as compared to the project.

Master Response 3—Setbacks and Building Heights

Summary of Relevant Comments

Several comments state that the project setbacks appear narrow and suggest a greater setback to allow for plantings. In particular, comments suggest that the proposed setback on Del Hombre Lane is too narrow.

Commenters also assert that the building height is too tall given the surrounding development.

Response

The project applicant has updated the site plan slightly, resulting in larger setbacks than were evaluated in the Draft EIR. Updates to the site plan include reducing the size of the lobby and ground floor amenities on the southwest corner of the building, and moving it farther away from the western project boundary. In addition to visual relief, the project now includes an additional 6 feet of landscaping in front of the lobby than the site plan shown in the Draft EIR. The updated site plan is provided in Section 3, Errata, of the Final EIR. As shown on the updated Exhibit 2-7, the project includes similar setbacks necessary to maintain consistency with the surrounding neighborhood and

allow for needed improvements and amenities. The project's north, east, and south setbacks, which face private property, are consistent with nearby developments, such as Avalon Walnut Ridge to the north of the project site. The project's west (Del Hombre Lane) setback is consistent with the development, such as Avalon Walnut Creek Phases I and II to the southwest of the project site. These projects have smaller setbacks from the surrounding sidewalks and roadways.

The project proposes a 20-foot setback on the southern project boundary, a 30- to 32-foot setback on the eastern boundary, a 4.2- to 9.3-foot setback on the western project boundary, and a 15- to 16-foot setback on the northern boundary with Roble Road.

Regarding the setback along the western boundary, the project proposes to enhance Del Hombre Lane with new sidewalks, street trees, pedestrian bulb outs, and specialty paving, all of which would occur within the right-of-way to be dedicated as part of the project. Accordingly, although the proposed residential structure would be located approximately 4.2 to 9.3 feet from the proposed property line, it would be located 18 to 20 feet from the edge of Del Hombre Lane as it exists today.

There is a landscaped strip on the west side of Del Hombre Lane that separates the project from Iron Horse Regional Trail. The project would remove the existing median on Del Hombre Lane for purposes of bringing the road design to current County road standards, as required by Section 96-14.002 of the Contra Costa County Code.² This would improve safety and circulation. This project feature is also consistent with existing development in the area and the project would be required to construct the Del Hombre Lane cross-section to match the cross-section of Del Hombre Lane to the south.

The general comment that the setbacks appear "narrow" does not specifically address the adequacy of the Draft EIR or identify any potential significant environmental impacts. The physical environmental impacts of the project, including the proposed setbacks, were analyzed in compliance with CEQA and are discussed in detail in the Draft EIR. There are no identified significant impacts associated with the setbacks.

As noted in Chapter 2, Project Description, the project would require approval of a variance to allow the setback of less than 10 feet from a public road pursuant to Contra Costa County Ordinance Code Section 82-12.402. The purpose of a variance is to provide procedures for the adjustment from the development standards of Contra Costa County when, because of special circumstances applicable to the property, including location, shape, size, surroundings, or topography, the strict application of the Zoning Code would deny the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts. Any variance granted would be subject to specific findings pursuant to the County's Code as described on page 3.10-26 of the Draft EIR. The decision-makers will ultimately determine whether the findings for granting a variance can be made.

At its tallest, the project's proposed building height is approximately 77 feet tall and would range from 4- to 6-stories. The southern side of the building, facing the Honey Trail condominiums, would

² Contra Costa County Code. 2018. Chapter 96-16.002—Improvement of county streets. Website: https://library.municode.com/ca/contracosta_county/codes/ordinance_code?nodeId=TIT9SU_DIV96IM_CH96-14MI_96-14.002IMCOST. Accessed November 26, 2018.

feature two, 4-story elements broken up by a large courtyard on a single-story podium. The project would be located 42 feet from the nearest Honey Trail building. The eastern side of the building would be no greater than 5-stories, 1-story higher than the adjacent 4-story Avalon Walnut Ridge apartments to the east. The project would be located approximately 45 feet from the nearest Avalon Walnut Ridge building.

Master Response 4—Density

Summary of Relevant Comments

Several commenters expressed concern regarding an increase in housing density. While these concerns do not address impacts to the physical environment under CEQA or address the adequacy of the Draft EIR, the following response is provided for informational purposes.

Response

Section 3.10, Land Use and Planning, discusses density in detail, and notes that the project is pursuing a General Plan Amendment (GPA) to re-designate the site to Multiple-Family Residential-Very High Special Density (MS), which would allow for a maximum of 99.9 dwelling unit per acre (du/acre). The State Density Bonus Law (SBDL) would allow up to a 35 percent density increase to the maximum base density allowed for the property. As described in the Draft EIR, the project is eligible for and requests a 20 percent State density bonus.³ With the MS land use designation, 237 dwelling units would be the maximum density allowed for the project site. Since the project provides at least 5 percent of the 237 units as affordable to very low-income households, the project is eligible for a 20 percent density bonus under the SDBL, which increases the allowed number of units to 284. The purpose of the SDBL is for the production of the maximum number of total housing units on a site. In addition, the project would be consistent with Contra Costa County General Plan goals and policies (see Table 3.10-3 in the Draft EIR).

Section 6, Alternatives, discusses potential alternatives to the proposed project. The Reduced Scale Alternative addressed reduced density, specifically; however, the Draft EIR notes that this alternative does not fulfill all project objectives.⁴ While the Reduced Scale Alternative would provide more housing in a transit served area than the existing two single-family homes, compared to the proposed project, the Reduced Scale Alternative would provide fewer affordable housing units and housing in general, would not maximize infill redevelopment, and would provide less transit oriented housing.

Master Response 5—Tree Health, Removal, and Replacement

Summary of Relevant Comments

Several commenters expressed concern regarding tree health during construction, tree removal, and tree replacement and ask for a second arborist report.

³ FirstCarbon Solutions (FCS). 2019 Del Hombre Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Page 3.10-16. September 10.

⁴ FirstCarbon Solutions (FCS). 2019 Del Hombre Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Page 6-19. September 10.

Response

The Tree Inventory Report (Appendix C of the Draft EIR) assessed 189 total trees, including 18 off-site trees and 9 trees on or near the border of the project site. As discussed in Section 3.3, Biological Resources, and the Tree Inventory Report, none of the off-site trees would be removed as part of the project. The Arborist Report prepared by Ryan Gilpin, certified Arborist of HortScience | Bartlett Consulting, dated May 9, 2019, includes tree protection guidelines to protect approximately 27 trees to be preserved during construction, which includes approximately 18 off-site trees and approximately 9 trees on or near the border of the project site. No additional off-site trees would be impacted by the project. The Arborist Report indicated that no additional report is required. The measures prescribed in the Arborist Report comply with industry standards.

As discussed in Section 3.3, Biological Resources, because construction of the project would require the removal of approximately 161 trees, the project applicant would be required to prepare and implement a Tree Replacement Plan (per MM BIO-5a). The project applicant submitted a preliminary landscaping plan that identifies planting of trees along Roble Road and on Del Hombre Lane, and planting of trees within the project area. Further, the County's Tree Protection and Preservation Ordinance allows for reasonable development, such as the project. In addition, remaining trees that are proposed for preservation would be preserved through the implementation of the tree protection guidelines identified and outlined in the Tree Inventory Report (per MM BIO-5b).⁵ The Certified Arborist that prepared the Tree Inventory Report recommends the establishment of a 10-foot-wide Tree Protection Zone along the southern and eastern boundary to protect off-site trees and trees along the border. The Arborist Report also notes that certain valley oak trees around the boundaries of the property will likely need to have their roots or canopies pruned in an effort to avoid removing the entire tree, and that pruning roots greater than 2 inches in diameter should be avoided. Pursuant to MM BIO-5b, which requires the project applicant to implement tree protection guidelines during construction as outlined in the Arborist Report, a Certified Arborist would monitor excavation within the Tree Protection Zone and provide recommendations about root pruning. Please refer to the Tree Preservation Guidelines section of the Arborist Report included in Appendix C of the Draft EIR for further details and specific recommendations. Therefore, with implementation of MM BIO-5a and MM BIO-5b, the project would not conflict with a tree preservation policy or ordinance.

Master Response 6—Parking

Summary of Relevant Comments

Several commenters expressed concern that the project would not provide adequate parking. In addition, commenters noted that the proposed four visitor parking spaces are inadequate. While these concerns do not address impacts to the physical environment under CEQA or address the adequacy of the Draft EIR, the following response is provided for informational purposes.

⁵ FirstCarbon Solutions (FCS). 2019 Del Hombre Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Page 3.3-26. September 10.

Response

The project proposes a total of 380 total parking spaces for 284 apartments, which exceeds the minimum 373 required parking allowed by the SDBL. The current plans reflect eight spaces in front of the leasing lobby area for leasing traffic in order to eliminate the need for potential renters to park on the street. The project does not have an internal gate that segregates visitor parking from resident parking; therefore, all spaces in the garage are open to residents, visitors, and leasing prospects, with prospect parking being located near the leasing lobby. While guests can utilize leasing spaces during non-leasing hours, the project provides 96 more parking spaces overall than there are units provided. Leasing management would have the discretion to allow guest parking in unleased spaces, so the garage has the ability to accommodate parking demand from both residents and guests. Furthermore, pursuant to Contra Costa County Ordinance Code 82-32.010, Residential Projects, the project would be required to provide materials to tenants or prospective tenants regarding access to public transit, ridesharing opportunities, and nonmotorized community opportunities, which would minimize the use of single occupancy vehicles and, therefore, the demand for parking.

It should be noted that guests from nearby properties do not take up the majority of on street public parking. Rather, BART commuters who do not live within walking distance of the Pleasant Hill/Contra Costa Centre Station, utilize these spaces so they can walk to BART. Providing 284 additional housing units within easy walking distance (300 feet) of BART should improve this issue, not exacerbate it.

Master Response 7—Community Character

Summary of Relevant Comments

Several commenters assert that the project would not fit in with the surrounding development and state that the project would attract short-term renters over long-term owners. Several commenters also assert that the project will invite crime and vandalism. While these concerns do not address impacts to the physical environment under CEQA or address the adequacy of the Draft EIR, the following response is provided for informational purposes.

Response

The proposed height and massing of the project is not inconsistent with the surrounding building heights (existing and allowed). The project is located within 500 feet of the Pleasant Hill/Contra Costa Centre BART Station, and both the proposed density and height are consistent with most of the buildings within a 500-foot radius of the BART station. The project is located 200 feet away from the newest phase of Avalon Walnut Creek, which has a density of 125 dwelling units/acre, more than the project's proposed density. Similar to other approved and constructed high-density, multi-family projects within the area, this transit-oriented development project would provide housing adjacent to the BART station. Further, the project would feature several amenities for residents, including a swimming pool, fitness room, a club room with kitchen, and a business center with conference rooms.

Though several of the commenters express concern with respect to an increase in crime, none of the commenters provide evidence that this development would result in an increase in crime or

vandalism. These comments do not address the adequacy of the Draft EIR. These comments are noted and will be provided to County decision makers.

Master Response 8—Emergency Access

Summary of Relevant Comments

Several commenters expressed concern with respect to emergency access and evacuation.

Response

As described in Section 3.15, Transportation, an additional secondary fire-only access connection would be provided from Roble Road, providing two points of emergency access for emergency vehicles to the project site from the surrounding street network. Street improvements would be completed to accommodate emergency fire vehicles in compliance with the California Fire Code.⁶ As described in Chapter 3.13, Public Services, the nearest Fire Station, Station No. 2 located at 2012 Geary Road, is approximately 1.6 miles west of the project site. Using an average travel speed of 35 miles per hour, a fire engine would be able to reach the project site in approximately two minutes and 45 seconds and therefore reach the adjacent neighbors in under the 5-minute response standard set by the Contra Costa County General Plan. Therefore, the project would not inhibit emergency vehicles from accessing the site or neighboring properties because of the addition of project vehicles.⁷

As described in Section 3.18, Wildfire, the Contra Costa County General Plan includes goals and policies related to wildfire hazards. General Plan Policies 7-64, 7-66, 7-80, as well as Implementation Measure (IM) 7-at, IM 7-au, and Policy 10-89 set forth recommendations and requirements related to development fees, installation of sprinkler systems, wildland fire prevention activities, review of the project by fire agencies, and creation of a safe environment in the case of substantial disaster. The project would comply with these policies.⁸ Furthermore, blockage of an evacuation route would not occur during project operation because the project would not result in road closures to either Treat Boulevard or I-680 (identified by Caltrans as a “Lifeline route” and a “Priority transportation route”), the most likely evacuation routes from the project site.⁹

As described in Section 3.8, Hazards and Hazardous Materials, the Contra Costa County Operational Area Emergency Operations Plan (EOP) outlines general procedures in response to emergency crises, such as mass evacuations.¹⁰ As described in the EOP in Section 3.3, Response Activities, during a natural disaster where mass evacuations would be warranted and declared, the Contra Costa County Emergency Operations Center (EOC) staff would coordinate emergency resource requests from local

⁶ FirstCarbon Solutions (FCS). 2019 Del Hombre Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Page 3.15-35. September 10.

⁷ FirstCarbon Solutions (FCS). 2019 Del Hombre Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Pages 3.15-42 through 3.15-54. September 10.

⁸ FirstCarbon Solutions (FCS). 2019 Del Hombre Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Page 3.18-7 through 3.18-10. September 10.

⁹ Federal Emergency Management Agency (FEMA). 2011. Regional Catastrophic Earthquake Mass Transportation/Evacuation Plan, Map B-5: Caltrans Lifeline routes and priority transportation routes. Website: http://www.bayareaaasi.org/sites/default/files/resources/Regional%20Mass%20TransEvac_August%202011.pdf. Accessed February 5, 2020.

¹⁰ FirstCarbon Solutions (FCS). 2019 Del Hombre Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Pages 3.8-13. September 10.

municipalities. In the event that local, regional, and the State Operations Center do not have resources to respond to emergencies, the Federal Emergency Management Agency (FEMA) and other federal agencies would be contacted. Additionally, the EOP outlines how local response agencies would be alerted and describes further resources and personnel that would be activated and mobilized to support the response to the declared emergency.¹¹ Construction equipment and vehicles would also comply with the EOP should evacuation be necessary during construction of the project.

In the event of a condition that resulted in the need to evacuate all the residences within the immediate project vicinity, the intersection of Del Hombre Lane at Roble Road/Las Juntas Way could accommodate approximately 3-times the existing traffic volumes exiting the area (headed westbound) in the AM peak-hour when volumes leaving the area are the highest, and continue to operate with minimal levels of delay. This level of traffic equates to more than one vehicle per household in the immediate project vicinity exiting the area within a 1-hour window. As noted above, in the event of a large-scale area evacuation, EOC staff would coordinate the emergency response, establish evacuation routes, and dispatch emergency personnel to minimize vehicle bottle necks, and maximize vehicle throughput outside the evacuation area. Therefore, operational impacts would be less than significant.

2.2 - List of Authors

A list of public agencies, organizations, and individuals that provided comments on the Draft EIR is presented below. Each comment has been assigned a code. Individual comments within each communication have been numbered so comments can be cross-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

Author	Author Code
State Agencies	
Governor’s Office of Planning and Research State Clearinghouse and Planning Unit	SCH
Local Agencies	
Contra Costa Mosquito & Vector Control District	CCMVCD
Department of Conservation and Development Zoning Administrator’s Meeting	DCD_ZA_MTG
Contra Costa Local Agency Formation Commission	LAFCO
Organizations	
Contra Costa Residents for Responsible Development	CONTRA COSTA RESIDENTS
Honey Trail Homeowners Association	HONEY TRAIL
Laborers International Union of North America Local Union 324	LIUNA
Walden District Improvement Association	WDIA

¹¹ Contra Costa County. 2015. Contra Costa County Emergency Operations Plan. Page 22. Website: <https://www.contracosta.ca.gov/DocumentCenter/View/37349/Contra-Costa-Emergency-Operations-Plan-2015?bidId=>. Accessed January 30, 2020.

Individuals

Mark R. Andino ANDINO
Frank Aranzubia ARANZUBIA
Julie Asregadoo J.ASREGADOO
Ted Asregadoo..... T.ASREGADOO
Kate Bloor..... BLOOR
Anita Bottari BOTTARI
Anita Bottari and Barbara Haugse..... BOTTARI_HAUGSE
Kristen and Yuri Burda..... BURDA
Elliott S. Dushkin DUSHKIN
Royce Everone..... EVERONE
Jacques Fasquelle FASQUELLE
Lydia Fedotoff..... FEDOTTOFF
Shannon Galvin GALVIN
Susan Haggerty HAGGERTY
Carol Haig HAIG
Henry Haugse HAUGSE
Donald G. Huggins..... HUGGINS
Denise KnappKNAPP
Susan and Keith KotchouKOTCHOU
John Kreutzer KREUTZER
Alice and Richard Lasky LASKY
Jean and Richard Lenart..... LENART
Lisa Lombardi LOMBARDI
Dan McDonald MCDONALD
Sandra Moriarty MORIARTY
Fred Nelson F.NELSON
M. Nelson M.NELSON
Kristina Nixon NIXON
Leslie L. Pannell PANNELL
Chet Paulinellie PAULINELLIE
Don Pologruto POLOGRUTO
Kay Powell POWELL
William I. Roberts, Jr..... ROBERTS
The Shikuma Family SHIKUMA
Hing Tong TONG
Dina Varellas..... VARELLAS
Frances Votruba VOTRUBA
Nick Wai-Poi, Letter 1..... WAI-POI.1
Nick Wai-Poi, Letter 2..... WAI-POI.2
Joan W. Wilson WILSON

2.3 - Responses to Comments

2.3.1 - Introduction

In accordance with CEQA Guidelines Section 15088, Contra Costa County, as the lead agency, evaluated the comments received on the Draft EIR (State Clearinghouse No. 2018102067) for the Del Hombre Apartments Project and has prepared the following responses to the comments received. This Response to Comments document becomes part of the Final EIR for the project in accordance with CEQA Guidelines Section 15132.

2.3.2 - Comment Letters and Responses

The comment letters reproduced in the following pages follow the same organization as used in the List of Authors.

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Gavin Newsom
Governor

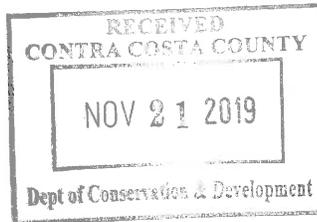
STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Kate Gordon
Director

November 18, 2019

Jennifer Cruz
Contra Costa County
30 Muir Road
Martinez, CA 94553



Subject: Del Hombre 284-Unit Apartment Project
SCH#: 2018102067

Dear Jennifer Cruz:

The State Clearinghouse submitted the above named EIR to selected state agencies for review. The review period closed on 11/15/2019, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act, please visit: <https://ceqanet.opr.ca.gov/2018102067/2> for full details about your project.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

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State Agencies

Governor’s Office of Planning and Research State Clearinghouse and Planning Unit (SCH)

Response to SCH-1

This comment states that no State agencies submitted comments before the end of the review period and acknowledges that the lead agency complied with State Clearinghouse review requirements for draft environmental documents. No response is required.

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September 18, 2019

Jennifer Cruz
Contra Costa County
Dept. of Conservation and Development
30 Muir Road
Martinez, CA 94553

Re: Del Hombre Apartment Project Draft Environmental Impact Report

Dear Ms. Cruz,

Thank you for the opportunity to express the position of the Contra Costa Mosquito & Vector Control District (the District) regarding the DEIR for the Del Hombre Apartment Project located at 112 Roble Road and 3010, 3018, 3050, and 3070 Del Hombre Lane in the unincorporated Walnut Creek area.

As a bit of background, the District is tasked with reducing the risk of diseases spread through vectors in Contra Costa County by controlling them in a responsible, environmentally-conscious manner. A "vector" means any animal capable of transmitting the causative agent of human disease or capable of producing human discomfort or injury, including, but not limited to, mosquitoes, flies, mites, ticks, other arthropods, and rodents and other vertebrates. Under the California Health and Safety Code, property owners retain the responsibility to ensure that the structure(s), device(s), other project elements, and all additional facets of their property do not produce or harbor vectors, or otherwise create a nuisance. Owners are required to take measures to abate any nuisance caused by activities undertaken and/or by the structure(s), device(s), or other feature(s) of their property. Failure by the property owner to adequately address a nuisance may lead to abatement by the Contra Costa Mosquito & Vector Control District and civil penalties up to \$1,000 per day pursuant to California Health & Safety Code §2060-2067.

Potential impacts to human health by disease vectors is not properly addressed under CEQA-an oversight that has created problems for mosquito abatement and vector control agencies throughout California. The analysis for a project should consider evidence of potential environmental impacts, even if such impacts are not specifically listed on the Appendix G checklist. [State CEQA Guidelines, § 15063(f)]. To determine whether Public Health & Safety may be significantly impacted, lead agencies should refer to the California Health & Safety Code § 2000-2093 for definitions and liabilities associated with the creation of habitat conducive to vector production and to guidance provided by local mosquito and vector control districts/agencies in their determination of environmental impacts. Would the project:

- a) Increase the potential exposure of the public to disease vectors (e.g., mosquitoes, flies, ticks, and rats)?
- b) Increase potential mosquito/vector breeding habitat (i.e., areas of prolonged standing/ponded water like wetlands or stormwater treatment control BMPs and LID features)?

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Proposed use of detention pipe, media filter, and pump systems is concerning as such systems require regular maintenance and are more prone to failure than non-mechanical systems. Additionally, these systems often retain stagnant water in excess of 72 hours, creating mosquito breeding habitat in the process. Addressing these concerns in the environmental review and project planning phases can not only better protect public health and reduce the need for pesticide applications for vector control efforts, but avoid costly retrofits and fines for property owners in the future. Please don't hesitate to contact the District should you have any questions or need anything further.

2

Sincerely,

Vector Control Planner
925-771-6119
jshannon@contracostamosquito.com

Local Agencies

Contra Costa Mosquito & Vector Control District (CCMVCD)

Response to CCMVCD-1

This comment provides introductory remarks. No response is required.

Response to CCMVCD-2

The agency expresses concern for the proposed use of detention pipe, media filter, and pump systems as they are more prone to failure than non-mechanical systems.

As noted in the comment, CEQA does not address disease vectors. Because the comment does not raise any CEQA issues or question the environmental analysis, no response is necessary. For informational purposes, however, the following is noted. On-site drainage flows first to C.3 facilities, which includes an underground detention pipe system with a high-flow rate media filter and pump to overcome the lack of fall and regulate flow from the C.3 facility to pre-project flow rates for small storms in accordance with C.3 hydro-modification requirements. An overflow pipe would be included in the design for larger storms and to convey flow should the pump system fail. The storm drainage system would ensure that stagnant water would not collect on-site and no additional mosquito breeding habitat would be created. Furthermore, the on-site drainage system would be subject to plan review and inspection to ensure proper construction.

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October 7, 2019 3:30 p.m. Zoning Administrator's Meeting

THE HANOVER COMPANY (Applicant) - 3000 DEL HOMBRE HOLDINGS LLC, HAIGOUSH HEIDI AND CHRISTINA KOHLER, BENJAMIN AND TOSHIKO MCKEEN, CHARLES AND JUDITH DUNCAN, RECO INVESTORS LLC (Owners), County Files # GP18-0002, RZ18-3245, MS18-0010, DP18-3031

Syd read agenda Item description

Anita Bottari: Ok. I oppose this projects for several reasons. The setbacks are inadequate. Avalon set backs range from 25 to 34 feet, set backs proposed in this report are as little 1.2 feet. Setbacks should be more aligned with Avalon and Honeytrails. Trails and vegetation should be added to the area. Avalon beautifully integrated their complex with **** and adequate setbacks adding grassy areas, plants and trees along the **. This project does not. The project drastically changed the character of the ***. ***** For our protected valley oaks along the fence line of honey trail. This is inadequate for the health and the safety of these trees. The root systems will be severely impacted and the trees will mostly die. The exclusion zone for these trees should increase to 20 feet. The protected English walnut tree in the back of the property, along honey trail fence line will be destroyed. This tree provides shelter, food, and resources for the animal, birds, insects and other life forms. It will also help mitigate the toxic fumes that will be coming up through the vents of the ventilation system and underground parking lots and drifting to our neighborhood. The tree is worth saving and should be saved. Also the vents should be removed and put in a more appropriate place, away from the homeowners. Traffic, the traffic along Coggins and Las Juntas and the surrounding streets are already severely overload. The project will only increase the danger of the pedestrians, cyclists and cars. Our safety is paramount. The dog run should be moved a row so that the noise does not affect the Avalon residence and the Honey Trail residence, should be moved to another place. This project is just too big for this lot size. Our neighborhood needs more for sale housing to build our community. We are surrounded by severely high density, complexes at about a 50% turnover. This does not build our community. The County should approve a building for sale condominiums and townhomes for reasonable size and in this lot instead of rentals. **** Cars will eventually migrate into our private parking lot. We have too many cars and too few spaces.

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Joan Wilson: As a property owner and residence of the Honey Trail condominiums, I have the following concerns about the proposed project. First of all in Section 3.10 Land Use Planning, it is mistakenly stated that the area to the south of the property included in the project consists of multi-family apartments. In another place, it's described a senior citizen community. This is not a correct characterization of the area, which contains 2 separate condominiums complex's and residences of all ages including infants and many children. Honey trail condominiums have always been residence owned townhouses. With only 2 townhouses per building. The area is nicely landscaped and each property is also includes patio gardens. The atmosphere to the south of the project proposed is serene and green. This can also be said of the area to the north and east of the project. The project as proposed is similar in scale and design to the new building under construction and currently east of the BART station, which is located in the BART transit village. However the location of the proposed project is not located in the BART transit village, but rather in an area serene and green of one to three story apartments and privately owned residences. I'm convinced that esthetically, functionally and environmentally, this project is incompatible with the surrounding community. And it will negatively impact our property

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values and the safety and quality of life of the families in the adjacent condominiums and the following major ways.	9 CONT.
1. Degradation of air quality due to toxic fumes released from the underground parking garage and from the amount increased traffic in the immediate area. Perhaps also the other large scale equipment required by such large apartment buildings.	10
2. Unsafe traffic loads on the one road, Del Hombre Lane, by which residence and guest of the Del Hombre and Honeytrail condominiums have access into out of their homes. This road is only one lane, each way and in the event of an emergency a blocked exit could be a matter of life or death. This same road is also expected to be the only access into and out of the 284 unit project itself. This is poor design and would create an unsafe traffic burden on everyone involved, including those who drive through the neighborhood on Las Juntas Way, from areas beyond to reach the BART station and go through the intersection of Las Juntas Way and Del Hombre Lane. The intersection of Las Juntas way and Coggins Drive would also be equally impacted. Not only would vehicles traffic be impacted, pedestrian and bicycle traffic would also become more hazardous.	11 12
3. Loss of irreplaceable, this is number 3, loss of irreplaceable protective trees along the project perimeter. These trees provide a shady, beautiful canopy that characterizes our neighborhood. In addition, they contribute to clean air in the midst of extremely heavy traffic roads and thoroughfares. This perimeter must be incorporated into a deep set back along Honey Trail and Del Hombre Lane in order to protect our trees and canopy, which are an irreplaceable environmental esthetic resources.	13
Julie Asregadoo: I have concerns with the project as it is proposed due to the following aspects: The set backs are not appropriately scaled compared to other developments on the east side of Iron Horse Trail. Set backs as of little as 1.2 feet are apparent in the plan. I believe that larger set backs would be more appropriate and better fit with the rest of the neighborhood. The intersection of Coggins and Las Juntas are currently close to be overloaded with no way to improve this intersection safely. A development of this size is going to have serious adverse effects to traffic and pedestrians. The arborist reports tree protection zones for the valley oak trees on the Honey Trail property is insufficient to protect these trees as they shallow roots and will be killed by current construction plans. I would like a second arborist report to be ordered. We do have a reparable and experience arborist to recommend if needed.	14 15 16
Lisa Lombardi: I am one of the owners of the townhouses on Honey Trail, which is adjacent to the property and I oppose this project. The single point of access of Del Hombre Lane is not, I'm sorry the single access on Del Hombre Lane is not sufficient for the proposed number of residences, cars and bicycle or the existing number of residence, cars and bicycles when combined. There's the strong potential for back up of cars seeking to enter or exist the garage at various times of the day, experiencing peak traffic. Which would then likely create a further backup on adjacent streets impairing the flow of local traffic and access to and from the BART station. There need to be additional project access points. In addition, in the event of a fire or earthquake it seems unsafe to try and reroute that many individuals and their cars and bicycles through a single choke point. Note that there are peak and local traffic following the arrival of BART trains as such that the local circulation needs to be able to support activity. The setback especially down Del Hombre lane are too narrow relative to the size and	17 18

scope of the project. The set back on Del Hombre is so small as to constrain opportunity for the planting of trees and other vegetation to reduce the environmental impact of the project and also to enhance the visual aspect of the local area. The height of the proposed project is substantial relative to the surrounding area and presents the likely hood of creating shades zones surrounding the project as sign light is restricted there by creating additional negative environmental impacts. A set back to the upper floors would be desirable adjustment let alone a reduction in the density. I would request the ** of a more extensive landscaping vegetation tree permit planning plan between the proposed project and Honey Trail, given the significant in size and height between the developments. I do not clearly understand where the proposed dog run would be located for the project, I would request that they be located at the interior of the project, versus the exterior in order to minimize parking and other noise and potential adverse odors for the surrounding neighbors. The overall density of the project relative to county code, especially given the aggregate parcel size of just 2.4 acres and the surrounding area is very high. Too high. A revision to the project to reduce density would be more in character with the size of the parcel and allow for enhanced mitigation of the adverse aspects presented.

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Lucia Borgman: So thank you. I echo everything my neighbors in the Honey Trail complex have brought up, one of my major concerns about this project is the access. I lived in Rockridge in Oakland in 1989 during the firestorm I was lucky my house did not burn down, I wasn't even home when it happened. But if any of you remember that, the traffic was so clogged that people couldn't literally could not get out. The cars could not get down the narrow streets, the fire trucks could not get up the narrow streets. And with the location of where this project wants to go. Even now with one fire truck blocks everything. That's our only way out and I'm really, really concerned that in an emergency we are sitting ducks. We are stuck there we cannot get out and back to the Oakland, that happened on a weekend afternoon where there was no traffic. If something big happens when BART gets out at 6, it's going to be a terrible, terrible mess and I really fear putting that there would really, in an emergency, lives would be lost. Thank you.

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Barbara Hauge: I'm Barbara Hauge, I'm also a homeowner on Honey Trail. I have lived there since 1979. I am oppose too many aspects of the project and I have major concerns for the impacts that it will have on the surrounding community. Both during and after the construction. I also agree with all of my fellow neighbors and any other comments that they preciously made. A major concern is traffic, which is already saturated in the area. The foot traffic, bicycles, pedestrians, runners, Del Hombre can't support the size of this project in terms of the additional street traffic. Safety as far as traffic is a major concern to everyone. Again, both during and after the project. We are all familiar with the project over at Contra Costa Centre right now. The Avalon apartment building that is going up. That is being constructed on a two lane road heading south towards Walnut Creek. The project has occupied one lane of that two lane road, the entire time of the project. Sometimes blocking traffic and having it only going one direction on the accessible lane. So with our current situation at Honey Trail, I can't for see on how the developer provide space that he needs for his equipment, his building supplies, his trucks, everything else and keep us folks at Honey Trail in the townhomes and the apartments safe. After the construction is completed, they have a loading zone on Del Hombre, which is to accommodate delivery trucks, Uber driver, Lyft drive, UPS trucks, whatever. And they take the red zones which of course everybody *** red zones

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during the day when they are looking for parking. As for as sighting those people who violate any red zone in the area, the Sheriff's Department is overloaded and I don't know if they have adequate time to have somebody check that area every day to ticket or to tow cars. It's, to me, everything with this development is excessive considering the size and the space of the environment that they are looking to build it in. So getting back to another issue I have, the trees. One of the main things when I purchased my place in Honey Trial was just the environment driving in to my place I go through a canopy of beautiful, heritage oak trees. There is a beautiful walnut tree, not only the squirrels but the people in the area can enjoy. All of those, along with 161 trees, they just plan to remove. In my eyes, that's just wrong. And not only for my personal reason for the environment are taking away any sort of green space. As far as for the valley oaks, Julie mentioned they are not giving an adequate safety zone to those trees during construction or after. They will end up killing them, even if they make promise to protect them during the construction. Those trees need far more than the 10 feet that their arborist reports stated. So I also do request that a 2nd arborist report is acquired and we do have reputable arborist from the community that's been here more than 40 years. I would respect his opinion. The barrier, the trees they provide a barrier between the two properties. There is also a row of oak trees on the east side of the proposed develop that I believe is on Avalon's property and I have concern for those trees as well during construction that they won't be protected after the damage is done, too bad your beautiful redwood trees are gone. What a shame. I don't mean to sound impersonal that is just the way it is. It's just the way it happens in construction or when people want something and accidents happen and we end up without any trees. In addition the trees providing shade and barrier it's also, the position of the mechanical/electrical building on the southeast corner of the site. That is going to suck all the exhaust out of that parking space and I know there are people sitting in this room that are going to experience that exhaust in their backyards. Some of those people have children. Regardless, I don't think this development has really been given very much thought in addition to this exhaust. Where the dog run is, the swimming pool is located. Anyway, I don't want to get off topic. I am going to get off topic and go to traffic for a moment. They plan to remove 29,000 cubic yards of soil in order to accommodate their underground parking. I think one of those double trailer dump trucks holds less than 100 cubic yards. So that means we have like 290 trips of these major trucks going on these little roads that the roads are going to be damaged. They will have to be replaced then what happens while that big truck is blocking one whole lane of Del Hombre. We need some emergency vehicles in the area or somebody simply needs to take to child to school. or somebody else has a doctor's appointment. It's just extreme. Now setbacks, I don't see how putting a project with less than 15 to 20 feet of a setback is staying esthetically or functionally compatibles to the character of the existing community. 15 to 20 feet that's what all the facts are in the general area. This project proposes as little as 1 ½ feet and less than 15 feet is their maximum only in certain areas. So I have really hard problems with that. The thing is, that big apartment building that Avalon is building at Contra Costa Centre, that's fine they have very limited setbacks. Honey Trail is not a part of the Contra Costa Centre. We are on the other side of the Iron Horse Trail. The area north of the BART or the Contra Costa Centre is not a part of the Centre. The setbacks on the majority of the property are also greater being 15 to 20 feet. Providing a lot of greenery grass and places for people to walk with their kids, their families, dogs and enjoy a community, a neighborhood and this development is taking away the sense of community that we have. Parking, how can you even talk about parking. There is no parking. And again for them, to say people can use this street, there is no street parking where our guest for 284 people going to park and 4 visitor parking spaces and limited disability. I don't know how my County, Contra Costa can approve this as part of their General Plan and a goal or a

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policy or these other things that are listed in the environmental report. It all just doesn't add up. So I know I'm taking up too much time. Density, okay there are so many apartments in the area. Years ago there was a promise that the existing site that is going up at BART was going to be owner occupied housing. Over years of haggling, that was like in the past 17 years, over these years of haggling, that all got taken away and now it's a big apartment building. Well there is no sense of community there and now we are doing the same thing. At the same time, Avalon's apartments, their statistics say that they have nearly 50% turnover every year, so we have people in and out of these apartments. If you look on line, there are oodles of apartments for rent in the immediate area. So why are we continuing to perpetrate this type of housing when 17 years ago we were promised owner occupied housing to the area to encourage a sense of community. We are not a major metropolitan city, we are not a big suburb. Honey Trail, Avalon apartments, on the East side of Pleasant Hill, the Walden Community, we are a neighborhood. We really hope that we can maintain some of that. We recognize the need for housing. We respect much of what is being done in the community. We just, I believe personally this developer has a great vision for his project, he is just putting it in the wrong place. So all I have to say. I also have comments from somebody who couldn't be here. Is it possible to address that or would you like other folks to have an opportunity?

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Leo Dominquez: Thank you very much. I live three blocks away on Cherry Lane, and I walk that area every day with my dog. I wanted to just comment about the street parking. The street parking is already very impacted and that on Las Juntas from Cherry Lane to Robel Road and it's impacted by, believe it or not, long term parking from Avalon Ridge. They have, not everybody lives close to the BART Station has many, would like to say one car. They have many cars. Because of the exactly what this one lady said that the turn around at the Avalon is 50% every year. That's true I've been told that by Jeff White, who is the director of Avalon. So that *** there is a lot of off street parking. It turns out to be long term parking for several reasons. The unfortunately the Sheriff's stations somewhat lacks in ticketing people who are there more than 72 hours in the same space. Even though the neighborhood really tries to move that along. There is also a huge moving truck that belongs to the people in Avalon. All this impacts the parking. And to have 284 units that only has 4 visitors parking spaces is going to impact that street. That street is also impacted by overflow BART parking. It happens everyday. I see it. I see people with their luggage going to BART and they leave the cars there 3 or 4 days. This is going to impact the parking on that street more and more. The Sheriff's really is lacks. I don't know if they don't have enough man power, but people do actually park in red zones and they are not ticketed. They are there the entire day which surprises me so much of the impact they might have on the fire trucks going through. The other thing to consider is that Habitat for Humanity has been approved and that's going to be right on Las Juntas, that's another 42 units in the old swim club site. So even though this is under the County. It's actually under Walnut Creek city because Walnut Creek deeded that little area to Habitat and they are going to start doing the Phase I in 2020. And they will finish by 2023. That's more impact on the construction that's going to happen. So I think that's another thing to consider. The last thing I want to talk about is something that may sound kind of strange to talk about. All the tree removal, I don't know how many people have seen the latest report from **** study, but in North America, now granted this is California, but in North America there has been a billion less few birds in 40 years. Even though we might say this is just a few trees, every time we cut trees down, there are lost nesting sites for birds and I know we have to have more because we have more residences for people, but the reality is there are so many empty apartment buildings that really it's true, what they say about community. I am on the Board of the Walden District Improvement Association. We see that the apartment dwellers just don't care

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about the community, not because they don't want to because they are there short term and there really is not community. When we have our meetings, we have residences from area and the last meeting we had with Supervisor Mitchoff came to talk with us. Really the for many people we get of those meetings, no one is really from the apartments. So I just wanted to consider that is also a problem. The biggest piece is the units and the sizes of how many apartments are going to be in this small little area. The choke **** is very true. If people don't really understand, you have to go there not during off hours, but hours when all the traffic comes through, people short cut threw Las Juntas to the BART station. What I'm trying to go someplace and I'm retired finally when I try to go someplace early in the morning, it's a traffic jam. And the reality is to talk about people who live in these condominiums in the apartments to say well there is BART, well people still have children, they still have to take them to school. So all those things need to be considered. So I just want to mention that and thank you very much.

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Lydia Fedotoff: I've been an owner and a residents of one of the condominium, Honey Trail for the last 15 years. And we are adjacent to the proposed project. While I have several concerns, my biggest one is safety. After viewing the plans, I noticed that the set back on Del Hombre Road side goes as little as 1.2 feet. Their entrance is close to our Honey Trail entrance and that's going to impact our access. We have one way in and one way out. And it appears that the project does as well. Del Hombre, which is the street onto both entrances exit, is a narrow dead end road. It's not built to withstand any amount of traffic. In the event of a catastrophe, getting out would be dangerous or impossible. In the evening, people are crossing the street or bicycling are hard to see since the road dead ends just past Honey Trail and is extremely dark at that point. Another concern I have is the visual and noise impact of this very large proposed project. The set back as many people have stated are as little, listed in their plans are as little as 1.2 feet to less than 9 feet. To put it in perspective with other buildings on Del Hombre, Avalon apartments set back are 24 feet in some places and 35 feet in other places. So this allows them to soften their buildings with trees and grass in the front to buffer some of the noise and enhance the physical features. The narrow set back of this proposed project eliminates and limits the planting of trees and other plans on the del Hombre street side. In addition others have states, the close proximity of the proposed project to our tree line Honey Trail Road will harm the valley oaks that will line our driveway. 10 feet of an exclusion zone according to their plans is inadequate and the trees and the vegetation on our side will be negatively impacted and die. So you are proposing to revise the County Code from multi-family residential to very high density to multiple family residential vary high special density. I am asking you to reconsider and keep the zoning as is. Because it would keep the character of our community and it would prevent some of these adverse situations. Thank you for your consideration.

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Kristen Faye Burda: I've been a homeowner at Honey Trail for over two years now. My husband and I moved there in 2017 when I was pregnant when we have a 19 month old son now. We've been very happy living there. My biggest concerns about the proposed project are safety. We lived on a dead end that has been stated. In the event of a wildfire or an earthquake if we need to get out we have two very narrow lanes. As is there is a 3 way stop. Plus the folks coming out of Avalon. That's already a congested tiny intersection. If we add 284 units like possibly 400 or 500 people right there. That bottlenecks us in. So in the event of any emergency where we have to get our cars out. Even if we have to on foot get out

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to have a building coming up one foot away from a side walk. There will just....be bottle neck there is not enough room for us safely to get out. So I'm really concerned about safety for our family. I'm also I just, we expected when we saw the beautiful natural lot next to Honey Trail when we purchased our home a couple of years ago, you know its valuable land I'm assumed it would be developed and I'm fully in support of adding affordable housing to our community. I think that's great that Habitat for Humanity is coming through. I worked in support of housing in the Tenderloin for a 1 ½ in mental health. I'm all for affordable housing in the Bay Area. My concern of the aspects of this particular project as is currently started in the plan, I feel it doesn't respect what has been put in place in our neighborhood, east of the Ironhorse Regional Trail. We don't have Pleasant Hill or Walnut Creek looking out for us for. We are unincorporated territory so we really rely on the County to respect the zoning laws that are in place. So in fact that the developer is coming thought and wanting to pay some fines to chop down some trees and change the zoning laws in order to pack more people than is safe in that area, just feels disrespectful to our neighborhood. So I hope we can all collaborate to find some solutions to this that respect the health of our neighborhood and the natural habitat of our neighborhood and the safety of the event of an emergency. I'm a grad student and becoming first responder psychologist and health and safety are my like paramount priorities personally and this is especially for my family so I'm feeling very protective of my family and of our community on Honey Trail so I hope that the developer takes those things in consideration and protects our safety. Thanks.

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Yuri Burda: so I want to talk about the traffic in the environmental report. So the site measurements they made of average traffic in the average daily traffic where as the important measurements that of the peak traffic. So because they development is so close to the BART, there are times during the day when the train comes, especially 5 p.m. and 6 p.m. when trains come, there is a sudden like out flex of cars from the BART station from going in all directions including the Coggins/Del Hombre intersection which is adjacent to the development um so I believe that understates the impact of the traffic. The measuring just averages. That intersection particular Del Hombre and Coggins the point of which the Del Hombre community, the Honey Trail community and the Del Hombre apartments, the proposed development, they all access the Del Hombre Road and accessing this very same intersection and it's a four way stop currently and I believe in the mornings when people are getting towards to the BART station, there will be **** there and in the evenings the traffic kind of dissipates in all directions but also it will be fairly deadlocked. I also want to speak about the exceptions the developers are applying for from the regulations from the setbacks. The proposed in the change density zoning. This regulations are here in place for reasons to protect the esthetics of the community. Protects the safety and foot traffic and the stability so the developer is asking for very narrow setbacks. It really impacts the safety of the pedestrians and the bicyclist going on Del Hombre and the lane and as far as state of comfortability with the community so of course it's *** to look at the particular and decide the zoning why it's happening but the way I see it, we have the BART station and there is the Pleasant Hill Village, the BART Transit Village, including the Avalon Development and some other developments. They tend to be higher than two story buildings and if feels like this area there is lots of activity and there is the Ironhorse trail, which is pedestrians and bicyclists and once you cross that it feels like you're getting to much, much quieter area. There are lots of trees and there is most of the buildings are under two stories and perhaps there are a three story building so the character of esthetics are very different once you cross the BART across the Ironhorse Trail and the proposed development will be basically there will be *** six story parts of

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the development and there will look out of character. I don't believe it will satisfy the requirement and computability with that part of the ****. One more point. I saw lawn planned on the southeast of the corner and it's likely to be used for walking dogs and it's very, very close to 1263 Honey Trail and this apartment and child's bedroom, my son's bedroom is, the window is overlooking the same area and I can imagine folks walking there at given they are 284 units there will be lots of dogs and probably will be walking there on different times of the day including bedtime and early in the morning. He is already not sleeping very well all the time so I can imagine will be not be nice. So I don't believe they considered the noise implications of that little area. It's nicely written on the chart it ** but it means *** there so ***. Thank you.

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**Department of Conservation and Development Zoning Administrator's Meeting
(DCD_ZA_MTG)**

Response to DCD_ZA_MTG-1

Anita Bottari asserted that project setbacks are inadequate.

Please refer to Master Response 3—Setbacks and Building Heights.

Response to DCD_ZA_MTG-2

Anita Bottari expressed concern for protected trees in and around the project site and notes that the exclusion zone for the trees along the boundary should be increased to 20 feet.

Please refer to Master Response 5—Tree Health, Removal, and Replacement.

Response to DCD_ZA_MTG-3

Anita Bottari requested building vents be relocated away from homeowners.

As shown in the site plans, vents would not be located along the property line of the project site and, in fact, would be located 70 feet from the nearest off-site residents. Please also see DCD_ZA_MTG-10 for additional discussion in response to this comment.

Response to DCD_ZA_MTG-4

Anita Bottari expressed concern regarding safety for bicyclists and pedestrians.

Please refer to Master Response 2—Traffic Congestion.

Response to DCD_ZA_MTG-5

Anita Bottari requests the dog run be moved to reduce potential noise impacts.

Impact NOI-1 in Section 3.11, Noise, evaluated potential noise impacts from project stationary noise sources. According to this analysis, a significant impact would occur if operational noise levels generated by stationary noise sources at the project site would result in a substantial permanent increase in ambient noise levels in excess of any of the noise performance thresholds established in Contra Costa County and the City of Walnut Creek General Plans. Contra Costa County and the City of Walnut Creek both establish a maximum exterior noise performance threshold for receiving multi-family residential land uses of 65 A-weighted decibel (dBA) day/night average sound level (L_{dn}). Contra Costa County and the City of Walnut Creek also establish a maximum interior noise threshold of 45 dBA L_{dn} ; however, if ambient noise levels exceed 65 dBA L_{dn} due to train noise, the maximum interior noise threshold would be 50 dBA L_{dn} in bedrooms and 55 dBA L_{dn} in other habitable rooms. The loudest potential stationary noise sources (including mechanical ventilation equipment) associated with implementation of the project were evaluated against these standards and it was determined that they would not exceed the established stationary noise source standards as measured at the nearest residential receptors. Furthermore, the dog run has been eliminated from the final project plans, and this change has been noted in the Errata (see Section 3 of the Final EIR). Therefore, there would be no potential noise impacts from a dog run.

Response to DCD_ZA_MTG-6

Anita Bottari opposes project size and density and asserts that the neighborhood needs more for sale housing instead of rental property.

Please refer to Master Response 4—Density and Master Response 7—Community Character.

Response to DCD_ZA_MTG-7

Anita Bottari predicts people (assuming future project residents) would use the private parking lot of their development because of excess vehicles and parking shortages associated with the project.

Please refer to Master Response 2—Traffic Congestion and Master Response 6—Parking.

Response to DCD_ZA_MTG-8

Joan Wilson notes the area to the south of the property does not consist of multi-family apartments.

This comment has been noted and the changes are included in Section 3, Errata of the Final EIR. No further response is required.

Joan Wilson also notes that Section 3.10, Land Use and Planning, describes the condominiums to the south of the project as a senior citizen community. However, this characterization is not included in the Draft EIR.

Response to DCD_ZA_MTG-9

Joan Wilson asserts that the project is incompatible with the surrounding community.

Please refer to Master Response 7—Community Character.

Response to DCD_ZA_MTG-10

Joan Wilson expresses concern regarding fumes released from the underground parking garage and increased traffic as well as the use of other large-scale equipment.

There is no underground venting system, and vents associated with the parking garage ventilation system would not be located along the property line of the project site. The vent associated with the parking garage would be located 70 feet from the nearest off-site residents. Traffic emissions were analyzed in Impact AIR-2 of the Draft EIR, which concluded that operational emissions would not exceed the thresholds of significance.¹² In addition, the potential for a carbon monoxide (CO) hotspot (i.e., exceedance of the CO California and national ambient air quality standard) was evaluated in Impact AIR-3 using recommended Bay Area Air Quality Management District (BAAQMD) methods and the Draft EIR concluded that impacts would be less than significant.¹³

For a discussion of large-scale equipment, please refer to Response to WILSON-2.

¹² FirstCarbon Solutions (FCS). 2019 Del Hombre Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Pages 3.12-39 through 3.2-41. September.

¹³ FirstCarbon Solutions (FCS). 2019 Del Hombre Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Page 3.12-48 and 3.12-49. September.

Response to DCD_ZA_MTG-11

Joan Wilson expresses concern regarding unsafe traffic loads on Del Hombre Lane, which is the only access point for the condominiums to the south of the project site. Joan Wilson also notes that the traffic burden associated with the project would be problematic during typical operation, as well as emergencies.

Please refer to Master Response 2—Traffic Congestion and Master Response 8—Emergency Access.

Response to DCD_ZA_MTG-12

Joan Wilson notes that the intersection of Las Juntas Way and Coggins Drive would be impacted by the project and it would also impact pedestrians and bicycle traffic.

Please refer to Master Response 2—Traffic Congestion.

Response to DCD_ZA_MTG-13

Joan Wilson opposes tree removal along the project boundary.

Please refer to Master Response 5—Tree Health, Removal, and Replacement.

Response to DCD_ZA_MTG-14

Julie Asregadoo expresses concern that project setbacks are not appropriate and requests larger setbacks.

Please refer to Master Response 3—Setbacks and Building Heights.

Response to DCD_ZA_MTG-15

Julie Asregadoo expresses concern regarding increased traffic and pedestrian safety at the intersection of Las Juntas Way and Coggins Drive.

Please refer to Response to Master Response 2—Traffic Congestion.

Response to DCD_ZA_MTG-16

Julie Asregadoo asserts the tree protection zone for the valley oaks along the southern boundary is insufficient to protect the trees and requests a second arborist report to evaluate construction impacts on valley oaks.

Please refer to Master Response 5—Tree Health, Removal, and Replacement.

Response to DCD_ZA_MTG-17

Lisa Lombardi expresses concern regarding the single access point on Del Hombre Lane and does not think it will be sufficient given the numbers of residents, cars, and bicycles that would be associated with the project. Lisa Lombardi also notes that in the event of a fire or earthquake, Del Hombre Lane could act as a choke point. Lisa Lombardi also notes there are peaks in local traffic following the arrival of BART trains.

Please refer to Master Response 8—Emergency Access. The peaks of vehicle travel associated with the arrival of BART trains were accounted for in the intersection evaluations in the TIA (Appendix I of the Draft EIR).

Response to DCD_ZA_MTG-18

Lisa Lombardi asserts that project setbacks are too small.

Please refer to Master Response 3—Setbacks and Building Heights.

Response to DCD_ZA_MTG-19

Lisa Lombardi notes the proposed building height is greater than residences in the surrounding area and expresses concern about potential shading impacts.

The height of the project is in line with the new Avalon Block C project located just southwest of the project site (across the Iron Horse Regional Trail). The project massing breaks down from a 6-story element facing the BART station and its elevated tracks, to 5-stories for the majority of the project, and 4-stories where the project steps down to the Honey Trail condominiums on the project's southern border. The project massing is further broken down by two large courtyards, which serve to break up the façade on the project's southern half and reduce shadow impacts.

Response to DCD_ZA_MTG-20

Lisa Lombardi requests a more extensive landscape/Tree Replacement Plan on the Honey Trail boundary.

Please refer to Master Response 3—Setback and Building Heights and Master Response 5—Tree Health, Removal, and Replacement.

Response to DCD_ZA_MTG-21

Lisa Lombardi notes that the proposed dog runs are not clearly delineated on the site plans and requests they be located in the interior of the project site to minimize noise and odors.

The dog run has been eliminated from the final project plans, and this change has been noted in the Errata (see Section 3 of the Final EIR). Therefore, there would be no potential noise or odor impacts associated with a dog run.

Response to DCD_ZA_MTG-22

Lisa Lombardi asserts that the project is too dense and requests the project be revised to reduce density.

Please refer to Master Response 4—Density.

Response to DCD_ZA_MTG-23

Lucia Borgman expresses concern regarding evacuation events and emergency access.

Please refer to Master Response 8—Emergency Access.

Response to DCD_ZA_MTG-24

Barbara Haugse expresses concern regarding increased traffic and safety.

Please refer to Master Response 2—Traffic Congestion. The new transportation enhancements would make Del Hombre Land and Roble Road safer for pedestrians and bicyclists.

Response to DCD_ZA_MTG-25

Barbara Haugse expresses concern regarding traffic and safety during project construction considering current construction nearby.

Please refer to Master Response 2—Traffic Congestion.

Response to DCD_ZA_MTG-26

Barbara Haugse expresses concern regarding illegal parking at the proposed loading zone and notes that the Sheriff's Department is overloaded.

The project proposes a 58.4-foot loading zone outside the lobby for deliveries and passenger pick up, which could accommodate up to three vehicles at a time and does not allow short-term parking. As discussed in Section 3.13, Public Services, the Office of the Sheriff did not indicate that the project would result in the need for new or expanded Sheriff facilities in order to maintain acceptable service ratios, response times, or other performance objectives.^{14,15}

Response to DCD_ZA_MTG-27

Barbara Haugse asserts the tree protection zones for the valley oaks along the southern boundary is insufficient to protect the trees and requests a second arborist report to evaluate construction impacts on valley oaks. She also expresses concern with respect to tree removal in general.

Please refer to Master Response 5—Tree Health, Removal, and Replacement.

Response to DCD_ZA_MTG-28

Barbara Haugse expresses concern regarding air quality impacts from exhaust associated with the proposed parking garage given the position of the mechanical/electrical building located at the southeast corner of the project site.

The mechanical/electrical rooms would not be used for venting for the parking garage and vents associated with the parking garage ventilation system would not be located along the fence line of the project site; they would be located 70 feet away from the nearest off-site residents. Please see Response to DCD_ZA_MTG-10 for additional information in response to this comment.

Response to DCD_ZA_MTG-29

Barbara Haugse asserts that the location of the dog run and swimming pool have not been given much thought given their proximity to the parking garage and the potential exhaust that would be expelled from the parking garage.

As described in Response to DCD_ZA_MTG-10 and DCD_ZA_MTG-28, vents would not be located along the property line and would be located 70 feet from the nearest off-site residents. Moreover, the mechanical/electrical rooms would not be used for venting for the parking garage. The final location of the garage vent would adhere to all required clearances under the California Building

¹⁴ Contra Costa County Office of the Sheriff. 2019. Email Correspondence with Carlye Slover, Sheriff's Specialist. January 24, 2019.

¹⁵ FirstCarbon Solutions (FCS). 2019 Del Hombre Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Page 3.13-12. September.

Code and therefore, people utilizing the swimming pool would not face unsafe exposure to exhaust from the parking garage. The dog run has been removed from the project plans.

Response to DCD_ZA_MTG-30

Barbara Haugse expresses concern regarding excessive construction related traffic.

Please refer to Master Response 2—Traffic Congestion.

Response to DCD_ZA_MTG-31

Barbara Haugse opposes the sizes of the proposed setbacks.

Please refer to Master Response 3—Setbacks and Building Heights.

Response to DCD_ZA_MTG-32

Barbara Haugse asserts that there would be inadequate parking and notes that four visitor spaces is not enough spaces to serve the entire project.

Please refer to Master Response 6—Parking.

Response to DCD_ZA_MTG-33

Barbara Haugse opposes the proposal to include rental housing because it is not compatible with the existing character and asserts the project is too dense.

Please refer to Master Response 4—Density and Master Response 7—Community Character.

Response to DCD_ZA_MTG-34

Leo Dominguez expresses concern regarding lack of parking in the area and notes that four visitor spaces is not enough spaces to serve the entire project. They also express concern about illegal parking.

Please refer to Master Response 6—Parking.

Response to DCD_ZA_MTG-35

Leo Dominguez expressed concern regarding loss of bird habitat due to tree removal, especially in relation to the other development projects in the area.

The mixed oak woodland present within the project site boundaries does offer habitat to a variety of nesting birds, but it is a residentially zoned lot in an area of high density, transit-oriented development and is not a sensitive biological community. The project site and surrounding areas display high levels of disturbance, further precluding the presence of special-status species that may otherwise occur in a mixed oak woodland habitat.

As described in Section 3.3, Biological Resources, Implementation of MM BIO-1b would reduce potential impacts to migratory and nesting birds by requiring pre-construction surveys prior to removal of trees, demolitions, or construction activities taking place during the nesting season, and

if necessary, buffer zones established by a qualified Biologist. Therefore, impacts to migratory birds would be less than significant with mitigation.¹⁶

Response to DCD_ZA_MTG-36

Leo Dominguez expressed concern regarding more apartments (as opposed to for sale housing), high density housing in the area, and traffic impacts.

Please refer to Master Response 2—Traffic Congestion, Master Response 4—Density, Master Response 7—Community Character.

Response to DCD_ZA_MTG-37

Lydia Fedotoff expresses concern regarding the single access point on Del Hombre Lane. Lydia Fedotoff also notes it is hard to see when crossing Del Hombre Lane.

Please refer to Master Response 8—Emergency Access for a discussion of the single access point and emergency access.

As discussed in Section 3.15, Transportation, MM TRANS-1d would require the project applicant to include street lighting along the project frontages that provide an illuminated pedestrian path of travel along the project frontage connecting to the Iron Horse Trail; with implementation of MM TRANS-1d, the project would result in a less than significant impact with respect to pedestrian facilities.¹⁷

Response to DCD_ZA_MTG-38

Lydia Fedotoff expresses concern with respect to aesthetics and noise.

Impacts to aesthetics and noise were evaluated in the Draft EIR and impacts were found to be less than significant with mitigation. Please refer to Section 3.1, Aesthetics, and Section 3.11, Noise.

Lydia Fedotoff also expresses concern regarding community character because of proposed setbacks, project density, and potential impacts to trees.

Please refer to Master Response 3—Setbacks and Building Heights and Master Response 5—Tree Health, Removal, and Replacement.

Response to DCD_ZA_MTG-39

Kristen Faye Burda expresses concern regarding potential evacuations in the area.

Please refer to Master Response 8—Emergency Access.

Response to DCD_ZA_MTG-40

Kristen Faye Burda expresses concern regarding the character of the neighborhood considering the size and density of the project and proposed tree removal.

¹⁶ FirstCarbon Solutions (FCS). 2019 Del Hombre Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County).Page 3.3-22. September.

¹⁷ FirstCarbon Solutions (FCS). 2019 Del Hombre Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County).Page 3.15-55. September.

Please refer to Master Response 4—Density and Master Response 5—Tree Health, Removal, and Replacement.

Response to DCD_ZA_MTG-41

Yuri Burda questions the methodology used for the transportation analysis and expresses concern about peaks in local traffic following the arrival of BART trains.

Please refer to Master Response 2—Traffic Congestion.

Response to DCD_ZA_MTG-42

Yuri Burda expresses concern regarding the impact of setback exceptions and building heights on neighborhood aesthetics and pedestrian and bicyclist's safety.

Please refer to Master Response 3—Setbacks and Building Heights for a discussion of the setbacks variance and building heights and Master Response 2—Traffic Congestion for a discussion of pedestrian and bicyclists safety on Del Hombro Lane.

Response to DCD_ZA_MTG-43

Yuri Burda expressed concern regarding noise from the proposed dog run on sensitive receptors.

Please refer to Response to DCD_ZA_MTG-5.

From: Lou Ann Texeira <LouAnn.Teixeira@lafco.cccounty.us>
Sent: Friday, September 13, 2019 2:00 PM
To: Jennifer Cruz <Jennifer.Cruz@dcd.cccounty.us>
Cc: Lauren Talbott <Lauren.Talbott@lafco.cccounty.us>
Subject: Del Hombre 284-Unit Apartment Project - County File Number: GP18-0002, RZ18-3245, MS18-0010, DP18-3031

Hi Jennifer,

Thank you for sending Contra Costa LAFCO the *Notice of Availability and Public Hearing for the Draft EIR* relating to the above-referenced project.

In reviewing the Draft EIR it appears that the project will receive water service from Contra Costa Water District, wastewater service from Central Contra Costa Sanitary District and fire service from Contra Costa Fire Protection District. It appears that no LAFCO action (e.g., annexation) is needed for this project.

Thanks again for contacting Contra Costa LAFCO.

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Local Agencies

Contra Costa Local Agency Formation Commission (LAFCO)

Response to LACFCO-1

The agency notes the project would receive water service from Contra Costa Water District, wastewater service from Central Contra Costa Sanitary District, and fire service from the Contra Costa County Fire Protection District. The agency concludes that no LAFCO action is necessary. The comment is noted and no further response required.

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November 15, 2019

Via U.S. Mail and Email

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Re: Comments on the Del Hombre Apartment Project Draft Environmental Impact Report (SCH # 2018102067)

Dear Ms. Napier, Mr. Kopchik and Ms. Cruz:

We are writing on behalf of Contra Costa Residents for Responsible Development regarding the September 2019 Draft Environmental Impact Report (“DEIR”) for the Del Hombre Apartment Project. The Project, proposed by the Hanover Company, involves developing a 2.4-acre site as a 284-unit apartment building. The Project is located at 112 Roble Road, approximately 0.12 miles from the Pleasant Hill BART station. The Project requires the demolition of two existing residential structures and the removal of 161 trees.

According to the DEIR, the Project will require the following approvals from Contra Costa County (“County”): (1) EIR Certification; (2) a General Plan Amendment (3) Rezoning; (4) a Final Development Plan; (5) a Vesting Tentative

4714-006acp

1

November 15, 2019
Page 2

Map; (6) Variances to lots size and setback from a public road; (7) a tree removal permit; (8) an exception to drainage requirements.

As explained in these comments, the DEIR does not comply with the requirements of the California Environmental Quality Act (“CEQA”) in several respects.

First, the DEIR fails to properly identify, analyze, and mitigate impacts from hazardous materials at the Project site. The DEIR fails to identify elevated concentrations of dieldrin, chlordane, and arsenic found at surface soils as a significant impact and further fails to provide mitigation measures to protect workers and neighboring residents.

Second, the DEIR fails to properly analyze and mitigate impacts on air quality. The DEIR underestimates the Project’s construction emissions and fails to provide feasible mitigation to the air quality impacts it deems significant. As a result, it lacks substantial evidence for its conclusion that air quality impacts are less than significant.

Third, the DEIR fails to support its traffic analysis with substantial evidence and underestimates the Project’s significant traffic impacts.

In addition, the Project exceeds density thresholds set in the Contra Costa County General Plan (“General Plan”) and misuses the State Density Bonus Law to avoid providing additional low-income units.

We have reviewed the DEIR and its technical appendices with the assistance of our technical consultant, air quality and hazardous resources expert James J.J. Clark, PhD, and with the assistance of traffic and transportation expert Dan Smith of Smith Engineering & Management. Dr. Clark and Mr. Smith’s comments and curriculum vitae are attached hereto as Exhibit A and Exhibit B, respectively, and are fully incorporated herein and submitted to the City herewith. The attached expert comments require separate responses under CEQA. We reserve the right to

1
CONT.

November 15, 2019
Page 3

supplement these comments at a later date, and at any later proceedings related to this Project.¹

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CONT.

I. STATEMENT OF INTEREST

Contra Costa Residents for Responsible Development (“Contra Costa Residents”) is an unincorporated association of individuals and labor unions that may be adversely affected by the potential environmental impacts of the Project.

2

Individual members of Contra Costa Residents and the affiliated unions live, work, recreate and raise their families in Contra Costa County. These members would be directly affected by the Project’s environmental and health and safety impacts. Members of Contra Costa Residents may also work on the Project itself. Accordingly, these individuals will be first in line to be exposed to any health and safety hazards created by the Project. Contra Costa Residents has an interest in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for its members. Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for business and industry to expand in the region, and by making it less desirable for businesses to locate and people to live there.

II. THE DEIR IS NOT SUPPORTED BY SUBSTANTIAL EVIDENCE AND FAILS TO INCORPORATE ALL FEASIBLE MITIGATION MEASURES TO REDUCE IMPACTS TO LESS THAN SIGNIFICANT

3

CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an environmental impact report (“EIR”) (except in certain limited circumstances).² The EIR is the very heart of CEQA.³ “The foremost principle in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.”⁴

¹ Gov. Code § 65009(b); PRC § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield (“Bakersfield”)* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

² See, e.g., PRC § 21100.

³ *Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652.

⁴ *Comtys. for a Better Env’ v. Cal. Res. Agency* (2002) 103 Cal. App.4th 98, 109 (“*CBE v. CRA*”).
4714-006acp

November 15, 2019
Page 4

CEQA has two primary purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project.⁵ “Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR “protects not only the environment but also informed self-government.”⁶ The EIR has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.”⁷

Second, CEQA requires public agencies to avoid or reduce environmental damage when “feasible” by requiring “environmentally superior” alternatives and all feasible mitigation measures.⁸ The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to “identify ways that environmental damage can be avoided or significantly reduced.”⁹ If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns.”¹⁰

While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position. *A clearly inadequate or unsupported study is entitled to no judicial deference.*”¹¹ Moreover, “whether a description of an environmental impact is insufficient because it lacks analysis or omits the magnitude of the impact is not a substantial evidence question. A conclusory discussion of an environmental impact that an EIR deems significant can be determined by a court to be inadequate as an informational document without reference to substantial evidence.”¹²

3
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⁵ 14 CCR § 15002(a)(1).

⁶ *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564.

⁷ *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal. App. 4th 1344, 1354 (“*Berkeley Jets*”); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.

⁸ 14 CCR§ 15002(a)(2) and (3); *see also Berkeley Jets*, 91 Cal.App.4th at 1354; *Citizens of Goleta Valley*, 52 Cal.3d at 564.

⁹ 14 CCR §15002(a)(2).

¹⁰ PRC § 21081; 14 CCR § 15092(b)(2)(A) & (B).

¹¹ *Berkeley Jets*, 91 Cal. App. 4th 1344, 1355 (emphasis added), *quoting, Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 391 409, fn. 12.

¹² *Sierra Club v. Cty. of Fresno* (2018) 6 Cal. 5th 502, 514, 431 P.3d 1151, 1160.

November 15, 2019
Page 5

A. The DEIR Fails to Identify, Analyze and Mitigate the Project's Impacts from Hazardous Materials in Soils at the Project Site

CEQA requires lead agencies to consider whether a project would “create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.”¹³ Likewise, CEQA requires lead agencies to determine whether projects create “a significant hazard to the public or the environment through reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment.”¹⁴

4

The DEIR states that there are no significant impacts due to the possible release of hazardous materials from contaminated soils at the Project site.¹⁵ But soil samples from the Phase II Environmental Site Assessment (“ESA”) indicate that toxins are present in the soil above residential screening levels. Grading during construction could thus release toxic chemicals and expose workers and neighbors. As discussed below, the DEIR must therefore be revised to identify this significant impact. In addition, more testing is required to determine the extent of the impact. Finally, the DEIR must be revised to include mitigation measures that protect workers and neighboring residents from contaminated soils.

1. The DEIR Fails to Inform the Public of Specific Findings of Contaminated Soil from the May 2018 Phase II ESA

5

The DEIR states that the Phase II ESA detected concentrations of metallic analytes and organochlorine pesticides in excess of respective residential screening levels in the upper one foot of soil on the project site.¹⁶ However, the DEIR fails to specify which pesticides and metallic analytes were present in surface soils. Moreover, the DEIR fails to identify the presence of these toxins as a significant impact, even though the toxins were present in levels that exceed screening levels. Even worse, Appendix F of the DEIR includes the soil sampling report from August 2018, when samples showed concentrations of toxins below screening levels.¹⁷ But Appendix F of the DEIR excludes the surface soil sampling report from May 2018,

6

¹³ CEQA Guidelines, Appendix G, Section IX: Hazards and Hazardous Materials.

¹⁴ *Id.*

¹⁵ DEIR, 3.8-17.

¹⁶ DEIR, 3.8-5.

¹⁷ DEIR, Appendix F.

4714-006acp

November 15, 2019
Page 6

when samples showed concentrations of toxins *above* screening levels.¹⁸ This cherry-picking of data misleads the public and violates CEQA’s requirement that the DEIR serve as an informational document.

Soil samples conducted in May 2018 as part of the limited Phase II ESA found the following:

- Dieldrin concentration of 53.4 micrograms per kilogram, which is in excess of its corresponding residential Environmental Screening Level (“ESL”) and Regional Screening Level (“RSL”);¹⁹
- Chlordane at a concentration of 1,000 micrograms per kilogram, which exceeds the corresponding residential ESL and the [California Department of Toxic Substance Control] DTSC screening level;²⁰
- Arsenic at a concentration of 13.1 milligrams per kilogram, which is in excess of both the respective residential screening levels and the expected range of background concentrations observed in the San Francisco Bay Area.²¹

Based on these findings, ENGEO, the company conducting the soil sampling, recommended that the soil “be managed and/or disposed of appropriately.”²² Despite this recommendation, the DEIR includes no mitigation measures for handling and removing contaminated soils, as discussed in more detail below.

2. The DEIR Lacks Substantial Evidence to Conclude Contaminated Soils Pose No Significant Impact

In addition to omitting the findings described above, the limited Phase II ESA failed to determine the magnitude of the impact. Thus, the DEIR lacks substantial evidence to conclude there is no impact. As described in Dr. Clark’s comments, “an objective of sampling at a site is to determine the general extent of contamination in order to assess immediate potential threats, scope of removal and

¹⁸ *Id.*; See Limited Phase II Environmental Site Assessment for Del Hombre, from ENGEO, Inc. to Kristen Gates (May 24, 2018), included as Attachment C.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

4714-006acp

6
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7

November 15, 2019
Page 7

remediation needs.”²³ Indeed, sampling must determine both the vertical *and* lateral extent of the contamination. In other words, sampling should measure how deep the plume of contamination goes as well as how wide the plume of contamination is.

Workers who grade and remove the soil will inhale and handle contaminated soils and thus are at risk of exposure. In addition, the DEIR states that “[t]he project site is surrounded by existing residences to the north, east, and south of the project site.”²⁴ Moreover, these residences are multi-family apartment buildings, which means that many people reside near the Project site.²⁵ Indeed, the closest of these residences is only 20 feet away from Project construction.²⁶ Neighboring residents could thus be exposed to chemical-laden dust when it is disturbed during grading or when exposed soil is carried by wind. To avoid those impacts, the magnitude of the hazards must be determined and proper mitigation must be required.

Here, the soil sampling was deficient in two respects. First, the Phase II ESA performed for the DEIR used the 2008 Interim Guidance for Sampling Agricultural Properties, Third Revision (“2008 Guidance”) to determine how many soil samples to take.²⁷ In line with the 2008 Guidance, the Phase II ESA took 4 samples at the Project site. However, the 2008 Guidance also suggests taking composite samples and field duplicates. Composite samples are multiple samples combined together to show health impacts if a person is exposed at multiple points. Field duplicates ensure that sampling results are confirmed. Both are necessary to give a broader view of exposure and ensure samples are accurate. But, as stated in Dr. Clark’s comments, “[n]either the May, 2018 nor the August, 2018 sampling events performed by ENGEO included field duplicate samples or composite samples.”²⁸

Second, while the follow-up sampling from August 2018 attempted to characterize the *vertical* extent of the contamination, it failed to characterize the *lateral* extent of the contamination. Because the May 2018 sampling found toxins at levels in excess of screening thresholds, more testing is necessary to determine the

²³ Clark Comments, 3.

²⁴ DEIR, 3.2-14.

²⁵ *Id.* at 3.2-41.

²⁶ *Id.* at 3.2-14.

²⁷ Limited Phase II Environmental Site Assessment for Del Hombre, from ENGEO, Inc. to Kristen Gates (May 24, 2018), included as Attachment C.

²⁸ Clark Comments, 4.

4714-006acp

7
CONT.

November 15, 2019
Page 8

horizontal area of the contamination. How large an area of soil surface is contaminated with toxins? The DEIR does not provide this information. CEQA requires that agency conclusions be backed by substantial evidence. By failing to determine the lateral extent of the contamination, the agency's conclusion that the hazards pose no significant impact is not supported by substantial evidence.

7
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This failure to measure the lateral extent of the contamination is especially problematic for chlordane. As stated in Dr. Clark's comments "chlordane does not leach significantly and will remain in the top 20 centimeters (8 inches) of most soils and will stay at this level for more than 20 years."²⁹ Thus, if chlordane is present in surface soils, it is not likely to be found at depths. And the presence of chlordane in surface soils can pose a significant health impact. As Dr. Clark explains, "[s]ince the degradation of chlordane in the environment is so slow, if chlordane impacted soils at the Site are disturbed and released to the surrounding community the health impacts could last for 2 more decades."³⁰

In addition, because soil samples showed concentrations of toxins above residential screening levels, the DEIR should conduct a health risk assessment for those chemicals. The 2008 Guidance (used in the Phase II ESA) states that:

All detected pesticides and any onsite metals above background ***should be evaluated as COPCs in a human health risk assessment*** as described in the DTSC [Preliminary Endangerment Assessment] PEA Guidance Manual or in comparison to CHHSLs. In the initial screening analysis, the highest concentration of each detected pesticide and metal above background must be used as the exposure point concentration in the risk assessment.³¹

8

However, despite this guidance, neither the Phase II ESA nor the DEIR conducted a health risk assessment to determine the public health implications of elevated concentrations of toxins at the Project site.

Because the DEIR fails to inform the public about the lateral extent of contaminants found and fails to perform a health risk assessment, the DEIR lacks

9

²⁹ ATSDR. 2018. Toxicological Profile for Chlordane. February 2018.
<https://www.atsdr.cdc.gov/ToxProfiles/tp31.pdf>

³⁰ Clark Comments, 5.

³¹ DTSC. 2008. Sampling Agricultural Fields 2008. Section 5.3 Human Health Risk Assessment, available at <https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Ag-Guidance-Rev-3-August-7-2008-2.pdf>.

4714-006acp

November 15, 2019
Page 9

substantial evidence to conclude there is no significant impact from the release of hazardous materials at the Project site. More testing is necessary to fully identify and analyze the potentially significant impact of elevated levels of dieldrin, chlordane, and arsenic.

9
CONT.

As demonstrated below, the evidence provided in the Phase II ESA suggests that soil contaminants at the Project site *do* pose a significant impact.

3. Substantial Evidence shows that Contaminants in Soils Pose a Significant Health Risk

As stated above, the 2008 Agricultural Guidance states all pesticides and metals detected above screening levels should be evaluated in a health risk assessment as described in the DTSC'S PEA Manual. The PEA Manual provides a calculation to preliminarily determine health risk:³²

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The basic screening risk approach is to calculate the estimated risk or hazard posed by the maximum concentration of a chemical detected in each medium (soil, water, air) using an established human health-risk-based residential screening level/concentration as a comparator, that is, the USEPA Regional Screening Level (RSL)³³ for residential land use, modified as necessary by DTSC in HHRA Note 3³⁴. The basic screening risk equations for each medium (soil, water, air) are as follows.

For a carcinogenic chemical: The screening concentration is based on a target cancer risk of one-in-a-million (10^{-6}).

$$\frac{\text{Maximum concentration}}{\text{Screening concentration}} \times 10^{-6} = \text{Cancer Risk}$$

For a non-carcinogenic chemical: The screening concentration is based on a target Hazard Quotient (HQ) of one.

$$\frac{\text{Maximum concentration}}{\text{Screening concentration}} = \text{Hazard Quotient}$$

The PEA Manual also states how to interpret the above calculation: if the cancer risk value is above 10^{-6} or the Hazard Quotient is greater than 1, then:

the presence of contamination ... may pose a significant threat to human health. Exceptions will generally include sites with elevated background

³² PEA Manual at p. 34.
4714-006acp

November 15, 2019
Page 10

concentrations, sites where other agency criteria are more stringent, and sites with specific circumstances that allow for a risk management decision to increase the acceptable screening levels.³³

In short, if contaminants are present above screening levels, there are likely significant human health impacts unless extenuating circumstances exist.

Dr. Clark calculated the cancer risk and hazards quotient for dieldrin, chlordane, and arsenic at the Project site:

Contaminant	Cancer Risk
Dieldrin	7 x 10 ⁻⁶
Chlordane	2 x 10 ⁻⁶
Arsenic	195 x 10 ⁻⁶
Cumulative	204 x 10 ⁻⁶

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CONT.

All values in the above chart are “in excess of the risk management range used by the State of California in the PEA Manual.”³⁴ The DEIR failed to properly analyze the Phase II ESA’s findings. As a result, the DEIR failed to identify a potentially significant impact.

The DEIR’s failure to fully analyze elevated concentrations of soil contaminants violates the law. The chemicals described above have serious health impacts. Chlordane, for example, is both a carcinogen and an endocrine disruptor that can “lead to permanent alterations in the reproductive, nervous, and immune systems that are developing during prenatal growth and childhood.”³⁵ Dieldrin may “pose a risk to the brain by altering gene expression.”³⁶ And arsenic is a known human carcinogen.³⁷ The DEIR is supposed to serve as an informational document. It is irresponsible not to alert workers and neighbors, who may be exposed to chemical-laden dust, to this potentially serious health impact.

³³ PEA Manual p. 64.
³⁴ Clark Comments, 6.
³⁵ *Id.* at 9.
³⁶ *Id.* at 10.
³⁷ *Id.* at 11.
4714-006acp

November 15, 2019
Page 11

The DEIR must be revised to conduct a proper health risk assessment and document the significant impact that elevated levels of arsenic, dieldrin, and chlordane potentially pose to workers and neighbors.

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CONT.

4. The DEIR Must Be Revised to Mitigate the Impact from Dieldrin, Chlordane, and Arsenic in Surface Soils at the Project Site

Because soil testing revealed chemicals in excess of screening levels, the DEIR must include mitigation measures to protect construction workers and neighbors from chemical-laden dust. For example, the County should require clear warnings to workers before excavating soil. After testing determines the full extent of the contaminated plume, that plume should be marked. When workers grade those areas, workers must have appropriate protective equipment and should be trained in how to handle the contaminated soil. Contaminated areas should not be graded on windy days to protect neighboring residents from contaminated dust. In addition, the contaminated areas should not be left exposed to minimize the possibility of contaminants moving offsite.

11

As stated in Dr. Clark's comments, water spray alone only contains between 56% and 81% of dust.³⁸ So current dust suppression measures will not necessarily protect neighbors from chemical-laden dust. Moreover, such measures will certainly not protect workers who may handle exposed dirt. Thus, the Project should also include the following mitigation measures: particulate matter monitoring at the Project's fence-line, the installation of a meteorological station during this time frame to ensure excavation is only performed when winds are below 5 MPH, and the application of dust suppressants prior to excavation.³⁹ The DEIR must be revised to include robust mitigation measures to limit exposure to workers and neighbors from contaminated soil.

B. The DEIR Fails to Analyze and Mitigate Health and Air Quality Impacts from Construction Emissions

Under CEQA, lead agencies must consider a project's impacts on air quality, including whether the project will "expose sensitive receptors to substantial pollutant concentrations."⁴⁰ As demonstrated below, the Project's analysis finds a

12

³⁸ Clark letter at 12.

³⁹ *Id.*

⁴⁰ CEQA Guidelines, Appendix G, Section III: Air Quality.
4714-006acp

November 15, 2019
Page 12

significant impact to sensitive receptors, but fails to effectively mitigate it. In addition, the air impact analysis underestimates emissions on sensitive receptors.

12
CONT.

1. Mitigation Measure Air-3 Fails to Mitigate Air Quality Impacts to Less than Significant and is Unenforceable

CEQA requires the lead agency to adopt feasible mitigation measures that will substantially lessen or avoid a project's potentially significant environmental impacts.⁴¹ A public agency may not rely on mitigation measures of uncertain efficacy or feasibility.⁴² "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors.⁴³ Mitigation measures must be fully enforceable through permit conditions, agreements or other legally binding instruments.⁴⁴

13

Failure to include enforceable mitigation measures is considered a failure to proceed in the manner required by CEQA that is evaluated de novo by the courts.⁴⁵ The court of appeal recently clarified that, to meet this requirement, mitigation measures must be incorporated directly into the Mitigation Monitoring and Reporting Program to be enforceable.⁴⁶

Here, the DEIR fails to properly mitigate air impacts. The DEIR correctly concluded that unmitigated construction equipment would have a significant impact on cancer health risk.⁴⁷ To mitigate this impact to less than significant, the DEIR proposes Mitigation Measure (MM) AIR-3, which states that the Project will use Tier-IV Interim construction equipment.⁴⁸ The DEIR concludes that by using this mitigation measure, the Project's construction impacts will be mitigated to less than a significant level. However, MM AIR-3 has a glaring exception, stating:

⁴¹ CEQA §§ 21002, 21081(a)) and describe those mitigation measures in the EIR. (CEQA § 21100(b)(3); CEQA Guidelines section 15126.4

⁴² *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 727 (finding groundwater purchase agreement inadequate mitigation measure because no record evidence existed that replacement water was available).

⁴³ 14 CCR § 15364.

⁴⁴ *Id.* at §15126.4(a)(2).

⁴⁵ *San Joaquin Raptor Rescue Ctr. v. County of Merced* (2007) 149 Cal.App.4th 645, 672.

⁴⁶ *Lotus v. Dept of Forestry* (2014) 223 Cal. App. 4th 645, 651-52.

⁴⁷ DEIR at 3.2-46.

⁴⁸ *Id.* at 3.2-47.

4714-006acp

November 15, 2019
Page 13

If engines that comply with Tier IV Interim off-road emission standards are not commercially available, then the construction contractor shall use the next cleanest piece of off-road equipment (e.g., Tier III) available. The contractor can maintain records for equipment that is not commercially available by obtaining letters from at least two rental companies for each piece of off-road equipment where the Tier IV Interim engine is not available.⁴⁹

13
CONT.

The DEIR correctly acknowledges that Tier IV equipment is not always readily available.⁵⁰ However, this means that if two rental companies are out of Tier IV, the Project may use *any* level of equipment, as long as that equipment is the cleanest the rental company has.

Because any equipment might be used during Project construction, the significant impact of cancer risk to infants has not been mitigated as claimed. The DEIR must be revised to include mitigation measures that will *guarantee* the impact will be reduced to less than significant and safeguard public health. This is especially important because Project construction will take place in close proximity to multiple residences—the closest sensitive receptor is a mere 20 feet away.⁵¹

In addition, MM AIR-3 is deficient because it has no enforceability mechanism. MM AIR-3 contains no reporting or verification requirement that would ensure the Project does in fact use Tier IV equipment. This is especially important given the scarcity of Tier IV equipment, acknowledged in the DEIR. The DEIR must be revised to include reporting and verification requirements so that MM AIR-3 is enforceable, as required by law.

2. The Health Risk Analysis Underestimates PM 2.5 Construction Emissions

The DEIR underestimates PM 2.5 construction emissions in two respects. First, the DEIR fails to follow BAAQMD's guidance on conducting Health Risk Assessments which recommends assuming short-term projects last a full three years. Second, the DEIR fails to account for cancer-causing components of diesel exhaust.

14

⁴⁹ *Id.* at 3.2-49 to 3.2-50.

⁵⁰ *Id.*

⁵¹ DEIR at 3.2-14.

4714-006acp

November 15, 2019
Page 14

a) The DEIR Fails to Use BAAQMD's Most Recent Guidance on Health Risk Assessments

The DEIR claims to use BAAQMD's 2017 Health Risk Assessment Guidance to calculate cancer risk from chronic chemical exposure from construction emissions.⁵² But, as stated in Dr. Clark's comments, the DEIR fails to follow this guidance. Specifically, BAAQMD's 2017 Health Risk Assessment Guidelines state that short term projects should assume a project duration of a full three years:

15

To ensure that short-term projects do not result in unanticipated higher cancer impacts due to short-duration high-exposure rates, the Air District recommends that the cancer risk be evaluated assuming that the average daily dose for short-term exposure lasts a minimum of three years for projects lasting three years or less.⁵³

In contrast, the DEIR assumes cancer risk from construction emissions will last only two years, contrary to BAAQMD's guidance. The DEIR must therefore be revised to follow BAAQMD's guidance or explain how the model that the DEIR uses is backed by substantial evidence.

b) The DEIR Fails to Account for Cancer-Causing Chemicals in Diesel Exhaust

The DEIR also underestimates emissions by failing to consider all toxic components of diesel exhaust. Although both the EPA and CARB have identified 40 components of diesel exhaust that likely cause cancer, the DEIR only measures the risk from one component of diesel exhaust: DPM.⁵⁴ As stated in Dr. Clark's comments, gaseous components of diesel exhaust, like 1,3-butadiene, and benzo[a]pyrene, are also toxic.⁵⁵ The health impact of these other toxic components of diesel exhaust should be calculated *in addition* to the cancer risk from DPM. By failing to incorporate this impact, the DEIR underestimates the cancer risk from

16

⁵² *Id.* at 3.2-45.

⁵³ Bay Area Air Quality Management District (BAAQMD). 2016. Air Toxics New Source Review Program Health Risk Assessment (HRA) Guidelines, available at http://www.baaqmd.gov/~media/files/planning-and-research/rules-and-regs/workshops/2016/reg-2-5/hra-guidelines_clean_jan_2016-pdf.pdf?la=en.

[clean_jan_2016-pdf.pdf?la=en](http://www.baaqmd.gov/~media/files/planning-and-research/rules-and-regs/workshops/2016/reg-2-5/hra-guidelines_clean_jan_2016-pdf.pdf?la=en)

⁵⁴ Clark Comments at 16.

⁵⁵ *Id.*

4714-006acp

November 15, 2019
Page 15

construction emissions and thus the DEIR's conclusion that there is no significant impact lacks substantial evidence.

16
CONT.

3. Substantial Evidence shows a Significant Impact from PM 2.5 Construction Emissions

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As shown in Dr. Clark's comments, when the Health Risk Assessment follows BAAQMD's guidance, the DEIR fails to reduce cancer risk from construction emissions to less than a significant level. As discussed above, the DEIR does not require Tier IV equipment and essentially allows the use of Tier III or lower equipment.⁵⁶ In addition, the DEIR fails to follow BAAQMD guidance when conducting the Health Risk Assessment, calculating PM 2.5 emissions over a two-year period instead of a three-year period.⁵⁷ After correcting these mistakes, Dr. Clark demonstrates that a significant cancer risk persists, contrary to the DEIR's conclusion. As shown below, the cancer risk to infants is 10.9 in 1,000,000,⁵⁸ which exceeds BAAQMD's thresholds for significance.⁵⁹

18

Exposure Year	DPM Annual Concentration (ug/m3)	Age Sensitivity Factor	Risk
3 rd Trimester	0.034	10	0.39
0-1	0.034	10	4.8
1-2	0.034	10	4.8
2-3	0.034	3	0.95
Total			10.9

Moreover, even the above calculation underestimates the risk since none of the additional toxic diesel exhaust gases were included.

Because the DEIR fails to use BAAQMD's Health Risk Assessment guidance and fails to require Tier IV construction equipment, the DEIR fails to reduce cancer risk from construction emissions to less than significant. The DEIR must therefore be revised to include this impact so that the DEIR accurately informs the public of the Project's environmental impacts and mitigates as necessary.

19

⁵⁶ DEIR at 3.2-49 to 3.2-50.

⁵⁷ Clark Comments, 14.

⁵⁸ *Id.*

⁵⁹ *Id.* at 16.

November 15, 2019
Page 16

C. The DEIR’s Traffic Analysis Fails to Identify, Analyze, and Mitigate Significant Impacts

The CEQA Guidelines state that lead agencies must consider whether a project’s transportation impacts “conflict with an applicable program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.”⁶⁰ The General Plan’s Transportation and Circulation Element enumerates a number of Contra Costa County’s transportation goals, including “[t]o provide a *safe*, efficient and integrated multimodal transportation system.”⁶¹ The CEQA Guidelines also state that lead agencies should consider whether a project’s transportation impacts would substantially increase a hazardous geometric design feature.⁶²

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Here, the DEIR’s transportation analysis underestimates trip generation rates, which renders the DEIR’s conclusions about traffic impacts unsupported by substantial evidence. In addition, the DEIR fails to analyze whether the Project will create queue exceedances that cause hazardous roadway conditions and thus pose a public safety impact.

1. The DEIR’s Trip Generation Rates Are Not Supported by Substantial Evidence

The DEIR estimates trip generation from the Project site using the Institute of Transportation Engineers Trip Generation Manual, 10th Edition (“Manual”).⁶³ The Manual provides traffic generation rates for different kinds of land use projects.⁶⁴ For example, the Manual has an average trip generation rate for mid-rise multi-family land use projects ranging from 3 to 10 stories, like the Project.⁶⁵ To calculate the Project’s trip generation rate, the DEIR takes the Manual’s average rate for mid-rise multi-family land use projects and discounts this rate by 20% because the Project is sited 0.12 miles from a transit center. Specifically, the DEIR states,

21

⁶⁰ CEQA Guidelines, Appendix G, Section XVII: Transportation.

⁶¹ General Plan Transportation and element, P. 5-14.

⁶² CEQA Guidelines, Appendix G, Section XVII: Transportation.

⁶³ DEIR, 3.15-31.

⁶⁴ Institute of Transportation Engineers, *Trip Generation, 10th Edition*.

⁶⁵ DEIR, 3.15-31.

November 15, 2019
Page 17

Review of the data indicates that ITE trip generation rates alone could overestimate vehicle trip generation as compared to projects surveyed in the project vicinity, as the ITE rates are based on surveys on apartment uses in suburban settings, not well served by transit.⁶⁶

However, as stated in Mr. Smith's comments and contrary to the DEIR's assertion, the ITE rates *do* account for proximity to transit centers. Thus, the 20% discount is unnecessary and unjustified. Indeed, the data used to generate rates in the Manual include 4 dense urban city center core sites and 32 dense multi-use urban sites with "comparable transit accessibility" to the Project site.⁶⁷ Furthermore, multi-story buildings like the Project are usually developed near transit, rather than in isolated suburban areas. This is precisely why trip generation rates in the Manual are lower for mid-rise multi-family land use projects than for single-family land use projects. The DEIR does not support its discount with substantial evidence. As stated in Mr. Smith's Comments, the DEIR's reference to two local surveys does not provide justification to deviate from the ITE rates:

In an attempt to justify the 20 percent reduction in trip generation studies carried out at two mid-rise apartment complexes near the Pleasant Hill BART station (...). Whether data measured at just two sites offers sufficient statistical reliability to decrease the multi-site based ITE rates by as much as 20 percent is highly questionable and is not in reasonable compliance with CEQA's demand of a good faith effort to disclose impacts.⁶⁸

Thus, to discount an additional 20% overestimates transit use and underestimates trip generation. As a result of this improper discount, the DEIR underestimates trip generation from the Project, rendering the DEIR's conclusions about transportation impacts unsupported by substantial evidence.⁶⁹

⁶⁶ *Id.*

⁶⁷ Smith Comments, 1.

⁶⁸ Smith Comments, 2.

⁶⁹ It should be noted that the Applicant had not yet submitted a TDM plan, required under Contra Costa County Ordinance § 82-32.004 , that could have provided evidence to support this assumption. 4714-006acp

21
CONT.

November 15, 2019
Page 18

2. The DEIR's Queuing Analysis Is Unsupported by Substantial Evidence and Fails to Disclose Safety Impacts and Hazardous Roadway Conditions

As stated above, CEQA requires agencies to consider whether a project's transportation impacts are consistent with General Plan goals.⁷⁰ One stated goal of the Contra Costa General Plan is to create a safe and efficient transportation system.⁷¹ The CEQA Guidelines also require lead agencies to consider whether transportation impacts will result in a hazardous design feature.⁷² Here, the DEIR fails to properly analyze how Project-exacerbated queue exceedances could cause roadway hazards and safety impacts. Thus, the DEIR's conclusion that the Project will have no significant impact on traffic queues is not supported by substantial evidence. In fact, substantial evidence shows the Project will have significant impact from safety and hazards issues.

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The DEIR states that many intersections in the Project area already exceed storage capacity.⁷³ Storage capacity is the number of cars a lane can contain before overflowing into another lane. The DEIR notes that the Project will create or exacerbate storage capacity exceedances at the following intersections:

- The north bound lane at Oak Road at the I-690 on/off ramps and Buskirk Avenue during both the AM and PM peak hours;
- The south bound lane at Treat Boulevard and Jones Road during the PM peak hours;
- The south bound lane at Oak Road and Las Juntas Way in the AM peak hours.⁷⁴

As for the threshold of significance, the DEIR states:

The addition of project traffic at a study intersection would result in the 95th percentile vehicle queue exceeding the available storage or would increase 95th percentile queue by more than two vehicles where the queue already exceeds the available storage space (for example, vehicle queues extending

⁷⁰ CEQA Guidelines, Appendix G, Section XVII: Transportation.

⁷¹ General Plan Transportation and element, P. 5-14.

⁷² CEQA Guidelines, Appendix G, Section XVII: Transportation.

⁷³ DEIR, 3.15-11 to 12.

⁷⁴ DEIR, r.15-53 to 54.

4714-006acp

November 15, 2019
Page 19

beyond the available turn pocket length, impeding travel in the adjacent lanes).⁷⁵

However, the DEIR fails to analyze how the above mentioned exceedances of storage capacity will *actually* impact gridlock and safety conditions. As stated in Mr. Smith's comments, this failure renders the DEIR's queue analysis "critically flawed."⁷⁶

22
CONT.

Gridlock and queue exceedances are not just a matter of inconvenience. As stated in Mr. Smith's comments, "[a]ny queue that seriously overflows storage capacity is a public safety problem. Indeed, gridlock and blockages can impede emergency services from accessing buildings. In addition, gridlock results in safety hazards when other traffic radically maneuvers to avoid being enmeshed in an overflow queue."⁷⁷ Here, by blocking entries to buildings and creating gridlock at intersections, the Project could make traffic conditions unsafe, contrary to stated goals in the General Plan and to CEQA Guidelines.⁷⁸

For example, Mr. Smith found that the Project's impact on queue lengths will have serious impacts on transportation safety. In his comments, Mr. Smith explains that the north bound left turn queue at Oak Road at the I-690 on/off ramp and Buskirk Avenue will extend back to the intersection of Oak Road and Las Juntas Way, creating gridlock and blocking entry to buildings, including the entry to 3000 Oak Road.⁷⁹

23

Despite these gridlock and safety concerns, the DEIR concludes that the Project's impact on queue lengths is less than significant because "[t]he addition of project traffic is not expected to cause vehicle queues to increase by more than 50-feet (or two car-lengths)."⁸⁰

As stated in Mr. Smith's comments, an exceedance of two car lengths is an arbitrary threshold to determine significance.⁸¹ Rather, queue exceedance can

⁷⁵ DEIR, 3.15-39.

⁷⁶ Smith Comments, 2.

⁷⁷ *Id.*

⁷⁸ General Plan Transportation and element, P. 5-14; CEQA Guidelines, Appendix G, Section XVII: Transportation.

⁷⁹ Smith Comments, 3.

⁸⁰ DEIR, 3.15-52.

⁸¹ Smith Comments, 2.

4714-006acp

November 15, 2019
Page 20

create significant impacts at any length, depending on traffic conditions on the ground. The DEIR failed to analyze these on-the-ground queue exceedance impacts and how they would create gridlock, block emergency access, or block entry to buildings. Thus, the DEIR's conclusion that the Project's impact on vehicle queues is less than significant is not supported by substantial evidence.

23
CONT.

III. THE DEIR'S CUMULATIVE IMPACT ANALYSIS ON PM 2.5 CONSTRUCTION EMISSIONS IS INADEQUATE

An EIR is required to discuss the cumulative impacts of a project "when the project's incremental effect is cumulatively considerable."⁸² Cumulative impact analyses are necessary because "environmental damage often occurs incrementally from a variety of small sources [that] appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact."⁸³ Mere conclusory statements are not sufficient to satisfy the cumulative impacts analysis requirement.⁸⁴ A proper cumulative impacts analysis must be supported by references to specific evidence.⁸⁵ As the Court in *Mountain Lion Coalition* explained, "it is vitally important that an EIR avoid minimizing the cumulative impacts. Rather, it must reflect a conscientious effort to provide public agencies and the general public with adequate and relevant detailed information about them."⁸⁶ "A cumulative impacts analysis which understates information concerning the severity and significance of cumulative impacts impedes meaningful public discussion and skews the decisionmaker's perspective concerning the environmental consequences of the project, the necessity for mitigation measures, and the appropriateness of project approval."⁸⁷

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The BAAQMD's 2017 CEQA Guidance specifically describes how agencies should conduct cumulative impact analyses for PM 2.5 emissions, stating agencies should consider "all past, present, and foreseeable future sources within a 1,000-foot radius from the fence line of a source plus the contribution from the project...."⁸⁸

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⁸² 14 CCR § 15130(a).

⁸³ *Communities for a Better Env't v. Cal. Res. Agency* (2002) 103 Cal.App.4th 98, 114.

⁸⁴ *Mountain Lion Coalition v. Fish & Game Comm'n* (1989) 214 Cal.App.3d 1043, 1047.

⁸⁵ *Id.*

⁸⁶ *Id.* at 1051

⁸⁷ *Id.*

⁸⁸ http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en.

4714-006acp

November 15, 2019
Page 21

The DEIR identified at least one cumulative project that is within 1000-feet from the fence line of the Project: the Habitat for Humanity Townhomes on Las Juntas way (“Habitat for Humanity Project”).⁸⁹ The Habitat for Humanity Project is located less than 400 feet away from the Project site.⁹⁰ In addition, several residences are sandwiched between the Project and the Habitat for Humanity Project.⁹¹ These residences could therefore be impacted by emissions from both projects, possibly at the same time. Yet the DEIR’s cumulative impact analysis for health impacts from PM 2.5 emissions fails to include construction emissions from the Habitat for Humanity Project.⁹² Instead, the DEIR only includes existing baseline TAC emissions from Treat Boulevard, and then adds the Project’s emissions to these emissions.⁹³ Moreover, the DEIR fails to explain *why*, after identifying a cumulative project within 1000 feet of the proposed Project, this project was then excluded from the cumulative impact analysis.

25
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The DEIR’s analysis violates CEQA’s clear guidance on the performance of cumulative impact analysis and lacks substantial evidence to support the conclusion that the Project’s cancer impact from construction emissions is less than cumulatively considerable. The DEIR should be revised to properly analyze the Project’s cumulative impact and require mitigation measures as needed.

26

IV. THE PROJECT VIOLATES CEQA AND THE CONTRA COSTA GENERAL PLAN’S DENSITY THRESHOLD FOR MULTIPLE FAMILY RESIDENCES AND MISUSES THE STATE DENSITY BONUS LAW

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The Applicant seeks to increase the allowable density at the Project site in multiple ways. However, by allowing the requested density increase, the County is violating both the General Plan and CEQA by, among other things, miscalculating the net acreage of the Project site contrary to the mandates of the General Plan. The County should also enforce its own Inclusionary Housing Ordinance and require more low-income housing units, as discussed in more detail below.

⁸⁹ DEIR at 3-5.

⁹⁰ DEIR at Exhibit 3-1.

⁹¹ *Id.*

⁹² DEIR at 3.2-53.

⁹³ *Id.*

4714-006acp

November 15, 2019
Page 22

A. The DEIR Miscalculates the Project Site's Net Acreage Which Increases Density Above Thresholds Set in the General Plan, in Violation of the General Plan and CEQA

The General Plan allows a maximum density of 99.9 units per *net acre* for multiple-family residences. Net acreage does not include the entire area of a project site. Rather, the Contra Costa General Plan makes clear that “net acreage includes all land area used *exclusively* for residential purpose....”⁹⁴ Net acreage excludes all public rights of way.⁹⁵ The General Plan further specifies how to calculate net acreage, stating for multiple-family residences, “Net acreage ... is assumed to comprise 80 percent” of the gross acreage of a site.⁹⁶

The gross acreage of the Project site is 2.4 acres.⁹⁷ Under the General Plan, therefore, the net acreage of the Project site should be 80% of 2.4 acres, or 1.92 acres. Instead, the DEIR uses a net acreage of 2.37 acres.⁹⁸ The DEIR, contrary to the guidance of the General Plan, determined that 98% of the Project site will be exclusively used for residential purposes. Yet, elsewhere, the DEIR admits that only 79% of the gross area will be used for the apartment building, stating “[t]he new apartment building would ... cover 81,639 square feet (or 79 percent) of the project site.”⁹⁹ Thus, as the General Plan assumes, the net acreage of the Project should be about 80% of the gross acreage, or 1.92 acres rather than the 2.37 acre figure used in the DEIR. As a result of the miscalculation of net acreage, the Applicant has increased the density of the Project site from 99.9 units per net acre to 123.4 units per net acre, a density level 20% greater than the maximum allowed by the General Plan.

Two other factors compound this problematic density increase. First, the Project is currently designated as Multiple-Family Residential—Very High Density (MV), which allows a maximum of 44.9 multiple-family units per net acre.¹⁰⁰ To reach the maximum density allowed under the General Plan, the Applicant seeks a

28

⁹⁴ General Plan Land Element, 3-17.

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ DEIR, 2-1.

⁹⁸ *Id.*

⁹⁹ DEIR, ES-1.

¹⁰⁰ General Plan 3-21.

4714-006acp

November 15, 2019
Page 23

General Plan Amendment to re-designate the Project site as Very High-Special Density (MS), which allows a maximum of 99.9 units per net acre.¹⁰¹

Second, the Applicant is receiving a 20% density increase under the State Density Bonus Law.¹⁰² In combination, the miscalculation of the net acreage, the General Plan Amendment, and the density bonus *result in a density increase of 320% over the current allowable density level at the Project site*. A density increase of this magnitude has consequences. As discussed above and as documented in the DEIR, the planned density at the Project site will have significant traffic impacts.

28
CONT.

Moreover, CEQA requires EIRs “to discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans.”¹⁰³ If a general plan was adopted to avoid or mitigate an environmental impact, an EIR must address any significant impacts caused by conflicts with the plan.¹⁰⁴ Since the DEIR includes no discussion of how the Project’s density exceeds General Plan thresholds, the DEIR also violates CEQA.

29

The Project and the DEIR should be revised to calculate net acreage in a manner consistent with the General Plan. All density thresholds and increases should then be determined based on an accurate net acreage figure and any inconsistency should be properly addressed in the DEIR.

B. The State Density Bonus Law Should Not Apply in this Instance and the County Should Enforce Its More Stringent Inclusionary Housing Ordinance

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Even though the Applicant already received a 20% density increase due to the miscalculation of the net acreage discussed above, the Applicant is receiving an additional 20% density bonus under the State Density Bonus Law.¹⁰⁵

The Density Bonus Law requires, in relevant part, a 20% density increase above local residential density standards if five percent of the total units is reserved

¹⁰¹ General Plan 3-17.

¹⁰² DEIR 3.10-16.

¹⁰³ CEQA Guidelines 15125(d).

¹⁰⁴ CEQA Guidelines, Appendix G, XI.

¹⁰⁵ *Id.*

4714-006acp

November 15, 2019
Page 24

for very low-income households.¹⁰⁶ Developers who receive a density bonus are also allowed one concession from the local government.¹⁰⁷

The State Density Bonus Law states that “density bonus’ means a density increase over the otherwise maximum allowable gross residential density as of the **date of application** by the applicant to the county.”¹⁰⁸ Here, the maximum allowable gross residential density **at the date of the Project application** was 44.9 multiple-family units per net acre.¹⁰⁹ Thus, the State Density Bonus Law only requires the County to allow the Applicant to build a housing development that allows 53.88 units per acre (which is 20% more than 44.9). However, the Applicant seeks a density bonus not at the date of the application, but at the date when the General Plan Amendment is approved. Since the General Plan Amendment will allow a maximum density of 99.9 units per net acre, the Applicant seeks a 222.5% “density increase over the otherwise maximum allowable gross residential density as of the **date of application.**”¹¹⁰ The County should not provide a density increase of this magnitude.

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The “spirit of the Density Bonus Law...is designed to encourage, even require, incentives to developers that construct affordable housing.”¹¹¹ In the same spirit, the County enacted an Inclusionary Housing Ordinance. The Inclusionary Housing Ordinance **requires** residential development of 126 or more units to reserve 15% for very low and low-income households or satisfy an alternative mode of compliance such as paying an in-lieu fee earmarked for affordable housing needs.¹¹² Applicants who provide the 15% low-income housing are eligible for a 15% density increase.¹¹³ If the Applicant provides more than the 15% required units,

31

¹⁰⁶ Gov. Code § 65915(b)(1)(B).

¹⁰⁷ Gov Code § 65915(d).

¹⁰⁸ Gov Code § 65915(f).

¹⁰⁹ General Plan 3-21.

¹¹⁰ Gov Code § 65915(f).

¹¹¹ Friends of Lagoon Valley v. City of Vacaville, 154 Cal. App. 4th 807, 826, 65 Cal. Rptr. 3d 251, 266 (2007)

¹¹² Contra Costa Zoning Ordinance 822-4.418(a). For any project where inclusionary units are required by this chapter, a developer may request a density bonus for providing the required inclusionary units. The developer may request a density bonus in an amount equal to or less than fifteen percent of the total units in the development, including the inclusionary units provided in the development.

¹¹³ *Id.* at § 822-4.418(b). If a project includes moderate income, lower income, very low income, or senior housing units **at levels beyond those required by this chapter**, a developer may request a 4714-006acp

November 15, 2019
Page 25

then the Applicant is eligible for a concession and a further density increase.¹¹⁴ The Project, at 284 units, falls under the purview of the Inclusionary Housing Ordinance.

Here, the County is allowing a much larger density increase than the 20% required by the State Density Bonus Law. Although the County is free to apply its own more stringent density and affordable housing requirements, it instead grants the Applicant a concession (under the State Density Bonus Law) to avoid the mandates of the County Inclusionary Housing Ordinance. Rather than providing the additional 24 units as low-income, the Applicant requests a concession to reserve these 24 units as moderate-income: “[b]y providing 5 percent of units as affordable to very low-income households, the project is also eligible for one development incentive or concession. The project would require a concession to provide the remaining affordable units (24 total) as affordable to moderate income” rather than low-income.¹¹⁵ Thus, the Applicant is using a state law that promotes affordable housing to get out of a more stringent County law that promotes affordable housing.

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The County can and should require the Applicant to comply with the County Inclusionary Housing Ordinance. Under the County Inclusionary Housing Ordinance, the Applicant is only eligible for a 15% density bonus, and only if the Applicant provides the remaining 24 units as low-income. If the Applicant wants a larger density increase or a concession, then pursuant to the County Inclusionary Housing Ordinance, the Applicant must provide more affordable housing than the required 15%.¹¹⁶

I. CONCLUSION

The DEIR is inadequate as an environmental document because the County fails to adequately disclose, analyze and mitigate the Project’s significant impacts on air quality, hazardous materials and transportation. In addition, the Project violates the County’s General Plan. The county cannot approve the Project until it prepares and re-circulates a revised DEIR that resolves these issues.

32

density bonus under Section 822-2.404 and may request incentives or concessions under Section 822-2.408.

¹¹⁴ *Id.* at 822-2.404.

¹¹⁵ DEIR at 3.10-16.

¹¹⁶ *Id.* at § 822-4.418(b).

4714-006acp

November 15, 2019
Page 26

Thank you for your consideration of these comments.

Sincerely,



Danika L. Desai
Associate

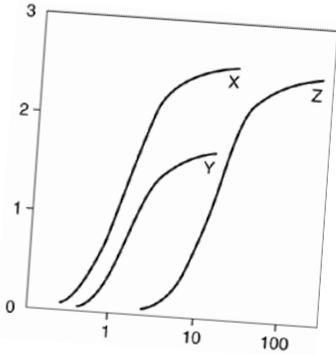
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DLD:acp

Attachments

4714-006acp

ATTACHMENT A



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November 12, 2019

Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
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Attn: Ms. Danika Desai

Subject: Comment Letter on Draft Environmental Impact Report (DEIR) for Del Hombre Apartments Project, Contra Costa County, California State Clearing House Number 2018102067

Dear Ms. Desai:

At the request of Adams Broadwell Joseph & Cardozo (ABJC), Clark and Associates (Clark) has reviewed materials related to the September, 2019 Contra Costa County Draft Environmental Impact Report (DEIR) of the above referenced project.

Clark’s review of the materials in no way constitutes a validation of the conclusions or materials contained within the plan. If we do not comment on a specific item this does not constitute acceptance of the item.

Project Description:

The project applicant proposes to build a 284-unit, six-story apartment community on a 2.4 (gross) 2.37 (net)-acre site consisting of five parcels located in central Contra Costa County and 0.12 mile east of the Bay Area Rapid Transit (BART) Pleasant Hill/Contra Costa Centre Station. The project will require the approval of a General Plan Amendment, Rezoning, Minor Subdivision, and a Final Development Plan to allow the construction of the apartments with variances and exceptions from Title 8 and 9 of the County code. The project includes the demolition of two existing residential buildings. The new apartment building would total approximately 425,879 gross square feet that would

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cover 81,639 square feet (or 79 percent) of the project site. The residential building would consist of 21 studio apartments, 178 one-bedroom apartments, and 85 two-bedroom apartments, totaling 284 units, with an average unit size of 863 square feet, as well as a partial below-grade and partial at-grade parking garage. The project would also include ancillary and recreational amenities to serve residents of the apartment building. According to the DEIR, the project also includes the improvements to roads, demolition of the existing residential buildings, the removal of approximately 161 trees, and grading of approximately 29,000 cubic yards.

The project site is located at 3010, 3018, 3050, and 3070 Del Hombre Lane, and 112 Roble Road on the southeast corner of Del Hombre Lane and Roble Road. The site is located within and surrounded by unincorporated Contra Costa County land. The project site is within the City of Walnut Creek Sphere of Influence (SOI). The site is bound by Del Hombre Lane to the west as well as the Iron Horse Regional Trail (just west of Del Hombre Lane), Roble Road to the north, Avalon Walnut Ridge apartments to the north and east, and Honey Trail to the south. The Pleasant Hill/Contra Costa Centre BART Station and I-680 are to the west of the project site; approximately 0.12 mile and 0.36 mile, respectively.

The project site is currently occupied by two existing single-story residences (3018 Del Hombre Lane and 112 Roble Road), which were constructed in 1947 and 1970, respectively and are 1,040 gross square feet (gsf) and 1,465 gsf, respectively. The property at 3018 Del Hombre Lane has an attached garage that was constructed in 1947 and is 380 gsf. There is also an unmaintained concrete path with an east-west orientation in the center of the project site that does not connect to anything on the project site. In addition, there are various fences and pole-mounted electrical lights, power, and telecommunication lines throughout the project site. There are no street lights currently on the project site. The site contains 189 trees, predominantly valley oaks, followed by coast redwoods and blue gum.

General Comments:

The mitigation methods assumed by the County for reducing the air quality impacts from the construction phase of the project and the potential impacts of hazardous waste existing at the site are

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subject to interpretation. Since there is not a verification/reporting component to the mitigation measure there is no way to ensure that the proposed emissions reductions are implemented. The reliance on mitigation measures, which may not actually be enforceable, make the conclusions of the DEIR suspect.

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Specific Comments:

1. The DEIR Fails to Adequately Analyze Legacy Chemicals Measured in Soils at the Site.

Legacy organochlorine pesticides (OCPs) measured in soils are not well defined laterally across the Site. As outlined in the Department of Toxic Substances Control (DTSC) Preliminary Endangerment Assessment Guidance Manual, an objective of sampling at a site is to determine the general extent of contamination in order to assess immediate potential threats, scope of removal and remediation needs. Overall, the investigation should be performed in a manner that will determine the nature of the contaminants, their general distribution in the environment, and their potential to migrate.¹ Here, the County has failed to determine the distribution of contaminants at the Project site and their potential to migrate offsite.

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According to the DEIR (Section 3.8.2), no recognized environmental conditions (RECs) were identified in the Phase I ESA of the site. Yet, the Phase I ESA did identify a potential environmental concern (PEC) based on the site being a former orchard. The DEIR goes on to state that organochlorine pesticides (OCPs) and metal analytes were measured in excess of the residential screening levels in the upper one foot of soils at the project site (specifically, chlordane, dieldrin, and arsenic).

36

- Dieldrin was measured at a concentration of 53.4 micrograms per kilogram ($\mu\text{g}/\text{kg}$), which is in excess of the respective residential RSL and ESL. Samples S-1 to S-4 were subsequently analyzed on a discrete basis for OCPs. Dieldrin was detected at a concentration of 253 $\mu\text{g}/\text{kg}$ in Sample S-

¹ DTSC. 2018. Preliminary Endangerment Assessment Guidance Manual. p 22

4, which is in excess of its corresponding residential ESL and RSL.²

- Chlordane was detected at a concentration of 1,000 µg/kg in discrete sample S-1, which exceeds the corresponding residential ESL and DTSC-SL.
- Arsenic was reported at a concentration of 13.1 milligrams per kilogram (mg/kg), which is in excess of both the respective residential screening levels and expected range of background concentrations observed in the San Francisco Bay Area.³

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Below 1 foot (at a depth of 5 feet below ground surface [bgs]), no OCPs or metal analytes were measured above their respective detection limits. Additional sampling at depths of 5 feet bgs showed measurable concentrations of dieldrin, DDE, and DDT. Those concentrations were below their respective residential screening levels. A second round of sampling on site (August, 2018), at depths of 2 feet bgs to 2.5 feet bgs, was performed in the vicinity of the original shallow soil samples. The stated purpose of the sampling was to further determine the vertical extent of contamination on site.

37

The sampling and analysis plan fails to adequately characterize the lateral extent of contamination on the site. The Phase II ESA for the DEIR used the DTSC's 2008 Interim Guidance for Sampling Agriculture Properties ("2008 Guidance") to determine how many soil samples to take at the Project site. The 2008 Guidance suggests a minimum of 4 borings for sites under 9 acres.⁴ The 2008 guidance also states that 4 composite samples from 4 borings for sites less than 9 acres should be collected. Additionally, the guidance states that field duplicates (at a rate of 10 percent or minimum of one) be collected. Composite samples and field duplicates are necessary to give a broader view of exposures and ensure samples are accurate. However, neither the May, 2018 nor the August, 2018 sampling events performed by ENGEO included field duplicate samples or composite samples. The SAP failed to determine the lateral extent of pesticide and metal contamination across the site. Further sampling to determine the lateral extent of contamination is definitely required.

² Limited Phase II Environmental Site Assessment for Del Hombre, from ENGEO, inc. to Kristen Gates (May 24, 2018).

³ Limited Phase II Environmental Site Assessment for Del Hombre, from ENGEO, inc. to Kristen Gates (May 24, 2018).

⁴ DTSC. 2008. Interim Guidance for Sampling Agricultural Fields for School Sites. Originally published 2002 and republished in 2011, available at <https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Ag-Guidance-Rev-3-August-7-2008-2.pdf>. While the Guidance is technically only for undisturbed agricultural fields, DTSC has not provided any other guidance for testing soils on properties that were previously used for agriculture. In addition, the DEIR uses this guidance to conduct its Phase II ESA sampling.

The pattern of the sampling utilized in the Phase II investigations on Site do not cover enough area to present an accurate representation of the OCP contamination in surface soils on site. Additional sampling of the sites should be required by the County prior to the movement of any contaminated soils on site. The follow-up sampling performed by the proponent on site (soil borings 5 through 9) were designed to measure concentrations at depth, not measure the aerial extent of OCP at the surface. This method fails to adequately assess the true exposure potential for residents adjacent to the property and workers who grade the area.

38

2. The Chemicals Found at the Project Site Could Pose Serious Health Impacts to Workers and Neighbors

While the County acknowledges that OCPs and metals may be present on Site in the DEIR, they fail to characterize the potential health harms from exposure to the OCPs and metals. The State of California and the U.S. EPA have identified screening levels in soils for the chemicals concern at the site (SLs for California and RSLs for U.S. EPA) that are designed to be protective of human health. The RSLs from U.S. EPA are meant to provide a way to prioritize multiple sites or operable units within a facility, focus site investigation and risk assessment efforts, and to assist in identifying portions of sites that warrant no further action or investigation. So, if samples show concentration of chemicals above these levels, there will likely be health impacts.

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DTSC's Human and Ecological Risk Office (HERO) developed its own screening levels for residential and commercial exposure scenarios in response to weaknesses that it identified in the U.S. EPA Risk Screening Levels (RSLs) that made the RSLs less protective than previous screening levels. For the case of arsenic, the U.S. EPA's residential RSL is 0.68 mg/kg while the State of California's DTSC residential soil SL from DTSC⁵ is 0.11 mg/kg. This 6-fold difference in the SL vs RSL level reflects weaknesses previously identified by the State.

The 2008 Guidance used in the Phase II ESA to conduct soil sampling states “[a]ll detected pesticides

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⁵ DTSC. 2019. HERO HHRA Note Number: 3, DTSC-modified Screening Levels (DTSC-SLs). April, 2019.

and any onsite metals above background should be evaluated as COPCs in a human health risk assessment as described in the DTSC PEA Guidance Manual or in comparison to CHHSLs. In the initial screening analysis, the highest concentration of each detected pesticide and metal above background must be used as the exposure point concentration in the risk assessment.”⁶ However, the County has not required that a risk assessment be performed on the data generated in the Phase II ESA or in the DEIR. Therefore, the DEIR’s conclusion that there will be no significant impact from contaminants lacks any analysis.

The PEA Manual defines a simple method for calculating the cancer risk from exposure to materials in the environment:⁷

$$\frac{\text{The maximum concentration of contaminant} \times 10^{-6}}{\text{Screening Concentration}} = \text{Cancer Risk}$$

The PEA Manual also gives guidance for how to interpret this calculation. If the cancer risk value is above 10^{-6} (one in one million) then “the presence of contamination ... may pose a significant threat to human health. Exceptions will generally include sites with elevated background concentrations, sites where other agency criteria are more stringent, and sites with specific circumstances that allow for a risk management decision to increase the acceptable screening levels.”⁸

Utilizing the maximum concentrations of arsenic, chlordane, and dieldrin measured on-site and screening levels defined by U.S. EPA, DTSC, or the San Francisco Regional Water Quality Control Board (SF-RWQCB), cancer risks of 195×10^{-6} , 2×10^{-6} , and 7×10^{-6} , are calculated respectively for each contaminant in soil. The cumulative risk from exposure to the soils on-site is 204×10^{-6} or 204 in one million, well in excess of the risk management range used by the State of California in the PEA Manual. As demonstrated above, chlordane, arsenic, and dieldrin all pose potentially significant health impacts. Yet, these findings were not included in the DEIR.

A fuller accounting of the potential harms and the potential migration pathways from the site to the

⁶ DTSC. 2008. Sampling Agricultural Fields 2008. Section 5.3 Human Health Risk Assessment.

⁷ PEA Manual at p. 34.

⁸ PEA Manual p. 64.

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adjacent properties must be addressed by the County. A summary of the known impacts from each of the chemicals of concern detected on site above the screening levels are presented below.

Chlordane has been listed under the Safe Drinking Water and Toxic Enforcement Act of 1986 as a chemical likely to cause cancer since 1998. Chlordane is a broad-spectrum insecticide used to control termites and pests on field crops. Since 1988, all uses of chlordane have been banned in the United States^{9,10} based in concerns regarding its potential to cause cancer and its slow break down in the environment. Like DDT, chlordane persists in the environment, and is considered a priority persistent, bioaccumulative toxic (PBT) chemical by U.S. EPA.¹¹ According to the Agency for Toxic Substances Disease Registry (ATSDR), chlordane does not leach significantly and will remain in the top 20 centimeters (8 inches) of most soils and will stay at this level for more than 20 years.¹² Analysis for chlordane at depths below 8 inches are unlikely to detect any chlordane released at the surface. Therefore, sampling for chlordane at depths greater than 12 inches is unlikely to yield any significant information. Since the degradation of chlordane in the environment is so slow, if chlordane impacted soils at the Site are disturbed and released to the surrounding community the health impacts could last for 2 more decades.

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Chlordane was placed by OEHHA in the compilation of “Candidate Chemicals Based on Critical Health Effects” because 1) it is on the Proposition 65 Developmental and Reproductive Toxin List and 2) a survey of recent scientific literature indicated that it possesses toxicity to organ systems that are developing in children, including the immune system, neuroendocrine and female reproductive

⁹ U.S. EPA (2006). Pesticides: Regulating Pesticides: Persistent Organic Pollutants. U.S. Environmental Protection Agency, Washington, DC.

¹⁰ U.S. EPA. 2002. Persistent Bioaccumulative and Toxic (PBT) Chemical Program: Chlordane. Last Updated August 21, 2002. Available August 2002 Online at: <http://www.epa.gov/pbt/chlordane>.

¹¹ U.S. EPA. 2002. Persistent Bioaccumulative and Toxic (PBT) Chemical Program: Chlordane. Last Updated August 21, 2002. Available August 2002 Online at: <http://www.epa.gov/pbt/chlordane>.

¹² ATSDR. 2018. Toxicological Profile for Chlordane. February, 2018. <https://www.atsdr.cdc.gov/ToxProfiles/tp31.pdf>

systems.^{13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27}. Chlordane exposure has also been associated with childhood cancer.²⁸

In addition to being a probable carcinogen, chlordane is a documented endocrine disruptor.²⁹ Endocrine disruptors mimic or antagonize estrogens, androgens, and thyroid hormones, as well as their antagonistic analogs, and consequently disrupt the processes or tissues these hormones affect. Organ

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¹³ Ahmed, S. R. (2000). The Immune System as a Potential Target for Environmental Estrogens (Endocrine Disruptors): a New Emerging Field. *Toxicology* 150, 191-206.

¹⁴ Barone, S. Jr, Das, K. P., Lassiter, T. L., and White, L. D. (2000). Vulnerable processes of nervous system development: a review of markers and methods. *Neurotoxicology* 21, 15-36.

¹⁵ Barnett, J. B., Blaylock, B. L., Gandy, J., Menna, J. H., Denton, R., and Soderberg, L. S. (1990). Long-term alteration of adult bone marrow colony formation by prenatal chlordane exposure. *Fundam Appl Toxicol* 14, 688-95.

¹⁶ Blyler, G., Landreth, K. S., and Barnett, J. B. (1994). Gender-specific effects of prenatal chlordane exposure on myeloid cell development. *Fundam Appl Toxicol* 23, 188-93.

¹⁷ Brucker-Davis, F. (1998). Effects of environmental synthetic chemicals on thyroid function. *Thyroid* 8, 827-56.

¹⁸ DeRosa, C., Richter, P., Pohl, H., and Jones, D. E. (1998). Environmental exposures that affect the endocrine system: public health implications. *J Toxicol Environ Health B Crit Rev* 1, 3-26.

¹⁹ Holladay, S. D., and Smialowicz, R. J. (2000). Development of the murine and human immune system: differential effects of immunotoxicants depend on time of exposure. *Environ Health Perspect* 108 Suppl 3, 463-73.

²⁰ Holladay, S. D. (1999). Prenatal immunotoxicant exposure and postnatal autoimmune disease. *Environ Health Perspect* 107 Suppl 5, 687-91.

²¹ Luster, M. I., Germolec, D. R., and Rosenthal, G. J. (1990). Immunotoxicology: review of current status. *Ann Allergy* 64, 427-32.

²² Olea, N., Pazos, P., and Exposito, J. (1998). Inadvertent exposure to xenoestrogens. *Eur J Cancer Prev* 7 Suppl 1, S17-23.

²³ Reigart, J. R. (1995). Pesticides and children. *Pediatr Ann* 24, 663-8.

²⁴ Spyker-Cranmer, J. M., Barnett, J. B., Avery, D. L., and Cranmer, M. F. (1982). Immunoteratology of chlordane: cell-mediated and humoral immune responses in adult mice exposed in utero. *Toxicol Appl Pharmacol* 62,402-8.

²⁵ Theus, S. A., Lau, K. A., Tabor, D. R., Soderberg, L. S., and Barnett, J. B. (1992a). In vivo prenatal chlordane exposure induces development of endogenous inflammatory macrophages. *J Leukoc Biol* 51, 366-72.

²⁶ Theus, S. A., Tabor, D. R., Soderberg, L. S., and Barnett, J. B. (1992b). Macrophage tumoricidal mechanisms are selectively altered by prenatal chlordane exposure. *Agents Actions* 37, 140-6.

²⁷ Voccia, I., Blakley, B., Brousseau, P., and Fournier, M. (1999). Immunotoxicity of pesticides: a review. *Toxicol Ind Health* 15, 119-32.

²⁸ Zahm, S. H., and Ward, M. H. (1998). Pesticides and childhood cancer. *Environ Health Perspect* 106 Suppl 3, 893-908.

²⁹ U.S. EPA. Endocrine Disruptor Screening and Testing Advisory Committee (EDSTAC) Final Report. 1998. Washington DC, U.S. EPA.

systems responsive to the sex steroids include the male and female reproductive organs, the central nervous system, and the immune system. The thyroid hormones affect most tissues.³⁰ They are of particular concern in regard to children's health because they may disrupt the action of estrogen, androgen and thyroid hormones during critical periods of development and lead to permanent alterations in the reproductive, nervous, and immune systems that are developing during prenatal growth and childhood.³¹

Dieldrin has been listed under the Safe Drinking Water and Toxic Enforcement Act of 1986 as a chemical likely to cause cancer since 1988. Dieldrin was used extensively as an insecticide on crops such as corn and cotton from the 1950s until 1970.³² The U.S. Department of Agriculture canceled all uses of dieldrin, as well as aldrin (a structurally similar pesticide) in 1970. In 1972, however, U.S. EPA approved aldrin and dieldrin for killing termites. Use of aldrin and dieldrin to control termites continued until 1987 when the manufacturer voluntarily canceled the registration for use in controlling termites.³³ Dieldrin persists in the environment because it is resistant to biotransformation and abiotic degradation. Being lipophilic, dieldrin also bioconcentrates and biomagnifies through the terrestrial and aquatic food chains.

ATSDR reviewed the health effects of dieldrin.³⁴ Due to its high lipophilicity, dieldrin has been detected in breast milk³⁵; and has been shown to cross the blood-brain barrier and remain in brain tissues.³⁶ People exposed to large amounts of dieldrin experienced convulsions, some had kidney

³⁰ Bigsby, R., Chapin, R. E., Daston, G. P., Davis, B. J., Gorski, J., Gray, L. E., Howdeshell, K. L., Zoeller, R. T., and Vom Saal, F. S. Evaluating the effects of endocrine disruptors on endocrine function during development. *Environ Health Perspect* 1999 Aug;107 Suppl 4:613-8 . 99.

³¹ Bigsby, R., Chapin, R. E., Daston, G. P., Davis, B. J., Gorski, J., Gray, L. E., Howdeshell, K. L., Zoeller, R. T., and Vom Saal, F. S. Evaluating the effects of endocrine disruptors on endocrine function during development. *Environ Health Perspect* 1999 Aug;107 Suppl 4:613-8 . 99.

³² ATSDR. (2002) Toxicological Profile for Aldrin/Dieldrin. Agency for Toxic Substances and Disease Registry.

³³ OEHHA. 2007. Development of Health Criteria For School Site Risk Assessment Pursuant to Health and Safety Code Section 901(g): Deildrin Evaluation. Office of Environmental Health Hazard Assessment, California Environmental Protection Agency. Novembe, 2007.

³⁴ ATSDR. (2002) Toxicological Profile for Aldrin/Dieldrin. Agency for Toxic Substances and Disease Registry.

³⁵ Polishuk Z. W., Ron M., Wassermann M., Cucos S., Wassermann D. and Lemesch C. (1977) Organochlorine compounds in human blood plasma and milk. *Pestic Monit J* 10, 121-9.

³⁶ ATSDR. (2002) Toxicological Profile for Aldrin/Dieldrin. Agency for Toxic Substances and Disease Registry.

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damage, and some died. Exposure to moderate levels of dieldrin led to headaches, dizziness, irritability, vomiting, or uncontrollable muscle movements. Some sensitive people seemed to have developed an autoimmunity in which dieldrin caused the body to destroy its own blood cells. Results from animal studies showed that dieldrin caused similar effects on the nervous system and on the kidneys to those seen in people. Additional effects on the liver and immune system were also observed in animal studies.

The nervous system is a primary target organ of dieldrin. Dieldrin causes hyperexcitation of the central nervous system and generalized seizures (convulsions). It was believed that the hyperexcitatory effects was a result of a generalized activation of synaptic activities.³⁷ However, the role of dieldrin in blocking inhibitory activity within the brain has received a great deal of attention as the probable mechanism underlying the central nervous system excitation. Based on good correlations of effects from the molecular level to whole animal toxicity, the preponderance of evidence indicates that the convulsing and other excitatory effects of dieldrin are a consequence of the blocking action on the GABAA receptor-chloride channel complex.^{38,39,40,41} The investigation into the effect of dieldrin on GABAA receptor subunit mRNA expression reported that dieldrin increased $\beta 3$ subunit transcripts by 300 percent and decreased $\gamma 2S$ and $\gamma 2L$ transcripts by 50 and 40 percent, respectively.⁴² This molecular study suggests that dieldrin could pose a risk to the brain by altering gene expression and the GABAergic circuitry.

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³⁷ Joy R. M. (1982) Mode of action of lindane, dieldrin and related insecticides in the central nervous system. *Neurobehav Toxicol Teratol* 4, 813-23.

³⁸ Ikeda T., Nagata K., Shono T. and Narahashi T. (1998) Dieldrin and picrotoxinin modulation of GABA(A) receptor single channels. *Neuroreport* 9, 3189-95

³⁹ Liu J., Morrow A. L., Devaud L., Grayson D. R. and Lauder J. M. (1997a) GABA(A) receptors mediate trophic effects of GABA on embryonic brainstem monoamine neurons in vitro. *J Neurosci* 17, 2420-8.

⁴⁰ Liu J., Morrow A. L., Devaud L. L., Grayson D. R. and Lauder J. M. (1997b) Regulation of GABA(A) receptor subunit mRNA expression by the pesticide dieldrin in embryonic brainstem cultures: a quantitative, competitive reverse transcription-polymerase chain reaction study. *J Neurosci Res* 49, 645-53.,

⁴¹ Narahashi T., Ginsburg K. S., Nagata K., Song J. H. and Tatebayashi H. (1998) Ion channels as targets for insecticides. *Neurotoxicology* 19, 581-90.

⁴² Liu J., Morrow A. L., Devaud L. L., Grayson D. R. and Lauder J. M. (1997b) Regulation of GABA(A) receptor subunit mRNA expression by the pesticide dieldrin in embryonic brainstem cultures: a quantitative, competitive reverse transcription-polymerase chain reaction study. *J Neurosci Res* 49, 645-53.,

Inorganic arsenic compounds are *known to be human carcinogens* based on sufficient evidence of carcinogenicity in humans. Epidemiological studies and case reports of humans exposed to arsenic compounds for medical treatment, in drinking water, or occupationally have demonstrated that exposure to inorganic arsenic compounds increases the risk of cancer. Cancer tissue sites include the skin, lung, digestive tract, liver, bladder, kidney, and lymphatic and hematopoietic systems (organs and tissues involved in production of blood). Skin cancer has been reported in individuals exposed to arsenic for therapeutic reasons, sometimes in combination with other cancers, such as angiosarcoma (blood-vessel tumors) of the liver, intestinal and bladder cancer, and meningioma (tumors of the membranes covering the central nervous system); however, only skin cancer has been clearly associated with medical use of arsenic in epidemiological studies.

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The serious health implications of these chemicals and the fact that sampling found concentrations above screening levels, necessitates that a health risk assessment be completed for the site which identifies all relevant exposure pathways, exposure point concentrations for each exposure scenario, the presence of sensitive receptors, and mitigation measures to prevent exposure before any determination of significance is published in a DEIR.

42

3. The DEIR Fails to Adequately Mitigate Health Hazards From Legacy Chemicals Measured in Soils at the Site.

Given the potential for OCPs and toxic metals to exist in the soils on site, it is prudent to define the extent of the impacts prior to disturbing any soils. Once the source of the OCPs and toxic agents (soils in the case of OCPs and toxic metals) are disturbed they will migrate off-site, impacting the community.

43

Mitigation measures that are generally proposed for demolition activities and earth moving activities on site are not 100% effective at preventing exposure to the agents since they will be entrained in winds and will migrate beyond the confines of the subject property. According to the U.S. EPA⁴³, the control efficiency for respirable particles (less than 3.5 microns) generated during storage and

⁴³ U.S. EPA. 1988. *Control of Open Fugitive Dust Sources*. EPA-450/3-88-008. September, 1988. Pg 5-18

handling activities (soil movements) is generally between 56 percent and 81 percent using water spray alone. Assuming typical dust control measures will prevent the exposure of adjacent properties is clearly not correct. Additional measures to prevent dust generation would therefore be required.

The DEIR includes Mitigation Measure (MM) HAZ 1 in case the existing buildings on site contain lead or asbestos. However, MM Haz 1 does not contemplate how to protect workers or neighbors from OCP laden dust that will be generated when surface soils are disturbed. The County should require clear warning to workers at the Site of the presence of OCPs and arsenic in soils. Accordingly, a site specific health and safety plan should be required to address the presence of the contaminants and to detail the need for appropriate personal protective equipment (PPE) consistent with the requirements outlined with applicable sections of 29 Code of Federal Regulations (CFR) 1910.120, 29 CFR 1926, and California Code of Regulations (CCR) Title 8. Feasible mitigation measures could include monitoring particulate matter at the Project fence-line, installing a meteorological station to ensure excavation is only performed when winds are below 5 MPH, and applying dust suppressants prior to excavation.

43
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- 4. The primary identified Air Mitigation Measure (MM AIR 3) for the project does not have an enforcement component that would prevent the proponent from avoiding the extra cost of the use of Tier 4 Equipment.**

The County identifies mitigation measure MM AIR 3 as a way to reduce emissions by requiring the use of U.S. EPA Tier 4 engines in off-road equipment used during construction activities. MM AIR-3 states “During construction activities, all off-road equipment with diesel engines greater than 50 horsepower shall meet either United States Environmental Protection Agency or California Air Resources Board Tier IV Interim off-road emission standards.” The measure does not identify any consequence if MM AIR 3 is not implemented. MM AIR 3 also states that “If engines that comply with Tier IV Interim off-road emission standards are not commercially available, then the construction contractor shall use the next cleanest piece of off-road equipment (e.g., Tier III) available.” If the proponent is allowed to use Tier III technology, then the County must quantify the additional burden that is being placed on the receptors adjacent to the project.

44

This mitigation measure lacks any type of mechanism for the County to verify Tier 4 Interim engines are being used during the project construction phase and as a result diesel particulate matter (DPM) emissions from construction would remain significant if they are unmitigated. The County should correct this flaw in a Revised Environmental Impact Report (REIR).

44
CONT.

5. **The County’s calculation of emissions is flawed and misrepresents the actual emissions that could impact the community during the construction phase of the project. Mitigation Measure AIR-3 fails to make the use of Tier 4 technology an enforceable requirement.**

The County’s analysis assumes the use of Tier 4 interim (T4I) engine technology at the site for engines greater than 50 horsepower (hp). The CALEEMOD modeling shows a reduction of up to 26% for NOx and up to a 51% in DPM by the use of T4I equipment during the construction phase.

45

According to Appendix D of the CALEEMOD Guidance (Appendix D Default Data Tables, Table 3.5), the use of T4I equipment would result in a 75% to 80% decrease of PM2.5 emissions (surrogate for DPM) over the use of T1 equipment. T3 equipment results in a 65% to 70% decrease of PM2.5 emissions (surrogate for DPM) over the use of T1 equipment. The use of T3 equipment over T4I equipment would *increase* the amount of PM2.5 emission by approximately 70%, increasing the modeled DPM concentration at the closest receptor from 0.02 ug/m³ to 0.034 ug/m³. This difference could result in a significant health impact that is not accounted for in the DEIR (see below). The County should correct their analysis and present the results in a Revised Environmental Impact Report (REIR).

6. **The risk analysis performed utilized outdated guidance which resulted in an underestimation of the potential health risk.**

The County claims it used the OEHHA guidelines and newly proposed BAAQMD Health Risk Assessment Guidelines exposure parameters in its Air Quality Analysis to find a level of less-than-significant with respect to community risk caused by construction activities at nearby residential receptors from Diesel Particulate Matter (DPM). What the County failed to do in its analysis of risk was to actually accurately utilize the guidance which was released in December, 2016. The result is

46

that the risk estimate reported in the DEIR for the nearest resident is significantly lower than it would have been if the guidance was followed.

The most recent Health Risk Assessment Guidelines⁴⁴ from BAAQMD clearly states that, “In the 2015 HRA Guidelines, OEHHA recommends using actual project duration for short term projects, but cautions that the risk manager should consider a lower cancer risk threshold for very short term projects, because a higher exposure over a short period of time may pose a greater risk than the same total exposure spread over a much longer period of time. *To ensure that short-term projects do not result in unanticipated higher cancer impacts due to short-duration high-exposure rates, the Air District recommends that the cancer risk be evaluated assuming that the average daily dose for short-term exposure lasts a minimum of three years for projects lasting three years or less.* (emphasis added). For residential exposures, the cancer risk calculations should include the most sensitive age groups (beginning with the third trimester of pregnancy) and should use the 95th percentile breathing rates. The Air District recommends following OEHHA guidelines for other aspects of short term projects. In summary, the Air District recommends:

- use of actual emission rates over a minimum 3-year duration for cancer risk assessments involving projects lasting 3 years or less, and
- use of actual project duration for cancer risk assessments on projects lasting longer than 3 years.”

In the evaluation of the Health Risk from diesel particulate matter generated during the construction phase of the project, the County used the maximum modeled annual residential DPM concentration for the first and second year of construction to calculate the health risk for the most sensitive age groups, infants and children. The emission rate is assumed to be based on the use of Tier 4 technology. The analysis did not include the use of Tier 3 technology.

In Tables 3.2-18 and 3.2-19, the cancer risks are calculated for the two years of construction (using the unmitigated and mitigated emission values).

⁴⁴ BAAQMD. 2016. BAAQMD Air Toxics NSR Program Health Risk Assessment Guidelines. December, 2016. Pg 5

Risk from Construction Using Unmitigated Equipment

Exposure Year	DPM Annual Concentration (ug/m3)	Age Sensitivity Factor	Cancer Risk (risk per million)
Infant	0.08	10	19.7
Child	0.08	3	2.9
Adult	0.08	1	0.4
Total			23

46
CONT.

Risk from Construction Using Mitigated Equipment

Exposure Year	DPM Annual Concentration (ug/m3)	Age Sensitivity Factor	Cancer Risk (risk per million)
Infant	0.02	10	3.8
Child	0.02	3	0.6
Adult	0.02	1	0.1
Total			4.5

If the Guidance⁴⁵ is interpreted to imply that the maximum years emissions should be modeled for three years and T3 equipment is used, then the result is that the calculated risk for the project will be even higher.

Exposure Year	DPM Annual Concentration (ug/m3)	Age Sensitivity Factor	Risk
3 rd Trimester	0.034	10	0.39
0-1	0.034	10	4.8
1-2	0.034	10	4.8

⁴⁵ BAAQMD. 2016. BAAQMD Air Toxics NSR Program Health Risk Assessment Guidelines. December, 2016. Pg 5

2-3	0.034	3	0.95
Total			10.9

46
CONT.

The sum of the risks from DPM using the BAAQMD risk methodology is 10.9 in 1,000,000 and, again, would be a significant health impact not reported in the DEIR. The County must update the HRA analysis in the DEIR to reflect the current guidance from BAAQMD and disclose, analyze and mitigate the significant health impact in a REIR.

7. The HRA evaluation offered in the Initial Study underestimates the potential risk from exposure to diesel exhaust since it does not account for the toxicity associated with all phases of diesel exhaust and the relative impact they will have on the receptors.

While the method utilized is the current method proposed by regulatory agencies, the list of chemicals of concern still fails to consider all of the toxic components emitted by diesel engines. CARB⁴⁶ defined diesel exhaust as a complex mixture of inorganic and organic compounds that exists in gaseous, liquid, and solid phases. CARB and U.S. EPA identify 40 components of the exhaust as suspected human carcinogens, including formaldehyde, 1,3-butadiene, and benzo[a]pyrene. The inhalation unit risk factor identified by OEHHA for use in risk assessments is for the particulate matter (DPM) fraction of diesel exhaust and not the vapor phase components identified by CARB and U.S. EPA.

47

In the 2017 Air Quality Technical Report⁴⁷ submitted in support of the Draft EIR for the Turk Island Landfill Consolidation and Residential Subdivision⁴⁸, proponents accounted for the gaseous phase of diesel emission and detailed the speciated diesel total organic gas (TOG) emissions along with the DPM emissions for all construction equipment. The speciated diesel TOG emissions and DPM

⁴⁶ CARB. 1998. Report to the Air Resources Board on the Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant, Part A, Public Exposure To, Sources and Emissions of Diesel Exhaust In California. April 22, 1998. Pg A-1.

⁴⁷ Ramboll Environ. 2017. Air Quality Technical Report Turk Island Landfill Consolidation And Residential Subdivision Project. Prepared For City of Union City, Union City, CA. Prepared by Ramboll Environ US Corporation, San Francisco, CA August, 2017.

⁴⁸ Union City. 2018. Draft Environmental Impact Report (DEIR) Turk Island Landfill Consolidation And Residential Subdivision Project. SCH Number 20008112107. Dated 3/15/2018.

emissions were utilized in dispersion modeling to identify the maximally exposed individual sensitive receptor (MEISR) of the project to determine the health risks associated with all sources of air toxins from the construction phase of the project.

47
CONT.

It is clear that the calculation of the cumulative risk from all the component parts of diesel exhaust is not double counting the risk, rather it is actually a more precise representation of the risk posed from exposure to the air toxin. The County's analysis presents an underestimation of the true risk to the residents in the community from the release of DPM during the construction and operational phases of the project. This omission is a continuing flaw that must be addressed by the County and the results should be presented in a DEIR.

Conclusion

48

The facts identified and referenced in this comment letter lead me to reasonably conclude that the Project could result in significant unmitigated impacts if the conditions of approval are not binding.

Sincerely,



JAMES J. J. CLARK, Ph.D.

ATTACHMENT B

SMITH ENGINEERING & MANAGEMENT



November 13, 2019

Ms. Danika Desai
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080-7037

Subject: Del Hombre Apartments Project DEIR (SCN 2018102067) P19038

Dear Ms. Desai:

Per your request, I reviewed the Draft Environmental Impact Report (the "DEIR") for the Del Hombre Apartments Project, located in Contra Costa County (the "County"). My review is specific to the Transportation and Circulation matters.

49

My qualifications to perform this review include registration as a Civil and Traffic Engineer in California and over 50 years professional consulting engineering practice in the traffic and parking field. I have both prepared and reviewed the transportation and circulation sections of CEQA environmental review documents. My professional resume is attached hereto.

My technical comments follow.

The DEIR Assumes Unreasonable and Unsupported Discounts from Current Authoritative Trip Generation Rates for Mid-rise Residential Development.

The DEIR initiates its analysis with data from Institute of Transportation Engineers ("ITE") publication *Trip Generation, 10th Edition*, land use category 221, Multifamily Housing (Mid-rise).¹ However, the DEIR unreasonably assumes that the cited data is drawn from purely suburban sites that have a zero base of transit ridership, walking and bicycling, and applies a 20 percent reduction to the ITE trip generation rates to account for the purportedly different transit characteristics of the subject site. This assumption ignores information in the ITE document cited that indicates that the data in this land use category includes 4 dense urban city center core sites and 32 dense multi-use urban sites where comparable transit accessibility to that of the subject Project site can be reasonably expected.² Since the ITE, AM and PM peak hour trip generation rates are based on data for 53 and 60 mid-rise housing developments respectively, it is clear that

50

¹ This land use category reflects apartments and condominiums between 3 and 10 stories.

² See *Trip Generation, 10th Edition*, Residential Land Use Section 200-299, pages 71 and 72.

Ms. Danika Desai
Adams Broadwell Joseph & Cardozo
November 13, 2019
Page 2

the preponderance of sites considered in this land use category are indeed dense urban sites, not suburban ones.³ This is logical since multi-family housing ranging to 10 stories are rarely developed at locations that are suburban in character and devoid of a high level of transit service except possibly in resort areas.

In an attempt to justify the 20 percent reduction in trip generation studies carried out at two mid-rise apartment complexes near the Pleasant Hill BART station. One is on the site of the original parking lot of the BART Station. The other, an older and more sprawling complex, involves about an 850 to 1850 foot walk to the Station entrance depending on where in the site one lives. Whether data measured at just two sites offers sufficient statistical reliability to decrease the multi-site based ITE rates by as much as 20 percent is highly questionable and is not in reasonable compliance with CEQA's demand of a good faith effort to disclose impact. The entire analysis should be redone at trip generation rates conforming to Trip Generation, 10th Edition with the thoughtful adjustment for TNC effects that the DEIR, to its credit, did include.

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The DEIR Queuing Analysis Fails to Analyze Safety and Traffic Impacts from Queue Exceedances

The analysis finds that the length of traffic queues would exceed turning lane lengths (storage capacity) at numerous study intersections in all 3 of the existing, opening year and long term cumulative analysis scenarios without and with the Project traffic. However, the queue analysis is critically flawed. First, it utterly fails to interpret what the consequences of the blockages are when the predicted queues extend beyond the limits of the turning lanes. In fact, many of the predicted queues will extend across the entry and exit drives to large buildings and private residences or even upstream intersections. Blocked entrances and gridlock can create dangerous conditions. Any queue that seriously overflows storage capacity is a public safety problem. Indeed, gridlock and blockages can impede emergency services from accessing buildings. In addition, gridlock results in safety hazards when other traffic radically maneuvers to avoid being enmeshed in an overflow queue. This is particularly alarming in an area where streets are anticipated to have a high number of bicycle and pedestrian traffic in addition to vehicles.

51

Unless the DEIR presents an informative explanation of what the queue lengths mean in the actual context of where the queue will extend on the ground and what it will obstruct instead of as abstract numbers, the meaning of the queuing analysis is eviscerated and the DEIR is not adequate as an informational document. Moreover, the DEIR's analysis will omit potentially significant public safety impacts. If the public and public policy makers were fairly informed of how severe the gridlock caused by queues in the Project area would be instead of abstract queue length numbers, they would be more reluctant to approve this and other projects in this already dense area. As illustrated below, the Project will

³ See Trip Generation, 10th Edition, Residential Land Use Section 200-299, pages 74 and 75.

Ms. Danika Desai
Adams Broadwell Joseph & Cardozo
November 13, 2019
Page 3

create queue lengths that block entrances and create gridlock, which will create hazardous traffic conditions.

51
CONT.

For example, at the northbound left turn lane on Oak at Buskirk, I-680 on ramp and Elena Court, the predicted queue for the Existing scenario would extend back to just short of the intersection of Oak with Las Juntas Way. With Project traffic added, the queue will extend into the intersection with Las Juntas way, gridlocking this intersection. By the Opening Year + Project and Cumulative + Project scenarios, the predicted queues extend well south of the intersection of Oak and Las Juntas and even past the entry point to the left turn pocket from northbound Oak to westbound Las Juntas and past the entry drive to 3000 Oak Road.

52

The DEIR assumes that unless the Project causes an overflowed queue to extend by more than two vehicle lengths, there is no significant impact. However, measuring two car lengths to determine significance is abstract, arbitrary and unrelated to actual significant consequences. Even a queue of two car-lengths can create gridlock and blockages. The above example of the queue from the northbound left turn on Oak at Buskirk, I-680 on ramp and Elena Court illustrates this problem. Project traffic will extend the PM peak queue length to the limits of the intersection of Oak with Las Juntas Way. The added queue length due to the Project extends that queue into the intersection so the intersection becomes blocked. This blockage will create gridlock and pose significant public safety concerns. The DEIR must be revised to analyze whether queue exceedances will create roadway hazards.

Second, when predicted queues considerably exceed the capacity of a turn lane and obstruct the flow of other lanes, the queue becomes a compound queue since the movements to other lanes become enmeshed in the queue and add to its length. For example, when the queue at the northbound left turn lane Oak at its intersection with Buskirk and the I-680 freeway ramp exceeds the length of the left turn lane, as it does in the existing and Existing + Project scenarios, vehicles in the left hand through lane become enmeshed and add to the length of the queue. When that same queue extends beyond the intersection of Oak with Las Juntas Way, and beyond the entry point of the left turn lane from northbound Oak to Las Juntas Way, traffic intending to use that left turn lane join and extend the queue extending back on Oak from its intersection with Buskirk and the I-680 ramp. Thus, the actual length of queues become greater than the lengths predicted in the DEIR and the degree of gridlock caused is even more severe. The DEIR thus underestimates Project-caused queue exceedances and its conclusion that queue lengths pose no significant impact lacks substantial evidence.

53

Conclusion

54

Ms. Danika Desai
Adams Broadwell Joseph & Cardozo
November 13, 2019
Page 4

54
CONT.

This completes my current comments on the Del Hombre Apartments Project DEIR. For the reasons stated above, the DEIR is inadequate and must be revised and recirculated in draft status.

Sincerely,

Smith Engineering & Management
A California Corporation



Daniel T. Smith Jr., P.E.
President

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Organizations

Contra Costa Residents for Responsible Development (CONTRA COSTA RESIDENTS)

Response to CONTRA COSTA RESIDENTS-1

This comment provides introductory remarks and summarizes the assertions provided throughout the comment letter.

Please refer to Responses to CONTRA COSTA RESIDENTS-3 through CONTRA COSTA RESIDENTS-54 for detailed responses.

Response to CONTRA COSTA RESIDENTS-2

This comment provides a statement of interest and introduces Contra Costa Residents for Responsible Development.

No response is required.

Response to CONTRA COSTA RESIDENTS-3

This comment restates and paraphrases various statutes and legal cases with respect to the CEQA legal framework.

The County notes that lead agencies are not required to provide detailed responses to all comments on a Draft EIR, but only to those that raise significant environmental issues. (14 California Code of Regulations [CCR] §§ 15088(c), 15132(d), 15204(a); Citizens for E. Shore Parks v. State Lands Comm'n (2011) 202 CA 4th 549; and Bay Area Citizens v. Association of Bay Area Gov'ts (2016) 248 CA 4th 966, 1020.) CEQA recommends that comments on an EIR focus on the document's identification and analysis of significant environmental impacts and measures to avoid or mitigate those impacts (14 CCR § 15204(a)). Accordingly, the County may properly exercise its discretion in responding to comments that are not focused on significant environmental issues or that raise issues unrelated to CEQA (14 CCR § 15204(e)). Accordingly, no further response is required because this comment does not address significant environmental issues.

Response to CONTRA COSTA RESIDENTS-4

This comment asserts that the Draft EIR fails to identify, analyze, and mitigate project impacts from hazardous materials in soils at the project site. In particular, the commenter contends that the proposed temporary shallow soil excavation work associated with the development poses a significant risk to workers and neighbors that must be analyzed further and mitigated.

Prior environmental investigations discussed in the Draft EIR and included within the appendices, identified impacts in the upper layer of soil resulting from the use of agricultural chemicals in connection with historic orchard cultivation at the project site. Since the historic orchard cultivation presumably occurred across the entire site, ENGEO conservatively assumed that the identified shallow soil impacts could extend laterally in other areas of the project site, which were not sampled by ENGEO in the investigations summarized in ENGEO's Phase II Environmental Site Assessment, dated May 2018 (May 2018 Phase II ESA) and Phase II Environmental Site Assessment, updated August 2018 (August 2018 Phase II ESA Update). The August 2018 Phase II ESA Update included the collection of soil samples at certain depths and determined that the vertical extent of the soil

impacts was limited to the upper 2 feet of soil. Since the project calls for excavation of the project site to facilitate the installation of an underground parking garage, the upper 2 feet of soil within which impacts have been detected would be excavated. As required in the Draft EIR (Section 3.8, Hazards and Hazardous Materials, page 3.8-16), excavated soils would be transported and disposed of off-site in accordance with local, State, and federal regulations and laws. In addition, as noted in the Draft EIR, dust suppression measures (as required in MM AIR-2) would be implemented during all site work. As discussed further in Response to CONTRA COSTA RESIDENTS-7, the Draft EIR's conclusion of a less than significant impact from the temporary excavation of contaminated soils is accurate. Therefore, no additional sampling or additional mitigation measures are warranted.

Response to CONTRA COSTA RESIDENTS-5

This comment asserts that the Draft EIR fails to inform the public of specific findings of contaminated soil included in the May 2018 Phase II ESA.

The Draft EIR discusses the results of the May 2018 Phase II ESA testing in Section 3.8, Hazards and Hazardous Materials, on page 3.8-5. The Draft EIR states "Initial field sampling activities associated with the limited Phase II ESA were performed on May 4, 2018. Laboratory results indicated detectable concentrations of metallic analytes and organochlorine pesticides in excess of respective residential screening levels in the upper one foot of soil on the project site."¹⁸ The August 2018 Phase II ESA Update, which was included in Appendix F of the Draft EIR, also specifically discusses and summarizes the results of the May 2018 Phase II ESA and provides information to inform the public that certain metallic analytes and organochlorine pesticides (OCPs) associated with the historic orchard operations are present in the upper 2 feet of soils. Therefore, the public has sufficient information about the historic shallow soil impacts resulting from the historic on-site orchard use. The May 2018 Phase II ESA was updated on June 8, 2018, and the June 8, 2018 revision is included in Appendix A of the Final EIR. The June 8, 2018 revision did not include information that was not already disclosed in the Draft EIR or the August 2018 Phase II ESA Update.

Response to CONTRA COSTA RESIDENTS-6

This comment references the soil samples recovered from the May 2018 Phase II ESA and notes that the May 2018 Phase II ESA recommended that soils "be managed and/or disposed of appropriately."¹⁹ The comment notes that the Draft EIR does not include mitigation measures for handling and removing contaminated soils.

ENGEO provided a response to the comments provided by Contra Costa Residents for Responsible Development, which is provided as part of Appendix A of this Final EIR. Response to CONTRA COSTA RESIDENTS-7 through -11 summarize the information provided in ENGEO's response to comments.

Shallow soil conditions at the project site have been adequately investigated and characterized. Shallow soils would be excavated as part of the development and would be disposed of off-site in accordance with applicable laws and regulations. This shallow excavation work would occur for only a short duration. The removal of the shallow soils as part of development activities would not create

¹⁸ FirstCarbon Solutions (FCS). 2019 Del Hombre Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Page 3.8-5. September.

¹⁹ ENGEO. 2018. Phase II Environmental Site Assessment. Page 4. May.

a significant risk to workers or neighbors (please refer to Response to CONTRA COSTA RESIDENTS-7 for additional details). Furthermore, the Draft EIR specifically notes that dust suppression measures (as required in MM AIR-2) would be implemented during the temporary excavation of shallow soil and that all site work would be conducted in accordance with applicable local, State, and federal regulations and laws.

Response to CONTRA COSTA RESIDENTS-7

This comment asserts that the Draft EIR lacks substantial evidence to conclude that contaminated soils pose no significant impact. Specifically, this comment also questions the methodology ENGEO utilized to investigate the project site and argues that ENGEO should have taken composite samples and field duplicates in accordance with California Department of Toxic Substances Control (DTSC) 2008 Interim Guidance for Sampling Agriculture Properties (2008 Guidance). The commenter suggests that the excavation of shallow soil during construction activities could pose an unacceptable health risk to neighboring residents and on-site workers. Finally, this comment argues that the August 2018 Phase II ESA Update should have determined the lateral extent of soil contamination and therefore, failed to determine the magnitude of the impact.

Field Duplicates

The DTSC 2008 Guidance recommends that for sites 2 to 3 acres in areas like the project site, four discrete samples should be analyzed for OCPs and arsenic. Initially, ENGEO analyzed a 4-point composite sample in the May 2018 Phase II ESA. Based on the initial composite results, each of the four samples were re-analyzed on a discrete basis for OCPs. In addition, samples were recovered from four locations at 1 and 5 feet, which were also analyzed for metals. This testing is consistent with the recommendations of the DTSC 2008 Guidance. As part of ENGEO's investigations, the laboratory completed a variety of quality control checks on equipment used during the soil collection, and the laboratory reports did not identify quality control issues during the analysis of the samples. Therefore, it is ENGEO's professional opinion that the laboratory results are defensible and valid.

Exposure to Contaminated Soil

To determine if the temporary excavation activities within the upper 2 feet of soil containing metallic analytes and OCPs could pose a potential unacceptable risk to on-site workers and neighboring residents, ENGEO prepared dust exposure calculations using overly conservative assumptions. ENGEO's calculations confirmed that any potential dust generated during excavation work would not pose an unacceptable risk to workers or nearby residents.

Cancer risk for the outdoor air exposure pathway was calculated for a residential scenario using the equations presented in Figures 2.9 and 2.10 of the DTSC Preliminary Endangerment Assessment Guidance Manual (PEA Guidance Manual).²⁰ The calculations are based on fugitive dust emissions of particulate matter, including dust, 10 micrometers or less in diameter (PM₁₀) at 50 micrograms per cubic meter (µg/m³), per the California Ambient Air Quality Standards for particulate matter. The

²⁰ Department of Toxic Substances Control (DTSC). 2015. Preliminary Endangerment Assessment Guidance Manual (a guidance manual for evaluating hazardous substance release sites). Website: https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/01/PEA_Guidance_Manual.pdf. Accessed December 23, 2019.

toxicity factors used to calculate risk were obtained from the California Office of Environmental Health Hazard Assessment (OEHHA) Toxicity Criteria Database.

The exposure point concentration for outdoor air were estimated using the following equations presented in Figure 2.10 of the PEA Guidance Manual:

$$C_a = C_s / \text{PEF} \times 1000 \mu\text{g}/\text{m}^3$$

Where: C_a = concentration in air, $\mu\text{g}/\text{m}^3$
 C_s = concentration in soil, mg/kg
 $\text{PEF} = 1.36 \times 10^9 \text{ m}^3/\text{kg}$

- Using the maximum *dieldrin* concentration of 53.4 mg/kg , ENGEO calculated an air concentration of $3.93 \times 10^{-5} \mu\text{g}/\text{m}^3$
- Using the maximum *chlordane* concentration of 1,000 mg/kg , ENGEO calculated an air concentration of $7.35 \times 10^{-4} \mu\text{g}/\text{m}^3$
- Using the maximum *arsenic* concentration of 13.1 mg/kg , ENGEO calculated an air concentration of $9.63 \times 10^{-6} \mu\text{g}/\text{m}^3$

The cancer risk for the inhalation of outdoor air pathway was calculated using the following equation presented in Figure 2.9 of the PEA Guidance Manual:

$$\text{Risk}_{\text{air}} = \text{IUR} \times C_a \times 0.356$$

Where: IUR = Inhalation Unit Risk ($\mu\text{g}/\text{m}^3\text{-day}$)⁻¹ [OEHHA Toxicity Criteria Database]
 C_a = maximum concentration in outdoor air, mg/m^3

- Using the maximum *dieldrin* outdoor air exposure point concentration of $3.93 \times 10^{-5} \mu\text{g}/\text{m}^3$, ENGEO calculated a cancer risk of 6.44×10^{-8} for the outdoor air pathway. The cancer risk for *dieldrin* is 15.6 times less than acceptable risk level of 1×10^{-6} .
- Using the maximum *chlordane* outdoor air exposure point concentration of $7.35 \mu\text{g}/\text{m}^3$, ENGEO calculated a cancer risk of 8.90×10^{-8} for the outdoor air pathway. The cancer risk for *chlordane* is 11.2 times less than acceptable risk level of 1×10^{-6} .
- Using the maximum *arsenic* outdoor air exposure point concentration of $9.63 \mu\text{g}/\text{m}^3$, ENGEO calculated a cancer risk of 1.13×10^{-8} for the outdoor air pathway. The cancer risk for arsenic is 88.5 times less than acceptable risk level of 1×10^{-6} .

The risk values were calculated using a default permissible exposure limit (PEL) value of $1.36 \times 10^9 \text{ m}^3/\text{kg}$, which utilizes a default vegetative cover factor of 50 percent. Additionally, this cancer risk calculation includes a highly conservative calculation, based on chronic exposure levels to residents for 70 years, 365 days/year, 24 hours/day. These risk values are overly conservative, given that grading and excavation work within the upper 2 feet of soil within which certain metals and OCPs above residential screening levels may be present would last for only a short duration (likely less than one week). In addition, as noted in the DEIR, dust suppression measures would be

implemented during all field activities, including those activities within the upper 2 feet of soil. Therefore, the Draft EIR's conclusion of a less than significant impact from contaminated soils is accurate.

Lateral Extent and Magnitude of Contamination

The May 2018 Phase II ESA identified impacts in the upper layer of soil resulting from historic on-site orchard cultivation. Since the historic orchard cultivation likely occurred across the project site, ENGEO conservatively assumed that the identified shallow soil impacts could extend laterally across all areas of the project site. Subsequently, through the collection of additional vertical soil samples, the August 2018 Phase II ESA Update determined the vertical extent of these impacts was limited to the upper 2 feet of soil. Since the project calls for excavation of the project site to facilitate the installation of an underground parking garage, the upper 2 feet of soil across the project site would be excavated. As discussed in the Draft EIR (Section 3.8, Hazards and Hazardous Materials, page 3.8-16), excavated soils would be transported and disposed of off-site in accordance with local, State, and federal regulations and laws. In addition, as noted in the Draft EIR, dust suppression measures would be implemented during all site work (as required by MM AIR-2). Therefore, no additional sampling is necessary to evaluate the extent or magnitude of the shallow soil impacts.

Response to CONTRA COSTA RESIDENTS-8

This comment asserts that the Phase II ESA should have included a Health Risk Assessment (HRA) for contaminants above residential screening levels, and the results of the HRA should be included in the Draft EIR.

The function of a Phase II ESA report is to summarize the findings of environmental characterization activities, not to provide these types of analyses; however, as noted in Response to CONTRA COSTA RESIDENTS-7, all of the impacted soil in the upper 2 feet would be removed during construction. Further, the dust calculations verify there is no unacceptable health risk associated with dust to be generated during future grading and excavation. Therefore, an HRA is not warranted.

Response to CONTRA COSTA RESIDENTS-9

This comment asserts that because the Draft EIR fails to inform the public about the lateral extent of contaminants found and fails to perform an HRA, the Draft EIR lacks substantial evidence to conclude no significant impact from the release of hazardous materials at the project site and requests more testing be completed.

As noted in Response to CONTRA COSTA RESIDENTS-4, the Draft EIR did inform the public about the lateral extent of contaminants and the project site has been sufficiently investigated. Response to CONTRA COSTA RESIDENTS-8 notes that no HRA was necessary given the results of the dust calculations and the fact that shallow soil is expected to be excavated in connection with redevelopment of the project site.

Response to CONTRA COSTA RESIDENTS-10

This comment argues that the cancer risk of the compounds found in soils at the project site exceed the acceptable limit of 1^{E-6} .

This comment relies upon Tier I residential screening levels for direct exposure, which are based on long-term and frequent exposure assumptions. Since all of the affected shallow soils would be removed as part of construction, the reliance upon such conservative, long-term, and frequent direct exposure assumptions is not appropriate for this project.

As the calculations presented in Response to CONTRA COSTA RESIDENTS-7 show, the cancer risk from the known contaminants at the project site do not pose an unacceptable risk to workers or neighboring residents, particularly given the short potential exposure scenario during the shallow soil excavation. Furthermore, dust suppression measures (as required by MM AIR-2), will be implemented during development to protect workers and local residents.

This comment also argues that the Draft EIR fails to analyze the shallow soil impacts and fails to inform the public about the shallow soil impacts. Responses to this comment are provided in Responses to CONTRA COSTA RESIDENTS-5 through 11.

Response to CONTRA COSTA RESIDENTS-11

This comment asserts that the Draft EIR must be revised to mitigate impacts from dieldrin, chlordane, and arsenic in surface soils revealed at the project site and provides mitigation measures that should be included in the Draft EIR.

As previously stated, the above dust calculations confirm there is no unacceptable risk to workers or off-site receptors. Additionally, as discussed in the Draft EIR, excavation activities within shallow soil would be temporary and associated off haul would be conducted in accordance with local, State, and federal regulations. Furthermore, dust suppression measures (as required by MM AIR-2) would be implemented during these temporary activities. Therefore, no additional dust suppressants or controls or other mitigation measures are necessary.

Response to CONTRA COSTA RESIDENTS-12

This comment asserts that the Draft EIR fails to mitigate health and air quality impacts from construction emissions and that the analysis underestimates emissions on sensitive receptors; the Draft EIR concludes there would be a significant impact to sensitive receptors, but fails to effectively mitigate that impact.

Please refer to Response to CONTRA COSTA RESIDENTS-13. With the revision to MM AIR-3 (see Section 3, Errata, of the Final EIR), the necessary mitigation measures to reduce potential health risk impacts from construction emissions to a less-than-significant level would be implemented. As shown in Table 3.2-19 of the Draft EIR, with implementation of MM AIR-3, health risk impacts associated with construction activities would be less than significant.

Response to CONTRA COSTA RESIDENTS-13

This comment asserts that MM AIR-3 fails to mitigate air quality impacts to less than significant and is unenforceable because MM AIR-3 allows for the use of equipment other than Tier IV, if Tier IV equipment is unavailable.

The project applicant has committed to the use of Tier IV equipment as reflected in the modified MM AIR-3. This change is shown below and included in Section 3, Errata, of the Final EIR. As analyzed in the

Draft EIR and presented in Table 3.2-19, the use of Tier IV equipment would reduce impacts to sensitive receptors from substantial pollutant concentrations (Impact AIR-3) to less than significant.

MM AIR-3 Use Construction Equipment That Meets Tier IV Interim Off-road Emission Standards

During construction activities, all off-road equipment with diesel engines greater than 50 horsepower shall meet either United States Environmental Protection Agency or California Air Resources Board Tier IV Interim off-road emission standards. The construction contractor shall maintain records concerning its efforts to comply with this requirement, including equipment lists. Off-road equipment descriptions and information may include but are not limited to equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number.

~~If engines that comply with Tier IV Interim off-road emission standards are not commercially available, then the construction contractor shall use the next cleanest piece of off-road equipment (e.g., Tier III) available. For purposes of this mitigation measure, “commercially available” shall mean the availability of Tier IV Interim engines taking into consideration factors such as (i) critical-path timing of construction; and (ii) geographic proximity to the project site of equipment. The contractor can maintain records for equipment that is not commercially available by obtaining letters from at least two rental companies for each piece of off-road equipment where the Tier IV Interim engine is not available.~~

Response to CONTRA COSTA RESIDENTS-14

This comment asserts that the HRA underestimates particulate matter, including dust, 2.5 micrometers or less in diameter (PM_{2.5}) construction emissions because it does not assume short-term projects last a full 3 years (according to BAAQMD guidance) and does not account for cancer-causing components of diesel exhaust.

Please refer to Response to CONTRA COSTA RESIDENTS-15 and CONTRA COSTA RESIDENTS-16.

Response to CONTRA COSTA RESIDENTS-15

This comment asserts that the Draft EIR fails to use BAAQMD’s most recent guidance on HRAs that requires all short-term construction projects to assume a 3-year exposure period.

The HRA in the Draft EIR was conducted using guidance and methods prescribed in the OEHHA’s Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments²¹ (HRA Guidelines), which is the widely-accepted guidance document used by all air districts to develop HRAs, including the BAAQMD. The HRA Guidelines, Section 8.2.10, recommend that “exposure from projects lasting more than 6 months should be evaluated for the duration of the project.” The HRA in the Draft EIR was conducted consistent with these OEHHA HRA Guidelines and the full duration of construction

²¹ Office of Environmental Health Hazard Assessment (OEHHA). 2015. Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments. Website: <https://oehha.ca.gov/media/downloads/crrnr/2015guidancemanual.pdf>. Accessed January 10, 2020.

activities, as provided Section 3.2, Air Quality, of the Draft EIR and Appendix B of the Draft EIR, were evaluated for the HRA.

For informational purposes, a 3-year exposure scenario has been modeled and the results demonstrate that, even with the longer exposure duration, the less than significant conclusion is consistent with the analysis in the Draft EIR.

Response to CONTRA COSTA RESIDENTS-16

This comment asserts that the Draft EIR fails to account for cancer-causing chemicals in diesel exhaust because it underestimates emissions by failing to consider all toxic components of diesel exhaust.

In a study titled Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant,²² the California Air Resources Board (ARB) and OEHHA determined that identifying whole diesel exhaust is the appropriate method when quantifying health risks associated with diesel exhaust. Therefore, pursuant to the ARB and OEHHA guidance, the analysis in the Draft EIR evaluated the project's diesel particulate matter (DPM) emissions to estimate potential health risks and not "all toxic components of diesel exhaust," because the ARB and OEHHA research has determined that this approach adequately evaluates risks associated with diesel exhaust exposure. In other words, the ARB and OEHHA guidance does not advise that other toxic components of diesel exhaust be calculated when evaluating potential cancer risks from diesel exhaust; therefore, the Draft EIR does not underestimate diesel emissions as suggested by the commenter.

Response to CONTRA COSTA RESIDENTS-17

This comment asserts that the Draft EIR fails to mitigate cancer risk from construction emissions to less than significant because it does not require the use of Tier IV equipment during construction and fails to follow BAAQMD guidance when conducting the HRA.

Please refer to Response to CONTRA COSTA RESIDENTS-13 and CONTRA COSTA RESIDENTS-15.

Response to CONTRA COSTA RESIDENTS-18

This comment asserts that the Draft EIR fails to use BAAQMD's most recent guidance on HRAs that requires all short-term construction projects to assume a 3-year exposure period.

Please refer to Response to CONTRA COSTA RESIDENTS-15.

Response to CONTRA COSTA RESIDENTS-19

This comment requests that the Draft EIR be revised to include the impacts from construction emissions and mitigate as necessary because it fails to use BAAQMD's HRA guidance and fails to require Tier IV construction equipment.

Please refer to Response to CONTRA COSTA RESIDENTS-13 and CONTRA COSTA RESIDENTS-15.

²² Office of Environmental Health Hazard Assessment (OEHHA) and California Air Resources Board (ARB). 1998. Executive Summary for the "Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant." April 22. Website (ARB): <https://ww3.arb.ca.gov/toxics/dieseltac/de-fnds.htm>; Website (article): <https://oehha.ca.gov/media/downloads/air/document/diesel20exhaust.pdf>. Accessed on January 14, 2020.

Response to CONTRA COSTA RESIDENTS-20 and CONTRA COSTA RESIDENTS-21

This comment asserts that the trip generation estimates used in the Draft EIR are not supported by substantial evidence and that the additional 20 percent reduction for transit use results in an underestimation of trips, and therefore, the conclusions in the Draft EIR are not supported by substantial evidence, and significant impacts are not mitigated. The comment notes that the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition includes an average trip generation rate for mid-rise multi-family land use projects like the project. The commenter also asserts that the Draft EIR fails to analyze whether the project would create queue exceedances that would cause hazardous roadway conditions and thus, pose a public safety impact.

The approach to determine trip generation was based on review of ITE data, census data,²³ trip generation study of an adjacent site²⁴ (AvalonBay Pleasant Hill BART Apartments) as well as TNC survey data.²⁵ This methodology has been used for other projects completed in Contra Costa County when ITE land uses do not provide data for the exact land use being studied. ITE recommends use of locally collected data where available. The use of a trip generation rate for mid-rise multi-family housing (ITE Land Use Code 221, as suggested by the commenter) was also initially applied to the project, with a resulting estimate of 102 AM peak-hour trips and 125 PM peak-hour trips, less than what was estimated for the TIA. Vehicle trip generation was estimated using trip generation rates for low-rise multi-family housing (ITE Land Use Code 220 [a more conservative assumption]). The trip generation rates as suggested by the commenter would result in a lower estimate than assumed in the TIA. Therefore, the TIA provided a more conservative estimate and did not understate project vehicle trip generation or potential vehicle impacts.

A 20 percent transit/walk/bike discount was applied based on census data and trip generation surveys of a similar development in the immediate project area (AvalonBay Pleasant Hill BART Apartments). Based on Fehr & Peers' review of the available data, the 20 percent discount used in the TIA is well within the range of vehicle trip generation that is expected given the project's location adjacent to the BART station, other nearby transit, and Class 1 bicycle facilities. The census data from the surrounding neighborhoods, as well as locally collected trip generation data, supports a higher reduction than 20 percent from the base ITE rates for "Suburban Locations;" however, the 20 percent reduction was included to account for bike/walk/transit trips. A ride-sharing factor was also applied (an additional 5 percent) to account for the additional trips that could occur via TNCs in order to realistically reflect and disclose those trips, as well. Therefore, the 20 percent discount is supported by substantial evidence and does not result in the underestimation of trips.

Table 1 provides a comparison of trip generations rates included in the TIA, based on locally collected data and the generation rate suggested by the commenter.

²³ Fehr & Peers. 2019. United States Census Bureau: American FactFinder | Compiled Transportation Census Data 2010, 2015, 2016, and 2017. Website: <https://factfinder.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t>. Accessed December 2018 – January 2019.

²⁴ Fehr & Peers. 2015. Trip Generation Survey Results and Rate Comparison for the Proposed AvalonBay Pleasant Hill BART Apartments. March 17.

²⁵ Fehr & Peers. 2018. San Francisco Travel Demand Update: Data Collection and Analysis (prepared for San Francisco Planning Department). June 29.

Table 1: Trip Generation Comparison

Trip Generation Source	Weekday Daily	Weekday AM Peak-hour			Weekday PM Peak-hour		
		In	Out	Total	In	Out	Total
ITE Rates for Suburban Locations-no adjustments	2,080	30	101	131	100	59	159
Trip Generation Used in TIA	1,800	27	82	109	77	51	128
Trip Generation Based on Locally Collected Data	-	15	59	74	49	19	68
Trip Generation Based on Generation Rate Suggested by Commenter (ITE Land Use Code 221)	1,545	27	75	102	76	49	125

Source: ITE Trip Generation Manual (10th Edition), Fehr & Peers.

It should be noted that use of unadjusted trip generation rates in the TIA would not change the overall findings of the assessment – i.e., no intersections would degrade from acceptable to unacceptable. Therefore, the significance conclusions in the Draft EIR are accurate and are supported by substantial evidence.

For a discussion of queue impacts, please refer to Response to CONTRA COSTA RESIDENTS-22.

Response to CONTRA COSTA RESIDENTS-22

This comment asserts that the Draft EIR’s queuing analysis is unsupported by substantial evidence and fails to disclose safety impacts and hazardous roadway conditions.

The project’s effects on vehicle queues were evaluated in the TIA. Based on thresholds set forth by Contra Costa County General Plan and the CCTA Central County Action Plan, a significant impact to queues would be identified if:

The addition of project traffic at a study intersection would result in the 95th percentile vehicle queue exceeding the available storage or would increase 95th percentile queue by more than two vehicles where the queue already exceeds the available storage space.

For most locations, the project does not result in a perceptible increase in the 95th percentile vehicle queue. As shown in the Draft EIR, the addition of project traffic is not expected to cause vehicle queues to increase by more than 50 feet (or two car-lengths) for movements where the 95th percentile queue already exceed the available storage or result in vehicle queues that exceed the available storage for Existing with Project, Opening Year with Project, of Cumulative with Project condition.

In urban settings, vehicle queues at intersections often extend to and beyond driveway locations, such as the driveway serving 3000 Oak Road. Eliminating all instances of vehicle queue spillback at

the driveways mentioned would require further roadway widening, which could be contrary to other community goals. Additionally, vehicle queue spillback is usually temporary in nature, and can be successfully managed through signal timing adjustment and other operational strategies.

Response to CONTRA COSTA RESIDENTS-23

This comment cites a third-party transportation review as evidence that the Draft EIR's threshold of significance regarding queuing is arbitrary and asserts that the conclusions are unsupported.

The TIA utilized thresholds set by Contra Costa County and the CCTA Central County Action Plan. Because this project is within the jurisdiction of Contra Costa County and the CCTA, the thresholds used in the TIA and the Draft EIR are appropriate. Please also refer to the Response to CONTRA COSTA RESIDENTS-22.

Response to CONTRA COSTA RESIDENTS-24

This comment requests that the cumulative impact of construction emissions does not include enough information to address the impact. The commenter sites the Mountain Lion Coalition case that determined that the cumulative analysis include a "conscientious effort . . . to provide adequate and relevant detailed information."

This comment provides introductory remarks for Response to CONTRA COSTA RESIDENTS-25. Please refer to Response to CONTRA COSTA RESIDENTS-25.

Response to CONTRA COSTA RESIDENTS-25

This comment notes that the BAAQMD guidelines require cumulative impact analyses for PM_{2.5} to consider "all past, present, and foreseeable future sources within a 1,000-foot radius from the fence line of a source . . ." The comment also states that the Habitat for Humanity Project was not added to the cumulative PM_{2.5} impact from construction and other sources on nearby receptors, and requests that the Draft EIR state why the Habitat for Humanity Project was not included in the analysis.

The BAAQMD's Stationary Source Screening Analysis Tool was used to locate sources within 1,000 feet of the project site. The Habitat for Humanity Project was not shown on this screening tool as a permitted source. In addition, if the commenter was referring to including the construction emissions associated with the Habitat for Humanity Project, these emissions would be temporary, especially when considering that the construction timeframe for the Habitat for Humanity project is uncertain. The BAAQMD does not require that the cumulative HRA evaluate other non-project related construction projects in proximity of the project because of the temporary, uncertain, and variable nature of those projects. Therefore, the cumulative analysis presented in the Draft EIR followed the appropriate BAAQMD guidance for the determination of cumulative air quality impacts for construction and operational emissions.²⁶

While reviewing the BAAQMD's Stationary Source Screening Analysis Tool, another source (Bank of the West) was deemed to be within 1,000 feet of the project boundary. Although it is more than 1,000 feet from the project's Maximum Impacted Sensitive Receptor (MIR), for the purposes of a

²⁶ FirstCarbon Solutions (FCS). 2019 Del Hombre Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Pages 3.2-51 through 3.2-56. September.

conservative analysis, this source was added into the cumulative HRA and the revised cumulative health risks are presented in Tables 3.2-20, 3.2-21, and 3.2-22 in Section 3, Errata, of the Final EIR. The addition of this stationary source does not change any of the impact conclusions presented in the Draft EIR.

Response to CONTRA COSTA RESIDENTS-26

The comment asserts that the Draft EIR's analysis violates CEQA's clear guidance on the performance of cumulative impact analysis and lacks substantial evidence to support the conclusion that the project's cancer impact from construction emissions is less than cumulatively considerable. The commenter requests that the Draft EIR be revised to properly analyze the project's cumulative impact and require mitigation measures as needed.

The County finds that the cumulative impact analysis in the Draft EIR is accurate, thorough, and supported by substantial evidence. Therefore, no additional mitigation is required. Please refer to Response to CONTRA COSTA RESIDENTS-25 and CONTRA COSTA RESIDENTS-13.

Response to CONTRA COSTA RESIDENTS-27

The commenter asserts that the project violates CEQA and the Contra Costa County's General Plan's density threshold for multiple-family residences and misuses the SDBL.

Please refer to Response to CONTRA COSTA RESIDENTS-28 and -31

Response to CONTRA COSTA RESIDENTS-28

This comment asserts that the Draft EIR miscalculates the project site net acreage, which would increase density above thresholds set in the General Plan, in violation of the General Plan and CEQA.

The commenter cites a footnote to Table 3-4 in the General Plan Land Use chapter²⁷ that states:

Net acreage includes all land area used exclusively for residential purposes, and excludes streets, highways, and all other public rights-of-way. Net acreage is assumed to constitute 75 percent of gross acreage for all uses, except for the Multiple-Family designations, where it is assumed to comprise 80 percent.

This footnote demonstrates that, for purposes of establishing land use designation densities (which inform Regional Housing Needs Allocations, etc.), the County roughly assumed land area for residential purposes, and discounted a certain percentage of acreage for infrastructure, such as streets and public right-of-way.

The commenter suggests that this footnote "specifies how to calculate net acreage" for all projects in the County. In the case of Table 3-4, the County excluded certain land area to make conservative assumptions about density. Based on the project, there are no "streets, highways, or other public rights-of-way" that should be excluded from the acreage calculation, except for the dedication of right-of-way along the southwest corner of the project that total 0.03 acre. The site is comprised solely of residential buildings and those amenities that serve the primary residential purpose. The

²⁷ Contra Costa County. 2005 (reprint 2010). Contra Costa County General Plan 2005-2020, Table 3-4: Summary of General Plan Land Use Designations.

commenter, therefore, misconstrues the General Plan’s intent by claiming the project must deduct 20 percent of the site’s 2.4 gross acres for streets and rights-of-way that do not exist. Even if the Draft EIR stated that the apartment building covers 79 percent of the site, the remainder of the site provides open space and amenities that clearly serve the fundamental residential purpose—it does not provide for public on-site streets and public right-of-way. Consequently, the Draft EIR correctly calculated net acreage and, by extension, the density of the project does not artificially increase from 99.9 du/acre to 123.4 units.

The project does seek a GPA to redesignate the site from Multiple-Family Residential-Very High Density (MV) to Multiple-Family Residential-Very High Special Density (MS), which allows for a maximum of 99.9 du/acre. The project also seeks a 20 percent density increase under the SDBL. The commenter asserts that the GPA and density bonus would result in a 320 percent increase over the existing density. This claim is misconstruing the existing density limits and is unsupported by the record in that there is no miscalculation of the net acreage. The Draft EIR appropriately analyzed the project density and correctly concluded that impacts would be less than significant.

Response to CONTRA COSTA RESIDENTS-29

This comment asserts that the Draft EIR is inconsistent with General Plan density thresholds and does not discuss the inconsistency, which would be in violation of the General Plan and CEQA.

As noted in Response to CONTRA COSTA RESIDENTS-28, the project does not exceed any General Plan threshold, nor is it inconsistent with any General Plan thresholds. The Draft EIR does not violate CEQA because it more accurately reflects actual site acreage that serves residential purposes rather than the General Plan’s conservative assumptions for land use base densities. Consequently, density and acreage are properly addressed in the Draft EIR and no further analysis is warranted.

Response to CONTRA COSTA RESIDENTS-30

This comment asserts that the SDBL should not apply to this project because it already receives a density increase via site acreage miscalculation and the density bonus should be based on the maximum allowable gross residential density as of the date of application.

The project is not getting a 40 percent density increase. The commenter misapplies the County’s formula for General Plan assumptions to the project’s actual acreage. The 20 percent net reduction used by the County for non-site-specific assumptions does not apply to the project site because this project site is not a subdivision with internal public streets or public right-of-way. Therefore, there is no need to subtract the acreage for streets or public right-of-way (aside from the 0.03 acre dedicated for Del Hombre Lane). Therefore, the Draft EIR’s acreage is accurate for purposes of the analysis and conclusions.

The commenter’s interpretation of SDBL misrepresents the statute’s intent, which is to maximize the creation of below market rate units. Moreover, California Government Code Section 65915(r) expressly states that the SDBL “shall be interpreted liberally in favor of producing the maximum number of total housing units.” The commenter’s claim, which suggests a binary proposition that one can choose to either up-zone a site to create more market rate housing or apply a density bonus to create affordable housing (but not both simultaneously), violates the Legislature’s interpretive

instruction by suggesting a scenario that suppresses the creation of housing units, which is against public policy. California Government Code Section 65915 (SDBL) and the County's Inclusionary Housing Ordinance are two separate regulations. The County must comply with the provisions of the SDBL when an applicant is seeking a density bonus for a housing development. The overall intent of the SDBL is to produce the maximum number of total housing units, if the developer proposes to construct a housing development that will contain the types of units listed under California Government Code Section 65915(b). The applicant is proposing 5 percent of the total units in the development for very-low income households, which requires the County to grant a 20 percent density bonus. The incentive or concession requested complies with California Government Code Section 65915(k) and should be granted pursuant to California Government Code Section 65915(d). The concession for a modification of the zoning code requirements to the Inclusionary Housing Ordinance to allow for moderate-income units in place of lower income unit complies with the provisions of the SDBL and the County is obliged to grant the density bonus and requested concession.

Response to CONTRA COSTA RESIDENTS-31

This comment asserts that the County should enforce its more stringent Inclusionary Housing Ordinance.

This comment does not raise any issues as to deficiencies in the Draft EIR pursuant to CEQA. Nevertheless, the following response is provided for informational purposes.

The commenter conflates the allowed density bonus that is offered to a developer under the Contra Costa County Code with the density bonus provisions under SDBL Section 65915 of the California Government Code. The SDBL offers a larger density bonus than the Contra Costa County Code. The SDBL also makes clear that (1) developers are allowed to invoke the SDBL in all cases, even if the local ordinance does not grant as large a bonus, and (2) below market rate units required per local ordinance can qualify a project for the SDBL. The County does not have the discretion to impose its less generous bonus provision when the applicant invokes the SDBL. Here, the project applicant is seeking a density bonus under the SDBL, not Contra Costa County Ordinance 822-4.418, Incentives.

The commenter cites Contra Costa Zoning Ordinance Section 822-4.418(a), which applies to the County's rules for density bonus incentives. The project applicant is seeking a concession under the SDBL (Government Code § 65915(d)), which requires the County to grant a concession unless written findings, based on substantial evidence, can be made that show the concession (1) does not result in identifiable and actual cost reductions to provide for affordable housing costs, and (2) would cause a specific, adverse impact upon public health and safety or the physical environment. The concession for the proposed moderate-income units provides a subsidy for the much-needed 5 percent proposed very low-income units and does not trigger any adverse impacts.

Consequently, the County is not abusing any discretion by acting in accordance with the SDBL. The County's grant of the requested concession will mitigate the financial impact of creating affordable housing, while at the same time optimize the project's ability to provide additional very low-income units. Thus, the County is well within its authority to grant this concession under the SDBL to promote and maximize the production of affordable housing.

Response to CONTRA COSTA RESIDENTS-32

This comment concludes the comment letter.

The comment is noted and no response is required.

Response to CONTRA COSTA RESIDENTS-33

Dr. Clark summarizes the project description.

The comment is noted and no response is required. Dr. Clark's Curriculum Vitae is provided in Appendix A of this Final EIR.

Response to CONTRA COSTA RESIDENTS-34

The comment states that the proposed mitigation measures in Section 3.2, Air Quality, and Section 3.8, Hazards and Hazardous Materials, of the Draft EIR do not include verification/reporting requirements.

The County disagrees and directs the commenter to the Mitigation Monitoring and Reporting Program (MMRP) included in the Final EIR. A public agency may elect to have its program monitor mitigation, report on mitigation, or both.²⁸ In accordance with the provisions of CEQA, the MMRP for this project includes both specific monitoring and reporting requirements depending on what is most appropriate for each identified mitigation measure. The MMRP further identifies the timing for compliance, as well as the entity at the County responsible for verification of the completion of the mitigation measure. With respect to the air quality and hazards mitigation measures mentioned in the comment, the Contra Costa County Department of Conservation and Development, Community Development Division, is responsible for verification and a representative is required to initial the MMRP when each mitigation measure is completed. As clearly indicated in the MMRP, the timing for verification of each mitigation measure ensures that the project would implement the required mitigation prior to operation. For example, MM AIR-2 must be verified by the County as complete prior to the issuance of building permits and MM HAZ-1 must be verified prior to issuance of demolition permits for the two existing residences and associated structures. Failure to obtain the necessary verifications for these mitigation measures would result in a failure to secure necessary building permits and demolition permits. Accordingly, the Final EIR properly identifies and discloses enforceable mitigation measures. The comment does not address the reporting requirements for any particular mitigation measure, or identify any specific issues related to verification. No further response is necessary.

Response to CONTRA COSTA RESIDENTS-35

Dr. Clark asserts that the Draft EIR has failed to determine the distribution of contaminants at the project site and their potential migration off-site.

Please refer to Response to CONTRA COSTA RESIDENTS-7.

Response to CONTRA COSTA RESIDENTS-36

Dr. Clark asserts that the levels of dieldrin, chlordane, and arsenic are in excess of screening levels.

²⁸ 14 Cal Code Regs §15097(c)

Please refer to Response to CONTRA COSTA RESIDENTS-7 and Response to CONTRA COSTA RESIDENTS-10.

Response to CONTRA COSTA RESIDENTS-37

Dr. Clark asserts that the sampling and analysis fails to adequately characterize the lateral extent of contamination on the site and does not follow the DTSC 2008 Guidance for sampling agriculture properties and that neither the May 2018 Phase II ESA or the August 2018 Phase II Update included field duplicate samples of composite samples.

Please refer to Response to CONTRA COSTA RESIDENTS-7.

Response to CONTRA COSTA RESIDENTS-38

Dr. Clark asserts that the pattern of sampling utilized in the Phase II ESA investigations do not cover enough area to present an accurate representation of the OCP contamination in surface soils on-site and recommends that additional sampling of the sites should be required.

The May 2018 Phase II ESA identified impacts in the upper layer of soil. Since the historic orchard cultivation presumably occurred across the project site, ENGEO conservatively assumed that the identified shallow soil impacts could extend laterally across the project site. The August 2018 Phase II ESA Update then determined the vertical extent of these impacts was limited to the upper two 2 feet of soil. Since the project calls for excavation of the project site to facilitate the installation of an underground parking garage, the upper 2 feet of soil across the entire project site would be excavated and transported and disposed of off-site in accordance with local, State, and federal regulations and laws (Draft EIR, Section 3.8, Hazards and Hazardous Materials, page 3.8-16). In addition, as noted in the Draft EIR, dust suppression measures would be implemented during all site work (as required by MM AIR-2). Therefore, no additional sampling is warranted.

Response to CONTRA COSTA RESIDENTS-39

Dr. Clark asserts that the Draft EIR fails to characterize the potential health harms from exposure to the OCPs and metals founds in the soil and provides screening levels.

Please refer to Response to CONTRA COSTA RESIDENTS-10.

Response to CONTRA COSTA RESIDENTS-40

Dr. Clark asserts that the Draft EIR fails to characterize the potential health harms from exposure to the OCPs and metals founds in the soil and provides screening levels.

Please refer to Response to CONTRA COSTA RESIDENTS-10.

Response to CONTRA COSTA RESIDENTS-41

Dr. Clark presents potential impacts from chlordane, dieldrin, and arsenic.

As explained in Response to CONTRA COSTA RESIDENTS-7, even utilizing the most conservative assumptions (chronic exposure levels for 70 years, 365 days/year, 24 hours/day), the cancer risks for dieldrin, chlordane, and arsenic are well below the acceptable risk level for the outdoor air pathway.

Response to CONTRA COSTA RESIDENTS-42

Dr. Clark asserts that an HRA should be completed for the site.

Please refer to Response to CONTRA COSTA RESIDENT-8.

Response to CONTRA COSTA RESIDENTS-43

Dr. Clark proposes mitigation measures to mitigate for potential impacts associated with contaminated soils on the project site.

Please refer to Response to CONTRA COSTA RESIDENTS-11.

Response to CONTRA COSTA RESIDENTS-44

This comment states that MM AIR-3 does not have an enforcement component that would prevent the project applicant from avoiding the extra cost of the use of utilizing Tier IV Equipment.

Please refer to Response to CONTRA COSTA RESIDENTS-13.

Response to CONTRA COSTA RESIDENTS-45

This comment states that the County's calculation of emissions is flawed and misrepresents the actual emissions that could impact the community during the construction phase of the project. The commenter asserts that MM AIR-3 fails to make the use of Tier IV technology an enforceable requirement.

The County's calculations accurately reflect emissions during construction and operation of the project. Please refer to Response to CONTRA COSTA RESIDENTS-13.

Response to CONTRA COSTA RESIDENTS-46

This comment asserts that the Draft EIR fails to use the BAAQMD's most recent guidance on HRAs that requires all short-term construction projects to assume a 3-year exposure period. The commenter also notes the cancer risk calculations should include the most sensitive age groups (beginning with the third trimester of pregnancy) and should use the 95th percentile breathing rates.

Please refer to Response to CONTRA COSTA RESIDENTS-15 and LIUNA-20.

Response to CONTRA COSTA RESIDENTS-47

This comment asserts that the Draft EIR fails to account for cancer-causing chemicals in diesel exhaust because it underestimates emissions by failing to consider all toxic components of diesel exhaust.

Please refer to Response to CONTRA COSTA RESIDENTS-16.

Response to CONTRA COSTA RESIDENTS-48

Dr. Clark concludes the comment letter.

The comment is noted, and no response is required.

Response to CONTRA COSTA RESIDENTS-49

Dan Smith provides his qualifications.

Mr. Smith's Curriculum Vitae is provided in Appendix A of this Final EIR. No response is required.

Response to CONTRA COSTA RESIDENTS-50

Mr. Smith asserts that the Draft EIR assumes unreasonable and unsupported discounts from current authoritative trip generation rates for mid-rise residential development.

Please refer to Response to CONTRA COSTA RESIDENTS-20 and -21.

Response to CONTRA COSTA RESIDENTS-51

Mr. Smith asserts that the queuing analysis presented in the Draft EIR fails to analyze safety and traffic impacts from queue exceedances.

Please refer to Response to CONTRA COSTA RESIDENTS-22.

Response to CONTRA COSTA RESIDENTS-52

Mr. Smith provides an example of an overflowed queue with project traffic (Intersection 1, Oak Road at I-680 on/off-ramps/Buskirk Avenue) and notes that the queue would extend well south of the intersection of Oak Road and Las Juntas Way all the way past the entry drive to 3000 Oak Road.

In urban settings, vehicle queues at intersections often extend to and beyond driveway locations, such as the driveway serving 3000 Oak Road. Eliminating all instances of vehicle queue spillback at the driveways mentioned would require further roadway widening, which could be contrary to other community goals. Additionally, vehicle queue spillback is usually temporary in nature, and can be managed through signal timing adjustment and other operational strategies.

Response to CONTRA COSTA RESIDENTS-53

Mr. Smith explains that when predicted queues considerably exceed the capacity of a turn lane and obstruct the flow of other lanes, the queue becomes a compound queue.

Please refer to Response to CONTRA COSTA RESIDENTS-22 and -52.

Response to CONTRA COSTA RESIDENTS-54

Mr. Smith concludes his comment letter and asserts that the Draft EIR is inadequate and should be revised and recirculated in draft status.

Please refer to Response to CONTRA COSTA RESIDENTS-49 through CONTRA COSTA RESIDENTS-53. The Draft EIR adequately evaluated and disclosed transportation impacts. Therefore, the analysis provided in the Draft EIR is adequate and no recirculation is necessary.

Honey Trail Homeowners Association

To: Jennifer Cruz, Senior Planner

Contra Costa County Department of Conservation and Development

30 Muir Road

Martinez, CA 94553

Jennifer.Cruz@dcd.cccounty.us

**County Planning References: GP18-0002, RZ18-3245,
MS18-0010, DP18-3031**

The Honey Trail Homeowners Association thanks you for the opportunity to comment on the proposed project in our neighborhood. As next door neighbors and homeowners we have a vested interest in our neighborhood and feel obligated to comment on several areas of concern regarding the proposed Del Hombre apartment development.

1

1) **Density.** The proposed 284 unit project exceeds the current zoning of 45 units per acre by over 600%, and should be reduced to better fit in with the properties adjacent to it, which are generally not more than 3 stories, and less than 50 units per acre.

2

1) **Minimum acreage.** The general plan calls for 5 acres to build 45 units per acre. We encourage Del Hombre LLC to acquire more land to meet that zoning requirement. Without enough land, setbacks will be impacted and there will not be enough Greenspace in the project.

3

2) **Height.** A six-story building would tower over the adjacent properties and is not in keeping with the zoning. The project should be reduced to no more than 4 stories maximum, and 60 units per acre. This would make the height of the building the same as the 4 story component of Block C in the transit village, which it will face to the North.

4

3) **Vehicle access.** We have a general concern about how automobile traffic will enter and exit the property. Major changes to Del Hombre and the adjacent intersection at Las Juntas will be needed. An entry via Roble Rd may be required, which is owned by Avalon. We have this concern regardless of the density. The current access is suitable only for low-density occupancy.

5

- 4) **Setbacks.** The setbacks of 2 feet or less to the West (Del Hombre) and south (Honey Trail) should be increased to 15 feet to provide visual buffers to the building, and to fit in with buildings that have even greater setbacks on either side of the project. | 6
- 5) **The move-in/move-out.** This process at Roble Rd impacts an already narrow lane, removes parking spaces, and will bring almost daily move events – up to 300 per year. Roble Rd must be widened to accommodate the larger vehicles that will be used and the encroachment it represents on the narrow lane. | 7
- 6) **Visitor Parking.** Only 4 visitor parking spots in a location that has no available street parking is not at all reasonable, and should be significantly increased. | 8
- 7) **Trees.** Protection of tree roots of heritage trees, especially on the Honey Trail side of the property needs to be more than 10 feet. Otherwise, these heritage trees will likely die. | 9

Sincerely,

Honey Trail Homeowners Association

Honey Trail Homeowners' Association (HONEY TRAIL)

Response to HONEY TRAIL-1

This comment provides introductory remarks.

No response is required.

Response to HONEY TRAIL-2

The commenter requests reducing the density of the project.

Please refer to Master Response 4—Density.

Response to HONEY TRAIL-3

The commenter encourages the project applicant to acquire more land to provide larger setbacks.

Please refer to Master Response 3—Setbacks and Building Heights.

Response to HONEY TRAIL-4

The commenter requests the project be reduced to 4-stories and have a maximum density of 60 du/acre in order to blend in with the neighboring buildings on all sides.

Please refer to Master Response 3—Setbacks and Building Heights and Master Response 4—Density.

Response to HONEY TRAIL-5

The commenter expresses concern regarding vehicular access to the project site. They also note that major changes should be made to Del Hombro Lane and the adjacent intersection at Las Juntas Way and that an entry via Roble Road may be required.

For a discussion of improvements to Del Hombro Lane and Las Juntas Way, please refer to Master Response 2—Traffic Congestion. Providing a second entrance from Roble Road, as suggested by the commenter, would not result in changed vehicle patterns under the BART tracks and would increase the number of pedestrian/bicycle/vehicle conflicts on Roble Road.

Response to HONEY TRAIL-6

The commenter requests setbacks be increased.

Please refer to Master Response 3—Setbacks and Building Heights.

Response to HONEY TRAIL-7

The commenter requests that Roble Road be widened to accommodate larger vehicles.

Development of the project plans included an AutoTurn assessment to demonstrate how moving vehicles would access the loading dock on Roble Road, and a fire access plan that demonstrates the required turning radius for emergency vehicles. As part of the development of the final site plan, the project applicant would demonstrate how trash or other service vehicles would serve the project. If needed, the site plan would be modified to ensure that Roble Road could accommodate all vehicles that would need to utilize that road.

Response to HONEY TRAIL-8

The commenter requests the number of visitor parking spaces be increased.

Please refer to Master Response 6—Parking.

Response to HONEY TRAIL-9

The commenter suggests increasing tree protection zones to protect the roots of heritage trees.

Please refer to Master Response 5—Tree Health, Removal, and Replacement.



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November 15, 2019

By E-mail

Jennifer Cruz, Senior Planner
Department of Conservation and Development
Contra Costa County
30 Muir Road
Martinez, CA 94553
Jennifer.cruz@dcd.cccounty.us

Re: Comment on the Draft Environmental Impact Report for the Del Hombro 284-Unit Apartment Project (File Nos. GP18-0002, RZ18-3245, MS18-0010, DP18-3031).

Dear Ms. Cruz:

I am writing on behalf of Laborers International Union of North America Local Union 324 (“LIUNA”) concerning the Draft Environmental Impact Report (“DEIR”) for the Del Hombro 284-Unit Apartment Project (File Nos. GP18-0002, RZ18-3245, MS18-0010, DP18-3031) (the “Project”) in Walnut Creek. After reviewing the DEIR, we conclude that the DEIR fails to analyze all environmental impacts and to implement all necessary mitigation measures. We request that the City of Walnut Creek (“the City”) prepare a recirculated DEIR (“RDEIR”) in order to address our concerns discussed below.

This comment has been prepared with the assistance of Certified Industrial Hygienist Francis Offermann, PE, CIH, wildlife biologist Shawn Smallwood Ph.D, and environmental consulting firm SWAPE. Mr. Offermann’s comment and curriculum vitae are attached as Exhibit A hereto and are incorporated herein by reference in their entirety. Dr. Smallwood’s comment and curriculum vitae are attached as Exhibit B hereto and are incorporated herein by reference in their entirety. SWAPE’s comment and curriculum vitae are attached as Exhibit C hereto and are incorporated herein by reference in their entirety.

I. PROJECT DESCRIPTION

The site for the Project is 2.37-acres comprised of five parcels (APNs 148-170-001, -022, -037, -041, and -042) located at the property addresses 11 Roble Road and 3010, 3018, 3050, and 3070 Del Hombro Lane in the unincorporated Walnut Creek area of Contra Costa County.

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The Project would demolish two existing residential buildings in order to construct a 284-unit, six-story apartment building. The new apartment building would total approximately 425,879 square feet. The apartment building will be a six-story podium building with two levels of parking with a total of 380 parking spaces.

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CONT.

II. LEGAL STANDARD

CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an environmental impact report (“EIR”) (except in certain limited circumstances). *See, e.g.*, Pub. Res. Code (“PRC”) § 21100. The EIR is the very heart of CEQA. *Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652. “The ‘foremost principle’ in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.” *Communities for a Better Env’t v. Cal. Res. Agency* (2002) 103 Cal. App. 4th 98, 109.

CEQA has two primary purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. 14 Cal. Code Regs. (“CEQA Guidelines”) § 15002(a)(1). “Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR ‘protects not only the environment but also informed self-government.’” *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 564. The EIR has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.” *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal. App. 4th 1344, 1354 (“*Berkeley Jets*”); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.

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Second, CEQA requires public agencies to avoid or reduce environmental damage when “feasible” by requiring “environmentally superior” alternatives and all feasible mitigation measures. CEQA Guidelines § 15002(a)(2) and (3); *see also Berkeley Jets*, 91 Cal. App. 4th 1344, 1354; *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 564. The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to “identify ways that environmental damage can be avoided or significantly reduced.” CEQA Guidelines § 15002(a)(2). If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns.” PRC § 21081; CEQA Guidelines § 15092(b)(2)(A) & (B).

The EIR is the very heart of CEQA. *Dunn-Edwards* 9 Cal.App.4th at 652. CEQA requires that a lead agency analyze all potentially significant environmental impacts of its proposed actions in an EIR. PRC § 21100(b)(1); CEQA Guidelines § 15126(a); *Berkeley Jets*, 91 Cal.App.4th 1344, 1354. The EIR must not only identify the impacts, but must also provide “information about how adverse the impacts will be.” *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 831. The lead agency may deem a particular impact to be

insignificant only if it produces rigorous analysis and concrete substantial evidence justifying the finding. *Kings Cty. Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692.

While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position. A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’” (*Berkeley Jets, supra*, 91 Cal. App. 4th at p. 1355 [emphasis added] [quoting *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal. 3d 376, 391 409, fn. 12].) As the court stated in *Berkeley Jets*, “A prejudicial abuse of discretion occurs ‘if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process.’” (*Berkeley Jets, supra*, 91 Cal. App. 4th at p. 1355.) More recently, the California Supreme Court has emphasized that:

When reviewing whether a discussion is sufficient to satisfy CEQA, a court must be satisfied that the EIR (1) includes sufficient detail to enable those who did not participate in its preparation to understand and to consider meaningfully the issues the proposed project raises [citation omitted], and (2) makes a reasonable effort to substantively connect a project's air quality impacts to likely health consequences.

(*Sierra Club v. Cty. of Fresno* (2018) 6 Cal.5th 502, 510 (2018), citing *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 405.) “Whether or not the alleged inadequacy is the complete omission of a required discussion or a patently inadequate one-paragraph discussion devoid of analysis, the reviewing court must decide whether the EIR serves its purpose as an informational document.” (*Sierra Club v. Cty. of Fresno*, 6 Cal.5th at 516.) Although an agency has discretion to decide the manner of discussing potentially significant effects in an EIR, “a reviewing court must determine whether the discussion of a potentially significant effect is sufficient or insufficient, i.e., whether the EIR comports with its intended function of including ‘detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.’” (6 Cal.5th at 516, citing *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1197, 22 Cal.Rptr.3d 203 (*Bakersfield*).) As the Court emphasized:

[W]hether a description of an environmental impact is insufficient because it lacks analysis or omits the magnitude of the impact is not a substantial evidence question. A conclusory discussion of an environmental impact that an EIR deems significant can be determined by a court to be inadequate as an informational document without reference to substantial evidence.

(*Sierra Club v. Cty. of Fresno*, 6 Cal.5th at 514.)

III. DISCUSSION

A. The DEIR Fails to Analyze and Mitigate the Potential Adverse Impacts of the Project on Indoor Air Quality.

Mr. Offermann, a Certified Industrial Hygienist and Professional Mechanical Engineer, concludes that it is highly likely that the Project will expose future residents to significant impacts related to indoor air quality, and in particular, emissions for the cancer-causing chemical formaldehyde. Mr. Offermann is one of the world's leading experts on indoor air quality and has published extensively on the topic. Mr. Offermann's comment letter and curriculum vitae are attached as Exhibit A.

Mr. Offermann explains that many composite wood products typically used in modern home construction contain formaldehyde-based glues which off-gas formaldehyde over a very long time period. He states, "[t]he primary source of formaldehyde indoors is composite wood products manufactured with urea-formaldehyde resins, such as plywood, medium density fiberboard, and particle board. These materials are commonly used in residential building construction for flooring, cabinetry, baseboards, window shares, interior doors, and window and door trims." Ex. A, pp. 2–3.

Formaldehyde is a known human carcinogen. Mr. Offermann states that residents of the Project likely will be exposed to a cancer risk from formaldehyde of at least 125 per million. *Id.* at 4. This is far above the Bay Area Air Quality Management District's ("BAAQMD") CEQA significance threshold for airborne cancer risk of 10 per million.

Mr. Offermann concludes that this significant environmental impact should be analyzed prior to the completion of the City's CEQA review and project approval, and mitigation measures should be imposed to reduce the risk of formaldehyde exposure. *Id.* at 4–5. Mr. Offermann identifies mitigation measures that are available to reduce these significant health risks, including the installation of air filters and a requirement that the applicant use only composite wood materials (e.g. hardwood plywood, medium density fiberboard, particleboard) for all interior finish systems that are made with CARB approved no-added formaldehyde ("NAF") resins or ultra-low emitting formaldehyde ("ULEF") resins in the building's interiors. *Id.* at 11–12.

The City has a duty to investigate issues relating to a project's potential environmental impacts, especially those issues raised by an expert's comments. *See Cty. Sanitation Dist. No. 2 v. Cty. Of Kern* (2005) 127 Cal.App.4th 1544, 1597–98 ("under CEQA, the lead agency bears a burden to investigate potential environmental impacts"). In addition to assessing the Project's potential health impacts to residents and workers, Mr. Offermann identifies the investigatory path that the City should be following in developing the EIR to more precisely evaluate the Project's future formaldehyde emissions and establishing mitigation measures that reduce the cancer risk below the BAAQMD level. Ex. A, pp. 5–9. Such an analysis would be similar in form to the air quality modeling and traffic modeling typically conducted as part of a CEQA review.

The failure to address the Project’s formaldehyde emission is contrary to the California Supreme Court’s decision in *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369, 386 (“*CBIA*”). At issue in *CBIA* was whether the Air District could enact CEQA guidelines that advised lead agencies that they must analyze the impacts of adjacent environmental conditions on a project. The Supreme Court held that CEQA does not generally require lead agencies to consider the environment’s effects on a project. *CBIA*, 62 Cal.4th at 800–01. However, to the extent a project may exacerbate existing adverse environmental conditions at or near a project site, those would still have to be considered pursuant to CEQA. *Id.* at 801 (“CEQA calls upon an agency to evaluate existing conditions in order to assess whether a project could exacerbate hazards that are already present.”). In so holding, the Court expressly held that CEQA’s statutory language required lead agencies to disclose and analyze “impacts on *a project’s users or residents* that arise *from the project’s effects* on the environment.” *Id.* at 800 (emphasis added).

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The carcinogenic formaldehyde emissions identified by Mr. Offermann are not an existing environmental condition. Those emissions to the air will be from the Project. Residents will be users of the residential units. Currently, there is presumably little if any formaldehyde emissions at the site. Once the Project is built, emissions will begin at levels that pose significant health risks. Rather than excusing the City from addressing the impacts of carcinogens emitted into the indoor air from the Project, the Supreme Court in *CBIA* expressly finds that this type of effect by the Project on the environment and a “project’s users and residents” must be addressed in the CEQA process.

The Supreme Court’s reasoning is well-grounded in CEQA’s statutory language. CEQA expressly includes a project’s effects on human beings as an effect on the environment that must be addressed in an environmental review. “Section 21083(b)(3)’s express language, for example, requires a finding of a ‘significant effect on the environment’ (§ 21083(b)) whenever the ‘environmental effects of a project will cause substantial adverse effects *on human beings*, either directly or indirectly.” *CBIA*, 62 Cal.4th at 800 (emphasis in original). Likewise, “the Legislature has made clear—in declarations accompanying CEQA’s enactment—that public health and safety are of great importance in the statutory scheme.” *Id.* (citing e.g., PRC §§ 21000, subs. (b), (c), (d), (g), 21001, subs. (b), (d)). It goes without saying that the thousands of future residents at the Project are human beings and the health and safety of those people is as important to CEQA’s safeguards as nearby residents currently living near the project site.

B. The DEIR Fails to Adequately Analyze and Mitigate the Potential Adverse Impacts of the Project on Wildlife.

The comment of Dr. Shawn Smallwood is attached as Exhibit B. Dr. Smallwood has identified several issues with the DEIR for the Project. His concerns are summarized below.

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1. The DEIR provides an inadequate baseline to analyze the Project’s impacts on biological resources at the Project site.

The DEIR states that a consulting biologist conducted a field survey of the Project site on January 7, 2019, observing only five species of vertebrate wildlife. DEIR, p. 3.3-2–3-3. However, as Dr. Smallwood points out, not only were no details provided on the consulting biologist’s start time or survey duration, the biologist also misidentified the eastern gray squirrel as a California ground squirrel and failed to observe wild turkeys on the site, where locals informed Dr. Smallwood have lived for years and are very loud and hard to miss. Ex. B, p. 2. Dr. Smallwood conducted his own site visit on October 16, 2019 and observed sixteen species of vertebrate wildlife in ninety-four minutes, including two special-status species. *Id.*

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Dr. Smallwood also points out that the DEIR makes additional mistakes in determining and analyzing the impacts to biological resources on the Project site. First, the DEIR only asks whether the site serves as a wildlife movement corridor, but should instead have asked “whether the project would interfere with wildlife movement in the region, which goes to CEQA’s actual standard related to project impacts on wildlife movement.” *Id.* at 4; *see also* DEIR, p. 3.3-9; query 9 in CEQA Guidelines App. G. The Project site is used as stopover habitat by migratory birds and bats, and the removal of this last substantially-sized stopover habitat patch in the region would result in a significant impact on wildlife movement. Ex. B, p. 4. Second, Dr. Smallwood disagrees with the DEIR statement that the site provides marginal roosting habitat for pallid bats. *See* DEIR, p. 3.3-22. “Bats roost in various structures . . . and Contra Costa County has provided no evidence that the structures and mature trees on site should be considered marginal. Pallid bats migrating through the area would likely find roosting opportunities on the project site. If so, then the stopover habitat would be essential, not marginal.” Ex. B, p. 5. Third, Dr. Smallwood disagrees with the DEIR’s analysis of potential bird impacts because it focuses solely on nesting impacts while neglecting impacts on stopover habitat. *Id.* “For both nesting and stopover uses, there is no other heavily wooded patch of habitat within 2 miles, so losing habitat at this site would be devastating to nesting and migrating birds.” *Id.* Lastly, Dr. Smallwood disagrees with the list of special-status species of birds considered in the DEIR because in analyzing potential impacts to special-status species of birds, “they included only the burrowing owl,” which does not occur in a dense woodlot like the Project site. *Id.* Not only can Dr. Smallwood not understand why the burrowing owl was included while so many species were omitted “including species known to reside or stopover in dense woodlands.” *Id.* These numerous mistakes in the DEIR warrant correction in an RDEIR so that it provides useful information to the public and decisionmakers about the potential project impacts on wildlife at the Project site.

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Every CEQA document must start from a “baseline” assumption. The CEQA “baseline” is the set of environmental conditions against which to compare a project’s anticipated impacts. *Communities for a Better Env’t. v. So. Coast Air Qual. Mgmt. Dist.* (2010) 48 Cal. 4th 310, 321. Section 15125(a) of the CEQA Guidelines states in pertinent part that a lead agency’s environmental review under CEQA:

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“...must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time [environmental analysis] is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant.”

(See, *Save Our Peninsula Committee v. County of Monterey* (2001) 87 Cal.App.4th 99, 124-125 (“*Save Our Peninsula.*”) By failing to correctly assess the presence of wildlife at or flying through the site, the DEIR fails to provide an accurate baseline from which to analyze the Project’s impacts on wildlife.

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2. The DEIR fails to address the potential adverse impact on bird species from window collisions.

The DEIR makes no mention of the potential impacts to birds caused from collisions with the glass windows of the Project. Analyzing the potential impact on wildlife of window collisions is especially important because “[w]indow collisions are often characterized as either the second or third largest source of human-caused bird mortality.” Ex. B, p. 8. In addition, Governor Newsom signed into law Assembly Bill 454 on September 27, 2019, reinstating as state law the federal Migratory Bird Treaty Act. Most species of birds lost as a result of collisions with buildings are protected under AB 454, and any loss of such species caused by the Project “will cause significant unmitigated impacts.” *Id.* at 11.

Dr. Smallwood reviewed a number of studies in order to calculate the number of bird collisions per m² of glass windows per year. *Id.* According to his calculations, each m² of glass would result in 0.077 bird deaths per year. *Id.* Dr. Smallwood then looked at the building design for the Project and estimated that the Project would include approximately 3,000 m² of glass windows. *Id.* Based on the estimated 3,000 m² of glass windows and the 0.077 bird deaths per m² of glass windows, Dr. Smallwood estimates that the project could result in 231 bird deaths per year. *Id.* Because this impact was not addressed in the DEIR, the City must prepare a RDEIR to analyze the impact of window collision on bird species.

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In order to mitigate the impact of the window collisions on bird species, Dr. Smallwood has suggested several possible mitigation measures. For mitigation measures involving retrofitting the existing project, Dr. Smallwood suggests: (1) marking the windows (e.g. decals, film, fritted glass); (2) managing outdoor landscape vegetation; (3) managing indoor landscape vegetation; and (4) managing nocturnal lighting. *Id.* at 15. For mitigation measures involving the siting and design of the Project, Dr. Smallwood suggests: (1) deciding on the location of structure; (2) deciding on the façade and orientation of structure; (3) selecting types and sizes of windows; (4) minimizing transparency through two parallel façades; (5) minimizing views of interior plants; and (6) landscaping so as to increase distance between windows and vegetation. *Id.* Dr. Smallwood also suggests that the City also look to the guidelines developed by the American Bird Conservancy and the City of San Francisco to minimize injuries and fatalities to bird species. *Id.* at 16–17. Even with these mitigations, however, it is not likely that the Project cannot fully mitigate this potentially significant impact. However, only a robust discussion in the draft EIR subjected to public review and comment would indicate the extent of the impact and the necessary mitigation measures.

3. The Project should include additional mitigation measures to lessen the potential adverse impacts of the Project on wildlife.

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The sole mitigation measure proposed in the DEIR for special-status species impacts is preconstruction bat surveys and avoiding active migratory bird nests and bat roosts during construction (MM BIO-1). DEIR, p. 3.3-21–3.3-24. However, as Dr. Smallwood points out, preconstruction surveys on their own are not sufficient to mitigate the impact of the Project on wildlife.

Preconstruction surveys would detect only the most readily detectable bats and bird nest sites, and the rest would be destroyed by the project. Neither can preconstruction surveys detect any of the bats or birds that would have roosted or nested on site for years to come in the absence of the project. Preconstruction surveys do nothing to offset the permanent loss of roosting habitat, stopover habitat, and breeding habitat, nor any of the productive capacity lost with that habitat. Nor do preconstruction surveys provide any basis for quantifying impacts or for formulating appropriate compensatory mitigation.

Ex. B, p. 18.

Preconstruction surveys should be used in conjunction with other mitigation measures to ensure that the impacts on the Project on wildlife are less than significant. In addition to preconstruction surveys, Dr. Smallwood recommends performing detection surveys, which “are designed by species’ experts and undergo considerable deliberation before adoption of underlying survey protocols or guidelines.” *Id.* They are intended to either provide adequate opportunity for qualified biologists to detect the species at issue, or to support absence determinations. *Id.* They not only improve the efficacy of preconstruction surveys by informing survey personnel where to concentrate efforts, but also can contribute toward the quantification of project impacts and toward appropriate mitigation. *Id.*

The City should also adopt compensatory mitigation measures such as funding contributions to wildlife rehabilitation facilities to cover the costs of injured animals that will be delivered to these facilities for care. The City must prepare and circulate a RDEIR incorporating the above concerns and suggested mitigation measures.

C. The DEIR Fails to Adequately Analyze and Mitigate the Potential Adverse Impacts of the Project on Air Quality

SWAPE, an environmental consulting firm, reviewed the air quality analysis in the EIR. SWAPE’s comment letter is attached as Exhibit C and their findings are summarized below.

The DEIR for the Project relies on emissions calculated from the California Emissions Estimator Model Version CalEEMod.2016.3.2 (“CalEEMod”). This model relies on recommended default values based on site specific information related to a number of factors. The model is used to generate a project’s construction and operational emissions. SWAPE reviewed the Project’s CalEEMod output files and found that the values input into the model were inconsistent with information provided in the DEIR. This results in an underestimation of

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the Project's emissions. As a result, the DEIR fails to provide substantial evidence that the Project will not have significant air quality impacts and an RDEIR is required to properly analyze these potential impacts.

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1. The DEIR's air quality analysis applied an incorrect analysis of the Project's construction emissions.

SWAPE's review of the Project's CalEEMod output files found that not all of the emissions from construction activities proposed by the DEIR were included in the Project's CalEEMod. Exhibit C, pp. 1-2. As a result, SWAPE concluded that the Project's construction emissions cannot be relied upon to determine the Project's significance. *Id.* at 2.

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According to the DEIR, "combined construction emissions from **all construction activities** are below the recommended thresholds of significance." DEIR, p. 3.2-28 (emphasis added). However, SWAPE's review of the Project's CalEEMod output files demonstrates that this is incorrect, as the DEIR failed to include the construction emissions from off-site roadway improvements in its air quality analysis. Ex. C, p. 1. As the Project includes both construction on the Project site as well as construction for off-site roadway improvements, the DEIR's air quality analysis should have summed both on-site and off-site construction in order to compare to Bay Area Air Quality Management District ("BAAQMD") thresholds. *Id.* at 1-2. By failing to include this component of Project construction in the air quality analysis, the DEIR fails to adequately evaluate emissions. *Id.* at 2. Thus, the DEIR's analysis and less-than-significant impact conclusion should not be relied upon to determine Project significance.

2. The DEIR relies on unsubstantiated input parameters to estimate project emissions.

SWAPE's review of the Project's CalEEMod output files demonstrates that the DEIR underestimates emissions associated with Project activities, finding that several of the values inputted into the model were not consistent with information disclosed in the DEIR. *Id.* As a result, SWAPE concluded that the Project's construction and operational emissions are underestimated. *Id.* Therefore, an RDEIR should be prepared to include an updated air quality analysis that adequately evaluates the impacts that construction and operation of the Project will have on local and regional air quality.

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Specifically, SWAPE identified the following issues with the DEIR's input parameters:

- failure to include all demolition;
- failure to evaluate the feasibility of tier IV equipment and failure to analyze emissions with tier III equipment;
- failure to include all material export;
- incorrect Sunday trip rates;
- unsubstantiated construction equipment mitigation; and
- unsubstantiated operational mitigation measures.

SWAPE’s analysis on these issues can be found in Exhibit C, pages 2–8.

D. The DEIR Fails to Adequately Evaluate Health Risks from Diesel Particulate Matter Emissions

SWAPE’s review of the DEIR and construction health risk assessment (“HRA”) found that the DEIR relies on an unsubstantiated mitigation measure to reduce the health risk impacts caused by construction-related activities and completely failed to conduct a quantified HRA for Project operation. *Id.* at 8–9. SWAPE concluded that the use of the construction related mitigation measure and the failure to evaluate the operational health risk posed to nearby sensitive receptors to the Project is inappropriate for several reasons.

First, the DEIR states that without mitigation, “the cancer risk for infants at the MIR would exceed the applicable threshold of significance. Therefore, MM AIR-3 is required to reduce the potential cancer risk impact” DEIR, p. 3.2-47. The DEIR therefore conducted another HRA for construction utilizing this mitigation measure to achieve less than significant impacts, concluding that with the implementation of mitigation measure AIR-3 the health risk impacts are reduced to below 10 in one million. DEIR, p. 3.2-47, table 3.2-19. However, this analysis is incorrect. The DEIR failed to evaluate the feasibility of MM AIR-3, which requires the use of Tier 4 Interim off-road construction equipment. Ex. C, p. 9. As such, without evaluating the feasibility of obtaining this equipment in an updated analysis, SWAPE concludes that the DEIR cannot rely on MM AIR-3 to reduce the health risk for infants to less than significant levels. *Id.*

18

In addition, MM AIR-3 allows the use of Tier III engines where Interim Tier IV are not commercially available. Thus, the modeling should have evaluated impacts from using Tier III engines for the off-road equipment. Only Interim Tier IV was evaluated.

Second, simply stating that the Project is “residential in nature,” and that “daily vehicle trips generated by the project would be primarily generated by passenger vehicles,” would not be a considerable source of TACs does not justify the omission of an operational HRA. By failing to prepare an operational HRA, the DEIR is inconsistent with recommendations set forth by the Office of Environmental Health and Hazard Assessment’s (OEHHA) most recent *Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments*, which was formally adopted in March of 2015. “Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, *available at:* <https://oehha.ca.gov/media/downloads/crn/2015guidancemanual.pdf>. The OEHHA guidance document describes the types of projects that warrant the preparation of a health risk assessment. *Id.* Once construction of the Project is complete, the Project will operate for a long period of time. During operation, the Project will generate vehicle trips, which will generate additional exhaust emissions, thus continuing to expose nearby sensitive receptors to emissions. The OEHHA document recommends that exposure from projects lasting more than 6 months should be evaluated for the duration of the project, and recommends that an exposure duration of 30 years be used to estimate individual cancer risk for the maximally exposed individual resident (MEIR). *Id.* at 8-6, 8-15. Although the DEIR did not provide the expected lifetime of the Project, SWAPE reasonably assumes that the Project will operate for at least 30 years, if not more.

19

Therefore, SWAPE states that health risks from Project operation should have also been evaluated by the DEIR, as a 30-year exposure duration vastly exceeds the 6-month requirement set forth by OEHHA. Ex. C, p. 10. These recommendations reflect the most recent health risk policy, and as such, an updated assessment of health risks posed to nearby sensitive receptors from Project operation should be included in a revised CEQA evaluation for the Project. *Id.*

19
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In an effort to demonstrate the potential risk posed by the Project to nearby sensitive receptors, SWAPE prepared a simple screening-level operational HRA. SWAPE calculates that the Project's construction and operation will pose cancer risks to children and infants of 63 and 41 cancers per million, well above the BAAQMD significance threshold of 10 in a million. SWAPE Comment, p. 13. The excess cancer risk over the course of a residential lifetime calculated by SWAPE is 120 in a million. *Id.* These screening level calculations demonstrate that operational DPM emissions may result in a potentially significant health risk impact that was not previously identified or evaluated within the DEIR. *Id.* SWAPE's screening-level operational HRA analysis and results can be found in Exhibit C, pp. 10-14.

Third, SWAPE found that the DEIR failed to sum the cancer risk calculated for each age group. *Id.* at 10. According to OEHHA guidance, "the excess cancer risk is calculated separately for each age grouping and then summed to yield cancer risk at the receptor location." "Guidance Manual for preparation of Health Risk Assessments." OEHHA, February 2015, *available at*: <https://oehha.ca.gov/media/downloads/crrn/2015guidancemanual.pdf> p. 8-4. However, review of the construction HRA conducted in the DEIR demonstrates that, while each age bin was calculated, the DEIR failed to sum them to evaluate the total cancer risk over the course of the Project's lifetime. *Id.* This is incorrect and thus, an updated analysis should quantify the Project's construction and operational health risks and then sum them to compare to the BAAQMD threshold of 10 in one million. *Id.*, "California Environmental Quality Act Air Quality Guidelines." BAAQMD, May 2017, *available at*: http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en.

20

E. The DEIR Fails to Adequately Analyze and Mitigate the Potential Adverse Impacts of the Project from Greenhouse Gases

The DEIR determined that the Project would have a less than significant GHG impact as a result of quantifying emissions to compare to the BAAQMD 2020 and 2030 thresholds. DEIR, p. 345. However, SWAPE also reviewed the DEIR's greenhouse gas (GHG) analysis and found that the DEIR's justifications and subsequent less than significant finding are incorrect and unsubstantiated for several reasons.

21

First, the Contra Costa County CAP is not applicable to the Project. Ex. C, p. 14. The DEIR evaluates the Project's consistency with the Contra Costa County CAP. Specifically, the DEIR states, "[t]he CAP identifies specific measures on how the County can achieve a GHG reduction target of 15 percent below baseline levels by the year 2020. In addition to reducing GHG emissions, the CAP includes proposed policies and actions to improve public health and provide additional community benefits, and it lays the groundwork for achieving long-term GHG

reduction goals for 2020 and 2035.” DEIR, p. 3.7-38. However, review of the DEIR and CAP demonstrates that the CAP fails to include targets beyond 2020. Given the construction schedule, the Project is not anticipated to become operational until 2022. *Id.* at 3.7-40. However, the Contra Costa County CAP is only applicable to projects that will be fully operational by 2020. Because the CAP fails to include an emissions reduction target for 2030, it is therefore not applicable to the proposed Project. Ex. C, p. 14.

21
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Second, notwithstanding the DEIR’s use of incorrect and unsubstantiated analysis to estimate the Project’s GHG emissions, it nevertheless demonstrates that the Project exceeds thresholds. *Id.* at 15. The DEIR concludes that the Project will produce 2,346 MT CO₂e/year at Project buildout in 2022 and 1,888 MT CO₂e/year at the year 2030. DEIR, table 3.7-5. However, SWAPE finds this GHG analysis incorrect. The DEIR’s CalEEMod model relies upon incorrect input parameters to estimate the Project’s criteria air pollutant and GHG emissions, resulting in an underestimation of Project emissions. Ex. C, p. 15. Additionally, the DEIR’s “[a]djusted threshold to account for 2017 Scoping Plan Update 40% Reduction Goal by 2030” is unsubstantiated because this 40% reduction is merely a goal, which the DEIR has failed to prove will actually be achieved. *Id.* Further, the DEIR’s reliance on the BAAQMD’s 2020 (2017) service population threshold of 4.6 MT CO₂e/SP/year is incorrect, because, as the DEIR and CalEEMod output files demonstrate, the Project’s construction would occur beyond 2020 and the Project would not become operational until at least 2022. *Id.* at 16. SWAPE therefore concludes that the DEIR should have used the BAAQMD’s 2030 service population threshold of 2.6 MT CO₂e/SP/year, as utilized by the DEIR to evaluate the Project’s 2030 emissions, to evaluate the Project’s 2022 emissions. *Id.*

22

Lastly, SWAPE’s updated analysis of GHG emissions demonstrates a significant impact not previously identified or addressed by the DEIR. The updated CalEEMod output files, modeled by SWAPE with Project-specific information, disclose the Project’s mitigated emissions, which include approximately 960 MT CO₂e/year of total construction emissions (sum of on-site construction and off-site road improvements) and approximately 2,381 MT CO₂e/year (sum of 2020, 2021, and 2022) MT CO₂e/year of annual operational emissions (sum of area, energy, mobile, waste, and water-related emissions). *Id.* at 17. When SWAPE divided the Project’s amortized construction and operational GHG emissions by the service population of 823 people, SWAPE found that the Project would emit approximately 2.93 MT CO₂e/SP/year, which exceeds the BAAQMD 2030 threshold of 2.6 MT CO₂e/SP/year, as indicated by the DEIR (see table below). *Id.*

23

RDEIR Annual Greenhouse Gas Emissions		
Project Phase	Proposed Project	Units
Construction (amortized over 30 years)	32.01	MT CO2e/SP/year
Area	8.89	MT CO2e/SP/year
Energy	614.65	MT CO2e/SP/year
Mobile	1634.87	MT CO2e/SP/year
Waste	65.70	MT CO2e/SP/year
Water	56.78	MT CO2e/SP/year
Total	2,412.90	MT CO2e/SP/year
Service Population	823	Residents & Employees
Per Service Population Annual Emissions	2.93	MT CO2e/SP/year
BAAQMD 2030 Threshold	2.60	MT CO2e/SP/year
Exceed?	Yes	-

23
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According to CEQA Guidelines § 15064.4(b), if there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, a full CEQA analysis must be prepared for the project. The results of the above analysis provide substantial evidence that the proposed Project’s GHG emissions are still cumulatively considerable notwithstanding its purported compliance with the 2017 Scoping Plan Update and Contra Costa County CAP (as challenged herein). Therefore, an updated CEQA analysis must be prepared for the Project, and additional mitigation should be implemented where necessary, per CEQA guidelines.

IV. CONCLUSION

For the foregoing reasons, LIUNA Local Union 324 and its members living in the City of Walnut Creek and the surrounding areas, urge the City to complete a RDEIR addressing the Project’s significant impacts and mitigation measures.

Thank you for your attention to these comments. Please include this letter and all attachments hereto in the record of proceedings for this project.

24

Sincerely,



Michael Lozeau
 Paige Fennie
 Lozeau | Drury LLP

Exhibit A



INDOOR ENVIRONMENTAL ENGINEERING



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From: Francis J. Offermann PE CIH

Subject: Indoor Air Quality: Del Hombre Apartment Project – Walnut Creek, CA
(IEE File Reference: P-4301)

Pages: 15

Indoor Air Quality Impacts

Indoor air quality (IAQ) directly impacts the comfort and health of building occupants, and the achievement of acceptable IAQ in newly constructed and renovated buildings is a well-recognized design objective. For example, IAQ is addressed by major high-performance building rating systems and building codes (California Building Standards Commission, 2014; USGBC, 2014). Indoor air quality in homes is particularly important because occupants, on average, spend approximately ninety percent of their time indoors with the majority of this time spent at home (EPA, 2011). Some segments of the population that are most susceptible to the effects of poor IAQ, such as the very young and the elderly, occupy their homes almost continuously. Additionally, an increasing number of adults are working from home at least some of the time during the workweek. Indoor air quality also is a serious concern for workers in hotels, offices and other business establishments.

The concentrations of many air pollutants often are elevated in homes and other buildings relative to outdoor air because many of the materials and products used indoors contain

and release a variety of pollutants to air (Hodgson et al., 2002; Offermann and Hodgson, 2011). With respect to indoor air contaminants for which inhalation is the primary route of exposure, the critical design and construction parameters are the provision of adequate ventilation and the reduction of indoor sources of the contaminants.

Indoor Formaldehyde Concentrations Impact. In the California New Home Study (CNHS) of 108 new homes in California (Offermann, 2009), 25 air contaminants were measured, and formaldehyde was identified as the indoor air contaminant with the highest cancer risk as determined by the California Proposition 65 Safe Harbor Levels (OEHHA, 2017a), No Significant Risk Levels (NSRL) for carcinogens. The NSRL is the daily intake level calculated to result in one excess case of cancer in an exposed population of 100,000 (i.e., ten in one million cancer risk) and for formaldehyde is 40 µg/day. The NSRL concentration of formaldehyde that represents a daily dose of 40 µg is 2 µg/m³, assuming a continuous 24-hour exposure, a total daily inhaled air volume of 20 m³, and 100% absorption by the respiratory system. All of the CNHS homes exceeded this NSRL concentration of 2 µg/m³. The median indoor formaldehyde concentration was 36 µg/m³, and ranged from 4.8 to 136 µg/m³, which corresponds to a median exceedance of the 2 µg/m³ NSRL concentration of 18 and a range of 2.3 to 68.

Therefore, the cancer risk of a resident living in a California home with the median indoor formaldehyde concentration of 36 µg/m³, is 180 per million as a result of formaldehyde alone. The CEQA significance threshold for airborne cancer risk is 10 per million, as established by the Bay Air Quality Management District (BAAQMD, 2017).

Besides being a human carcinogen, formaldehyde is also a potent eye and respiratory irritant. In the CNHS, many homes exceeded the non-cancer reference exposure levels (RELs) prescribed by California Office of Environmental Health Hazard Assessment (OEHHA, 2017b). The percentage of homes exceeding the RELs ranged from 98% for the Chronic REL of 9 µg/m³ to 28% for the Acute REL of 55 µg/m³.

The primary source of formaldehyde indoors is composite wood products manufactured with urea-formaldehyde resins, such as plywood, medium density fiberboard, and

25
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particleboard. These materials are commonly used in building construction for flooring, cabinetry, baseboards, window shades, interior doors, and window and door trims.

In January 2009, the California Air Resources Board (CARB) adopted an airborne toxics control measure (ATCM) to reduce formaldehyde emissions from composite wood products, including hardwood plywood, particleboard, medium density fiberboard, and also furniture and other finished products made with these wood products (California Air Resources Board 2009). While this formaldehyde ATCM has resulted in reduced emissions from composite wood products sold in California, they do not preclude that homes built with composite wood products meeting the CARB ATCM will have indoor formaldehyde concentrations that are below cancer and non-cancer exposure guidelines.

25
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A follow up study to the California New Home Study (CNHS) was conducted in 2016-2018 (Chan et. al., 2018), and found that the median indoor formaldehyde in new homes built after 2009 with CARB Phase 2 Formaldehyde ATCM materials had lower indoor formaldehyde concentrations, with a median indoor concentrations of 25 $\mu\text{g}/\text{m}^3$ as compared to a median of 36 $\mu\text{g}/\text{m}^3$ found in the 2007 CNHS.

Thus, while new homes built after the 2009 CARB formaldehyde ATCM have a 30% lower median indoor formaldehyde concentration and cancer risk, the median lifetime cancer risk is still 125 per million for homes built with CARB compliant composite wood products, which is more than 12 times the OEHHA 10 in a million cancer risk threshold (OEHHA, 2017a).

With respect to this project, the Del Hombre Apartment Project in Walnut Creek, CA includes multi-family residential spaces.

26

The residential occupants will potentially have continuous exposure (e.g. 24 hours per day, 52 weeks per year). These exposures are anticipated to result in significant cancer risks resulting from exposures to formaldehyde released by the building materials and furnishing commonly found in residential construction.

Because these residences will be constructed with CARB Phase 2 Formaldehyde ATCM materials, and be ventilated with the minimum code required amount of outdoor air, the indoor residential formaldehyde concentrations are likely similar to those concentrations observed in residences built with CARB Phase 2 Formaldehyde ATCM materials, which is a median of 25 $\mu\text{g}/\text{m}^3$.

Assuming that the residential occupants inhale 20 m^3 of air per day, the average 70-year lifetime formaldehyde daily dose is 500 $\mu\text{g}/\text{day}$ for continuous exposure in the residences. This exposure represents a cancer risk of 125 per million, which is more than 12 times the BAAQMD CEQA cancer risk of 10 per million. (BAAQMD, 2017). For occupants that do not have continuous exposure, the cancer risk will be proportionally less but still substantially over the BAAQMD CEQA cancer risk of 10 per million (e.g. for 12/hour/day occupancy, more than 6 times the BAAQMD CEQA cancer risk of 10 per million).

While measurements of the indoor concentrations of formaldehyde in residences built with CARB Phase 2 Formaldehyde ATCM materials (Chan et. al., 2018), indicate that indoor formaldehyde concentrations in buildings built with similar materials (e.g. hotels, residences, offices, warehouses, schools) will pose cancer risks in excess of the CEQA cancer risk of 10 per million, a determination of the cancer risk that is specific to this project and the materials used to construct these buildings can and should be conducted prior to completion of the environmental review.

The following describes a method that should be used prior to construction in the environmental review under CEQA, for determining whether the indoor concentrations resulting from the formaldehyde emissions of the specific building materials/furnishings selected for the building exceed cancer and non-cancer guidelines. Such a design analyses can be used to identify those materials/furnishings prior to the completion of the City's CEQA review and project approval, that have formaldehyde emission rates that contribute to indoor concentrations that exceed cancer and non-cancer guidelines, so that alternative lower emitting materials/furnishings may be selected and/or higher minimum outdoor air ventilation rates can be increased to achieve acceptable indoor concentrations

26
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and incorporated as mitigation measures for this project.

Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment.

This formaldehyde emissions assessment should be used in the environmental review under CEQA to assess the indoor formaldehyde concentrations from the proposed loading of building materials/furnishings, the area-specific formaldehyde emission rate data for building materials/furnishings, and the design minimum outdoor air ventilation rates. This assessment allows the applicant (and the City) to determine before the conclusion of the environmental review process and the building materials/furnishings are specified, purchased, and installed if the total chemical emissions will exceed cancer and non-cancer guidelines, and if so, allow for changes in the selection of specific material/furnishings and/or the design minimum outdoor air ventilations rates such that cancer and non-cancer guidelines are not exceeded.

1.) Define Indoor Air Quality Zones. Divide the building into separate indoor air quality zones, (IAQ Zones). IAQ Zones are defined as areas of well-mixed air. Thus, each ventilation system with recirculating air is considered a single zone, and each room or group of rooms where air is not recirculated (e.g. 100% outdoor air) is considered a separate zone. For IAQ Zones with the same construction material/furnishings and design minimum outdoor air ventilation rates. (e.g. hotel rooms, apartments, condominiums, etc.) the formaldehyde emission rates need only be assessed for a single IAQ Zone of that type.

2.) Calculate Material/Furnishing Loading. For each IAQ Zone, determine the building material and furnishing loadings (e.g., m² of material/m² floor area, units of furnishings/m² floor area) from an inventory of all potential indoor formaldehyde sources, including flooring, ceiling tiles, furnishings, finishes, insulation, sealants, adhesives, and any products constructed with composite wood products containing urea-formaldehyde resins (e.g., plywood, medium density fiberboard, particleboard).

3.) Calculate the Formaldehyde Emission Rate. For each building material, calculate the formaldehyde emission rate (µg/h) from the product of the area-specific formaldehyde

26
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emission rate ($\mu\text{g}/\text{m}^2\text{-h}$) and the area (m^2) of material in the IAQ Zone, and from each furnishing (e.g. chairs, desks, etc.) from the unit-specific formaldehyde emission rate ($\mu\text{g}/\text{unit-h}$) and the number of units in the IAQ Zone.

NOTE: As a result of the high-performance building rating systems and building codes (California Building Standards Commission, 2014; USGBC, 2014), most manufacturers of building materials furnishings sold in the United States conduct chemical emission rate tests using the California Department of Health “Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers”, (CDPH, 2017), or other equivalent chemical emission rate testing methods. Most manufacturers of building furnishings sold in the United States conduct chemical emission rate tests using ANSI/BIFMA M7.1 Standard Test Method for Determining VOC Emissions (BIFMA, 2018), or other equivalent chemical emission rate testing methods.

CDPH, BIFMA, and other chemical emission rate testing programs, typically certify that a material or furnishing does not create indoor chemical concentrations in excess of the maximum concentrations permitted by their certification. For instance, the CDPH emission rate testing requires that the measured emission rates when input into an office, school, or residential model do not exceed one-half of the OEHHA Chronic Exposure Guidelines (OEHHA, 2017b) for the 35 specific VOCs, including formaldehyde, listed in Table 4-1 of the CDPH test method (CDPH, 2017). These certifications themselves do not provide the actual area-specific formaldehyde emission rate (i.e., $\mu\text{g}/\text{m}^2\text{-h}$) of the product, but rather provide data that the formaldehyde emission rates do not exceed the maximum rate allowed for the certification. Thus for example, the data for a certification of a specific type of flooring may be used to calculate that the area-specific emission rate of formaldehyde is less than $31 \mu\text{g}/\text{m}^2\text{-h}$, but not the actual measured specific emission rate, which may be 3, 18, or $30 \mu\text{g}/\text{m}^2\text{-h}$. These area-specific emission rates determined from the product certifications of CDPH, BIFA, and other certification programs can be used as an initial estimate of the formaldehyde emission rate.

If the actual area-specific emission rates of a building material or furnishing is needed (i.e. the initial emission rates estimates from the product certifications are higher than

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desired), then that data can be acquired by requesting from the manufacturer the complete chemical emission rate test report. For instance if the complete CDPH emission test report is requested for a CDHP certified product, that report will provide the actual area-specific emission rates for not only the 35 specific VOCs, including formaldehyde, listed in Table 4-1 of the CDPH test method (CDPH, 2017), but also all of the cancer and reproductive/developmental chemicals listed in the California Proposition 65 Safe Harbor Levels (OEHHA, 2017a), all of the toxic air contaminants (TACs) in the California Air Resources Board Toxic Air Contamination List (CARB, 2011), and the 10 chemicals with the greatest emission rates.

Alternatively, a sample of the building material or furnishing can be submitted to a chemical emission rate testing laboratory, such as Berkeley Analytical Laboratory (<https://berkeleyanalytical.com>), to measure the formaldehyde emission rate.

4.) Calculate the Total Formaldehyde Emission Rate. For each IAQ Zone, calculate the total formaldehyde emission rate (i.e. µg/h) from the individual formaldehyde emission rates from each of the building material/furnishings as determined in Step 3.

5.) Calculate the Indoor Formaldehyde Concentration. For each IAQ Zone, calculate the indoor formaldehyde concentration (µg/m³) from Equation 1 by dividing the total formaldehyde emission rates (i.e. µg/h) as determined in Step 4, by the design minimum outdoor air ventilation rate (m³/h) for the IAQ Zone.

$$C_{in} = \frac{E_{total}}{Q_{oa}} \quad (\text{Equation 1})$$

where:

C_{in} = indoor formaldehyde concentration (µg/m³)

E_{total} = total formaldehyde emission rate (µg/h) into the IAQ Zone.

Q_{oa} = design minimum outdoor air ventilation rate to the IAQ Zone (m³/h)

The above Equation 1 is based upon mass balance theory, and is referenced in Section 3.10.2 “Calculation of Estimated Building Concentrations” of the California Department of Health “Standard Method for the Testing and Evaluation of Volatile Organic Chemical

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Emissions for Indoor Sources Using Environmental Chambers”, (CDPH, 2017).

6.) Calculate the Indoor Exposure Cancer and Non-Cancer Health Risks. For each IAQ Zone, calculate the cancer and non-cancer health risks from the indoor formaldehyde concentrations determined in Step 5 and as described in the OEHHA Air Toxics Hot Spots Program Risk Assessment Guidelines; Guidance Manual for Preparation of Health Risk Assessments (OEHHA, 2015).

7.) Mitigate Indoor Formaldehyde Exposures of exceeding the CEQA Cancer and/or Non-Cancer Health Risks. In each IAQ Zone, provide mitigation for any formaldehyde exposure risk as determined in Step 6, that exceeds the CEQA cancer risk of 10 per million or the CEQA non-cancer Hazard Quotient of 1.0.

Provide the source and/or ventilation mitigation required in all IAQ Zones to reduce the health risks of the chemical exposures below the CEQA cancer and non-cancer health risks.

Source mitigation for formaldehyde may include:

- 1.) reducing the amount materials and/or furnishings that emit formaldehyde
- 2.) substituting a different material with a lower area-specific emission rate of formaldehyde

Ventilation mitigation for formaldehyde emitted from building materials and/or furnishings may include:

- 1.) increasing the design minimum outdoor air ventilation rate to the IAQ Zone.

NOTE: Mitigating the formaldehyde emissions through use of less material/furnishings, or use of lower emitting materials/furnishings, is the preferred mitigation option, as mitigation with increased outdoor air ventilation increases initial and operating costs associated with the heating/cooling systems.

Further, we are not asking that the builder to “speculate” on what and how much composite materials be used, but rather at the design stage to select composite wood materials based on

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the formaldehyde emission rates that manufacturers routinely conduct using the California Department of Health “Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers”, (CDPH, 2017), and use the procedure described earlier (i.e. Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment) to insure that the materials selected achieve acceptable cancer risks from material off gassing of formaldehyde.

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Outdoor Air Ventilation Impact. Another important finding of the CNHS, was that the outdoor air ventilation rates in the homes were very low. Outdoor air ventilation is a very important factor influencing the indoor concentrations of air contaminants, as it is the primary removal mechanism of all indoor air generated air contaminants. Lower outdoor air exchange rates cause indoor generated air contaminants to accumulate to higher indoor air concentrations. Many homeowners rarely open their windows or doors for ventilation as a result of their concerns for security/safety, noise, dust, and odor concerns (Price, 2007). In the CNHS field study, 32% of the homes did not use their windows during the 24-hour Test Day, and 15% of the homes did not use their windows during the entire preceding week. Most of the homes with no window usage were homes in the winter field session. Thus, a substantial percentage of homeowners never open their windows, especially in the winter season. The median 24-hour measurement was 0.26 ach, with a range of 0.09 ach to 5.3 ach. A total of 67% of the homes had outdoor air exchange rates below the minimum California Building Code (2001) requirement of 0.35 ach. Thus, the relatively tight envelope construction, combined with the fact that many people never open their windows for ventilation, results in homes with low outdoor air exchange rates and higher indoor air contaminant concentrations.

27

The Del Hombro Apartment Project – Walnut Creek, CA is close to roads with moderate to high traffic (e.g. Jones Road and Treat Boulevard), as well as BART rail traffic. As a result of the outdoor vehicle and rail traffic noise, this has been determined to be a sound impacted site according to the Draft Environmental Impact Report (Contra Costa County, 2019).

28

As a result of the high outdoor noise levels, the current project will require the need for mechanical supply of outdoor air ventilation air to allow for a habitable interior environment with closed windows and doors. Such a ventilation system would allow windows and doors to be kept closed at the occupant's discretion to control exterior noise within building interiors.

28
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The DEIR specifically states on page 3.11-28, "that MM NOI-2 shall be implemented, which requires that the project shall include a code compliant mechanical ventilation system that would permit windows to remain closed for prolonged periods".

PM_{2.5} Outdoor Concentrations Impact. An additional impact of the nearby motor vehicle traffic associated with this project, are the outdoor concentrations of PM_{2.5}. According to the Draft Environmental Impact Report (Contra Costa County, 2019), this development is located in the San Francisco Bay Area Air Basin, which is a State and Federal non-attainment area for PM_{2.5}.

An air quality analyses should to be conducted to determine the concentrations of PM_{2.5} in the outdoor and indoor air that people inhale each day. This air quality analyses needs to consider the cumulative impacts of the project related emissions, existing and projected future emissions from local PM_{2.5} sources (e.g. stationary sources, motor vehicles, and airport traffic) upon the outdoor air concentrations at the project site. If the outdoor concentrations are determined to exceed the California and National annual average PM_{2.5} exceedence concentration of 12 µg/m³, or the National 24-hour average exceedence concentration of 35 µg/m³, then the buildings need to have a mechanical supply of outdoor air that has air filtration with sufficient PM_{2.5} removal efficiency, such that the indoor concentrations of outdoor PM_{2.5} particles is less than the California and National PM_{2.5} annual and 24-hour standards.

29

It is my experience that based on the projected high traffic noise levels, the annual average concentration of PM_{2.5} will exceed the California and National PM_{2.5} annual and 24-hour standards and warrant installation of high efficiency air filters (i.e. MERV 13 or higher) in all mechanically supplied outdoor air ventilation systems.

Indoor Air Quality Impact Mitigation Measures

The following are recommended mitigation measures to minimize the impacts upon indoor quality:

- indoor formaldehyde concentrations
- outdoor air ventilation
- PM_{2.5} outdoor air concentrations

Indoor Formaldehyde Concentrations Mitigation. Use only composite wood materials (e.g. hardwood plywood, medium density fiberboard, particleboard) for all interior finish systems that are made with CARB approved no-added formaldehyde (NAF) resins or ultra-low emitting formaldehyde (ULEF) resins (CARB, 2009). Other projects such as the AC by Marriott Hotel – West San Jose Project (Asset Gas SC Inc.) and 2525 North Main Street, Santa Ana (AC 2525 Main LLC, 2019) have entered into settlement agreements stipulating the use of composite wood materials only containing NAF or ULEF resins.

30

Alternatively, conduct the previously described Pre-Construction Building Material/Furnishing Chemical Emissions Assessment, to determine that the combination of formaldehyde emissions from building materials and furnishings do not create indoor formaldehyde concentrations that exceed the CEQA cancer and non-cancer health risks.

It is important to note that we are not asking that the builder to “speculate” on what and how much composite materials be used, but rather at the design stage to select composite wood materials based on the formaldehyde emission rates that manufacturers routinely conduct using the California Department of Health “Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers”, (CDPH, 2017), and use the procedure described earlier (i.e. Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment) to insure that the materials selected achieve acceptable cancer risks from material off gassing of formaldehyde.

Outdoor Air Ventilation Mitigation. Provide each habitable room with a continuous mechanical supply of outdoor air that meets or exceeds the California 2016 Building Energy Efficiency Standards (California Energy Commission, 2015) requirements of the greater of 15 cfm/occupant or 0.15 cfm/ft² of floor area. Following installation of the system conduct testing and balancing to insure that required amount of outdoor air is entering each habitable room and provide a written report documenting the outdoor airflow rates. Do not use exhaust only mechanical outdoor air systems, use only balanced outdoor air supply and exhaust systems or outdoor air supply only systems. Provide a manual for the occupants or maintenance personnel, that describes the purpose of the mechanical outdoor air system and the operation and maintenance requirements of the system.

31

PM_{2.5} Outdoor Air Concentration Mitigation. Install air filtration with sufficient PM_{2.5} removal efficiency (e.g. MERV 13 or higher) to filter the outdoor air entering the mechanical outdoor air supply systems, such that the indoor concentrations of outdoor PM_{2.5} particles are less than the California and National PM_{2.5} annual and 24-hour standards. Install the air filters in the system such that they are accessible for replacement by the occupants or maintenance personnel. Include in the mechanical outdoor air ventilation system manual instructions on how to replace the air filters and the estimated frequency of replacement.

32

References

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Exhibit B

Shawn Smallwood, PhD
3108 Finch Street
Davis, CA 95616

Jennifer Cruz
Contra Costa County
Department of Conservation and Development
30 Muir Road
Martinez, CA 94553

20 October 2019

RE: Del Hombre Apartments project

Dear Ms. Cruz,

I write to comment on Contra Costa County's (2019) DEIR prepared for the Del Hombre Apartments project in Walnut Creek, which I understand would add 284 residential units in a 6-story building on 2.37 acres of land, including 244,856 ft² of residential floor space and 9,442 ft² of amenities floor space. I estimate the project's façades would support at least 3,000 m² of glass windows, which would pose collision hazards to birds. Adding to the collision hazards would be the use of window recessing, reflectance as depicted in the DEIR, and outdoor landscaping with trees. I write to comment on bird-window collisions and other impacts that would result from this project (FirstCarbon Solutions 2019).

My qualifications for preparing expert comments are the following. I hold a Ph.D. degree in Ecology from University of California at Davis, where I subsequently worked for four years as a post-graduate researcher in the Department of Agronomy and Range Sciences. My research has been on animal density and distribution, habitat selection, habitat restoration, interactions between wildlife and human infrastructure and activities, conservation of rare and endangered species, and on the ecology of invading species. I perform research on wildlife mortality caused by wind turbines, electric distribution lines, agricultural practices, and road traffic. I authored numerous papers on special-status species issues, including "Using the best scientific data for endangered species conservation" (Smallwood et al. 1999), and "Suggested standards for science applied to conservation issues" (Smallwood et al. 2001). I served as Chair of the Conservation Affairs Committee for The Wildlife Society – Western Section. I am a member of The Wildlife Society and the Raptor Research Foundation, and I've been a part-time lecturer at California State University, Sacramento. I was Associate Editor of wildlife biology's premier scientific journal, The Journal of Wildlife Management, as well as of Biological Conservation, and I was on the Editorial Board of Environmental Management. I have performed wildlife surveys in California for thirty-three years, including at many proposed project sites. My CV is attached.

33

SITE VISIT

I visited the site of the proposed project on 16 October 2019, walking along the sidewalk with a pair of binoculars for 94 minutes. The site is densely wooded, serving as a

34

natural stopover habitat patch for wildlife moving through the area. While there I saw eastern gray squirrels and 15 species of birds, two of which are special-status species (Table 1). I saw oak titmouse (Photo 1), black phoebe (Photo 2), Townsend's warbler (Photo 3), white-breasted nuthatch (Photo 4), California towhee (Photo 5), and wild turkey (Photo 6), among others (Table 1).

Table 1. Species of wildlife I observed during a visit on 16 October 2019 from 13:45 to 15:19 hours at the site of the proposed Del Hombre Apartments.

Species	Scientific name	Status ¹
Wild turkey	<i>Meleagris gallopavo</i>	Non-native
Mourning dove	<i>Zenaida macroura</i>	
Rock pigeon	<i>Columba livea</i>	Non-native
Nuttall's woodpecker	<i>Picoides nuttallii</i>	BCC
Anna's hummingbird	<i>Calypte anna</i>	
Black phoebe	<i>Sayornis nigricans</i>	
California scrub-jay	<i>Aphelocoma californica</i>	
American crow	<i>Corvus brachyrhynchos</i>	
White-breasted nuthatch	<i>Sitta carolinensis</i>	
Oak titmouse	<i>Baeolophus inornatus</i>	BCC
Cassin's vireo	<i>Vireo casinii</i>	
Townsend's warbler	<i>Dendroica townsendi</i>	
Yellow-rumped warbler	<i>Dendroica coronata</i>	
California towhee	<i>Pipilo crissalis</i>	
Dark-eyed junco	<i>Junco hyemalis</i>	
Eastern gray squirrel	<i>Sciurus carolinensis</i>	Non-native

¹ Listed as BCC = federal Bird Species of Conservation Concern.

34
CONT.

BIOLOGICAL IMPACTS ASSESSMENT

A reconnaissance-level survey was performed by consulting biologist on 7 January 2019, but no details were provided on start time or survey duration. The biologist misidentified eastern gray squirrel as California ground squirrel (Photo 7). Species misidentifications should be anticipated, especially by anyone young in their career, but the consulting firm should provide oversight to correct such errors. California ground squirrels look very different from eastern gray squirrels, and they are very different ecologically. Finding California ground squirrels in an interior wooded patch would have been unlikely. The only squirrels at the site are eastern gray squirrels.

35
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The biologist only detected 5 species of vertebrate wildlife, whereas I detected 16 in 94 minutes. FirstCarbon Solutions either visited very briefly, or its biologist lacked experience. A very brief visit by an inexperienced biologist is the only explanation I can conceive for his not detecting the wild turkeys on site, which locals informed me have lived there for years. Wild turkeys are huge birds which roam in flocks and loudly gobble. They are hard to miss.

37



Photos 1 and 2. Oak titmouse (left) and black phoebe (right) on the site of the proposed project, 16 October 2019. Oak titmouse is a special-status species.

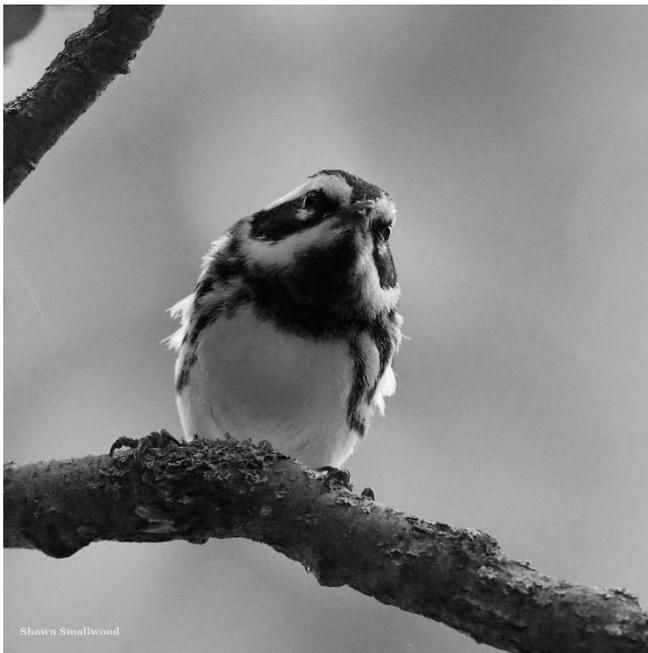


Photo 3 and 4. Townsend's warbler (left) and white-breasted nuthatch (right) on the site of the proposed project, 16 October 2019.

37
CONT.



Photos 5 and 6. California towhee (left) and wild turkey (right) on the site of the proposed project, 16 October 2019.



Photo 7. Eastern gray squirrels occupy the site, as shown here. The consultant misidentified these squirrels as California ground squirrels. The consulting firm should have provided oversight.

37
CONT.

The project would remove 161 trees, thereby eliminating the last remaining patch of dense woodlot in the area. Rather than asking whether the site serves as a wildlife movement corridor (Contra Costa County 2019:3.3-9), Contra Costa County should have asked whether the project would interfere with wildlife movement in the region, which goes to CEQA's actual standard related to project impacts on wildlife movement (query d in CEQA Guidelines App. G). The answer to the appropriate question is, of course, affirmative, because this woodlot is obviously used as stopover habitat by migratory birds (Table 1). (Note that October is rather late in the year for Cassin's vireo to be found in the project area.)

38

Whereas natural corridors sometimes exist, the corridor concept mostly applies to human landscape engineering to reduce the effects of habitat fragmentation (Smallwood 2015). That is not what is at issue here. Wildlife movement in the region is often diffuse rather than channeled (Runge et al. 2014, Taylor et al. 2011), and includes stopover habitat used by birds and bats (Taylor et al. 2011), staging habitat (Warnock 2010), and crossover habitat used by nonvolant wildlife during dispersal, migration or home range patrol. The major impact on wildlife movement caused by this project is its removal of the last substantially-sized stopover habitat patch in the region. The nearest similar patch of woodland is about 2 miles distant. Not only is the loss of this stopover habitat significant as a direct impact, but it is also cumulatively considerable due to the unavailability of similar stopover habitat within 2 miles.

I disagree with Contra Costa County (2019:3.3-22) that the site provides marginal roosting habitat for pallid bats. Bats roost in various structures (Kunz and Lumsden 2003), and Contra Costa County has provided no evidence that the structures and mature trees on site should be considered marginal. Pallid bats migrating through the area would likely find roosting opportunities on the project site. If so, then the stopover habitat would be essential, not marginal.

39

I disagree with Contra Costa County's (2019:3.3-22) analysis of potential bird impacts. The analysis focuses solely on nesting impacts, and neglects impacts on stopover habitat. For both nesting and stopover uses, there is no other heavily wooded patch of habitat within 2 miles, so losing habitat at this site would be devastating to nesting and migrating birds.

40

I also disagree with the list of special-status species of birds considered by Contra Costa County (2019) and FirstCarbon Solutions (2019). For analyzing potential impacts to special-status species of birds, they included only burrowing owl. Burrowing owls would not occur in a dense woodlot, so I cannot understand why this species was included. On the other hand, I cannot understand why so many species were omitted, including species known to reside or stopover in dense woodlots (see Table 2). The EIR needs to be revised so that it provides useful information to the public and decision-makers about potential project impacts on wildlife.

41

Table 2. Species reported on eBird (<https://eBird.org>) on or near the proposed project site, and whether already documented in the scientific literature as window collision victims.

Species	Scientific name	Status ¹	eBird post(s)	Window victims
California gull	<i>Larus californicus</i>	TWL	Nearby	No
Red-tailed hawk	<i>Buteo jamaicensis</i>	FGC 3503.5	Nearby	Yes
Ferruginous hawk	<i>Buteo regalis</i>	TWL, FGC 3503.5	Nearby	No
Red-shouldered hawk	<i>Buteo lineatus</i>	FGC 3503.5	On site	Yes
Sharp-shinned hawk	<i>Accipiter striatus</i>	FGC 3503.5, TWL	Nearby	Yes
Cooper's hawk	<i>Accipiter cooperi</i>	FGC 3503.5, TWL	Nearby	Yes
White-tailed kite	<i>Elanus leucurus</i>	CFP, TWL, FGC 3503.5	Nearby	No
American kestrel	<i>Falco sparverius</i>	FGC 3503.5	Nearby	Yes
Merlin	<i>Falco columbarius</i>	FGC 3503.5, TWL	Nearby	Yes
Peregrine falcon	<i>Falco peregrinus</i>	CE, CFP, BCC	Nearby	Yes
Great-horned owl	<i>Bubo virginianus</i>	FGC 3503.5	Nearby	No
Western screech-owl	<i>Megascops kennicotti</i>	FGC 3503.5	Nearby	No
Barn owl	<i>Tyto alba</i>	FGC 3503.5	Nearby	No
Vaux's swift	<i>Chaetura vauxi</i>	SCC2	Nearby	No
Costa's hummingbird	<i>Calypte costae</i>	BCC	Nearby	Yes
Allen's hummingbird	<i>Selasphorus sasin</i>	BCC	Nearby	Many
Nuttall's woodpecker	<i>Picoides nuttalli</i>	BCC	On site	No
Horned lark	<i>Eremophila alpestris actia</i>	TWL	Nearby	No
Willow flycatcher	<i>Empidonax trailii eximius</i>	FE, CE	Nearby	No
Olive-sided flycatcher	<i>Contopus cooperi</i>	SSC2	Nearby	No
Purple martin	<i>Progne subis</i>	SSC2	Regional	Yes
Oak titmouse	<i>Baeolophus inornatus</i>	BCC	On site	Yes
Loggerhead shrike	<i>Lanius ludovicianus</i>	BCC, SSC2	Nearby, old	No
Yellow warbler	<i>Setophaga petechia</i>	SSC2, BCC	Nearby	Yes
Common yellowthroat	<i>Geothlypis trichas</i>	BCC	Nearby	Yes
Yellow-breasted chat	<i>Icteria virens</i>	SSC3	Nearby	Yes
Lawrence's goldfinch	<i>Spinus lawrencei</i>	BCC	Nearby	No

¹ Listed as BCC = U.S. Fish and Wildlife Service Bird Species of Conservation Concern, CE = California endangered, CFP = California Fully Protected (CDFG Code 4700), FGC 3503.5 = California Department of Fish and Wildlife Code 3503.5 (Birds of prey), and SSC1, SSC2 and SSC3 = California Bird Species of Special Concern priorities 1, 2 and 3, respectively, and TWL = Taxa to Watch List (Shuford and Gardali 2008).

WINDOW COLLISIONS

An environmental crisis has emerged with the just-reported 29% decline of bird abundance across North America over the last 48 years (Rosenberg et al. 2019). The likely ecological and economic costs of losing nearly a third of our birds has yet to be estimated, but these costs are likely substantial. The current trend cannot continue without suffering multiple species extinctions, reduced diversity and diminished quality of life. One of the leading causes of bird mortality contributing to this decline has been collisions with windows (see below). It is a critical shortfall, therefore, that Contra Costa County (2019) neglects to address bird collisions with windows on building façades. Constructing a building with such extensive glass windows will intercept and kill many birds migrating or dispersing across the area.

42

Based on recent eBird records, at least 27 special-status species of birds occur on or near the site of the proposed project (Table 2). Fourteen of these species have been known to collide with windows (Table 2). Many of these species are undoubtedly already experiencing annual mortality caused by window collisions in the area, but the proposed new project would substantially add window-collision hazards to birds. Not included in Table 1 are many additional species protected under Fish and Game Code section 3513, which was amended on 27 September 2019 by Governor Newsom's signing of AB 454 to reinstate as state law the recently repealed federal Migratory Bird Treaty Act. Losses of most species of birds to collisions with new or existing buildings would contribute significantly to direct and cumulative impacts, and should be addressed in a revised EIR.

Contra Costa County (2019) was prepared without the benefit of flight behavior surveys by qualified wildlife biologists, so it inadequately informs the public about avian use of the area. Surveys are needed to learn how many of each bird species fly through the area and at what times of day (and night). Nocturnal surveys can be performed using a thermal-imaging camera or radar. Such surveys would inform of collision risk, and could inform mitigation strategies involving interior light management and design modifications to façades facing the prevailing approach directions of migrating birds. Below I review the bird-window collision issue, hypothesized causal factors and recommended mitigation solutions. I also predict bird-window collision rates based on studies performed across the USA at structures ranging widely in height, window-to-wall ratio, types of glass, orientation, and structural context. My aim is to make a robust prediction from this range of study conditions, and to present the associated large confidence interval that I believe is appropriate in the face of uncertainty over how many birds fly through the project area and what proportion of the birds are more susceptible than others to window collision.

43

Glass-façades of buildings intercept and kill many birds, but these façades are differentially hazardous to birds based on spatial extent, contiguity, orientation, and other factors. At Washington State University, Johnson and Hudson (1976) found 266 bird fatalities of 41 species within 73 months of monitoring of a three-story glass walkway (no fatality adjustments attempted). Prior to marking the windows to warn birds of the collision hazard, the collision rate was 84.7 per year. At that rate, and not

attempting to adjust the fatality estimate for the proportion of fatalities not found, 4,235 birds were likely killed over the 50 years since the start of their study, and that's at a relatively small building façade (Photo 8). Accounting for the proportion of fatalities not found, the number of birds killed by this walkway over the last 50 years would have been about 12,705. And this is just for one 3-story, glass-sided walkway between two college campus buildings.

Photo 8. *A walkway connecting two buildings at Washington State University where one of the earliest studies of bird collision mortality found 85 bird fatalities per year prior to marking windows (254 annual deaths adjusted for the proportion not found). Given that the window markers have long since disappeared, this walkway has likely killed at least 12,705 birds since 1968, and continues to kill birds. Notice that the transparent glass on both sides of the walkway gives the impression of unimpeded airspace that can be navigated safely by birds familiar with flying between tree branches. Also note the reflected images of trees, which can mislead birds into seeing safe perch sites. Further note the distances of ornamental trees, which allow birds taking off from those trees to reach full speed upon arrival at the windows.*



Window collisions are often characterized as either the second or third largest source or human-caused bird mortality. The numbers behind these characterizations are often attributed to Klem's (1990) and Dunn's (1993) estimates of about 100 million to 1 billion bird fatalities in the USA, or more recently Loss et al.'s (2014) estimate of 365-988 million bird fatalities in the USA or Calvert et al.'s (2013) and Machtans et al.'s (2013) estimates of 22.4 million and 25 million bird fatalities in Canada, respectively. However, these estimates and their interpretation warrant examination because they were based on opportunistic sampling, volunteer study participation, and fatality monitoring by more inexperienced than experienced searchers.

Klem's (1990) estimate was based on speculation that 1 to 10 birds are killed per building per year, and this speculated range was extended to the number of buildings estimated by the US Census Bureau in 1986. Klem's speculation was supported by fatality monitoring at only two houses, one in Illinois and the other in New York. Also, the basis of his fatality rate extension has changed greatly since 1986. Whereas his estimate served the need to alert the public of the possible magnitude of the bird-window collision issue, it was highly uncertain at the time and undoubtedly outdated more than three decades hence. Indeed, by 2010 Klem (2010) characterized the upper end of his estimated range – 1 billion bird fatalities – as conservative. Furthermore, the

estimate lumped species together as if all birds are the same and the loss of all birds to windows has the same level of impact.

Homes with birdfeeders are associated with higher rates of window collisions than are homes without birdfeeders (Kummer and Bayne 2015, Kummer et al. 2016a), so the developed area might pose even greater hazard to birds if it includes numerous birdfeeders. Another factor potentially biasing national or North American estimates low was revealed by Bracey et al.'s (2016) finding that trained fatality searchers found 2.6× the number of fatalities found by homeowners on the days when both trained searchers and homeowners searched around homes. The difference in carcass detection was 30.4-fold when involving carcasses volitionally placed by Bracey et al. (2016) in blind detection trials. This much larger difference in trial carcass detection rates likely resulted because their placements did not include the sounds that typically alert homeowners to actual window collisions, but this explanation also raises the question of how often homeowner participants with such studies miss detecting window-caused fatalities because they did not hear the collisions.

By the time Loss et al. (2014) performed their effort to estimate annual USA bird-window fatalities, many more fatality monitoring studies had been reported or were underway. Loss et al. (2014) were able to incorporate many more fatality rates based on scientific monitoring, and they were more careful about which fatality rates to include. However, they included estimates based on fatality monitoring by homeowners, which in one study were found to detect only 38% of the available window fatalities (Bracey et al. 2016). Loss et al. (2014) excluded all fatality records lacking a dead bird in hand, such as injured birds or feather or blood spots on windows. Loss et al.'s (2014) fatality metric was the number of fatalities per building (where in this context a building can include a house, low-rise, or high-rise structure), but they assumed that this metric was based on window collisions. Because most of the bird-window collision studies were limited to migration seasons, Loss et al. (2014) developed an admittedly assumption-laden correction factor for making annual estimates. Also, only 2 of the studies included adjustments for carcass persistence and searcher detection error, and it was unclear how and to what degree fatality rates were adjusted for these factors. Although Loss et al. (2014) attempted to account for some biases as well as for large sources of uncertainty mostly resulting from an opportunistic rather than systematic sampling data source, their estimated annual fatality rate across the USA was highly uncertain and vulnerable to multiple biases, most of which would have resulted in fatality estimates biased low.

In my review of bird-window collision monitoring, I found that the search radius around homes and buildings was very narrow, usually 2 meters. Based on my experience with bird collisions in other contexts, I would expect that a large portion of bird-window collision victims would end up farther than 2 m from the windows, especially when the windows are higher up on tall buildings. In my experience, searcher detection rates tend to be low for small birds deposited on ground with vegetation cover or woodchips or other types of organic matter. Also, vertebrate scavengers entrain on anthropogenic sources of mortality and quickly remove many of the carcasses, thereby preventing the fatality searcher from detecting these fatalities. Adjusting fatality rates

43
CONT.

for these factors – search radius bias, searcher detection error, and carcass persistence rates – would greatly increase nationwide estimates of bird-window collision fatalities.

Buildings can intercept many nocturnal migrants as well as birds flying in daylight. As mentioned above, Johnson and Hudson (1976) found 266 bird fatalities of 41 species within 73 months of monitoring of a four-story glass walkway at Washington State University (no adjustments attempted). Somerlot (2003) found 21 bird fatalities among 13 buildings on a university campus within only 61 days. Monitoring twice per week, Hager et al. (2008) found 215 bird fatalities of 48 species, or 55 birds/building/year, and at another site they found 142 bird fatalities of 37 species for 24 birds/building/year. Gelb and Delacretaz (2009) recorded 5,400 bird fatalities under buildings in New York City, based on a decade of monitoring only during migration periods, and some of the high-rises were associated with hundreds of fatalities each. Klem et al. (2009) monitored 73 building façades in New York City during 114 days of two migratory periods, tallying 549 collision victims, nearly 5 birds per day. Borden et al. (2010) surveyed a 1.8 km route 3 times per week during 12-month period and found 271 bird fatalities of 50 species. Parkins et al. (2015) found 35 bird fatalities of 16 species within only 45 days of monitoring under 4 building façades. From 24 days of survey over a 48-day span, Porter and Huang (2015) found 47 fatalities under 8 buildings on a university campus. Sabo et al. (2016) found 27 bird fatalities over 61 days of searches under 31 windows. In San Francisco, Kahle et al. (2016) found 355 collision victims within 1,762 days under a 5-story building. Ocampo-Peñuela et al. (2016) searched the perimeters of 6 buildings on a university campus, finding 86 fatalities after 63 days of surveys. One of these buildings produced 61 of the 86 fatalities, and another building with collision-deterrent glass caused only 2 of the fatalities, thereby indicating a wide range in impacts likely influenced by various factors. There is ample evidence available to support my prediction that the proposed project would result in many collision fatalities of birds.

43
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Project Impact Prediction

Predicting the number of bird collisions at a new project is challenging because the study of window collisions remains in its early stages. Researchers have yet to agree universally on a collision rate metric. Some have reported findings as collisions per building per year and some as collisions per building per day. Some have reported findings as collisions per m² of window. The problem with the temporal factor in the collision rate metrics has been monitoring time spans varying from a few days to 10 years, and even in the case of the 10-year span, monitoring was largely restricted to spring and fall migration seasons. Short-term monitoring during one or two seasons of the year cannot represent a 'year,' but monitoring has rarely spanned a full year. Using 'buildings' in the metric treats buildings as all the same size, when we know they are not. Using square meters of glass in the metric treats glass as the only barrier upon which birds collide against a building's façade, when we know it is not. It also treats all glass as equal, even though we know that collision risk varies by type of glass as well as multiple factors related to contextual settings.

44

Klem's (1990) often-cited national estimate of avian collision rate relied on an assumed average collision rate of 1 to 10 birds per building per year, but studies since then have all reported higher rates of collisions 12 to 352 birds per building per year. Because the more recent studies were likely performed at buildings known or suspected to cause many collisions, collision rates from them could be biased high. By the time of these comments I had reviewed and processed results of bird collision monitoring at 181 buildings and façades for which bird collisions per m² of glass per year could be calculated and averaged (Johnson and Hudson 1976, O'Connell 2001, Somerlot 2003, Hager et al. 2008, Borden et al. 2010, Hager et al. 2013, Porter and Huang 2015, Parkins et al. 2015, Kahle et al. 2016, Ocampo-Peñuela et al. 2016, Sabo et al. 2016, Barton et al. 2017, Schneider et al. 2018). These study results averaged 0.077 bird deaths per m² of glass per year (95% CI: 0.04-0.11). Looking over the proposed building design, I estimated the building would include at least 3,000 m² of glass windows, which applied to the mean fatality rate would predict **231 bird deaths per year (95% CI: 120-330)** at the building. The 50-year toll from this average annual fatality rate would be 11,550 bird deaths (95% CI: 6,000-16,550), which would continue until the building is either renovated to reduce bird collisions or it comes down. The vast majority of these deaths would be of birds newly protected under Fish and Game Code section 3513 (see above). If the project moves forward as proposed, and annually kills ca. 230 birds protected by AB 454, the project will cause significant unmitigated impacts.

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CONT.

The accuracy of my window collision prediction depends on factors known or hypothesized to affect window collision rates. However, from the national average collision rate, I used all the variation in collision rates that was available and which resulted from a wide range in building height, type of glass, indoor and outdoor landscaping, interior light management, window to wall ratio, and structural context of the façade. This variation contributed to a robust bird-window collision rate represented by a wide 95% confidence interval. According to the confidence interval, which again was based on the wide range of conditions in the underlying data, the proposed project built as designed at 100 locations would be predicted to kill between 120 and 330 birds per year at 95 of those 100 locations, leaving the other 5 to kill birds at rates either lower or higher than this range. Even at the low end of the interval, the death toll would be excessive, amounting to 6,000 bird deaths over 50 years. This impact would be significant, especially considering that the predicted fatality rate can be prevented by implementing appropriate mitigation measures. Below I will discuss hypothesized bird-window collision factors, and I will recommend mitigation measures.

Bird-Window Collision Factors

Below is a list of collision factors I found in the scientific literature. Following this list are specific notes and findings taken from the literature and my own experience.

45

- (1) Inherent hazard of a structure in the airspace used for nocturnal migration or other flights
- (2) Window transparency, falsely revealing passage through structure or to indoor plants

- (3) Window reflectance, falsely depicting vegetation, competitors, or open airspace
- (4) Black hole or passage effect
- (5) Window or façade extent, or proportion of façade consisting of window or other reflective surface
- (6) Size of window
- (7) Type of glass
- (8) Lighting, which is correlated with window extent and building operations
- (9) Height of structure (collision mechanisms shift with height above ground)
- (10) Orientation of façade with respect to winds and solar exposure
- (11) Structural layout causing confusion and entrapment
- (12) Context in terms of urban-rural gradient, or surrounding extent of impervious surface vs vegetation
- (13) Height, structure, and extent of vegetation grown near home or building
- (14) Presence of birdfeeders or other attractants
- (15) Relative abundance
- (16) Season of the year
- (17) Ecology, demography and behavior
- (18) Predatory attacks or cues provoking fear of attack
- (19) Aggressive social interactions

(1) Inherent hazard of structure in airspace.—Not all of a structure's collision risk can be attributed to windows. Overing (1938) reported 576 birds collided with the Washington Monument in 90 minutes on one night, 12 September 1937. The average annual fatality count had been 328 birds from 1932 through 1936. Gelb and Delacretaz (2009) and Klem et al. (2009) also reported finding collision victims at buildings lacking windows, although many fewer than they found at buildings fitted with windows. The takeaway is that any building going up at the project site would likely kill birds, although the impacts of a glass-sided building would likely be much greater.

(2) Window transparency.—Widely believed as one of the two principal factors contributing to avian collisions with buildings is the transparency of glass used in windows on the buildings (Klem 1989). Gelb and Delacretaz (2009) felt that many of the collisions they detected occurred where transparent windows revealed interior vegetation.

(3) Window reflectance.—Widely believed as one of the two principal factors contributing to avian collisions with buildings is the reflectance of glass used in windows on the buildings (Klem 1989). Reflectance can deceptively depict open airspace, vegetation as habitat destination, or competitive rivals as self-images (Klem 1989). Gelb and Delacretaz (2009) felt that many of the collisions they detected occurred toward the lower parts of buildings where large glass exteriors reflected outdoor vegetation. Klem et al. (2009) and Borden et al. (2010) also found that reflected outdoor vegetation associated positively with collisions.

(4) Black hole or passage effect.—Although this factor was not often mentioned in the bird-window collision literature, it was suggested in Sheppard and Phillips (2015). The black hole or passage effect is the deceptive appearance of a cavity or darkened ledge

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that certain species of bird typically approach with speed when seeking roosting sites. The deception is achieved when shadows from awnings or the interior light conditions give the appearance of cavities or protected ledges. This factor appears potentially to be nuanced variations on transparency or reflectance or possibly an interaction effect of both of these factors.

(5) Window or façade extent.—Klem et al. (2009), Borden et al. (2010), Hager et al. (2013), and Ocampo-Peñuela et al. (2016) reported increased collision fatalities at buildings with larger reflective façades or higher proportions of façades composed of windows. However, Porter and Huang (2015) found a negative relationship between fatalities found and proportion of façade that was glazed.

(6) Size of window.—According to Kahle et al. (2016), collision rates were higher on large-pane windows compared to small-pane windows.

(7) Type of glass.—Klem et al. (2009) found that collision fatalities associated with the type of glass used on buildings. Otherwise, little attention has been directed towards the types of glass in buildings.

(8) Lighting.—Parkins et al. (2015) found that light emission from buildings correlated positively with percent glass on the façade, suggesting that lighting is linked to the extent of windows. Zink and Eckles (2010) reported fatality reductions, including an 80% reduction at a Chicago high-rise, upon the initiation of the Lights-out Program. However, Zink and Eckles (2010) provided no information on their search effort, such as the number of searches or search interval or search area around each building.

(9) Height of structure.—I found little if any hypothesis-testing related to building height, including whether another suite of factors might relate to collision victims of high-rises. Are migrants more commonly the victims of high-rises or of smaller buildings?

(10) Orientation of façade.—Some studies tested façade orientation, but not convincingly. Confounding factors such as the extent and types of windows would require large sample sizes of collision victims to parse out the variation so that some portion of it could be attributed to orientation of façade. Whether certain orientations cause disproportionately stronger or more realistic-appearing reflections ought to be testable through measurement, but counting dead birds under façades of different orientations would help.

(11) Structural layout.—Bird-safe building guidelines have illustrated examples of structural layouts associated with high rates of bird-window collisions, but little attention has been directed towards hazardous structural layouts in the scientific literature. An exception was Johnson and Hudson (1976), who found high collision rates at 3 stories of glassed-in walkways atop an open breezeway, located on a break in slope with trees on one side of the structure and open sky on the other, Washington State University.

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(12) Context in urban-rural gradient.—Numbers of fatalities found in monitoring have associated negatively with increasing developed area surrounding the building (Hager et al. 2013), and positively with more rural settings (Kummer et al. 2016a).

(13) Height, structure and extent of vegetation near building.—Correlations have sometimes been found between collision rates and the presence or extent of vegetation near windows (Hager et al. 2008, Borden et al. 2010, Kummer et al. 2016a, Ocampo-Peñuela et al. 2016). However, Porter and Huang (2015) found a negative relationship between fatalities found and vegetation cover near the building. In my experience, what probably matters most is the distance from the building that vegetation occurs. If the vegetation that is used by birds is very close to a glass façade, then birds coming from that glass will be less likely to attain sufficient speed upon arrival at the façade to result in a fatal injury. Too far away and there is probably no relationship. But 30 to 50 m away, birds alighting from vegetation can attain lethal speeds by the time they arrive at the windows.

(14) Presence of birdfeeders.—Dunn (1993) reported a weak correlation ($r = 0.13$, $P < 0.001$) between number of birds killed by home windows and the number of birds counted at feeders. However, Kummer and Bayne (2015) found that experimental installment of birdfeeders at homes increased bird collisions with windows 1.84-fold.

(15) Relative abundance.—Collision rates have often been assumed to increase with local density or relative abundance (Klem 1989), and positive correlations have been measured (Dunn 1993, Hager et al. 2008). However, Hager and Craig (2014) found a negative correlation between fatality rates and relative abundance near buildings.

(16) Season of the year.—Borden et al. (2010) found 90% of collision fatalities during spring and fall migration periods. The significance of this finding is magnified by 7-day carcass persistence rates of 0.45 and 0.35 in spring and fall, rates which were considerably lower than during winter and summer (Hager et al. 2012). In other words, the concentration of fatalities during migration seasons would increase after applying seasonally-explicit adjustments for carcass persistence. Fatalities caused by collisions into the glass façades of the project's building would likely be concentrated in fall and spring migration periods.

(17) Ecology, demography and behavior.—Klem (1989) noted that certain types of birds were not found as common window-caused fatalities, including soaring hawks and waterbirds. Cusa et al. (2015) found that species colliding with buildings surrounded by higher levels of urban greenery were foliage gleaners, and species colliding with buildings surrounded by higher levels of urbanization were ground foragers. Sabo et al. (2016) found no difference in age class, but did find that migrants are more susceptible to collision than resident birds.

(18) Predatory attacks.—Panic flights caused by raptors were mentioned in 16% of window strike reports in Dunn's (1993) study. I have witnessed Cooper's hawks chasing birds into windows, including house finches next door to my home and a northern mocking bird chased directly into my office window. Predatory birds likely to collide

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with the project's windows would include Peregrine falcon, red-shouldered hawk, Cooper's hawk, and sharp-shinned hawk.

(19) Aggressive social interactions.—I found no hypothesis-testing of the roles of aggressive social interactions in the literature other than the occasional anecdotal account of birds attacking their self-images reflected from windows. However, I have witnessed birds chasing each other and sometimes these chases resulting in one of the birds hitting a window.

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Window Collision Solutions

Given the magnitude of bird-window collision impacts, there are obviously great opportunities for reducing and minimizing these impacts going forward. Existing structures can be modified or retrofitted to reduce impacts, and proposed new structures can be more carefully sited, designed, and managed to minimize impacts. However, the costs of some of these measures can be high and can vary greatly, but most importantly the efficacies of many of these measures remain uncertain. Both the costs and effectiveness of all of these measures can be better understood through experimentation and careful scientific investigation. **Post-construction fatality monitoring should be an essential feature of any new building project.** Below is a listing of mitigation options, along with some notes and findings from the literature.

Any new project should be informed by preconstruction surveys of daytime and nocturnal flight activity. Such surveys can reveal the one or more façades facing the prevailing approach direction of birds, and these revelations can help prioritize where certain types of mitigation can be targeted. It is critical to formulate effective measures prior to construction, because post-construction options will be limited, likely more expensive, and probably less effective.

46

(1) Retrofitting to reduce impacts

- (1A) Marking windows
- (1B) Managing outdoor landscape vegetation
- (1C) Managing indoor landscape vegetation
- (1D) Managing nocturnal lighting

(1A) Marking windows.—Whereas Klem (1990) found no deterrent effect from decals on windows, Johnson and Hudson (1976) reported a fatality reduction of about 69% after placing decals on windows. In an experiment of opportunity, Ocampo-Peñuela et al. (2016) found only 2 of 86 fatalities at one of 6 buildings – the only building with windows treated with a bird deterrent film. At the building with fritted glass, bird collisions were 82% lower than at other buildings with untreated windows. Kahle et al. (2016) added external window shades to some windowed façades to reduce fatalities 82% and 95%. Many external and internal glass markers have been tested experimentally, some showing no effect and some showing strong deterrent effects (Klem 1989, 1990, 2009, 2011; Klem and Saenger 2013; Rössler et al. 2015).

Following up on the results of Johnson and Hudson (1976), I decided to mark windows of my home, where I have documented 5 bird collision fatalities between the time I moved in and 6 years later. I marked my windows with decals delivered to me via US Postal Service from a commercial vendor. I have documented no fatalities at my windows during the 8 years hence. On 8 December 2018, I photographed a ruby-crowned kinglet pulling up short of my window (Photo 9), right at one of my installed markers. In my assessment, markers can be effective in some situations. Markers are available for structural glass on buildings.

Photo 9. *Ruby-crowned kinglet puts on the brakes in front of a decal I applied to mark windows of my home, 8 December 2018. This window killed birds prior to marking, but I have found no window collision victims since marking the windows. Windows with attractive built-in marking are commercially available.*



(2) Siting and Designing to minimize impacts

- (2A) Deciding on location of structure
- (2B) Deciding on façade and orientation
- (2C) Selecting type and sizes of windows
- (2D) Designing to minimize transparency through two parallel façades
- (2E) Designing to minimize views of interior plants
- (2F) Landscaping to increase distances between windows and trees and shrubs

(3) Monitoring for adaptive management to reduce impacts

- (3A) Systematic monitoring for fatalities to identify seasonal and spatial patterns
- (3B) Adjust light management, window marking and other measures as needed.

Guidelines on Building Design

If the project goes forward, it should at a minimum adhere to available guidelines on building design intended to minimize collision hazards to birds. The American Bird Conservancy (ABC) produced an excellent set of guidelines recommending actions to: (1) Minimize use of glass; (2) Placing glass behind some type of screening (grilles, shutters, exterior shades); (3) Using glass with inherent properties to reduce collisions, such as patterns, window films, decals or tape; and (4) Turning off lights during migration seasons (Sheppard and Phillips 2015). The City of San Francisco (San Francisco Planning Department 2011) also has a set of building design guidelines, based on the excellent guidelines produced by the New York City Audubon Society (Orff et al.

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2007). The ABC document and both the New York and San Francisco documents provide excellent alerting of potential bird-collision hazards as well as many visual examples. The San Francisco Planning Department's (2011) building design guidelines are more comprehensive than those of New York City, but they could have gone further. For example, the San Francisco guidelines probably should have also covered scientific monitoring of impacts as well as compensatory mitigation for impacts that could not be avoided, minimized or reduced. Monitoring and the use of compensatory mitigation should be incorporated at any new building project because the measures recommended in the available guidelines remain of uncertain effectiveness, and even if these measures are effective, they will not reduce collision fatalities to zero. The only way to assess effectiveness and to quantify post-construction fatalities is to monitor the project for fatalities.

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CUMULATIVE IMPACTS

According to Contra Costa County (2019:3.3-28), "*...the built-up nature of the previously listed areas precludes the possible cumulative impacts to biological resources related to special-status wildlife and plant species.*" This conclusion is contracted within the very same DEIR, where it is reported that oak titmouse was observed on site in early 2019. I also saw oak titmouse on site, as well as Nuttall's woodpecker. These two special-status species are using the site. And so are all of the bird species protected under California's Migratory Bird Treaty Act, as noted earlier.

48

Also according to Contra Costa County (2019:3.3-28), "*Standard pre-construction surveys and, if necessary, avoidance procedures would be required for cumulative projects with the potential to impact nesting birds and protected bat species.*" In other words, Contra Costa County regards cumulative impacts as unmitigated residual impacts specific to the project. If Contra Costa County's view of cumulative impacts was correct, CEQA should not require cumulative impacts analysis because it would be redundant with analysis of direct and indirect impacts. The EIR needs to be revised to appropriately perform cumulative impacts analysis. Such an analysis is all the more important for the very reason given by Contra Costa County for dismissing cumulative impacts; that is, the area around the project site has largely been converted to urban and commercial uses. Any additional loss of wildlife habitat in this area should be regarded as contributive of significant cumulative impacts, because there is no more habitat to lose — the project site offers migrating birds and bats the last patch of wooded stopover habitat within two miles.

49

Contra Costa County (2019) does not provide an analysis of cumulative impacts on birds caused by window collisions in Walnut Creek, nor any analysis of the proposed project's contribution to cumulative impacts of window collisions. This missing analysis is a critical shortfall due to the recently documented 29% decline in bird abundance across North American over the last 48 years (Rosenberg et al. 2019). The proposed project alone is predicted to kill 231 bird deaths per year (95% CI: 120-330), which over time would add to thousands more killed by windows in Walnut Creek. Contra Costa County needs to provide an estimate of the extent of windows already constructed, as well as an estimate of projected future extent of windows in Walnut Creek. From such estimates,

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the Walnut Creek's cumulative toll on birds colliding with windows can be estimated and appropriate mitigation formulated. A revised EIR is needed to do this.

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EXISTING CONSERVATION PLANS

According to Contra Costa County (2019:3.3-27), "The project site does not fall within the coverage area of a habitat conservation plan or natural community conservation plan." Actually, it falls within the boundary of the Pacific Gas and Electric Company Bay Area Operations & Maintenance Habitat Conservation Plan. This HCP covers 31 special-status species. Species covered by PG&E's HCP are subject to take resulting from activities involving "PG&E gas and electric transmission and distribution facilities, rights-of-way (ROW plus standard buffers), lands owned by PG&E and/or subject to PG&E easements, access routes, and mitigation areas acquired to mitigate for impacts resulting from covered activities" (USFWS 2016). The project site includes electric distribution lines around its perimeter, if not across it, which, by the way, pose an ongoing avian collision mortality threat by spanning airspace often traversed by birds. An analysis of potential conflict with PG&E's HCP might be warranted.

51

MITIGATION

Mitigation Measure Bio-1: Preconstruction surveys for bats and birds

Preconstruction surveys are proposed for bat and nesting birds. However, preconstruction survey are not detection surveys. Preconstruction surveys would detect only the most readily detectable bats and bird nest sites, and the rest would be destroyed by the project. Neither can preconstruction surveys detect any of the bats or birds that would have roosted or nested on site for years to come in the absence of the project. Preconstruction surveys do nothing to offset the permanent loss of roosting habitat, stopover habitat, and breeding habitat, nor any of the productive capacity lost with that habitat. Nor do preconstruction surveys provide any basis for quantifying impacts or for formulating appropriate compensatory mitigation.

52

Detection surveys are needed in advance of preconstruction surveys. Detection surveys are designed by species' experts and undergo considerable deliberation before adoption of underlying survey protocols or guidelines. Detection surveys are intended to either provide adequate opportunity for qualified biologists to detect the species at issue, or to support absence determinations. Detection surveys also improve the efficacy of preconstruction surveys by informing survey personnel where to concentrate efforts. They can also contribute toward quantification of project impacts, and toward formulation of appropriate mitigation. Preconstruction surveys are not substitutes for detection surveys.

The EIR should be revised so that it is founded detection surveys for special-status species of birds and bats.

Additional Comments on Mitigation

Window Collisions

Bird surveys need to be performed to adequately characterize flight patterns through the project area. These surveys need to inform a revised EIR, which should require adherence to the available guidelines on minimizing bird-window collisions (see earlier comments). Compensatory mitigation should be formulated for those collision fatalities that cannot be avoided through implementation of guidelines. Unavoidable collision fatalities should be measured through two or more years of post-construction fatality monitoring, and a revised EIR should tie levels of compensatory mitigation to threshold fatality rates.

53

Fund Wildlife Rehabilitation Facilities

Compensatory mitigation ought also to include funding contributions to wildlife rehabilitation facilities to cover the costs of injured animals that will be delivered to these facilities for care. Most of the wildlife injuries will likely be caused by window collisions. But the project's impacts can also be offset by funding the treatment of injuries to animals caused by other buildings, electric lines, cars, and house cats. Thank you for your attention,

54



Shawn Smallwood, Ph.D.

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Exhibit C



Technical Consultation, Data Analysis and
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Subject: Comments on the Del Hombre Apartments Project (SCH No. 2018102067)

Dear Mr. Lozeau,

We have reviewed the September 2019 Draft Environmental Impact Report (“DEIR”) for the Del Hombre Apartments Project (“Project”) located in Unincorporated Walnut Creek (“City”). The Project proposes to demolish two existing residential buildings, totaling 3,350 square feet. Furthermore, the Project proposes to construct a 284-unit apartment community, including 9,442 square feet of amenity and recreational space, as well as 380 parking spaces on the 2.37-acre site.

55

Our review concludes that the DEIR fails to adequately evaluate the Project’s Air Quality, Health Risk, and Greenhouse Gas impacts. As a result, emissions and health risk impacts associated with construction and operation of the proposed Project are underestimated and inadequately addressed. An updated DEIR should be prepared to adequately assess and mitigate the potential air quality and health risk impacts that the project may have on the surrounding environment.

Air Quality

Incorrect Analysis of Project Construction Emissions

The DEIR states that the Project would include “an additional 0.15 acres of asphalt paving for roadway improvements along Del Hombre Lane and Honey Trail” (p. 2-26). As a result, Appendix B includes separate CalEEMod runs for on-site Project construction and off-site road improvements. According to the DEIR, “combined construction emissions from **all construction activities** are below the recommended thresholds of significance” (emphasis added) (p. 3.2-28). However, review of the CalEEMod output files demonstrates that this is incorrect, as the DEIR failed to include the construction emissions from off-site roadway improvements in its air quality analysis. As the Project includes both construction on the Project site as well as construction for off-site roadway improvements, the DEIR’s air

56

quality analysis should have summed both on-site and off-site construction in order to compare to BAAQMD thresholds. By failing to include this component of Project construction in the air quality analysis, the DEIR fails to adequately evaluate emissions. Thus, the DEIR's analysis and less-than-significant impact conclusion should not be relied upon to determine Project significance.

56
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Furthermore, the BAAQMD provides significance thresholds to evaluate air pollutant emissions in the form of pounds per day (lbs/day). In order to compare the Project's air pollutant emissions to these thresholds, the DEIR states that these emissions were "[c]alculated by dividing the total lbs by the total 515 working days of construction for the duration of construction" (p. 3.2-38). Thus, the DEIR took the annual emissions measured in tons per year, converted them to pounds per year, and then divided them by the workdays of construction. However, this is incorrect. CalEEMod provides three types of output files – winter, summer, and annual. While the annual output files measure emissions in tons per year, both the winter and summer output files provide emissions estimates measured in pounds per day. Thus, the DEIR's conversion from the annual tons per year to pounds per day was incorrect. As such, the DEIR should have provided and utilized the emissions from the winter or summer CalEEMod output files in order to compare to the BAAQMD thresholds.

57

Unsubstantiated Input Parameters Used to Estimate Project Emissions

The DEIR's air quality analysis relies on emissions calculated with CalEEMod.2016.3.2.¹ CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental Quality Act (CEQA) requires that such changes be justified by substantial evidence.² Once all of the values are inputted into the model, the Project's construction and operational emissions are calculated, and "output files" are generated. These output files disclose to the reader what parameters were utilized in calculating the Project's air pollutant emissions and make known which default values were changed as well as provide justification for the values selected.³

58

Review of the Project's air modeling demonstrates that the DEIR underestimates emissions associated with Project activities. As previously stated, the DEIR's air quality analysis relies on air pollutant emissions calculated using CalEEMod. When reviewing the Project's CalEEMod output files, provided in Appendix B to the DEIR, we found that several of the values inputted into the model were not consistent with information disclosed in the DEIR. As a result, the Project's construction and operational emissions are underestimated. An updated DEIR should be prepared to include an updated air quality analysis that

¹ CAPCOA (November 2017) CalEEMod User's Guide, http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4.

² CAPCOA (November 2017) CalEEMod User's Guide, http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 1, 9.

³ CAPCOA (November 2017) CalEEMod User's Guide, http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 11, 12 – 13. A key feature of the CalEEMod program is the "remarks" feature, where the user explains why a default setting was replaced by a "user defined" value. These remarks are included in the report.

adequately evaluates the impacts that construction and operation of the Project will have on local and regional air quality.

58
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Failure to Include All Demolition

According to the DEIR, “the project includes demolition of the existing residential buildings totaling approximately 3,350 square feet and the removal of hardscape totaling approximately 1,000 square feet” (p. 3.2-28). However, review of the “User Entered Comments & Non-Default Data” table reveals that the model failed to include the total amount of demolition, as indicated in the DEIR. As a result, the Project’s construction emissions are underestimated.

According to the CalEEMod User’s Guide, the air model calculates a default number of hauling trips based upon the amount of demolition material inputted. Review of the “Trips and VMT” table demonstrates that the CalEEMod model calculated a default demolition hauling trip number of 4 (see excerpt below) (Appendix B, pp. 17, 67).

59

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Demolition	5	13.00	0.00	4.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Site Preparation	2	5.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Grading	4	10.00	6.00	3,675.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	3	277.00	59.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Architectural Coating	6	55.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Paving	4	10.00	6.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT

As you can see in the excerpt above, the model calculated a default value of 4 demolition hauling trips. However, if the correct value of 4,350 square feet of demolition was inputted into the model, the default number of demolition hauling trips calculated would have been 20. Thus, the amount of demolition inputted into the model was underestimated. The total amount of demolition material is used by CalEEMod to determine emissions associated with this phase of construction. The three primary operations that generate dust emissions during the demolition phase are mechanical or explosive dismemberment, site removal of debris, and on-site truck traffic on paved and unpaved road.⁴ Therefore, by failing to account for the total required demolition, fugitive dust emissions, emissions from site removal, and exhaust emissions from hauling trucks traveling to and from the site, the model underestimates emissions. As a result, the DEIR’s air model should not be relied upon to determine Project significance.

Failure to Evaluate the Feasibility of Tier 4 Equipment

Review of the DEIR demonstrates that, as part of mitigation measure (MM) AIR-2, “all off-road equipment with diesel engines greater than 50 horsepower shall meet either United States Environmental Protection Agency or California Air Resources Board Tier IV Interim off-road emission standards” (p. 3.2-49). However, this is incorrect, as the DEIR fails to assess the feasibility of obtaining

60

⁴ “CalEEMod User’s Guide.” CAPCOA, November 2017, available at: <http://www.caleemod.com/>, Appendix A, p. 8.

Tier 4 Interim equipment. Due to the limited number of Tier 4 Interim construction equipment available, the DEIR should have assessed the feasibility in obtaining equipment with Tier 4 Interim engines for construction equipment.

The U.S. EPA's 1998 off-road engine emission standards were structured as a three-tiered progression. Tier 1 standards were phased-in from 1996 to 2000 and Tier 2 emission standards were phased in from 2001 to 2006. Tier 3 standards, which applied to engines from 37-560 kilowatts (kW) only, were phased in from 2006 to 2008. The Tier 4 emission standards were introduced in 2004 and were phased in from 2008 to 2015.⁵ These tiered emission standards, however, are only applicable to newly manufactured off-road equipment. According to the U.S. EPA, "if products were built before EPA emission standards started to apply, they are generally not affected by the standards or other regulatory requirements."⁶ Therefore, pieces of equipment manufactured prior to 2000 are not required to adhere to Tier 2 emission standards, and pieces of equipment manufactured prior to 2006 are not required to adhere to Tier 3 emission standards. Construction equipment often lasts more than 30 years; as a result, Tier 1 equipment and non-certified equipment are currently still in use.⁷ It is estimated that of the two million diesel engines currently used in construction, 31 percent were manufactured before the introduction of emissions regulations.⁸

Although Tier 4 engines are currently being produced and installed in new off-road construction equipment, the vast majority of existing diesel off-road construction equipment in California is not equipped with Tier 4 engines.⁹ In a 2010 white paper, the California Industry Air Quality Coalition estimated that approximately 7% and less than 1% of all off-road heavy duty diesel equipment in California was equipped with Tier 2 and Tier 3 engines, respectively.¹⁰ Similarly, based on information and data provided in the *San Francisco Clean Construction Ordinance Implementation Guide for San Francisco Public Projects*, the availability of Tier 3 equipment is extremely limited. In 2014, 25% of all off-road equipment in the state of California were equipped with Tier 2 engines, approximately 12% were equipped with Tier 3 engines, approximately 18% were equipped with Tier 4 Interim engines, and only 4% were equipped with Tier 4 Final engines (see excerpt below).¹¹

⁵ Emission Standards, Nonroad Diesel Engines, *available at:*

<https://www.dieselnets.com/standards/us/nonroad.php#tier3>

⁶ "Frequently Asked Questions from Owners and Operators of Nonroad Engines, Vehicles, and Equipment Certified to EPA Standards." United States Environmental Protection Agency, August 2012. *Available at:*

<http://www.epa.gov/oms/highway-diesel/regs/420f12053.pdf>

⁷ "Best Practices for Clean Diesel Construction." Northeast Diesel Collaborative, August 2012. *Available at:*

<http://northeastdiesel.org/pdf/BestPractices4CleanDieselConstructionAug2012.pdf>

⁸ Northeast Diesel Collaborative Clean Construction Workgroup, *available at:*

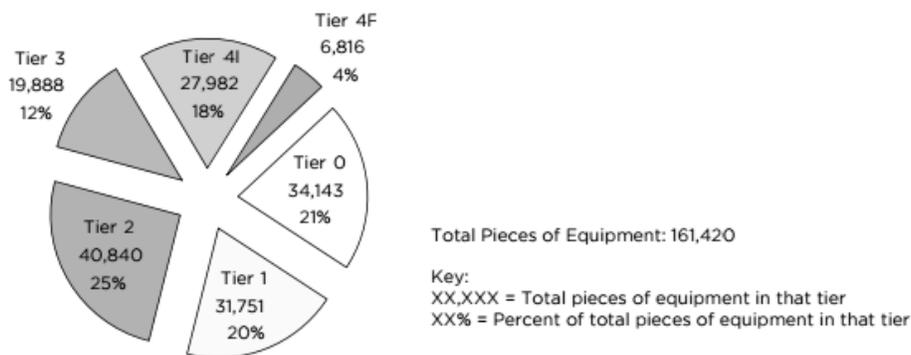
<http://northeastdiesel.org/construction.html>

⁹ California Industry Air Quality Coalition White Paper, p. 3, *available at:* http://www.agc-ca.org/uploadedFiles/Member_Services/Regulatory-Advocacy-Page-PDFs/White_Paper_CARB_OffRoad.pdf

¹⁰ "White Paper: An Industry Perspective on the California Air Resources Board Proposed Off-Road Diesel Regulations." Construction Industry Air Quality Coalition, *available at:* http://www.agc-ca.org/uploadedFiles/Member_Services/Regulatory-Advocacy-Page-PDFs/White_Paper_CARB_OffRoad.pdf

¹¹ "San Francisco Clean Construction Ordinance Implementation Guide for San Francisco Public Projects." August 2015, *available at:*

Figure 4: 2014 Statewide All Fleet Sizes (Pieces of Equipment)



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As demonstrated in the figure above, Tier 4 Interim equipment only accounts for 18% of all off-road equipment currently available in the state of California. Thus, by stating that the Project proposes to use Tier 4 Interim equipment during construction, the DEIR is relying on a fleet of construction equipment that only accounts for 18% of all off-road equipment currently available in the state of California. Therefore, by failing to evaluate the feasibility of implementing Tier 4 Interim equipment, the Project’s construction emissions are underestimated. Thus, the significance determination made within the DEIR should not be relied upon to determine Project significance.

Failure to Include All Material Export

Review of the Project’s CalEEMod output files demonstrates that the model fails to include the total amount of material export expected to occur during the grading phase of construction. As a result, the Project’s construction-related emissions are underestimated.

According to the DEIR, “29,400 cubic yards of material would be cut, and 400 cubic yards would be used for fill” (p. 2-32). However, review of the Project’s CalEEMod output files demonstrates that only 29,000 cubic yards of material export and 400 cubic yards of material import was inputted into the model (see excerpt below) (Appendix B, pp. 9, 37, 46, 61).

61

Table Name	Column Name	Default Value	New Value
tblGrading	MaterialExported	0.00	29,000.00
tblGrading	MaterialImported	0.00	400.00

As you can see in the excerpt above, the model underestimates the amount of material export by 400 cubic yards. This underestimation presents a significant issue, as the inclusion of the entire amount of material export within the model is necessary to calculate emissions produced from material movement, including truck loading and unloading, and additional hauling truck trips.¹² As a result, emissions generated during Project construction are underestimated.

https://www.sfdph.org/dph/files/EHSdocs/AirQuality/San_Francisco_Clean_Construction_Ordinance_2015.pdf, p.

6

¹² CalEEMod User’s Guide, available at: http://www.aqmd.gov/docs/default-source/caleemod/upgrades/2016.3/01_user-39-s-guide2016-3-1.pdf?sfvrsn=2, p. 3, 26.

Incorrect Sunday Trip Rates

Review of the Project’s CalEEMod output files demonstrates that the Sunday trip rates for the Apartments are underestimated. As a result, the Project’s mobile-source operational emissions are underestimated.

According to the DEIR and “detailed in the TIA, the project is expected to generate approximately 1,800 net daily vehicle trips” (p. 3.7-39). However, review of the Project’s CalEEMod output files demonstrates that the Sunday trip rates are underestimated (see excerpt below) (Appendix B, pp. 40, 83).

4.2 Trip Summary Information

Land Use	Average Daily Trip Rate			Unmitigated	Mitigated
	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Apartments Mid Rise	1,800.56	1,965.28	1,516.56	4,119,231	4,119,231
Enclosed Parking with Elevator	0.00	0.00	0.00		
Other Asphalt Surfaces	0.00	0.00	0.00		
Other Non-Asphalt Surfaces	0.00	0.00	0.00		
Other Non-Asphalt Surfaces	0.00	0.00	0.00		
Total	1,800.56	1,965.28	1,516.56	4,119,231	4,119,231

As you can see in the excerpt above, the total number of daily trips calculated for Sunday was underestimated by approximately 283 trips. This is inconsistent with the information provided in the TIA, and thus, the Sunday trip rate for the mid-rise apartments was underestimated within the model. As a result, the Project’s operational emissions are underestimated and should not be relied upon to determine Project significance.

Unsubstantiated Construction Equipment Mitigation

Review of the Project’s CalEEMod output files demonstrates that the model included construction equipment mitigation that was not properly justified by the DEIR, and as a result the model may underestimate the Project’s construction emissions.

According to the “User Entered Comments & Non-Default Data” table in the Project’s CalEEMod output files, the fuel types for the crane and forklift were manually changed from diesel to electrical and compressed natural gas (CNG), respectively (see excerpt below) (Appendix B, pp. 9, 60).

Table Name	Column Name	Default Value	New Value
tblConstDustMitigation	WaterUnpavedRoadVehicleSpeed	0	15
tblConstEquipMitigation	FuelType	Diesel	Electrical
tblConstEquipMitigation	FuelType	Diesel	CNG

As you can see, the fuel types for two pieces of equipment were changed as a construction equipment mitigation. To justify this, the DEIR states “[c]onsistent with applicant-provided information, it was assumed that cranes would be powered by electricity, and forklifts would be powered by liquid propane or compressed natural gas...Source: CalEEMod Output (see Appendix B)” (p. 3.2-38). Thus, the DEIR simply “assumed that cranes would be powered by electricity, and forklifts would be powered by liquid propane or compressed natural gas,” without demonstrating a commitment to the mitigation measure. Furthermore, according to the User Entered Comments, the justification for this mitigation is “[a]djusted fuel types for forklift and crane to match applicant-provided data” (Appendix B, pp. 9). However, the

62

63

DEIR fails to include “applicant-provided data” stating that the Project will utilize forklifts powered by compressed natural gas and cranes powered by electricity. As a result, the change cannot be verified, and the model may underestimate the Project’s construction emissions.

63
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Unsubstantiated Operational Mitigation Measures

Review of the Project’s CalEEMod output files demonstrates that the Project’s emissions were modeled with an unsubstantiated water-related mitigation measure (see excerpt below) (Appendix B, pp. 32, 43, 52, 92).

7.1 Mitigation Measures Water

Apply Water Conservation Strategy

As you can see in the excerpt above, the Project’s operational emissions were modeled assuming the application of a water conservation strategy. As previously stated, the CalEEMod User’s Guide requires that any non-default values inputted must be justified.¹³ According to the “User Entered Comments & Non-Default Data” table of the CalEEMod output files, this mitigation measure is justified through compliance with Green Building Code Standards and California Model Water Efficient Landscape Ordinance (Appendix B, pp. 37, 46, 86). However, the DEIR fails to mention this mitigation measure or demonstrate how the proposed Project will comply with the Green Building Code or the California Model Water Efficient Landscape. Simply stating that these policies exist does not guarantee that the Project would comply. Furthermore, the Green Building Code is a mandatory state-wide code required for all projects in the state. The proposed Project cannot claim benefits for something that every project must implement, as this is not unique to the Project. As a result, emissions may be underestimated and the DEIR’s less than significant conclusion regarding the Project’s air quality impact should not be relied upon.

64

Furthermore, review of the Project’s CalEEMod output files demonstrates that the Project’s emissions were modeled with an unsubstantiated waste-related mitigation measure (see excerpt below) (Appendix B, pp. 34, 44, 52, 93).

8.1 Mitigation Measures Waste

Institute Recycling and Composting Services

As you can see in the excerpt above, the Project’s operational emissions were modeled assuming the institution of recycling and composting services. This is incorrect for several reasons. First, as previously stated, the CalEEMod User’s Guide requires that any non-default values inputted must be justified.¹⁴ According to the “User Entered Comments & Non-Default Data” table of the CalEEMod output files, the

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¹³ CAPCOA (November 2017) CalEEMod User’s Guide, http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 13.

¹⁴ CAPCOA (November 2017) CalEEMod User’s Guide, http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 13.

justification for this change is: “75% state mandate for recycling-AB 341 (26% reduction)” (Appendix B, pp. 37, 46, 86). However, the DEIR completely fails to mention AB 341, the 75% state mandate, or the 26% reduction. The mitigation measure cannot be verified if the DEIR does not demonstrate a commitment to its implementation. Second, the DEIR fails to mention composting at all. Implementing a mitigation measure that involves the implementation of both recycling *and composting* is thus, unsubstantiated, and the air model may be underestimated. As a result, the DEIR’s less than significant conclusion regarding the Project’s air quality impacts should not be relied upon.

65
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Diesel Particulate Matter Health Risk Emissions Inadequately Evaluated

The DEIR conducts a construction health risk assessment (HRA) and determines that the construction-related health risk posed to the maximally exposed individual receptor (MEIR) would be approximately 19.7, 2.9, and 0.4 in one million for the infant, child, and adult stages of life, respectively (see excerpt below) (p. 3.2-46).

Table 3.2-18: Estimated Health Risks and Hazards during Construction (Unmitigated Equipment)

Source	Cancer Risk (risk per million)	Chronic Non-Cancer Hazard Index ⁽²⁾	Annual PM _{2.5} Concentration (µg/m ³)
Risks and Hazards at the MIR: Infant ⁽¹⁾	19.7	0.02	0.08
Risks and Hazards at the MIR: Child ⁽¹⁾	2.9	0.02	0.08
Risks and Hazards at the MIR: Adult ⁽¹⁾	0.4	0.02	0.08
BAAQMD Thresholds of Significance	10	1	0.30
Exceeds Individual Source Threshold?	Yes	No	No
Notes: MIR = maximum impacted sensitive receptor (1) The MIR is an existing dwelling unit within the multi-family residences, located adjacent to the project site to the east and off Roble Road. (2) Chronic non-cancer hazard index was estimated by dividing the annual DPM concentration (as PM _{2.5} exhaust) by the REL of 5 µg/m ³ . Source: Appendix B.			

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Thus, the DEIR states that without mitigation, “the cancer risk for infants at the MIR would exceed the applicable threshold of significance. Therefore, MM AIR-3 is required to reduce the potential cancer risk impact” (p. 3.2-47). Thus, the DEIR conducts another HRA for construction utilizing this mitigation to achieve less than significant impacts (see excerpt below) (p. 3.2-47).

Table 3.2-19: Estimated Health Risks and Hazards during Construction (Mitigated)

Source	Cancer Risk (risk per million)	Chronic Non-Cancer Hazard Index ⁽²⁾	Annual PM _{2.5} Concentration (µg/m ³)
Risks and Hazards at the MIR: Infant ⁽¹⁾	3.8	0.003	0.02
Risks and Hazards at the MIR: Child ⁽¹⁾	0.6	0.003	0.02
Risks and Hazards at the MIR: Adult ⁽¹⁾	0.1	0.003	0.02
BAAQMD Thresholds of Significance	10	1	0.30
Exceeds Individual Source Threshold?	No	No	No
Notes: MIR = maximum impacted sensitive receptor ⁽¹⁾ The MIR is an existing dwelling unit within the multi-family residences located adjacent to the project site to the east and off Roble Road. ⁽²⁾ Chronic non-cancer hazard index was estimated by dividing the annual DPM concentration (as PM _{2.5} exhaust) by the REL of 5 µg/m ³ . Source: Appendix B.			

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As you can see in the table above, the DEIR concludes that with the implementation of MM AIR-3 the health risk impacts are reduced to below 10 in one million. However, this analysis is incorrect. As previously discussed, the DEIR fails to evaluate the feasibility of MM AIR-3, which requires the use of Tier 4 Interim off-road construction equipment. As a result, the use of this mitigation is unsubstantiated in the DEIR and should not be relied upon. As such, without evaluating the feasibility of obtaining this equipment in an updated analysis, the DEIR cannot rely on MM AIR-3 to reduce the health risk for infants to less than significant levels.

Furthermore, review of the DEIR demonstrates that the DEIR failed to conduct a quantified HRA for Project operation. The DEIR attempts to justify this omission by stating,

“The project is residential in nature, and there would be no on-site TAC sources during operation. In addition, the daily vehicle trips generated by the project would be primarily generated by passenger vehicles. Passenger vehicles typically use gasoline engines rather than the diesel engines that are found in heavy-duty trucks. Compared to the combustion of diesel, the combustion of gasoline had relatively low emissions of DPM. Therefore, emissions from vehicles traveling to and from the project site during project operations would not be a considerable source of TACs. Consistent with BAAQMD guidance, this assessment does not provide an operational health risk analysis, and the project would not result in significant health impacts during operation” (pp. 202).

67

However, this significance finding is incorrect. By failing to prepare an operational HRA, the DEIR is inconsistent with recommendations set forth by the Office of Environmental Health and Hazard Assessment’s (OEHHA) most recent *Risk Assessment Guidelines: Guidance Manual for Preparation of*

Health Risk Assessments, which was formally adopted in March of 2015.¹⁵ The OEHHA guidance document describes the types of projects that warrant the preparation of a health risk assessment.¹⁶ Once construction of the Project is complete, the Project will operate for a long period of time. During operation, the Project will generate vehicle trips, which will generate additional exhaust emissions, thus continuing to expose nearby sensitive receptors to emissions. The OEHHA document recommends that exposure from projects lasting more than 6 months should be evaluated for the duration of the project, and recommends that an exposure duration of 30 years be used to estimate individual cancer risk for the maximally exposed individual resident (MEIR).¹⁷ Even though we were not provided with the expected lifetime of the Project, we can reasonably assume that the Project will operate for at least 30 years, if not more. Therefore, health risks from Project operation should have also been evaluated by the DEIR, as a 30-year exposure duration vastly exceeds the 6-month requirement set forth by OEHHA. These recommendations reflect the most recent health risk policy, and as such, an updated assessment of health risks posed to nearby sensitive receptors from Project operation should be included in a revised CEQA evaluation for the Project. In an effort to demonstrate the potential risk posed by the Project to nearby sensitive receptors, we prepared a simple screening-level operational HRA. The results of our assessment, as described below, demonstrate that operational DPM emissions may result in a potentially significant health risk impact that was not previously identified or evaluated within the DEIR.

67
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Finally, the DEIR fails to sum the cancer risk calculated for each age group. According to OEHHA guidance, “the excess cancer risk is calculated separately for each age grouping and then summed to yield cancer risk at the receptor location.”¹⁸ However, review of the construction HRA conducted in the DEIR demonstrates that, while each age bin was calculated, the DEIR failed to sum them to evaluate the total cancer risk over the course of the Project’s lifetime. This is incorrect and thus, an updated analysis should quantify the Project’s construction and operational health risks and then sum them to compare to the BAAQMD threshold of 10 in one million.¹⁹

68

Screening-Level Assessment Indicates Significant Impact

In an effort to demonstrate the potential health risk posed by Project construction and operation to nearby sensitive receptors, we prepared a simple screening-level HRA. The results of our assessment, as described below, provide substantial evidence that the Project’s construction and operational DPM emissions may result in a potentially significant health risk impact that was not previously identified.

69

¹⁵ “Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, *available at*: <https://oehha.ca.gov/media/downloads/cnr/2015guidancemanual.pdf>

¹⁶ “Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, *available at*: <https://oehha.ca.gov/media/downloads/cnr/2015guidancemanual.pdf>

¹⁷ “Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, *available at*: <https://oehha.ca.gov/media/downloads/cnr/2015guidancemanual.pdf> p. 8-6, 8-15.

¹⁸ “Guidance Manual for preparation of Health Risk Assessments.” OEHHA, February 2015, *available at*: <https://oehha.ca.gov/media/downloads/cnr/2015guidancemanual.pdf> p. 8-4

¹⁹ “California Environmental Quality Act Air Quality Guidelines.” BAAQMD, May 2017, *available at*: http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en

In order to conduct our screening level risk assessment, we relied upon AERSCREEN, which is a screening level air quality dispersion model.²⁰ The model replaced SCREEN3, and AERSCREEN is included in the OEHHA²¹ and the California Air Pollution Control Officers Associated (CAPCOA)²² guidance as the appropriate air dispersion model for Level 2 health risk screening assessments (“HRSA”). A Level 2 HRSA utilizes a limited amount of site-specific information to generate maximum reasonable downwind concentrations of air contaminants to which nearby sensitive receptors may be exposed. If an unacceptable air quality hazard is determined to be possible using AERSCREEN, a more refined modeling approach is required prior to approval of the Project.

We prepared a preliminary HRA of the Project’s construction and operational health-related impact to sensitive receptors using the annual PM_{2.5} exhaust estimates from the SWAPE annual CalEEMod output files. According to the DEIR, the closest residential receptor is located approximately 20 feet, or 6 meters, east of the Project site (p. 3.2-14). The closest receptor distance when utilizing AERSCREEN is 25 meters, so we used this distance value to evaluate health risk to the closest exposed residential receptor. Consistent with recommendations set forth by OEHHA, we assumed that residential exposure begins during the third trimester stage of life. The SWAPE construction CalEEMod output files indicate that construction activities will generate approximately 77 pounds of DPM over the approximately 720-day construction period. The AERSCREEN model relies on a continuous average emission rate to simulate maximum downward concentrations from point, area, and volume emission sources. To account for the variability in equipment usage and truck trips over Project construction, we calculated an average DPM emission rate by the following equation:

$$\text{Emission Rate} \left(\frac{\text{grams}}{\text{second}} \right) = \frac{76.82 \text{ lbs}}{720 \text{ days}} \times \frac{453.6 \text{ grams}}{\text{lbs}} \times \frac{1 \text{ day}}{24 \text{ hours}} \times \frac{1 \text{ hour}}{3,600 \text{ seconds}} = \mathbf{0.0005601 \text{ g/s}}$$

Using this equation, we estimated a construction emission rate of 0.00056 grams per second (g/s). Subtracting the 720-day construction duration from the total residential duration of 30 years, we assumed that after Project construction, the MEIR would be exposed to the Project’s operational DPM for an additional 28.03 years approximately. SWAPE’s updated operational CalEEMod emissions indicate that operational activities will generate approximately 71 pounds of DPM per year throughout operation. Applying the same equation used to estimate the construction DPM rate, we estimated the following emission rate for Project operation:

$$\text{Emission Rate} \left(\frac{\text{grams}}{\text{second}} \right) = \frac{71 \text{ lbs}}{365 \text{ days}} \times \frac{453.6 \text{ grams}}{\text{lbs}} \times \frac{1 \text{ day}}{24 \text{ hours}} \times \frac{1 \text{ hour}}{3,600 \text{ seconds}} = \mathbf{0.0010 \text{ g/s}}$$

Using this equation, we estimated an operational emission rate of 0.001 g/s. Construction and operational activity was simulated as a 2.37-acre rectangular area source in AERSCREEN with dimensions

²⁰ “AERSCREEN Released as the EPA Recommended Screening Model,” USEPA, April 11, 2011, *available at*: http://www.epa.gov/ttn/scram/guidance/clarification/20110411_AERSCREEN_Release_Memo.pdf

²¹ “Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, *available at*: <https://oehha.ca.gov/media/downloads/cnr/2015guidancemanual.pdf>

²² “Health Risk Assessments for Proposed Land Use Projects,” CAPCOA, July 2009, *available at*: http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA_HRA_LU_Guidelines_8-6-09.pdf

of 100 meters by 96 meters. A release height of three meters was selected to represent the height of exhaust stacks on operational equipment and other heavy-duty vehicles, and an initial vertical dimension of one and a half meters was used to simulate instantaneous plume dispersion upon release. An urban meteorological setting was selected with model-default inputs for wind speed and direction distribution.

The AERSCREEN model generates maximum reasonable estimates of single-hour DPM concentrations from the Project site. EPA guidance suggests that in screening procedures, the annualized average concentration of an air pollutant be estimated by multiplying the single-hour concentration by 10%.²³ As previously stated, there are residential receptors located approximately 25 meters from the Project boundary. The single-hour concentration estimated by AERSCREEN for Project construction is approximately 1.332 $\mu\text{g}/\text{m}^3$ DPM at approximately 25 meters downwind. Multiplying this single-hour concentration by 10%, we get an annualized average concentration of 0.1332 $\mu\text{g}/\text{m}^3$ for Project construction at the nearest sensitive receptor. For Project operation, the single-hour concentration estimated by AERSCREEN is 2.430 $\mu\text{g}/\text{m}^3$ DPM at approximately 25 meters downwind. Multiplying this single-hour concentration by 10%, we get an annualized average concentration of 0.243 $\mu\text{g}/\text{m}^3$ for Project operation at the nearest sensitive receptor.

According to the DEIR,

“The BAAQMD has developed a set of guidelines for estimating cancer risks that provide adjustment factors that emphasize the increased sensitivities and susceptibility of young children to exposures to TACs.¹⁷ These adjustment factors include age-sensitivity weighting factors, age-specific daily breathing rates, and age-specific time-at-home factors” (p. 3.2-44).

Thus, we used age sensitivity factors (ASFs) in our HRA, consistent with the methodology utilized in the DEIR (Table 3.2-17, p. 3.2-45). Furthermore, in accordance with guidance set forth by OEHHA, we used the 95th percentile breathing rates for infants.²⁴ Finally, according to BAAQMD guidance, we used a Fraction of Time At Home (FAH) value of 0.85 for the 3rd trimester and infant receptors, 0.72 for child receptors, and 0.73 for the adult receptors.²⁵ We used a cancer potency factor of 1.1 (mg/kg-day)⁻¹ and an averaging time of 25,550 days. Consistent with OEHHA guidance, exposure to the MEIR was assumed

²³ “Screening Procedures for Estimating the Air Quality Impact of Stationary Sources Revised.” EPA, 1992, *available at*: http://www.epa.gov/ttn/scram/guidance/guide/EPA-454R-92-019_OCR.pdf; *see also* “Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, *available at*: <https://oehha.ca.gov/media/downloads/cnr/2015guidancemanual.pdf> p. 4-36.

²⁴ “Supplemental Guidelines for Preparing Risk Assessments for the Air Toxics ‘Hot Spots’ Information and Assessment Act,” June 5, 2015, *available at*: <http://www.aqmd.gov/docs/default-source/planning/risk-assessment/ab2588-risk-assessment-guidelines.pdf?sfvrsn=6>, p. 19.

“Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, *available at*: <https://oehha.ca.gov/media/downloads/cnr/2015guidancemanual.pdf>

²⁵ “Air Toxics NSR Program Health Risk Assessment (HRA) Guidelines.” BAAQMD, January 2016, *available at*: http://www.baaqmd.gov/~media/files/planning-and-research/rules-and-regs/workshops/2016/reg-2-5/hra-guidelines_clean_jan_2016-pdf.pdf?la=en

to begin in the third trimester to provide the most conservative estimate of air quality hazards. The results of our calculations are shown below.

The Closest Exposed Individual at an Existing Residential Receptor

Activity	Duration (years)	Concentration (ug/m3)	Breathing Rate (L/kg-day)	ASF	Cancer Risk with ASFs*
Construction	0.25	0.1332	361	10	1.5E-06
3rd Trimester Duration	0.25			3rd Trimester Exposure	1.5E-06
Construction	1.72	0.1332	1090	10	3.2E-05
Operation	0.28	0.243	1090	10	9.4E-06
Infant Exposure Duration	2.00			Infant Exposure	4.1E-05
Operation	14.00	0.243	572	3	6.3E-05
Child Exposure Duration	14.00			Child Exposure	6.3E-05
Operation	14.00	0.243	261	1	9.8E-06
Adult Exposure Duration	14.00			Adult Exposure	9.8E-06
Lifetime Exposure Duration	30.00			Lifetime Exposure	1.2E-04

As indicated in the table above, the excess cancer risk posed to adults, children, infants, and during the third trimester of pregnancy at the closest receptor, located approximately 25 meters away, over the course of Project construction and operation, utilizing age sensitivity factors, are approximately 9.8, 63, 41, and 1.5 in one million, respectively. The excess cancer risk over the course of a residential lifetime (30 years) at the closest receptor is approximately 120 in one million.

An agency must include an analysis of health risks that connects the Project’s air emissions with the health risk posed by those emissions. Our analysis represents a screening-level HRA, which is known to be conservative and tends to err on the side of health protection.²⁶ The purpose of the screening-level construction HRA shown above is to demonstrate the link between the proposed Project’s emissions and the potential health risk. Our screening-level HRA demonstrates that construction of the Project could result in a potentially significant health risk impact, when correct exposure assumptions and up-to-date, applicable guidance are used. Therefore, since our screening-level construction HRA indicates a potentially significant impact, the City should prepare an EIR with a revised HRA which makes a reasonable effort to connect the Project’s air quality emissions and the potential health risks posed to nearby receptors. Thus, the City should prepare an updated, quantified air pollution model as well as an

²⁶ “Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, available at: <https://oehha.ca.gov/media/downloads/cnr/2015guidancemanual.pdf>, p. 1-5

updated, quantified refined health risk assessment which adequately and accurately evaluates health risk impacts associated with both Project construction and operation.

69
CONT.

Greenhouse Gas

Failure to Adequately Assess Greenhouse Gas Impacts

The DEIR determines that the proposed Project would have a less than significant GHG impact as a result of quantifying emissions to compare to the BAAQMD 2020 and 2030 thresholds. Specifically, the DEIR states,

“[T]he project would not exceed the BAAQMD’s threshold of 4.6 MT CO₂e/service population/year or the projected 2.6 MT CO₂e/service population/year for the 2030 GHG emissions. Therefore, the impact related to construction and operational GHG emissions would be less than significant” (pp. 345).

Furthermore, the DEIR evaluates the Project’s emissions based on consistency with the Contra Costa County CAP. Specifically, the DEIR states,

“The CAP identifies specific measures on how the County can achieve a GHG reduction target of 15 percent below baseline levels by the year 2020. In addition to reducing GHG emissions, the CAP includes proposed policies and actions to improve public health and provide additional community benefits, and it lays the groundwork for achieving long-term GHG reduction goals for 2020 and 2035” (DEIR, p. 3.7-38).

These justifications and subsequent less than significant impact finding are incorrect and unsubstantiated for several reasons:

- (1) The Contra Costa County CAP cannot be relied upon to determine Project significance;
- (2) Notwithstanding the DEIR’s use of incorrect and unsubstantiated analysis to estimate the Project’s GHG emissions, it nevertheless demonstrates that the Project exceeds thresholds; and
- (3) Updated analysis demonstrates a significant impact not previously identified or addressed by the DEIR.

(1) The Contra Costa County CAP is Not Applicable to the Project

As previously mentioned, the DEIR evaluates the Project’s consistency with the Contra Costa County CAP. However, review of the DEIR and CAP demonstrates that the CAP fails to include targets beyond 2020.

Given the construction schedule, the Project is not anticipated to become operational until 2022 (p. 3.7-40). However, the Contra Costa County CAP is only applicable to projects that will be fully operational by 2020. Because the CAP fails to include an emissions reduction target for 2030, it is therefore not applicable to the proposed Project.

70

71

(2) Incorrect and Unsubstantiated Analysis of Greenhouse Gas Emissions Demonstrates Significant GHG Impact

In addition to the Project’s evaluation of consistency with the Contra Costa County CAP, the DEIR attempts to compare the Project’s annual GHG emissions to the applicable BAAQMD threshold.

Review of the DEIR demonstrates that the GHG analysis evaluates emissions for both 2022 and 2030 (see excerpt below) (p. 3.7-44).

Table 3.7-5: Project Operational GHG Emissions (Unmitigated)

Emission Source	Year 2022 Total Emissions (MT CO ₂ e per year)	Year 2030 Total Emissions (MT CO ₂ e per year)
Area	9	9
Energy	615	493
Mobile	1,599	1,269
Waste	49	49
Water	45	39
Amortized Construction Emissions	29	29
Total Project Emissions	2,346	1,888
Service Population (Employees + Residents)	823	823
Project Emission Generation (MT CO₂e/service population/year)	2.9	2.3*
BAAQMD 2017 Threshold (MT CO₂e/service population/year)	4.6	2.6
Does Project exceed threshold?	No	No
Notes: MT CO ₂ e = metric tons of carbon dioxide equivalent. * Adjusted threshold to account for 2017 Scoping Plan Update 40% Reduction Goal by 2030 Source of Emissions: CalEEMod Output (Appendix B)		

72

As you can see in the excerpt above, the DEIR concludes that the Project will produce 2,346 MT CO₂e/year at Project buildout in 2022 and 1,888 MT CO₂e/year at the year 2030. However, this GHG analysis is incorrect for several reasons.

First, as previously discussed, the DEIR’s CalEEMod model relies upon incorrect input parameters to estimate the Project’s criteria air pollutant and GHG emissions, resulting in an underestimation of Project emissions. Therefore, we find the DEIR’s quantitative GHG analysis to be incorrect and unreliable.

Second, the DEIR’s “[a]djusted threshold to account for 2017 Scoping Plan Update 40% Reduction Goal by 2030” is unsubstantiated for several reasons. First, as stated by the DEIR, this 40% reduction is merely a goal, which the DEIR has failed to prove will actually be achieved. Without an analysis of this goal’s

73

progress and justification that it will be achieved, this is unsubstantiated. Furthermore, a “project should not subsidize or take credit for emissions reductions which would have occurred regardless of the project.”²⁷ As an attempt to demonstrate compliance with the 2017 Climate Change Scoping Plan Update, the DEIR lists several measures, none of which are specific to or attempted to be achieved in the proposed Project. As such, the DEIR cannot merely assume these changes will occur and, furthermore, that the Project’s emissions will be reduced as a result. Unless an updated DEIR specifically indicates that these goals will be met as a result of specific measures implemented by the Project, this analysis cannot be relied upon.

73
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Finally, the DEIR’s reliance on the BAAQMD’s 2020 (2017) service population threshold of 4.6 MT CO₂e/SP/year is incorrect, because, as the DEIR and CalEEMod output files demonstrate, the Project’s construction would occur beyond 2020 and the Project would not become operational until at least 2022. Thus, the DEIR should have used the BAAQMD’s 2030 service population threshold of 2.6 MT CO₂e/SP/year, as utilized by the DEIR to evaluate the Project’s 2030 emissions, to evaluate the Project’s 2022 emissions. If the updated threshold had been used to adequately evaluate the Project’s emissions, a significant impact would have been revealed that was not previously identified or addressed in the DEIR (see table below).

Annual Greenhouse Gas Emissions Efficiency		
Source	Project Emissions	Unit
DEIR Annual Emissions	2,346	MT CO ₂ e/year
Maximum Service Population	823	Residents & Employees
Per Service Population Annual Emissions	2.9	MT CO₂e/sp/year
2030 BAAQMD Efficiency Threshold	2.6	MT CO ₂ e/sp/year
Exceed?	Yes	-

74

As you can see in the table above, when we compare the per service population emissions estimated in the DEIR to the relevant BAAQMD threshold, the Project’s 2022 service population efficiency value of 2.9 MT CO₂e/SP/year exceeds the 2030 threshold of 2.6 MT CO₂e/SP/year. Thus, we find a significant impact not previously identified in the DEIR, and the results of our analysis provide substantial evidence that the proposed Project’s GHG emissions are still cumulatively considerable notwithstanding its purported compliance with the 2017 Scoping Plan Update and Contra Costa County CAP (as challenged herein). Therefore, an updated CEQA analysis must be prepared for the Project, and mitigation should be implemented where necessary, per CEQA guidelines.

²⁷ CAPCOA (Aug. 2010) Quantifying Greenhouse Gas Mitigation Measures, p. 433 (“... if there is a rule that requires, for example, increased energy efficiency in a new building, the project proponent cannot count that increased efficiency as a mitigation or credit unless the project goes beyond what the rule requires; and in that case, only the efficiency that is in excess of what is required can be counted.”), <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>.

(3) Updated Greenhouse Gas Analysis Demonstrates Significant Impact

Notwithstanding the flawed GHG evaluation discussed above, applicable thresholds and site-specific modeling demonstrate that the Project will have a significant GHG impact. The updated CalEEMod output files, modeled by SWAPE with Project-specific information, disclose the Project’s mitigated emissions, which include approximately 960 MT CO₂e/year of total construction emissions (sum of on-site construction and off-site road improvements) and approximately 2,381 MT CO₂e/year (sum of 2020, 2021, and 2022) MT CO₂e/year of annual operational emissions (sum of area, energy, mobile, waste, and water-related emissions). When we divide the Project’s amortized construction and operational GHG emissions by the service population of 823 people, we find that the Project would emit approximately 2.93 MT CO₂e/SP/year. This exceeds the BAAQMD 2030 threshold of 2.6 MT CO₂e/SP/year, as indicated by the DEIR (see table below).

RDEIR Annual Greenhouse Gas Emissions		
Project Phase	Proposed Project	Units
Construction (amortized over 30 years)	32.01	MT CO ₂ e/SP/year
Area	8.89	MT CO ₂ e/SP/year
Energy	614.65	MT CO ₂ e/SP/year
Mobile	1634.87	MT CO ₂ e/SP/year
Waste	65.70	MT CO ₂ e/SP/year
Water	56.78	MT CO ₂ e/SP/year
Total	2,412.90	MT CO₂e/SP/year
Service Population	823	Residents & Employees
Per Service Population Annual Emissions	2.93	MT CO ₂ e/SP/year
BAAQMD 2030 Threshold	2.60	MT CO ₂ e/SP/year
Exceed?	Yes	-

75

As you can see in the table above, when we compare the Project’s per service population emissions, estimated by SWAPE’s Project-specific CalEEMod model, to the 2030 BAAQMD threshold of 2.6 MT CO₂e/SP/year, as indicated by the DEIR, we find that the Project’s emissions would exceed the threshold, thus resulting in a potentially significant impact not identified in the DEIR. According to CEQA Guidelines § 15064.4(b), if there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, a full CEQA analysis must be prepared for the project. The results of the above analysis provide substantial evidence that the proposed Project’s GHG emissions are still cumulatively considerable notwithstanding its purported compliance with the 2017 Scoping Plan Update and Contra Costa County CAP (as challenged herein). Therefore, an updated CEQA analysis must be prepared for the Project, and additional mitigation should be implemented where necessary, per CEQA guidelines.

SWAPE has received limited discovery regarding this project. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of

76

care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

76
CONT.

Sincerely,



Matt Hagemann, P.G., C.Hg.



Paul E. Rosenfeld, Ph.D.

Laborers International Union of North America Local Union 324 (LIUNA)

The Curriculum Vitae for persons consulted to prepare this letter are provided in Appendix B of this Final EIR. These persons include:

- Frances (Bud) J. Offermann III
- Kenneth Shawn Smallwood
- Matthew F. Hagemann
- Paul Rosenfeld

Appendix B of this Final EIR also includes the air quality outputs referenced throughout the “SWAPE Comments on the Del Hombro Apartments Project,” which is referred to as “Exhibit C” and provided as Comments LIUNA-55 through LIUNA-76.

Appendix C of this Final EIR includes air quality, greenhouse gas (GHG) emissions, and energy supporting information prepared in response to comments included in the LIUNA letter.

Response to LIUNA-1

The commenter asserts that the Draft EIR fails to analyze all environmental impacts and implement all necessary mitigation measures and requests that the City of Walnut Creek prepare a recirculated Draft EIR.

The project is within unincorporated Contra Costa County. Contra Costa County, not the City of Walnut Creek, is the lead agency for this project.

Please refer to Response to LIUNA-4 through Response to LIUNA-76 for detailed responses with regard to the adequacy of the Draft EIR and mitigation measures set forth and evaluated within the Draft EIR.

Response to LIUNA-2

The commenter provides a description of the project.

No response is required.

Response to LIUNA-3

The commenter provides background information about CEQA and the purposes of CEQA.

No response is required.

Response to LIUNA-4

This comment states that the Draft EIR fails to analyze and mitigate the potential adverse impacts of the project on indoor air quality.

The commenter has not presented substantial evidence that the presence of formaldehyde in composite wood products would result in a significant impact for this project. Furthermore, formaldehyde is subject to extensive regulations to address human health and environmental impacts, and the project and any procured building materials would be subject to these regulations to minimize formaldehyde emissions.

Formaldehyde use in composite wood products is regulated by both the EPA and the ARB through the Formaldehyde Emission Standard for Composite Wood Products and the Composite Wood Products Airborne Toxic Control Measure, respectively. These regulations limit the amount of formaldehyde emissions from hardwood, plywood, particleboard, and medium density fiberboard panels, and finished goods, such as furniture and cabinets fabricated with those materials. In addition, the California Green Building Standards Code (CALGreen) includes mandatory measures for building materials to limit formaldehyde emissions limits (e.g., CALGreen Section 4.504.5, Composite Wood Products). All materials purchased for the construction of the project would be required to comply with these limits, which would reduce any potential impacts from formaldehyde emissions.

Furthermore, the following laws and regulations help control and reduce formaldehyde emissions from building materials:

Toxic Substances Control Act

The Toxic Substances Control Act provides the EPA with the ability to require reporting, testing, and recordkeeping requirements and restriction for chemical substances and mixtures. Toxic Substances Control Act (TSCA) Title VI regulates formaldehyde emissions from composite wood products. In addition, significant new uses of formaldehyde are regulated pursuant to Section 5(a)(2) of TSCA, which are listed at 40 Code of Federal Regulations Part 721, Subpart E.

California Hazardous Waste Control Law

The Hazardous Waste Control Law is the primary hazardous waste status in the State of California, and implements Resource Conservation and Recovery Act (RCRA) as a “cradle-to-grave” waste management system for handling hazardous wastes in a manner that protects human health and the environment. The law specifies that generators have the primary duty to determine whether their waste is hazardous and to ensure proper management. The Hazardous Waste Control Law also establishes criteria for the reuse and recycling of hazardous waste used or reused as raw materials. The law exceeds federal requirements by mandating source reduction planning, and a much broader requirement for permitting facilities that treat hazardous waste. It also regulates a number of types of waste and waste management activities that are not covered by federal law.

Clean Water Act

The Clean Water Act (CWA) (Title 33 § 1251 *et seq.* of the United States Code [33 USC 1251, *et seq.*]) is the major federal legislation governing water quality. The CWA established the basic structure for regulating discharges of pollutants into waters of the United States (not including groundwater). The objective of the CWA is “to restore and maintain the chemical, physical, and biological integrity of the nation’s waters.” The CWA establishes the basic structure for regulating the discharge of pollutants into waters of the United States. Section 311(b)(2)(A) regulates release of hazardous substances, including formaldehyde. Formaldehyde is included on the list of designated hazardous substances (40 Code of Federal Regulations [CFR] 116.4), and a table of reportable quantities of hazardous substances along with liability provisions, applicability, and notice can be found at 40 Code of Federal Regulations 117.

Clean Air Act

Congress established much of the basic structure of the Clean Air Act in 1970 and made major revisions in 1977 and 1990. The air quality standards provide benchmarks for determining whether air quality is healthy at specific locations and whether development activities will cause or contribute to a violation of the standards. The federal standards were set to protect public health, including that of sensitive individuals; thus, the EPA is tasked with updating the standards as more medical research is available regarding the health effects of the criteria pollutants. Primary federal standards are the levels of air quality necessary, with an adequate margin of safety, to protect the public health. Formaldehyde is designated as a hazardous air pollutant and regulated pursuant to national emissions standards of Section 112 of the Clean Air Act.

Response to LIUNA-5

The commenter asserts that the Draft EIR fails to address the project's formaldehyde emissions from building materials, which is contrary to the Supreme Court's decision in *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 CA 4th 369, 386 (CBIA).

The California Supreme Court, in *California Building Industry Association v. Bay Area Air Quality Management District*, confirmed that CEQA is primarily concerned with the impacts of a project on the environment. Therefore, the evaluation of the significance of project impacts under CEQA in the Draft EIR properly focuses on impacts of the project on the environment and evaluates the "whole of the action." The project's construction and operational (including project generated trips and operation of the land uses) air pollutant emissions are evaluated in Section 3.2, Air Quality, of the Draft EIR. The new residential and recreational uses would be required to be built to and adhere to the relevant provisions of the latest adopted edition of CALGreen, including Sections 4.504.5 and 5.504.4.5, which set formaldehyde emissions limits for composite wood products.²⁹ Additionally, composite wood products manufactured in or imported to the United States are required to be certified and labeled as ARB Airborne Toxic Control Measures (ATCM) Phase II or TSCA Title VI compliant. As further explained above in Response to Comment LIUNA-4, formaldehyde is also subject to numerous State and federal regulations. CALGreen standards are discussed further in Sections 3.5 and 3.7 of the Draft EIR. Accordingly, as explained in Response to Comment LIUNA-4, existing regulations will reduce potential indoor air quality impacts to both inhabitants and construction workers and no further mitigation is necessary to reduce potential impacts.

The commenter has not provided any evidence of a potential impact on the environment related to indoor air quality issues. The commenter instead makes a general assertion that there may be an impact on human health. However, the commenter has not presented project specific substantial evidence of a significant environmental impact from the presence of formaldehyde in composite wood products in conjunction with this particular project. In addition, as explained above in Response to Comment LIUNA-4, formaldehyde is subject to extensive regulations to address environmental and human health impacts. The project would comply with all applicable regulations and standards; therefore, compliance with these regulations would result in a less than significant impact from the potential presence of formaldehyde in wood products used for the project.

²⁹ FirstCarbon Solutions (FCS). 2019 Del Hombre Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Page 5-3. September.

Accordingly, the County determines that the project specific analysis in the Draft EIR is adequate and finds that there is no evidence of a potentially significant impact related to indoor air quality.

Response to LIUNA-6

The commenter notes that there was not enough detail about FirstCarbon Solution's (FCS's) biological survey of the site and asserted there were discrepancies in the survey results. The commenter's letter makes reference to a memo prepared by Dr. Shawn Smallwood, which is included in the Final EIR as Comments LIUNA-33 through LIUNA-54.

The weather conditions during the January 7, 2019, survey was partly cloudy with an average temperature of 57°F (degrees Fahrenheit). Average wind speed was 4 miles per hour (mph). The duration of the survey was 1 hour, from 11:00 a.m. to noon. This additional information will be included in the Final EIR as part of the Errata (for both the Draft EIR and the Biological Resources Assessment [Appendix B of the Draft EIR]). It is worth noting that FCS and Dr. Smallwood conducted their field surveys during different times of the year, January and October, respectively. It is possible that the species observed on-site may be different during these months due to migration patterns, differences in life history, and availability of food resources. Consequently, general biological surveys in support of CEQA tend to focus on wildlife habitat to assess potential for species to occur while noting observed species during the visit.

Response to LIUNA-7

The commenter asserts that the DEIR should have analyzed project impacts on wildlife movement in the region rather than analyze the site as a wildlife movement corridor, and specifically points to migratory birds and bats.

CEQA Guidelines Appendix G Checklist Question 4(d) (which was evaluated in Impact BIO-4 in Section 3.3, Biological Resources, of the Draft EIR), states, does the project "interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?" While the project would result in loss of local wildlife habitat, it would not significantly interfere with wildlife movement for migratory birds and bats. Suitable alternative stopover habitat for migratory birds can be found south of the project site at both Walden Park (0.5 mile southwest) and Heather Farms Park (0.7 mile southeast) and also exists within 5 miles of the project site, just outside the urban boundaries of the City of Walnut Creek. Such habitat is less fragmented, isolated, and prone to disturbance from human activities and therefore may be more desirable for some migratory species.

The movement of any terrestrial species or species with limited dispersal ability is likely already inhibited given the urban location of the project site within the expanse of the neighboring cities of Walnut Creek and Pleasant Hill. The project exists as an isolated wooded lot surrounded by extensive urban development on all sides. Thus, because of its isolated location, the project site does not meet the definition of a "migratory wildlife corridor."

Response to LIUNA-8

The commenter disagrees that the site would provide marginal roosting habitat for pallid bats.

FCS stands by its assessment that the project site contains marginal roosting habitat for pallid bats. The habitat present on-site is not optimal for roosting pallid bats, as described in the IUCN Red List of Threatened Species 2017 below.

Pallid bat is usually found in rocky, mountainous areas and near water. They are also found over more open, sparsely vegetated grasslands, and they seem to prefer to forage in the open. The pallid bat has three different roosts. The day roost is usually in a warm, horizontal opening such as in attics or rock cracks, the night roost is usually in the open, near foliage, and the hibernation roost, which is often in buildings, caves, or cracks in rocks.³⁰

Response to LIUNA-9

The commenter disagrees with the Draft EIR analysis of potential bird impacts because it focuses solely on nesting impacts while allegedly neglecting impacts on stopover habitat.

The project would not remove all trees on-site. Several large oak trees around the boundaries of the site will remain after construction. Additionally, several smaller ornamental trees are planned for planting as part of project landscaping on which birds could roost and, pursuant to MM BIO-5a, the project applicant would replace trees in accordance with the Tree Replacement Plan. These trees would provide stopover habitat for nesting birds. For further explanation of impacts to migratory birds, please refer to Response to LIUNA-7.

Response to LIUNA-10

The commenter disagrees with the list of special-status bird species considered in the Draft EIR because only impacts to burrowing owls were analyzed. They also state that the mistakes in the Draft EIR warrant correction in a recirculated Draft EIR.

The list of special-status bird species considered in the Draft EIR was determined based on standard industry practice for the preparation of an EIR, including a preliminary literature search of special-status species with potential to occur in the area, followed by observations by FCS Biologists during the January 7, 2019, field survey of the site. The literature search included a search of the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDDB), which is included in Appendix C of the Draft EIR. The CNDDDB search queried all special-status species recorded in the *Walnut Creek* 7.5-minute United States Geological Survey (USGS) quadrangle. Only one special-status bird species, burrowing owl, was recorded by the CNDDDB. No other special-status birds were observed during the site visit. In addition, it is worth noting that FCS and Dr. Smallwood conducted their field surveys during different times of the year, January and October respectively. It is possible that the species observed on-site may be different during these months due to migration patterns, differences in life history, and availability of food resources. Consequently, general biological surveys in support of CEQA tend to focus on wildlife habitat to assess potential for species to occur while noting observed species during the visit.

³⁰ Arroyo-Cabrales, J. and P.C. de Grammont. 2017. *Antrozous pallidus*. The IUCN Red List of Threatened Species 2017. Website: e.T1790A22129152. <http://dx.doi.org/10.2305/IUCN.UK.2017-2.RLTS.T1790A22129152.en>. Accessed December 12, 2019.

FCS agrees with the assertion that burrowing owl is unlikely to occur on the project site. Table 2 of the Biological Resource Assessment, included in Appendix C of the Draft EIR, states that burrowing owl is unlikely to occur due to the lack of suitable habitat.

Dr. Smallwood apparently observed birds recognized as federal Bird Species of Conservation Concern (BCC) during his October 2019 site visit that were previously not recorded or observed during FCS's biological assessment of the site (oak titmouse [*Baeolophus inornatus*] and Nuttall's woodpecker [*Picoides nuttallii*]). Neither species is listed under the California Endangered Species Act (CESA) or as a California Species of Special Concern (SCC) recognized by the CFDW. As a result, Dr. Smallwood's findings would not change FCS's analysis of impacts to special-status wildlife. MM BIO-1b would be sufficient to avoid impacts to these two and other bird species protected under the federal Migratory Bird Treaty Act (MBTA) that have potential to occur on-site.

Response to LIUNA-11

The commenter assumes that the baseline is incorrect because the Draft EIR did not count the number of birds flying through the site.

The baseline for analyzing impacts to biological resources is based on established industry standards, including, in part, a site specific biological reconnaissance survey performed on January 7, 2019, a subsequent site specific BRA, and a site specific Tree Inventory Report (included in Appendix C of the Draft EIR). This information provides a scientifically sound basis for establishing existing conditions necessary for an analysis of potential impacts. As explained in Responses to LIUNA-6 through Response to LIUNA-10, above, the Draft EIR adequately identifies and discusses potential impacts to species that may occur on-site. Accordingly, the baseline in the Draft EIR is both correct and appropriate.

Response to LIUNA-12

The commenter asserts that the Draft EIR fails to address potential adverse impacts to bird species from window collisions.

Concern that the project will result in mortality of protected bird species due to window collisions is valid. Dr. Smallwood's estimate of bird mortality is based on the assumption that each square meter of glass would result in 0.077 bird deaths per year, which would amount to 231 bird deaths annually for the entire project. Dr. Smallwood admits that "the study of window collisions remains in its early stages. Researchers have yet to agree universally on a collision rate metric." This estimate is based on national averages rather than local averages, which may differ greatly from one location to another. Dr. Smallwood's estimate does not take into account other factors that may influence the probability of birds colliding with glass windows, such as window spacing, opacity, glare, and weather conditions.

The project would consist of a residential apartment building. Reflective window material would be used that would not pose a greater hazard than any other typical residential structure in the project vicinity or in the greater Contra Costa Area. In addition, all external windows would likely be equipped with blinds or curtains for privacy and control of natural lighting. This would reduce window transparency when closed, partially or fully. Therefore, no additional mitigation measures are necessary.

Response to LIUNA-13

The commenter asserts that the project should include additional mitigation measures to lessen potential adverse impacts on migratory birds and bats.

As described in Section 3.3, Biological Resources, implementation of MM BIO-1a and MM BIO-1b would reduce potential impacts to migratory and nesting birds as well as roosting bats by requiring pre-construction surveys prior to removal of trees, demolition, or construction activities taking place during the nesting season. If an active nest is identified during the pre-construction survey, a protective buffer zone would be established by a qualified Biologist. Moreover, the project would not contribute to the permanent loss of roosting habitat or a loss of suitable foraging habitat. MM BIO-1a and MM BIO-1b are industry standard mitigation measures and are adequate and complete mitigation that address the impacts identified in the Draft EIR.

Response to LIUNA-14

The commenter asserts that the “City” should adopt compensatory mitigation measures to fiscally compensate the costs of animal injuries associated with the project and fund the facilities that will provide care.

It should be noted that the project is within Contra Costa County. The comment presumes that the project would have a quantifiable and significant impact (i.e. a “take”) on wildlife species, and proposes that the project should fund wildlife rehabilitation facilities to mitigate such an impact. However, the Draft EIR concludes that the project would not have a significant impact on wildlife, and, therefore, such a mitigation measure is not required. Please refer to Section 3.3, Biological Resources, for additional information.

Response to LIUNA-15

This comment asserts that the air quality modeling underestimates air quality impacts because it uses default values. The commenter also states that the output files were inconsistent with the modeling information provided in the Draft EIR.

The commenter does not provide specific examples of the alleged inconsistencies. Please refer to Response to CONTRA COSTA RESIDENTS-13 and Responses to LIUNA-16, LIUNA-19, LIUNA-59, LIUNA-61, and LIUNA-62 for additional information about the California Emissions Estimator Model (CalEEMod) inputs and how the project’s construction and operational emissions were accurately inputted and calculated.

Response to LIUNA-16

This comment states that not all construction activities stated in the Draft EIR were included in the modeling analysis. This comment states that the analysis did not include the “off-site roadway improvements” in the analysis, and that with the inclusion of those “off-site emissions,” air quality impacts could exceed the thresholds of significance.

Emissions from off-site roadway improvements were included in the construction emissions shown in Table 3.2-12 of the Draft EIR. A footnote explanation of this has been added to Table 3.2-12 in Section 3, Errata, of the Final EIR specifically stating the off-site roadway improvements were accounted for in the emissions shown. No further response is required.

Response to LIUNA-17

This comment states and lists input parameters for construction and operational emissions that the commenter asserts were not consistent from the Draft EIR to the modeling analysis, or were not adequately accounted for.

Please refer to Response to CONTRA COSTA RESIDENTS-13 and Response to LIUNA-19, LIUNA-59, LIUNA-61, LIUNA-62, LIUNA-63, LIUNA-64, and LIUNA-65.

Response to LIUNA-18

This comment states that the Draft EIR did not assess the feasibility of MM AIR-3 and did not model what would happen if Tier IV equipment were not available. In addition, the commenter asserts that the Draft EIR failed to conduct a quantified HRA for project operation.

Please refer to Response to CONTRA COSTA RESIDENTS-13 and LIUNA-19.

Response to LIUNA-19

This comment asserts that the toxic air contaminant (TAC) emissions associated with the operational phase of this residential project be evaluated and asserts that an operational HRA was not completed. The commenter cites the OEHHA *Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments*, which specifies that, “the process by which [air] Districts identify priority facilities for risk assessment involves consideration of potency, toxicity, quantity of emissions, and proximity to sensitive receptors.” The commenter used a screening-level analysis to estimate construction and operational HRA impacts that incorrectly yielded results that exceed the 10 in a million threshold.

The project would develop residential land uses that are not a substantial source of TAC emissions. Daily operational activities associated with the residents would generate nominal amounts of TACs, if any. The largest potential for TAC emissions from the project would occur from diesel-fueled vehicles driven by project residents. While it is possible that some portion of residents will drive diesel-fueled vehicles, these emissions would not be concentrated at the project site. Rather, all vehicle emissions would be dispersed throughout the local and regional roadways. In addition, the percentage of diesel-fueled vehicles driven by the proposed residents would be comparable to regional fleet mix, therefore the project would not cause a substantial increase in DPM emissions per typical VMT assumptions. Considering this information, it is highly unlikely that long-term operations of the residential uses would generate TAC emissions that expose sensitive receptors to substantial health risks. Consistent with the OEHHA guidelines referenced above, the nominal quantity of TAC emissions from the residential project do not trigger the need for an HRA for operational activities.

Response to LIUNA-20

This comment asserts that the cancer risk for each age group should be added together to calculate the sum over the lifetime of exposure.

The HRA evaluated the impacts associated with construction-related TAC emissions. Total construction activities are anticipated to last approximately 2 years, after which all project-related construction emissions would cease. For the purposes of a conservative analysis and pursuant to OEHHA’s HRA Guidelines, the Draft EIR HRA analysis assumed a worst-case exposure case where

construction activities commence with a 3rd trimester receptor and continue through the infant stage (i.e., 0-2 years old). This would estimate the worst-case exposure and health risk for any receptor.

Because construction activities would cease after 2 years, it would not be accurate or appropriate to continue to add the exposure for child and adult to the most conservative case described above. If a child or adult were exposed to the full project-related construction emissions, the impact would be less than the 3rd trimester and infant exposure. Thus, the Draft EIR analysis is accurate, conservative, and complies with the OEHHA HRA Guidelines. In addition, as shown in Table 3.2-19, the project's construction related health risks impacts would not exceed the BAAQMD's 10 in 1 million cancer risk threshold.

Response to LIUNA-21

This comment asserts that using Contra Costa County Climate Action Plan (CAP) is not applicable because the Contra Costa County CAP does not provide a target beyond 2020.

The description of the Contra Costa County CAP has been revised to reflect applicability through the year 2020. This revision is shown in Section 3, Errata, of the Final EIR. Furthermore, the Draft EIR evaluates the total project emissions against the 2020 BAAQMD efficiency threshold of 4.6 metric ton (MT) carbon dioxide equivalent (CO₂e)/service population (SP)/year as well as the projected 2030 efficiency threshold of 2.6 MT CO₂e/SP/year. As shown in Table 3.7-5 in the Draft EIR, the project in the target year 2030 would generate emissions less than the 2.6 SP threshold.

Response to LIUNA-22

This commenter asserts that the analysis should have used BAAQMD's 2030 SP threshold of 2.6 MTCO₂e/SP per year (MT CO₂e/SP/year) rather than the 2020 threshold of 4.6 MT CO₂e/SP/year. The commenter also states that the CalEEMod GHG emissions are incorrect. Lastly, the commenter states that relying on the 2017 Scoping Plan Update of 40 percent reduction by 2030 is unsubstantiated because that is "merely a goal."

Given that BAAQMD's most current and formally-adopted threshold is the 4.6 SP, for informational purposes, the Draft EIR compared the project's full buildout emissions in 2022 against the adopted threshold. However, it is acknowledged that the buildout year (2022) would be beyond the target year (2020) that the Assembly Bill 32 (AB 32) Scoping Plan established for the 4.6 SP threshold.

Thus, the Draft EIR also evaluated the project at Year 2030 using the new (but not yet formally adopted) 2.6 SP threshold. The 2.6 SP threshold is the "substantial progress" threshold for the region to meet Statewide 2030 reduction targets. By 2030, all projects should be able to demonstrate consistency with the threshold in order to support the achievement of Statewide reduction goals. Similar to the analysis that has been performed for the 2020 target in BAAQMD's jurisdiction, projects should be modeled in the target achievement year to determine compliance with the target. As such, Table 3.7-5 in the Draft EIR shows that the project in target year 2030 would generate emissions less than the 2.6 SP threshold.

With respect to incorrect input parameters, please refer to Response to CONTRA COSTA RESIDENTS-13, LIUNA-59, LIUNA-61, LIUNA-62, LIUNA-63, LIUNA-64, and LIUNA-65, which each address a specific, alleged

discrepancy between information provided in the Draft EIR and the output files. As discussed, the Draft EIR analysis is not only accurate, but conservative.

Response to LIUNA-23

The commenter performed their own modeling analysis and their analysis concludes the SP of the project would be greater than the 2030 SP thresholds of 2.6 MT CO₂e/SP/year.

By contrast, the analysis in the Draft EIR used project-specific information from the project applicant, the traffic study, and default parameters from CalEEMod only where project-specific information was not available. In other words, to avoid underestimating emissions, the Draft EIR relied on project-specific information and defaulted to CalEEMod's conservative assumptions when necessary. Thus, the Draft EIR analysis provides an accurate and conservative estimate of the project's short-term construction and long-term operational emissions.

The commenter's attempt to re-model the emissions is acknowledged and the differences likely reflect the fact that the commenter's analysis did not include project-specific information, which would provide a more accurate analysis than would all CalEEMod conservative defaults.

Response to LIUNA-24

The commenter concludes the comment letter.

No response is required.

Response to LIUNA-25

Francis Offermann provides an overview of indoor air quality impacts.

No response is required.

Response to LIUNA-26

This comment asserts that future project residents will be exposed to TAC emissions from building materials, specifically formaldehyde.

Please refer to Response to LIUNA-4.

Response to LIUNA-27

Francis Offermann summarizes the results of the California New Home Study with regard to outdoor air ventilation.

No response is required.

Response to LIUNA-28

Francis Offermann notes that MM NOI-2 requires the project to "include a code-compliant mechanical ventilation system that would permit windows to remain closed for prolonged periods."³¹

³¹ FirstCarbon Solutions (FCS). 2019. Del Hombre Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Page 3.11-29. September.

The commenter restates information already stated in the Draft EIR. No response is required.

Response to LIUNA-29

This comment states that the California Ambient Air Quality Standards (CAAQS) for PM_{2.5} will be exceeded in the project area and, therefore, there is a need for Minimum Efficiency Reporting Value (MERV) 13 or higher air ventilation systems.

The project would comply with the California Title 24 Building Code. There are no BAAQMD requirements regarding MERV filter ratings that would apply to the project. Air quality impacts were analyzed in the Draft EIR, which include the project's PM_{2.5} concentrations from construction activities (see Table 3.2-18), and found to be less than significant with incorporation of MM AIR-2 and MM AIR-3 (see Table 3.2-19).

Please refer to Response to LIUNA-4 regarding the commenter's note about indoor air quality.

Response to LIUNA-30

This comment recommends some mitigation measures to minimize the impacts on indoor air quality.

Please refer to Response to LIUNA-4.

Response to LIUNA-31

This comment recommends a mitigation measure to measure how much outdoor air is being allowed into the buildings and into the proposed residents' indoor air.

Please refer to Response to LIUNA-29.

Response to LIUNA-32

This comment recommends a mitigation measure to install air filtration to remove PM_{2.5} from the indoor air.

Please refer to Response to LIUNA-29.

Response to LIUNA-33

This is an introductory comment that summarizes the assertions in comments LIUNA-35 through LIUNA-54. Dr. Smallwood also provides his qualifications for preparing expert comments.

Please refer to Response to LIUNA-35 through Response to LIUNA-54 for detailed responses.

Response to LIUNA-34

Dr. Smallwood summarizes his site visit on October 16, 2019.

The comment does not address the adequacy of the Draft EIR. The comment is noted and will be provided to County decision makers.

Response to LIUNA-35

Dr. Smallwood asserts that not enough detail was provided concerning the January 7, 2019, biological site survey.

The weather conditions during the January 7, 2019, survey was partly cloudy with an average temperature of 57°F. Average wind speed was 4 mph. The duration of the survey was 1 hour from 11:00 am to noon. This additional information will be included in the Final EIR as part of the Errata (for both the Draft EIR and the Biological Resources Assessment [Appendix B of the Draft EIR]).

Response to LIUNA-36

Dr. Smallwood asserts that the FCS Biologist who surveyed the site misidentified eastern gray squirrel as California ground squirrel during their biological survey.

The survey conducted was a general biological survey and was within the range of both species. Therefore, it is possible the either squirrel was present during the site visit. However, neither species is protected by federal, State, or local regulations therefore, a potential misidentification would not result in significant impacts that were not evaluated in the Draft EIR.

Response to LIUNA-37

Dr. Smallwood questions the FCS Biologist's qualifications and the quality of the site survey because the commenter identified more species on-site than were identified by the FCS Biologist. The commenter also provides photos of the species identified during the October 2019 site visit.

Please refer to Response to LIUNA-6.

Response to LIUNA-38

Dr. Smallwood asserts that the DEIR should have analyzed project impacts on wildlife movement in the region rather than analyze the site as a wildlife movement corridor.

Please refer to Response to LIUNA-7.

Response to LIUNA-39

Dr. Smallwood disagrees that the site would provide marginal roosting habitat for pallid bats.

Please refer to Response to LIUNA-8.

Response to LIUNA-40

Dr. Smallwood disagrees with the Draft EIR analysis of potential bird impacts, because the analysis focuses solely on nesting impacts while neglecting impacts on stopover habitat. The commenter asserts that there is no other heavily wooded patch of habitat within 2 miles, so losing habitat at this site would be devastating to nesting and migrating birds.

The project would not remove all trees on-site. Several large oak trees around the boundaries of the site will remain after construction. Additionally, several smaller ornamental trees are planned for planting as part of project landscaping. For further explanation of impacts to migratory birds with respect to stopover habitat, please refer to Response to LIUNA-7.

Response to LIUNA-41

Dr. Smallwood disagrees with the list of special-status bird species considered in the Draft EIR because only impacts to burrowing owls were analyzed.

Please refer to Response to LIUNA-10.

Response to LIUNA-42

Dr. Smallwood provides an overview of the impact of window collisions of birds and asserts that the Draft EIR fails to address potential adverse impacts to bird species from window collisions and needs to be revised.

Please refer to Response to LIUNA-12.

Response to LIUNA-43

Dr. Smallwood asserts that the Draft EIR does not inform the public of bird use in the area, as no flight behavior surveys were prepared, and also expands further on window collision information.

Flight behavior studies of the project site were not conducted because the project is not expected to directly affect birds in flight. Flight behavior studies are most often a necessary requirement for airport projects where there exists the ever-present hazard of aircrafts colliding with birds. This project is not an airport project or a similar type of project that would present such a hazard, and therefore this analysis is not necessary. For discussion about potential impacts from window collisions, please refer to Response to LIUNA-12.

Response to LIUNA-44

Dr. Smallwood asserts that the Draft EIR fails to address potential adverse impacts to bird species from window collisions and provides a prediction for how many birds would collide with the building's windows.

Please refer to Response to LIUNA-12.

Response to LIUNA-45

Dr. Smallwood provides a list and description of collision factors he has found in scientific literature in an effort to support comment LIUNA-42, LIUNA-43, and LIUNA-44.

Please refer to Response to LIUNA-12.

Response to LIUNA-46

Dr. Smallwood provides general examples of ways to reduce bird-window collision impacts.

The comment does not specifically address the adequacy of the Draft EIR or identify any potentially significant adverse environmental impacts. The comment is noted and will be provided to County decision makers.

Response to LIUNA-47

Dr. Smallwood requests that the project adhere to building design guidelines regarding minimizing collision hazards.

Please refer to Response to LIUNA-12.

Response to LIUNA-48

Dr. Smallwood asserts that the Draft EIR contradicts itself regarding special-status bird species by concluding that cumulative impacts to special-status wildlife are precluded, though certain bird species were observed on-site.

Dr. Smallwood is correct that special-status species were observed on-site. However, this project site is within an urbanized area and the other projects included as part of the cumulative impacts evaluation are also within urbanized areas. Therefore, the Draft EIR's conclusion that the built-up nature of the previously listed areas precludes the possible cumulative impacts to biological resources related to special-status wildlife and plant species is accurate. Furthermore, as discussed in Section 3.3, Biological Resources, the projects included as part of the cumulative analysis would include standard pre-construction surveys and, if necessary, avoidance procedures would be required for cumulative projects with the potential to impact nesting birds and protected bat species.

Response to LIUNA-49

The commenter requests the Draft EIR be revised to reevaluate cumulative impacts to special-status species, such as birds and bats, and that any additional loss of wildlife habitat in the area should be regarded as contributive to significant impacts.

The project, along with the other identified cumulative projects, are within urbanized areas of Walnut Creek, Pleasant Hill, and Contra Costa County, and associated wildlife are habituated to urbanized conditions. In addition, with the exception of the California Department of Transportation (Caltrans) interstate improvements that consist of making improvements to the existing I-680, these developments are infill developments in areas that have been previously disturbed and are not pristine habitat. Furthermore, Contra Costa County includes extensive open space areas including Mount Diablo State Park and Briones Regional Park that contain undistributed habitat for special-status species. Suitable alternative stopover habitat for migratory birds can be found at Walden Park and Heather Farms Park and exist just outside the urban boundaries of the City of Walnut Creek. Such habitat is fragmented and prone to disturbance from human activities and therefore may be more desirable for some migratory species.

Response to LIUNA-50

The commenter requests the DEIR be revised to include a cumulative impacts analysis of window collisions.

The project site is entirely surrounded by urban development on all sides. The development projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1, Cumulative Projects, are mostly residential and commercial in nature. These projects would consist of buildings and reflective material predominately used for the windows that would not pose greater hazard than any other typical residential and commercial structures in the vicinity or the greater Contra Costa Area. In addition, all external windows would likely be equipped with blinds or curtains for privacy and control of natural lighting. This would reduce window transparency when closed, partially or fully. No additional mitigation measures are necessary.

Response to LIUNA-51

Dr. Smallwood notes that the project falls within the boundary of the Pacific Gas and Electric Company (PG&E) Bay Area Operations & Maintenance Habitat Conservation Plan (HCP) and suggests an analysis of the project with respect to the PG&E HCP may be warranted.

The commenter is correct that the project site lies within the coverage area of the PG&E HCP; this information will be included in Section 3, Errata, of the Final EIR. However, the project is not considered a “Covered Activity” under the PG&E HCP, and is not a PG&E lead project. Thus, the project does not qualify for evaluation pursuant to the PG&E HCP.³² No further response is required.

Response to LIUNA-52

The commenter requests that MM BIO-1 be revised to include detection surveys in advance of pre-construction surveys.

MM BIO-1a and MM BIO-1b are sufficient to avoid any potential impacts to nesting birds or roosting bats. Both mitigation measures call for pre-construction surveys prior to the start of construction. MM BIO-1a outlines the procedures for detecting whether roosting bats are present on the project site. MM BIO-1b calls for the removal of trees outside the nesting season and also requires that any active nests identified in the pre-construction survey be reported to a wildlife agency and an exclusion/buffer zone be established if necessary.

Response to LIUNA-53

The commenter requests bird surveys throughout the project area, collision fatality measurements post-construction, and that the Draft EIR be revised to include window collision mitigation that ties levels of compensatory mitigation to threshold fatality rates.

Please refer to Response to LIUNA-12.

Response to LIUNA-54

The commenter requests mitigation to fund wildlife rehabilitation facilities as compensation for wildlife injuries due to the project.

MM BIO-1a and MM BIO-1b are sufficient to avoid any potential impacts to nesting birds or roosting bats, and reduce impacts on special-status species to less than significant levels.

Response to LIUNA-55

This is an introductory comment that summarizes the assertions in comments LIUNA-56 through LIUNA-76; SWAPE, a technical consultant for LIUNA, asserts that an updated Draft EIR should be prepared to adequately assess and mitigate the potential air quality and health risk impacts the project may have on the surrounding environment.

Please refer to Response to LIUNA-56 through Response to LIUNA-76 for detailed responses.

³² United States Fish and Wildlife Service (USFWS). 2016. Pacific Gas and Electric Company (PG&E) Bay Area Operations and Maintenance Habitat Conservation Plan, Draft Environmental Assessment. Website: https://www.fws.gov/sacramento/outreach/2017/03-23/docs/PGE_Bay_Area_Ops-Maint_HCP_Draft_Environmental_Assessment.pdf. Accessed December 13, 2019.

Response to LIUNA-56

This comment states that the off-site improvements were not included in the air quality modeling and compared with the threshold of significance.

Please refer to Response to LIUNA-16.

Response to LIUNA-57

This comment states that the comparison with the BAAQMD's thresholds should use the maximum of the winter and summer emissions rather than the daily average emissions calculated from the total annual emissions.

In the Draft EIR analysis, daily average construction emissions were calculated consistent with BAAQMD's guidance and compared against BAAQMD's significance thresholds. Please refer to BAAQMD's CEQA Guidelines Table 2-1 where daily construction and operational thresholds are stated as "Average Daily Emissions (lbs/day)."³³ Thus, the Draft EIR relied on the appropriate BAAQMD methodology.

Response to LIUNA-58

This comment states that the information in the output files were not consistent with the information provided in the Draft EIR information.

Comment noted, but does not provide a specific topic to address. Please refer to Response to CONTRA COSTA RESIDENTS-13, LIUNA-59, LIUNA-61, and LIUNA-62, LIUNA-63, LIUNA-64, and LIUNA-65, which each address a specific discrepancy between information in the Draft EIR and the output files.

Response to LIUNA-59

This comment states that the demolition haul truck trips were incorrectly estimated by CalEEMod and should be 20 trips rather than 4 trips, which is shown in the Appendix B of the Draft EIR.

The demolition debris volume was reevaluated, and it was determined that revised demolition debris volume (4,350 square feet) would result in 19 demolition haul trips. The revised number of demolition haul trips does slightly increase construction emissions for regional air quality analysis, the HRA analysis, and total GHG emissions, but it does not change any of the significance determinations of the Draft EIR. Please refer to the revised calculations and off-model revisions to the analysis located in Appendix C of the Final EIR. Please refer to Section 3, Errata, of the Final EIR for changes to Tables 3.2-9, 3.2-12, and 3.2-13. The additional haul truck trips during demolition described above were incorporated into the construction HRA and resulted in a slight increase in the values shown in Table 3.2-16, but would not be substantial enough to cause a change to any of the health risks values shown in Table 3.2-14 and 3.2-15. Consequently, the Draft EIR's analysis is accurate.

³³ Bay Area Air Quality Management District (BAAQMD). 2017. California Environmental Quality Act Air Quality Guidelines. May.

Response to LIUNA-60

This comment states that the Draft EIR fails to assess the feasibility of obtaining Tier 4 Interim equipment.

Please refer to Response to CONTRA COSTA RESIDENTS-13.

Response to LIUNA-61

This comment states that the total amount of cut and fill included in the Draft EIR analysis (29,400 cubic yards for cut and 400 cubic yards for fill) was not represented in the CalEEMod modeling, and only 29,000 cubic yards of export and 400 cubic yards of import was modeled.

The project applicant confirmed that the 400 cubic yards of material needed for fill would come out of the 29,400 cubic yards of cut material. As such, the CalEEMod modeling correctly assumed 29,000 cubic yards of export (off of the project site) and also assumed 400 cubic yards of import (from within the project site) to account for on-site trips related to the transport of cut and fill materials on the project site.

Response to LIUNA-62

This comment states that Sunday trips are underestimated for the operational phase.

The reduction for transit, walk, and bike would still be applicable to Sundays given that some of the residents would use alternative modes of transportation for their Sunday trips. However, to provide a conservative estimate, which assumes trip reductions are only associated with work trips, modeling was revised without this reduction applied to the Sunday trip rate. Please see Section 3, Errata, of the Final EIR for changes to Table 3.2-14. The revised modeling did not result in any changes to the values shown in Table 3.2-15, so that table was not included in the Errata. This conservative assumption does not change any impact conclusions. The revised modeling is shown in Appendix C.1 of this Final EIR.

Response to LIUNA-63

The commenter states that the electrical crane and Compressed Natural Gas (CNG) forklift assumptions in the CalEEMod modeling are unsubstantiated and thus, the analysis underestimates construction emissions.

The use of an electric crane and CNG forklift during construction activities were confirmed with the project applicant and determined to be part of the project design. Clarification for this project design feature has been noted in Chapter, 2 Project Description, and this clarification is included in Section 3, Errata, of the Final EIR. Therefore, the assumptions are both substantiated and accurate.

Response to LIUNA-64

The commenter states that the “compliance with Green Building Code or the California Model Water Efficient Landscape” is not sufficient to justify use of the “Apply Water Conservation Strategy” in CalEEMod.

The project would comply with CALGreen and the California Model Water Efficient Landscape Ordinance. This has been noted in Chapter 2, Project Description, and this clarification is included in Section 3, Errata, of the Final EIR.

The CalEEMod model used in this analysis would not otherwise account for reductions in water use resulting from project compliance with these mandatory measures unless “Apply Water Conservation Strategy” is manually included in the model as “mitigation” per the structure/naming of CalEEMod. However, this would be part of the project design. Clarification for this design feature has been noted in Chapter 2, Project Description, and this clarification is included in Section 3, Errata, of the Final EIR. Therefore, use of the Apply Water Conservation Strategy in the CalEEMod model accurately represents the project’s compliance with this ordinance, is part of the project design, and is accurately modeled in CalEEMod.

Response to LIUNA-65

The comment states that the Draft EIR fails to mention compliance with AB 341, and thus compliance should not be included in the CalEEMod model and also asserts that the Draft EIR fails to mention composting at all.

The project would comply with AB 341 (which mandates that 75 percent of solid waste generated be source reduced, recycled, or composted) and provide recycling and composting facilities on-site; this has been noted in Chapter 2, Project Description, and this clarification is included in Section 3, Errata, of the Final EIR. The CalEEMod model used in this analysis would not otherwise account for reductions in waste resulting from project compliance with this mandatory recycling law unless this reduction is manually included in the model as “mitigation” per the structure/naming of CalEEMod. However, because this would be included as part of the project design, inclusion of a 26 percent waste reduction in CalEEMod accurately represents the project’s compliance with this law.

Response to LIUNA-66

This comment states that the feasibility of MM AIR-3 was not addressed, and therefore the mitigated air quality impacts cannot be relied upon to reduce impacts to a less than significant level.

Please refer to Response to CONTRA COSTA RESIDENTS-13.

Response to LIUNA-67

This comment states that an operational HRA is required.

Please refer to Response to LIUNA-19.

Response to LIUNA-68

This comment states the HRA does not sum the cancer risk for each age group together.

Please refer to Response to LIUNA-20.

Response to LIUNA-69

This commenter provided a screening-level analysis of the HRA impacts and determined there is a potential impact.

The commenter’s attempt to re-model the emissions is acknowledged. However, it should be clearly understood that a “screening-level” analysis should inherently contain more conservative assumptions to avoid underestimating emissions when performing a “screening-level” analysis. This is the case for SCREEN3 and AERSCREEN (used for the commenter’s screening analysis) compared to

more detailed AERMOD model, which was used for the Draft EIR analysis. Therefore, it is likely that the commenter’s conclusion of a significant impact, which differs from the Draft EIR’s analysis, is a result of those more conservative assumptions and the lack of project-specific information that was the basis for the Draft EIR analysis.

By contrast, the analysis in the Draft EIR used project-specific information from the project applicant, the traffic study, and default parameters from CalEEMod only where project-specific information was not available. In other words, to avoid underestimating emissions, the Draft EIR relied on project-specific information and defaulted to CalEEMod’s conservative assumptions when necessary. Thus, the Draft EIR analysis provides an accurate and conservative estimate of the project’s short-term construction and long-term operational emissions.

Response to LIUNA-70

This comment states the GHG emission conclusions are incorrect or unsubstantiated because of the following:

1. The Contra Costa County CAP cannot be relied upon to determine Project significance;
2. Notwithstanding the DEIR’s use of incorrect and unsubstantiated analysis to estimate the Project’s GHG emissions, it nevertheless demonstrates that the Project exceeds thresholds; and
3. Updated analysis demonstrates a significant impact not previously identified or addressed by the DEIR.

With the clarifications included in the Errata, the Final EIR presents an accurate and conservative analysis with results demonstrating that the significance conclusions remain consistent with those presented in the Draft EIR. Please refer to Response to CONTRA COSTA RESIDENTS-13, Response to LIUNA-16, LIUNA-19, LIUNA-21, LIUNA-22, LIUNA-59, LIUNA-61, LIUNA-62, LIUNA-64, and LIUNA-65.

Response to LIUNA-71

This comment states that because the Contra Costa County CAP fails to evaluate beyond 2020, it cannot be relied upon to determine significance.

Please refer to Response to LIUNA-21.

Response to LIUNA-72

This comment asserts that the GHG emissions analysis is incorrect because it relies on incorrect modeling parameters.

Please refer to Response to CONTRA COSTA RESIDENTS-13 and Response to LIUNA-16, LIUNA-19, LIUNA-59, LIUNA-61, LIUNA-62, LIUNA-63, LIUNA-64, and LIUNA-65.

Response to LIUNA-73

This commenter asserts that the analysis should have used BAAQMD’s 2030 SP threshold of 2.6 MT CO₂e/SP/year rather than the 2020 threshold of 4.6 MT CO₂e/SP/year. The commenter states that relying on the 2017 Scoping Plan Update of 40 percent reduction by 2030 is unsubstantiated because that is “merely a goal.”

The Draft EIR used the correct methodology and calculations. Please refer to Response to LIUNA-22.

Response to LIUNA-74

The commenter provides further information about the use of BAAQMD's 2030 SP and states that the Draft EIR should use the service population threshold of 2.6 MT/CO₂e/SP/year.

Please refer to Response to LIUNA-22.

Response to LIUNA-75

This comment summarizes the points above and requests that a new CEQA analysis is conducted to address these items.

The environmental consulting firm SWAPE reviewed the air quality analysis in the Draft EIR. SWAPE disagreed with some of the assumptions made in the Draft EIR analysis, and they ran a revised CalEEMod model to reflect these differences. However, in running a revised approach to modeling project emissions, SWAPE did not account for several project design features that would result in reduced air quality and GHG emissions. A thorough review of SWAPE's revised CalEEMod modeling outputs discloses that SWAPE's modeling did not include project specific emissions reductions for using cleaner engines for construction equipment, for using alternative fuel for construction equipment, for applying a water conservation strategy, or for instituting recycling services, all of which are project design features that are regularly accounted for in air quality and GHG modeling. The SWAPE analysis, therefore, does not accurately represent the project's emissions during construction, off-site roadway improvements and operations, nor does it reflect standard industry practice of accounting for project specific design features that reduce emissions.

Following a thorough review and comparison of the SWAPE and Draft EIR/Final EIR data, there are several project design features and mitigation measures that the SWAPE modeling omitted, which led SWAPE to its incorrect assumptions and erroneous conclusions, including but not limited to, the following:

Cleaner Construction Equipment

The SWAPE analysis did not adjust its modeling to account for MM AIR-3, which requires the use of cleaner engines for construction equipment and results in significant emissions reductions. Although the SWAPE analysis did modify the construction equipment in each phase to match the Draft EIR's construction equipment numbers and types, the SWAPE analysis incorrectly assumed that the project's construction equipment would be comprised of the CalEEMod default fleet mix, which resulted in erroneously using emission factors associated with various tier levels (including Tier III and lower standards) and model years. However, as reflected in MM AIR-3, shown in Section 3, Errata, of the Final EIR, the project would use only construction equipment that meets Tier IV interim off-road emissions standards. The emission factors for the Tier IV interim off-road emissions standards would be substantially lower than the typical default fleet mix of lower tier standards and, therefore, the SWAPE analysis overestimated construction emissions. The Draft EIR and Final EIR accurately and appropriately modeled emissions during construction and off-site roadway improvements by accounting for Tier IV requirements (as required by MM AIR-3) in the CalEEMod modeling, which appropriately reflects the use of cleaner engines for construction equipment.

Alternative-Fueled Construction Equipment

The SWAPE analysis incorrectly assumed that the cranes and forklifts used in construction would be powered by diesel, which is the default CalEEMod assumption, rather than alternative fuels. However, the use of an electric crane and CNG forklifts during construction activities were confirmed with the project applicant and are determined to be part of the project design. Accordingly, these assumptions were appropriately included in the Draft EIR modeling and accurately demonstrate reduced emissions from construction because electric powered equipment is cleaner than diesel-powered equipment. Clarification for this project design feature is noted in Chapter 2, Project Description, and this clarification is included in Section 3, Errata, of the Final EIR. Therefore, the Draft EIR accurately modeled emissions during construction by selecting electric and CNG fuels (instead of the default, diesel) for the crane and forklift, respectively. The SWAPE modeling did not account for these project design features and therefore overestimated air quality and GHG emissions during construction activities.

Water Conservation Strategies

The SWAPE analysis did not account for applying a water conservation strategy in its CalEEMod modeling. However, as correctly modeled in the Draft EIR, the project would comply with CALGreen and the California Model Water Efficient Landscape Ordinance as part of project design. The Draft EIR analysis correctly modeled the reduction in operational emissions that would be associated with compliance with these measures. Because the default CalEEMod settings do not account for reductions in water use resulting from project compliance with these mandatory measures, FCS accounted for the “Apply Water Conservation Strategy” in the CalEEMod modeling. Although this is labeled as “mitigation” in CalEEMod and thus shown as such in the outputs, this is incorporated into the project and is actually a project design feature. Clarification for this design feature has been noted in Chapter 2, Project Description, and this clarification is included in Section 3, Errata, of the Final EIR. Therefore, accounting for “Apply Water Conservation Strategy” in the CalEEMod model accurately represents the project’s compliance with this ordinance, and accurately models operational emissions related to water. The SWAPE modeling did not include this project design feature in its CalEEMod modeling and, therefore, overestimated the project’s long-term GHG emissions.

Mandated Recycling Measures

Similar to the “Apply Water Conservation Strategy” above, the SWAPE analysis did not account for instituting recycling services in its CalEEMod modeling, thus further overestimating long-term GHG emissions during project operations.

The project would comply with AB 341 (which mandates that 75 percent of solid waste generated be source reduced, recycled, or composted), and the project would provide recycling facilities on-site. This has been noted in Chapter 2, Project Description, and this clarification is included in Section 3, Errata, of the Final EIR. The default CalEEMod settings used in this analysis do not account for reductions in waste resulting from project compliance with this mandatory recycling law unless this reduction is manually included in the model as “mitigation” per the structure/naming of CalEEMod. Although this is labeled as “mitigation” in CalEEMod and thus shown as such in the outputs, this is

actually a project design feature. Therefore, because this would be included as part of the project design, inclusion of a 26 percent waste reduction in CalEEMod accurately represents the project's compliance with this law. Therefore, accounting for "Institute Recycling and Composting Services" in the CalEEMod model accurately represents the project's compliance with this law and accurately models operational emissions related to waste. The SWAPE modeling did not include this project design feature in its CalEEMod modeling and, therefore, overestimated the project's long-term GHG emissions.

Conclusion

The SWAPE modeling is based on generic information and assumptions and fails to include project specific design features or identified mitigation measures that are necessary to provide an accurate analysis. Given that these project design features and mitigation measures would result in significant reductions in emissions for both construction and operations, the generic assumptions in the SWAPE modeling over-estimated the project's emissions. The Draft EIR/Final EIR analysis used reasonable assumptions consistent with industry standard practices based on project specific information and, therefore, correctly and accurately modeled project emissions.

Response to LIUNA-76

SWAPE notes that if additional information becomes available in the future, they retain the right to revise or amend the report.

No response is required.



To: Jennifer Cruz, Senior Planner
Contra Costa County
Department of Conservation and Development
30 Muir Road | Martinez, CA 94553
Jennifer.Cruz@dcd.cccounty.us

**Subject: Del Hombre Holdings LLC - 3010 - 3070 Del
Hombre, Walnut Creek; Land Rezoning and Building
Design Application - AMENDED 11/30/2018, &
[10/31/2019](#)**

**County Planning References: [GP18-0002](#), [RZ18-3245](#),
[MS18-0010](#), [DP18-3031](#)**

See [additional and amended items](#) based on the EIR review, October 2019.

Thank you for the opportunity to comment on the proposed project in our neighborhood. The Walden Board thoroughly understands the general plan around the Pleasant Hill Bart station, and was a key stakeholder in creating it some 17 years ago. **We have met with representatives of the Honey Trail HOA, directly adjacent to the proposed project, and now jointly** have the following concerns about the proposed project.

1) Density. The proposed 284 unit project exceeds the current zoning of 45 units per acre by over 600%, and should be reduced to better fit in with the properties adjacent to it, which are generally not more than 3 stories, and less than 50 units per acre. **The EIR review shows no remediation to this item.**

2) Minimum acreage. The general plan calls for 5 acres to build 45 units per acre. We encourage Del Hombre LLC to acquire more land to meet that zoning requirement. Without enough land, setbacks will be impacted and there will not be enough Greenspace in the project. **The EIR review shows no remediation to this item.**

2

3) Height. A six-story building would tower over the adjacent properties and is not in keeping with the zoning. The project should be reduced to no more than 4 stories maximum, and 60 units per acre. This would make the height of the building the same as the 4 story component of Block C in the transit village, which it will face to the North. ~~Also the proposed height of 76 feet exceeds fire department standards.~~ **We are assured that any fire-related height issues will be adjusted for during the planning review. Otherwise, the EIR review shows no remediation to this item.**

3

- a. The building should be built to blend in with the neighboring buildings on all sides, which would be a 3 – 4 story building with similar setbacks to the adjacent properties.

4) Vehicle access. We have a general concern about how automobile traffic will enter and exit the property. Major changes to Del Hombre and the adjacent intersection at Las Juntas will be needed. An entry via Roble Rd may be required, which is owned by Avalon. We have this concern regardless of the density. The current access is suitable only for low-density occupancy.

4

- a. A vehicle-standing zone and a pedestrian walkway is needed on Del Hombre to accommodate food, package delivery, Uber, Taxi pickup and drop off. Del Hombre needs to be widened, and the median strip removed to provide space for this.

5

- b. Traffic from and to the property should be routed across the narrow part of the Iron Horse Trail in front of the Honey Trail property exit, via a new connector road to Jones Rd in order to reduce the congestion that will result at the intersections of Coggins / Las Juntas as well as Del Hombre / Las Juntas / Roble Rd.

6

- i. install a stop sign on the connector road at Jones.
- ii. Jones should have thruway – no stop signs or cross walk on Jones.

iii. Del Hombre should have thruway – no stop signs or cross walk on Del Hombre at the property exit. 7

iv. Crosswalks need to be installed at Del Hombre, Roble Rd, at Las Juntas. 8

v. Our experience with the Avalon Transit Village does not corroborate high levels of Bart usage, and it should neither be assumed this will be the case for this project. Accordingly we recommend additional parking spaces for the tenants. Tandem spaces would be an efficiency consideration. 9

5) Affordable Housing. **Per the EIR review, this item has been remediated.** ~~The project as stated proposes less than 5% affordable housing units. There should be 15 – 20% affordable units in keeping with the general plan. This is a very painful point with Walden and we believe with the city of Walnut Creek and the County.~~ 10

6) Rentals. Walden continues to believe that for-sale housing is needed to help create a community around the Bart station and our neighborhoods. There is far too much rental property now in the Contra Costa Centre. Per Avalon statistics for their rentals – which number now over 1,000 in and around the Bart station, rental turnover at around 50% per year, which leaves no chance for a community to develop. Bart has reneged on its pledge to build 100 townhomes in the Transit Village at Pleasant Hill. We encourage this project to be built as condominiums and/or townhomes to, in part, replace that broken promise. **The EIR review shows no remediation to this item.** 11

7) Building Design. We appreciate the nod in architecture to the Transit Village. However it may better blend with the neighborhood to emulate the architectural approach of the buildings directly adjacent to it on Las Juntas, Del Hombre, Honey Trail, and Santos Lane. **The EIR review shows no remediation to this item.** 12

8) With a project this large directly adjacent to the Walden I public space, the developers should be required to contribute to the Walden I maintenance fund, similar to the \$24,000 per year planned contribution by Avalon which is part of the T&Cs of the Block C development. **The EIR review shows no remediation to this item.** 13

Additional EIR Comments

9) Setbacks: The setbacks of 2 feet or less to the West (Del Hombre) and south (Honeytrail) should be increased to 15 feet to provide visual buffers to the building, and to fit in with buildings that have even greater setbacks on either side of the project.

14

10) The move-in / move-out area on Roble Rd impacts an already narrow lane, removes parking spaces, and will bring almost daily move events – up to 300 per year. Roble Rd must be widened to accommodate the larger vehicles that will be used and the encroachment it represents on the narrow lane.

15

11) Only 4 visitor parking spots in a location that has no available street parking is not at all reasonable, and should be significantly increased.

16

14) The traffic study understates the impact at Treat and Cherry Lane. Previous studies cover a 2-hour period indicating more than 3,000 vehicles coming north in the afternoons. The impact is much more invasive than the study leads one to believe.

17

15) Protection of tree roots of heritage trees, especially on the Honey Trail side of the property needs to be more than 10 feet. Otherwise these heritage trees will likely die.

18

Jeffrey Peckham

President

Walden District Improvement Association

Cc: Walden board

CC: Honey Trail HOA Board – Don Pologruto

CC: Jeff White – Avalon Bay

CC: C. J. Bass – Avalon Bay

CC: Walnut Creek City Council Mayor Cindy Silva

CC: Contra Costa County Supervisor Mitchoff

CC: Contra Costa Fire Dept - Fire Chief Lewis Broschard

Walden District Improvement Association (WDIA)

Response to WDIA-1

The commenter provides introductory comments and requests that the project's density be reduced.

Please refer to Master Response 4—Density.

Response to WDIA-2

The commenter encourages the project applicant to acquire more land to provide larger setbacks.

Please refer to Master Response 3—Setbacks and Building Heights.

Response to WDIA-3

The commenter requests the project be reduced to four stories in order to blend in with the neighboring buildings on all sides. The commenter also notes that they were assured that any fire-related height issues would be adjusted for during planning review.

Please refer to Master Response 3—Setbacks and Building Heights and Master Response 4—Density. With respect to fire-related height issues, the project would comply with the California Building Standards Code. Please see Section 3.13, Public Services, for additional information.

Response to WDIA-4

The commenter expresses concern regarding vehicular access to the project site. They also note that major changes should be made to Del Hombre Lane and the adjacent intersection at Las Juntas Way and that an entry via Roble Road may be required.

For a discussion of improvements to Del Hombre Lane and Las Juntas Way, please refer to Master Response 2—Traffic Congestion. Providing a second entrance from Roble Road, as suggested by the commenter, would not result in a changed vehicle pattern under the BART tracks, and would increase the number of pedestrian/bicycle/vehicle conflicts on Roble Road.

Response to WDIA-5

The commenter requests that a vehicle-standing zone and pedestrian walkway be included on Del Hombre Lane to accommodate deliveries as well as transportation network company pick-up and drop offs.

As part of the project, Del Hombre Lane would be modified to provide two vehicle lanes as well as a curb lane that could be used for parking, passenger loading, and/or deliveries, in addition to a sidewalk. MM TRANS-1c requires that the site plan be modified to better clarify the various uses for Del Hombre Lane along the project frontage.³⁴

Response to WDIA-6

The commenter requests that traffic to and from the property be routed across the narrow part of the Iron Horse Trail in front of the Honey Trail property exit, via a new connector road to Jones Road, in order to reduce the congestion that will result at the intersection of Coggins Drive/Las Juntas Way

³⁴ FirstCarbon Solutions (FCS). 2019. Del Hombre Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Page 3.15-57. September.

as well as the intersection of Del Hombre Lane/Las Juntas Way/Roble Road. The commenter also requests that a stop sign be included on the connector road at Jones Road and that Jones Road have a thruway (i.e. no stop signs or crosswalks should be on Jones Road).

A new vehicle connection to Del Hombre Lane from Jones Road would not be provided as part of the project because it would introduce a new vehicular conflict across the Iron Horse Trail, and would prioritize vehicle travel in an area where bicycle, pedestrian, and transit travel are the County's priority (refer to Master Response 2—Traffic Congestion). Prioritizing vehicle travel across the Iron Horse Trail could also decrease existing bicycle and pedestrian travel along the Iron Horse Trail and could encourage greater automobile use by future project residents, rather than encouraging bicycle and pedestrian mobility.

Response to WDIA-7

The commenter requests that no stop signs or crosswalks be included on Del Hombre Lane at the property exit.

No crosswalks or stop-signs are proposed on Del Hombre Lane at the project driveway. MM TRANS-1b requires the installation of pedestrian improvements at the intersection of Honey Trail at Del Hombre Lane to improve the pedestrian connection from the east side of Del Hombre Lane to the Iron Horse Trail.

Response to WDIA-8

The commenter requests crosswalks be installed at Del Hombre Lane at Las Juntas Way and Roble Road at Las Juntas Way.

A crosswalk is proposed across Del Hombre Lane at the intersection of Del Hombre Lane/Las Juntas Way/Roble Road in addition to a crosswalk across Roble Road with new curb ramps provided on the southeast corner of the intersection. Due to the orientation of the intersection, a crosswalk is not recommended across the northern leg of the intersection as the location of curb ramps would result in a skewed crossing, increasing pedestrian crossing distances and requiring relocation of the stop-bar for southbound vehicle travel, thereby diminishing sight lines for those vehicles and potentially increasing hazards.

Response to WDIA-9

The commenter asserts that it should not be assumed that future project residents would take BART instead of driving and that additional parking is required.

Please refer to Master Response 6—Parking.

Response to WDIA-10

This comment was retracted by the organization. No response is required.

Response to WDIA-11

The commenter requests more for-sale housing in the Contra Costa Centre Transit Village.

Please refer to Master Response 7—Community Character.

Response to WDIA-12

The commenter notes that the project may better blend with the neighborhood if it emulated the architectural approach of the buildings directly adjacent to it on Las Juntas Way, Del Hombre Lane, Honey Trail, and Santos Lane.

The Draft EIR evaluates the project's potential impacts to visual character in Section 3.1, Aesthetics, and concludes that they are less than significant.³⁵ The comment does not identify any areas where the aesthetics analysis provided in the Draft EIR fails to meet the legal requirements nor does it identify any significant impacts that are not adequately discussed in the Draft EIR.

Response to WDIA-13

The commenter requests the project pay maintenance funds to the Walden I public space.

As described in Section 3.14, Recreation, the project would be required to pay Park Dedication and Impact Fees to the County.³⁶ The Park Dedication and Impact Fees would be collected to fund the acquisition and development of parks in Contra Costa County to serve unincorporated County residents.³⁷ There are no identified potentially significant environmental impacts to the Walden I public space that would result from construction or operation of the project. Accordingly, there is no impact that would require "remediation" as suggested by commenter. The agreement that other projects may have to contribute to a maintenance fund is outside the scope of environmental review for this project. Nonetheless, this comment will be forwarded to the decision makers for their consideration.

Response to WDIA-14

The commenter requests setbacks be increased.

Please refer to Master Response 3—Setbacks and Building Heights.

Response to WDIA-15

The commenter requests that Roble Road be widened to accommodate the larger vehicles that would need to access the project site.

Please refer to Response to HONEY TRAIL-7.

Response to WDIA-16

The commenter requests that the number of visitor parking spaces be increased.

Please refer to Master Response 6—Parking.

³⁵ FirstCarbon Solutions (FCS). 2019 Del Hombre Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Page 3.1-23. September 10.

³⁶ FirstCarbon Solutions (FCS). 2019 Del Hombre Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Page 3.14-12. September 10.

³⁷ Ibid.

Response to WDIA-17

The commenter asserts that the traffic study understates the impact at Treat Boulevard and Cherry Lane and that previous studies covering a 2-hour period indicated more than 3,000 vehicles travelling north in the afternoons.

The commenter does not provide citations for the study referred to in the comment. The TIA collected peak-period traffic counts between 7:00 a.m. and 9:00 a.m. and 4:00 p.m. and 7:00 p.m.; to be consistent with other studies, the TIA evaluated the peak-hour of traffic over the course of the peak period.

Response to WDIA-18

The commenter suggests increasing tree protection zones for heritage trees.

Please refer to Master Response 5—Tree Health, Removal, and Replacement.

October 6, 2019

Ms. Jennifer Cruz
Contra Costa County
Department of Conservation and Development
30 Muir Road
Martinez, CA 94553

Dear Ms. Cruz:

I am submitting this email in conjunction with the proposed Del Hombre Apartments Project located near the Pleasant Hill BART Station, County File Numbers:

GP18-0002
RZ-18-3245
MS18-0010
DP18-3031

I am the owner of one of the townhouses at Honey Trail. The Honey Trail townhouses are adjacent to the proposed project.

After reviewing the recently released draft EIR, I would like to submit the following comments:

I don't believe the single access point on Del Hombre Lane to be sufficient for the proposed number of residents, cars, and bicycles. It would appear that there is a strong potential for backup for cars seeking to enter or exit the garage at various times of day experiencing peak traffic, which would then likely create a further backup on adjacent streets, impairing the flow of local traffic and access to and from the BART Station. I believe it would be prudent to add a second project access point, likely on Roble Road. In addition, in the event of a fire or earthquake, it seems unsafe to try to route that many individuals and their cars and bicycles through a single choke point. Note that there are peaks in local traffic following the arrival of BART trains, such that the local circulation needs to be able to support such peak activity.

1

The set-backs (especially on Del Hombre Lane) in general appear narrow relative to the size and scope of the project. The setback on Del Hombre Lane is so small as to constrain opportunity for the planting of trees and other vegetation to reduce the environmental impact of the project and also to enhance the visual aspect of the local area.

2

The height of the proposed project is substantial relative to the surrounding area, and presents the likelihood of creating "shade zones" surrounding the project as sunlight is restricted. A step-back (i.e. pyramidal approach) to the upper floors would be a desirable adjustment to the project. Any lost units could potentially be made up for by increasing the depth of the garage and thereafter re-allocating some of the ground floor space. | 3

I would request the installation of a more extensive landscaping / vegetation / tree planting plan for the area between the proposed project and Honey Trail given the significant difference in size and height between the developments (i.e. more of a visual separation). | 4

I did not clearly understand where the proposed dog runs would be located for the project. I would request that they be located at the interior of the project versus the exterior, in order to minimize barking and other noise, and potential adverse odors, for the surrounding neighbors. | 5

The overall density of the project relative to County Code (especially given the aggregate parcel size of just 2.4 acres) and the surrounding area is very high. A revision to the project to reduce density would be more in character with the size of the parcel and allow for enhanced mitigation of the adverse aspects presented in this letter. | 6

Thank you for your consideration of the above comments.

Sincerely,

Mark R. Andino

Individuals

Mark R. Andino (ANDINO)

Response to ANDINO-1

The commenter expresses concern regarding the site access point on Del Homb्रे Lane and does not think it will be sufficient given the numbers of residents, cars, and bicycles that would be associated with the project. The commenter also notes that there are peaks in local traffic following the arrival of BART trains.

Please refer to Master Response 8—Emergency Access.

Response to ANDINO-2

The commenter notes the proposed setbacks seem small.

Please refer to Master Response 3—Setbacks and Building Heights.

Response to ANDINO-3

The commenter suggests the building be redesigned to avoid creating new shade in the area.

Please refer to Response to DCD_ZA_MTG-19. The project site has been planned for higher density residential uses since the 1980s when the adjacent Pleasant Hill BART Station Area Specific Plan was originally adopted by Contra Costa County. The development of higher density housing in the vicinity of a BART station is appropriate and is in keeping with transit-oriented development at other urban BART stations.

Response to ANDINO-4

The commenter requests the installation of more extensive landscaping/vegetation/tree planting for the area between the project and Honey Trail.

The comment does not specifically address the adequacy of the Draft EIR or identify any potentially significant adverse environmental impacts. The proposed preliminary landscaping plan provides planting for the development along Roble Road and Del Homb्रे Lane, and within open space areas of the project site. A final landscaping plan would be required and would be subject to review and approval by the County. Furthermore, the project applicant would be required to comply with MM BIO-5a requiring County approval of a Tree Replacement Plan prior to the removal or trees.³⁸ This would ensure tree planting is completed in accordance with County standards.

Response to ANDINO-5

The commenter notes that the proposed dog runs are not clearly delineated and requests they be located in the interior of the project site to minimize noise and odors.

Please refer to Response to DCD_ZA_MTG-5 and Response to DCD_ZA_MTG-21.

³⁸ FirstCarbon Solutions (FCS). 2019 Del Homb्रे Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Page 3.3-27. September 10.

Response to ANDINO-6

The commenter suggests reducing project density.

Please refer to Master Response 4—Density.

11-11-2019

-

Jennifer Cruz, Senior Planner
Community Development
Contra Costa County

Subject: Del Hombre Apartments

Reference Numbers: GP18-0002, RZ18,3245,
MS18-0010, DP-18-3031

Dear Ms. Cruz,

As an owner at Honey Trail Condominiums (HT), immediately adjoining subject development, I'm writing to oppose the current proposal. The very significant negative impacts especially distress me given I was an original owner (beginning April, 1979) able to enjoy honeybee hives kept among the apple orchards for which Honey Trail Condos was named.

Subsequent development has surrounded Honey Trail, but I must finally speak out against the gross disregard for any sense of place by the current design. It overwhelms the adjoining Iron Horse Trail as a softening edge to BART station development and clearly ignores Honey Trail and Del Hombre Condominiums, it's immediate neighbors.

Density of 120du/ac would generate extreme air, noise, traffic pollution, no doubt dumping garage generated exhaust onto immediately adjoining HT and Del Hombre Condo units. Please

1

2

note the garage/site plan shows high noise generating loading and trash at the worst possible location relative to those same HT units. I must also note the proposed development is itself an abomination for future occupants more akin to concrete prison cells. This project will invite vandalism and crime to what has managed to remain a livable ambiance which will disappear with a high-density crowd.

2
CONT

Please reconsider the proposed development. Density should in no case exceed the development already surrounding HT condominiums, also saving as many trees as possible. The existing development has apparently been economically feasible and considerate of its neighbors. Unlike previous projects, the no doubt greedy developers, propose squeezing every possible square foot of rental at the site, neighbors and traffic congestion (already a challenge) be damned.

3

4

Thank you for the opportunity to comment and for your consideration.

Frank Aranzubia, Owner
1347 Honey Trail
Walnut Creek, Ca 94597

Frank Aranzubia (ARANZUBIA)

Response to ARANZUBIA-1

The commenter expresses general opposition to the project.

Please refer to Master Response 1—General Opposition to the Project.

Response to ARANZUBIA-2

The commenter expresses general opposition to the project. The commenter also expresses concern regarding noise generated by the loading dock and location of the trash room.

Please refer to Master Response 1—General Opposition to the Project.

With respect to noise from the loading dock and trash room, Impact NOI-1 in Section 3.11, Noise, evaluated potential noise impacts from project stationary noise sources. The loudest potential stationary noise sources (including mechanical ventilation equipment) associated with implementation of the project were evaluated against Contra Costa County's and the City of Walnut Creek's noise performance standards and it was determined that they would not exceed the established stationary noise source standards as measured at the nearest residential receptors.

The proposed loading and trash areas are located in the northeast corner of the project site. Both of these areas are enclosed as part of the ground floor parking structure, with rollup doors on the loading area room facing Roble Road. Typical maximum noise levels from loading and unloading activity can range from 70 dBA to 80 dBA maximum noise/sound level (L_{max}) as measured at 50 feet. Loading activities would occur inside the enclosed loading dock area, which would provide an expected minimum shielding reduction of 6 dBA to 10 dBA compared to open field conditions, even with the rollup door open. The closest receptors to this loading dock are the multi-family units located across Roble Road, at a distance of approximately 80 feet from this nearest receptor. At this distance and with the shielding provided by the enclosed loading dock, activities at loading and unloading areas could result in intermittent noise levels ranging up to approximately 60 dBA L_{max} .

These activities are expected to occur at most a couple of times throughout a typical day with these instantaneous maximum noise levels generated for a cumulative of less than 3- to 5-minutes within any hour. As a result, noise from these activities, when averaged over minutes or hours, would not exceed 55 dBA L_{eq} , as measured at the nearest receptor. These noise levels would not exceed Contra Costa County's or the City of Walnut Creek's maximum exterior noise threshold for receiving residential land uses of 65 dBA L_{dn} . They would therefore also not exceed the maximum interior noise threshold of 45 dBA L_{dn} as measured inside the nearest residential receptor. These noise levels are lower than the calculated mechanical ventilation system operational noise levels identified and analyzed in the Draft EIR. Therefore, operational noise levels generated by loading activities at the proposed loading dock and trash room would not result in a substantial permanent increase in ambient noise levels in excess of any of the noise performance thresholds, and would represent a less than significant impact.

Response to ARANZUBIA-3

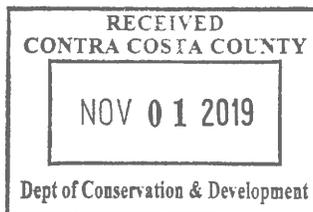
The commenter dislikes the appearance of the proposed building and predicts the project will increase crime.

The project's aesthetics impacts were evaluated in Section 3.1, Aesthetics, and the project's impacts on the visual character of the site and its surroundings were found to be less than significant. The Draft EIR does include mitigation for potential impacts related to light and glare, ensuring that exterior lighting is shielded. The provision of exterior lighting enhances security by providing a well-lit environment. The project's potential impacts on public services were evaluated in Section 3.13, Public Services, and found to be less than significant. The comment does not address the adequacy of the Draft EIR. The comment is noted and will be provided to County decision makers.

Response to ARANZUBIA-4

The commenter reiterates their opposition to the density of the project and requests that as many trees as possible be preserved. The commenter also notes that there is already traffic congestion in the area.

Please refer to Master Response 4—Density, Master Response 5—Tree Health, Removal, and Replacement, and Master Response 2—Traffic Congestion.



Julie Asregadoo
1337 Honey Trl
Walnut Creek, CA 94597

RE: GP18-0002, RZ18-3245, MS18-0010, DP18-3031

October 28, 2019

Jennifer Cruz, Senior Planner
Department of Conservation and Development
Community Development Division
30 Muir Road, Martinez, CA 94553

Dear Ms. Cruz,

I am a resident of the Honey Trail condominiums, and am very concerned about the project of building apartments at Del Hombre in unincorporated Walnut Creek. My concerns relate primarily to safety, but also to traffic congestion, and the scope of the project as proposed.

1

Honey Trail has two complexes. One is a 30-unit complex, of 2 bedroom townhomes, and the other is a 40-unit complex of 1 bedroom apartments. Both are 2 story buildings. Del Hombre is a small road, one lane each way, and is the only access in and out of Honey Trail. The proposed development is 284 units, which would add 4x the number of units on Del Hombre. Though we do live right near the Pleasant Hill BART station, not everyone works close enough to a BART station to mean that they will not be getting in their cars at the same time every morning. In addition to that, of course many people have children who must be driven to school, as there are no elementary schools within walking distance, and there are no school buses. During commute hours, the intersections at Del Hombre and Las Juntas, and Las Juntas and Coggins, are already extremely congested, and can be dangerous places for pedestrians and bicyclists to cross the street. Adding such a large complex will make these intersections more dangerous, and will create choke points, making entry and exit very difficult. In addition, one emergency vehicle or double parked car (people generally ignore red curbs around here, and the sheriff's department is overextended and does not have the bandwidth to pay attention to this) and you have a safety hazard in case of an emergency situation where people may need to evacuate. The recent earthquake with an epicenter just a couple of blocks away from us, as well as the fires in the North Bay, and power shut offs, mean we must think ahead and be prepared, not ignore these situations and hope that they don't happen.

2

3

Aesthetically, the proposed complex does not fit in with the area to the East of the Iron Horse Trail. We are 2 story complexes, and the apartments around us are 3 and 4 story complexes. All of the complexes on this side of the Trail have medium to large setbacks, with landscaping and trees. There is a lovely canopy of Valley Oak trees when you enter Honey Trail, on the Honey Trail side of the fence. These trees would be killed due to damage to the roots if the complex is built as described.

4

5

There are single family homes under construction on Mayhew, and many townhomes in the area. There are apartment buildings of 3 or 4 stories, with setbacks that allow for trees and landscaping between the sidewalk and the structures. I would support any of these options in this space, especially if they can be built without killing our beautiful Oak trees.

6

Years ago, when the large complexes near BART were being planned, the neighbors were promised that two buildings would be rental apartments, but one would be condominiums. That promise was broken, and apartments are again going in. The turnover rate for rentals in this area is about 50% every year. We need the sense of long term community that owner occupied units would bring.

I understand the extreme need for housing in California. My adult daughter lives with us because rents are too high, she cannot afford to move out. I understand the need for housing near transit centers. I support the large complex currently under construction closer to BART, as the infrastructure just a block away is better suited to this development, and the look and feel of it fits in with the BART station. I also support some sort of development going in on Del Hombre, where these single family homes once stood, and understand that they will not be replaced by single family homes going forward. But I strongly urge you and the Board of Supervisors to consider the safety and quality of life of the residents of this area in making decisions about what type of development will be built.

Sincerely,



Julie Asregadoo

CC: Supervisor Karen Mitchoff
2151 Salvio St. Suite R.
Concord, CA 94520

6
CONT

Julie Asregadoo (J.ASREGADOO)

Response to J.ASREGADOO-1

This comment provides introductory remarks and summarizes the commenters overall concerns about the project.

No response is required.

Response to J.ASREGADOO-2

The commenter expresses concern about congestion and pedestrian and bicycle safety at the intersections of Del Hombre Lane at Las Juntas Way and Las Juntas Way and Coggins Drive.

Improvements would be implemented at the intersection of Del Hombre Lane at Las Juntas Way and Del Hombre Lane at Roble Road to improve pedestrian and bicycle connectivity, while balancing vehicle travel. Improvements would also be made at the Del Hombre Lane at Las Juntas Way intersection to prioritize pedestrian and bicycle travel through the intersection. Please refer to Master Response 2—Traffic Congestion for additional information.

Response to J.ASREGADOO-3

The commenter expresses concern about emergency vehicles and double-parked cars posing an issue when people need to evacuate because of an emergency.

As discussed in Master Response 8—Emergency Access, Roble Road would provide a second fire-only emergency access to the project site, which would provide two points of emergency access. Please refer to Master Response 8—Emergency Access for further discussion.

Response to J.ASREGADOO-4

This comment asserts that the project does not fit with the area to the east of the Iron Horse Trail because those developments are 2-, 3-, and 4-story complexes with medium to large setbacks.

Concerning the height of the building and project setbacks, please refer to Master Response 3—Setbacks and Building Heights. The project's aesthetics impacts were evaluated in Section 3.1, Aesthetics, and the project's impacts on the visual character of the site and its surroundings were found to be less than significant.

Response to J.ASREGADOO-5

This comment expresses concern for tree vitality during construction.

Please refer to Master Response 5—Tree Health, Removal, and Replacement.

Response to J.ASREGADOO-6

The commenter reiterates comments made throughout the letter and expresses general opposition to the project. The commenter also expresses concern about the turnover rate for rentals.

Please refer to Response to J.ASREGADOO-1 through J.ASREGADOO-5, Master Response 1—General Opposition to the Project, and Master Response 7—Community Character.

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From: Ted Asregadoo <asregadoo@comcast.net>
Sent: Sunday, November 10, 2019 2:48 PM
To: Jennifer Cruz <Jennifer.Cruz@dcd.cccounty.us>
Subject: Regarding: GP18-0002, RZ18-3245, MS18-0010, DP18-3031

11/10/2019

Ted Asregadoo

[1337 Honey Trail](#)

[Walnut Creek, CA 94597](#)

Home: (925) 933-9808

Jennifer Cruz, Senior Planner

Department of Conservation and Development
Community Development Division

30 Muir Road
Martinez, CA 94533

Reference Numbers: GP18-0002, RZ18-3245, MS18-0010, DP18-3031

Dear Ms. Cruz,

I'm writing regarding the rezoning and proposed development of the parcels of vacant land at the corner of Del Hombre and Roble Road in Walnut Creek.

The proposal of a 284-unit, six-story apartment complex will create several issues the county has not prepared for — which is why I'm in opposition to the project.

The county has not adequately addressed safety issues related to the increase of traffic congestion in the area. The streets surrounding the proposed site cannot accommodate the addition of 300 more vehicles in the area. More vehicles on narrow streets will not only increase gridlock conditions, but could lead to more pedestrian injuries or deaths without proper traffic management.

Construction of the apartment building will kill off the trees on the easement known as Honey Trail, and in the area bordering the work zone. Also, the project will see heavy construction equipment in use on Del Hombre for around two years. Del Hombre and Las Juntas do not have the width to allow for any kind of double parking of dump trucks, big rigs, or other vehicle associated with construction work.

I've lived at Honey Trail Condominiums since 1998, and have been an active member of the Homeowner's Association since then — and have served on the HOA board for almost a decade. During the last 21 years, I've seen the development of the Iron Horse Trail, a new bridge over Treat Blvd, a condo complex, Section 8 rental units, and the massive Avalon apartment complexes and business spaces across from Pleasant Hill BART. Part of the agreement the county and BART had with the Walden District Improvement Association was to build owner-occupied condos or townhomes as part of the transit village development — something BART and the county are seemingly renegeing on. I would urge you to scale back the development of the apartment complex and entertain proposals for projects like the townhome-like development on Westcliff Lane in Walnut Creek. If this apartment project becomes a reality, it will add noise and even pollution issues

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to an otherwise quiet section of the transit village area — and will change the character of the community for the worse.

4
CONT

Sincerely,

Ted Asregadoo

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Ted Asregadoo (T.ASREGADOO)

Response to T.ASREGADOO-1

The commenter expresses concern regarding additional vehicles and expresses concern for pedestrian safety.

Please refer to Master Response 2—Traffic Congestion.

Response to T.ASREGADOO-2

The commenter states that construction will kill trees near the project site.

Please refer to Master Response 5—Tree Health, Removal, and Replacement.

Response to T.ASREGADOO-3

The commenter notes there is not enough space for construction equipment parking on Del Hombro Lane or Las Juntas Way.

Please refer to Response to Master Response 2—Traffic Congestion.

Response to T.ASREGADOO-4

The commenter requests scaling down the density of the project and developing for sale housing rather than rentals.

Please refer to Master Response 4—Density and Master Response 7—Community Character.

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From: Bloor Kate <klbloor@yahoo.com>
Sent: Sunday, November 24, 2019 6:57 PM
To: Jennifer Cruz <Jennifer.Cruz@dcd.cccounty.us>
Subject: Del Hombre Apartments -Terrifying

Hi Jennifer,

I was with friends who live in the neighborhood today and we talked about the Del Hombre Apartments. How awful! It's a monolith in what is otherwise a cohesive, busy area. Who approved this design? Who designed something like this? Even the low-income housing building has style and taste and works. But this new proposed building is completely out-of-place and quite thoughtless.

1

The only way it could have been approved is if someone had a connection to someone with decision-making power or some other connection. I cannot believe the residents of the community would approve anything so destructive to their neighborhood and its environment.

2

I know it's past the November 15 deadline but I will continue to protest this project. I have participated in such situations in other communities where I've lived. To allow and to have approved such a structure for this location is criminal. I've sat in planning meetings and heard planning commissioners talk about "articulation", "not creating a block" of a building, "blending in with the environment", etc. This structure does none of that.

3

Please let me know how I can help.

:

Best Regards,
Kate Bloor

Kate Bloor (BLOOR)

Response to BLOOR-1

The commenter asserts that the design of the building is inadequate.

Impacts to aesthetics were evaluated in the Draft EIR and impacts were found to be less than significant with mitigation. Please refer to Section 3.1, Aesthetics.

Response to BLOOR-2

The commenter asserts that someone had to have a connection with a decision-making power or some other connection in order to get this project approved.

The comment does not address the adequacy of the Draft EIR. The comment is noted and will be provided to County decision makers.

Response to BLOOR-3

The commenter notes that this comment letter is past the November 15 deadline. The commenter then reiterates their dislike for the design of the project.

Though the comment letter is past the deadline, it has been included in this Final EIR. With regard to the design of the building, please refer to Response to BLOOR-1.

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Anita Bottari
1263 Honey Trail
Walnut Creek, Ca 94597
anitabottari@sbcglobal.net

November 14, 2016

Jennifer Cruz, Senior Planner
Costra Costa County
Department of Conservation and Development
30 Muir Road, Martinez, CA 94553
Jennifer.Cruz@dcd.cccounty.us

RE: County Planning Ref GP18-0002, RZ18-3245,MS18-0010,DP183031 -Del Hombre Project.

I have many concerns regarding the proposed project:

This 6 story building will forever destroy the character and warmth of the entire neighbor. All of the things that attracted us to this area to buy our homes will be destroyed. The mature trees, the vegetation, the wild life, the peacefulness will be gone. Instead of looking out and seeing all the beautiful trees, you want us to look at a big white wall. Instead of hearing the birds sing and the squirrels scampering, you want us to listen to the dogs barking and people partying around the pool. If I wanted to live like this, I would have moved to San Francisco.

1

There has been no effort to integrate this plan into the area. It destroys everything in its path and replaces it with an oversized sterile looking building that towers over all that surrounds it. It is better suited for a city like San Francisco. We are not a metropolitan city nor are we the Transit Village. The proposed 284 unit project will exceed current zoning of 45 units per acre over 600% and should be reduced to better fit in the surround properties. Avalon, the largest complex in the area this side of the Iron Horse Trail, is 3 stories high with less than 50 units per acre. The Del Hombre project should be no higher than 3 stories.

2

3

Setbacks:

The setbacks are inadequate. Avalon integrated their complex into our neighborhood with adequate setbacks, adding tall trees and landscaping along Las Juntas way and throughout their complex. It fits with our community. The setbacks you propose are as little as 1.2 feet. The setbacks should be increased to 20 feet, to be more in line with the other buildings. Trees and vegetation should be added to this area.

4

Trees:

We value our trees. In this time of climate crisis, we should be planting more trees and nurturing existing ones, not bulldozing them down. Your project will remove 85% of the existing trees, 90% of those are protected. It's questionable that the remaining 15% of the trees will even survive the massive amount of construction around them with a mere 10 foot exclusion zone. A 10 foot exclusion zone was also set for **OUR** protected Valley Oaks along the fence line on Honey Trail. This too is inadequate for the health and safety of these trees. Their root systems will be severely impacted and the trees will most likely die. The trees must be protected. The exclusion zone for all of these trees should increase to at least 20 feet.

5

The **protected** English Walnut Tree in the back of the property along the Honey Trail fence line is part of the 161 trees to be destroyed. This tree should not be removed. It's beautiful healthy, produces oxygen, provides shelter is a great food source for the animals, bird's insects and other life forms, and cleans the air and soil of toxins. This protected tree is worth saving and should be saved!

The vent from the underground ventilation system that runs along the Honey Trail fence line should be moved away from our homes. It is under the windows of Honey Trail residence. We do not want these toxic fumes drifting into our windows and making us sick.

6

Safety/Traffic: The traffic along Coggins, Las Juntas and the surrounding streets are already **severely** overloaded. We have yet to experience the impact to traffic from the 200 unit complex in Block C at the transit Village, the 45+ Habitat for humanity project. This project will only add to the problem. This is dangerous to the pedestrians, cyclist and the cars. The already impatient drivers are running stop signs because of the long waits they endure to get to the intersections. They make turns onto Las Juntas with pedestrians in the crosswalks. It's a scary thing to see, people almost getting hit by a car with an impatient driver behind the wheel. This will only get worse.

7

In the event of an emergency, traffic will be at a standstill. We were in the epicenter of a recent 4.9 earth quake. When the "big" one hits, I want to be certain that I will be able to escape. You stated in the EIR that you did not consider us to be a fire hazard zone. There have been over 2000 wildfires caused by PG&E in the last 5 years. How many of those areas were consider to not be a fire hazard zone? You said we don't experience consistent high winds. We certainly experienced consistent and extremely high winds this past fire season when we had wildfires peppered throughout Contra Costa. We have high power lines across the street along the Iron Horse Trail. Underneath those wires is dry vegetation. Anything can happen. The fires throughout Northern California have taught us the rules have changed, we are all at risk. In the event of a fire, earthquake or other disaster, natural or manmade, we need to be able to escape. With the 300+ cars in this proposed project, it will not be possible to get out in a

8

reasonable amount of time. Climate change is a game changer. Everyone is affected! **Our Safety is paramount.**

8
CONT.

Visitors Parking: You have allotted 4 parking spaces for visitors, one being a handicap space. This is an unreasonable amount of parking for visitors and will force more cars to attempt to park on Del hombre lane, where there is no available parking, and cars will eventually migrate into our private parking lot in Honey Trail. We already have too many cars and too few spaces on this lane.

9

The dog run should be moved to the inner part of your project so the noise will not affect the residents of Avalon and Honey Trail homeowners. Your neighbors should not be subjected to this noise. Let your tenants deal with it, or remove it completely. The dog owners can take them to the dog park at heather farms, or walk them on the Iron Horse Trail.

10

Density: - This project is just too big for this size lot.

I believe our neighborhood needs and deserves more, for-sale housing to build our community. We're already surrounded by several high density rental complexes that have about a 50% turnover. **This does not build community.** I believe the county should approve the building of FOR-SALE condominiums or Townhomes, of a reasonable size, in this lot instead of rentals. They promised us for-sale homes in the Contra Costa Center and then our Supervisor sided with big business and allowed Bart and the developers to break this promise. It's time our Supervisor represented the people and gave us what was promised.

11

Respectfully,

Anita Bottari

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Anita Bottari (BOTTARI)

Response to BOTTARI-1

The commenter expresses general opposition to the project and remarks that the project would destroy the character of the neighborhood.

Please refer to Master Response 1—General Opposition to the Project and Master Response 7—Community Character.

Response to BOTTARI-2

The commenter notes that they do not like the project design and the project density would exceed existing zoning.

Impacts to aesthetics were evaluated in the Draft EIR and impacts were found to be less than significant with mitigation. Please refer to Section 3.1, Aesthetics. With regards to exceeding existing zoning, please refer to Master Response 4—Density.

Response to BOTTARI-3

The commenter requests reducing project height.

Please refer to Master Response 3—Setbacks and Building Heights.

Response to BOTTARI-4

The commenter asserts that proposed setbacks are inadequate.

Please refer to Master Response 3—Setbacks and Building Heights.

Response to BOTTARI-5

The commenter asserts that more trees should be planted and that the exclusion zone for all trees should be at least 20 feet. The commenter also notes that the protected English walnut tree in the back of the property along the Honey Trail fence line is part of the 161 trees to be removed.

Please refer to Master Response 5—Tree Health, Removal, and Replacement.

Response to BOTTARI-6

The commenter requests the proposed underground ventilation system along the Honey Trail boundary be relocated.

There is no underground venting system, and vents associated with the parking garage ventilation system would be located 70 feet away from the nearest off-site residents.

Response to BOTTARI-7

The commenter expresses concern regarding additional traffic and pedestrian safety.

Please refer to Master Response 2—Traffic Congestion.

Response to BOTTARI-8

The commenter expresses concern regarding wildfire especially with respect to high winds and express concern about emergency evacuation.

As described in Section 3.18, Wildfire, the project site is not in a CAL FIRE designated “Fire Hazard Severity Zone,” and average wind speeds at the closest BAAQMD air data monitoring station in the City of Concord ranged from 2 to 5 mph in 2018, with the maximum hourly wind speeds that year ranging from 10 to 17 mph. As the project site is located more than 3 miles from a State Responsibility Area (SRA) or lands classified as very high fire hazard severity zones, the evaluation focuses on whether the project would result in changes to the physical environment that would cause or exacerbate adverse effects related to wildfires, or whether the project would be placed in a location susceptible to wildfire or post-wildfire conditions.³⁹

The project site is primarily undeveloped and contains grassland and other vegetation that is dry in summer and autumn months. The project site is relatively flat with little to no slopes and is located in an urbanized area surrounded by development, such as apartments and a BART station. Electric power lines are located directly across Del Hombre Lane from the project site and run along the Iron Horse Trail.⁴⁰ The area surrounding the project site consists of urban development without steep terrain or unmanaged open space areas prone to wildfires. The closest open space area is located approximately 5 miles to the east of the project site. In addition, the project site has not previously experienced wildfire. Given that the project site is not located in or near an area of steep terrain or historical wildfire burn nor experiences consistent high winds, the project site would not be prone to greater wildfire risk.⁴¹

In addition, as indicated in Section 3.13, Public Services, Impact PUB-1 and Impact PUB-2, the project would be adequately served in terms of fire protection services from Contra Costa County Fire Protection District.⁴²

For evacuation during an emergency, please refer to Master Response 8—Emergency Access.

Response to BOTTARI-9

The commenter expresses concern regarding visitor parking.

Please refer to Master Response 6—Parking.

Response to BOTTARI-10

The commenter requests relocating the dog run to the interior of the project or removing it completely to remove noise.

Please refer to Response to DCD_ZA_MTG-5.

³⁹ FirstCarbon Solutions (FCS). 2019 Del Hombre Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Page 3.18-9. September.

⁴⁰ FirstCarbon Solutions (FCS). 2019 Del Hombre Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Page 3.18-2. September.

⁴¹ FirstCarbon Solutions (FCS). 2019 Del Hombre Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Page 3.18-11. September.

⁴² FirstCarbon Solutions (FCS). 2019 Del Hombre Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Page 3.13-12. September.

Response to BOTTARI-11

The commenter opposes the project's density and requests for sale homes should be developed instead.

Please refer to Master Response 4—Density and Master Response 7—Community Character.

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November 15, 2019

Jennifer Cruz
Contra Costa County
Department of Conservation and Development
30 Muir Road
Martinez, CA 94553

Re:
DEL HOMBRE 284-UNIT APARTMENT PROJECT
DRAFT ENVIRONMENTAL IMPACT REPORT
State Clearinghouse Number: 2018102067
County File Numbers: GP18-0002, RZ18-3245, MS18-0010, DP18-3031

Dear Jennifer Cruz,

After reviewing the DEIR for the Del Hombre Apartments Project I am disappointed to see a number of adverse impacts to the neighborhood and the environment which do not appear to be addressed adequately or their impact fully evaluated. For the reasons below I cannot support the project in its current form.

1

1. Variances being applied for:

a. Zoning changes / variances

i. General Plan Amendment from Multiple-Family Residential-Very High Density (MV) to Multiple-Family Residential-Very High Special Density (MS)

The surrounding parcels east of the Ironhorse Trail are MV or M-17. Parcels to the north of Bart are MH. It is unclear why this group of parcels with poorer roading infrastructure, a smaller lot area and without the more urban feel of the lots immediately to the south of Bart would have a higher density in the District Plan.

2

The DEIR contains no information justifying this increase in density or disparity from the neighboring properties, nor does it describe mitigating features.

Given this I believe the parcels should remain MV.

ii. Rezoning of the property from Single-Family Residential (R-15) and Planned Unit District (P-1) to Planned Unit District (P-1)

3

It is understood that the County is looking to move unincorporated areas into P-1.

iii. A minor subdivision

4

This does not appear to be addressed in the DEIR however appears necessary to achieve the densities described in the District Plan.

iv. Variances to the lot size for rezoning a less than 5-acre property to P-1

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It is understood that the County is looking at relaxing the minimum 5-acre lot size for rezoning to P-1 in order to better address urban infill sites. This site does not represent urban infill in that the neighboring lots are of a less dense zoning with

suburban setbacks and street presence. There does not appear to be any justification for this proposed variance in the DEIR nor mitigation.

I could support this rezoning if protections to match the neighboring suburban street presence similar to other properties on Del Hombre and Las Juntas were put in place.

5
CONT.

b. Variance to eliminate the 10-foot setback requirement from a public road.

Neighboring lots have a variety of setbacks set key map below:

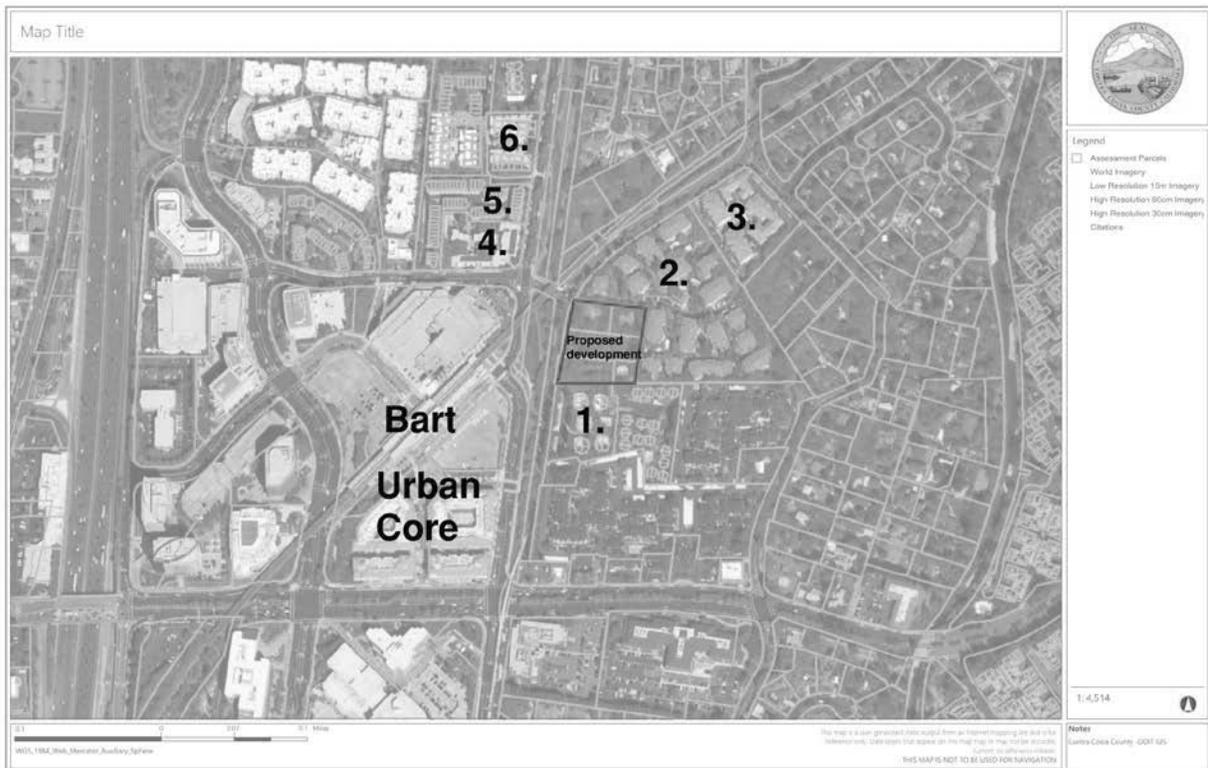
- 1) Del Hombre Condominiums: 16' to the carport structures
- 2) Avalon Walnut Ridge on Las Juntas: ranging from 16' to 30' adjacent the proposed site.
- 3) Avalon Walnut Ridge on Las Juntas between Santos Lane and Cherry Lane: ranging from 8' to 12'

6

Comparable lots on the north side of Bart:

- 4) 1316 Las Juntas: 10' on Las Juntas and 14' on Coggins Drive
- 5) 58 to 72 Iron Horse Trail: 24' on Coggins Drive
- 6) 3173 Wayside Plaza: 17' to 28' on Coggins Drive

(All measurements are approximate and taken from the Contra Costa County Maps Portal).



Each of these buildings are less than five stories and do not present a single façade parallel to the street. Therefore, even if at the same setback they would be less visually impactful.

6
CONT.

Lots to the south of Bart have an urban approach to the streetscape. They are bordered by elements such as urban plaza space, bus stations and Treat Boulevard. They are not an appropriate comparison to the proposed site.

There does not appear to be any justification for the proposed variance to the 10' setback from a public road. In addition, it does not appear to be in keeping with the neighboring projects to have less than a 15' setback.

c. Exception from Title 9 for drainage requirements

It appears that this is based on the proximity to Bart coupled with no surface parking. There are several parking stalls shown on the adjacent roads. The parking stalls along Del Hombre Lane are identified as loading zone. It seems unlikely that these few stalls are adequate for short term passenger loading as well as deliveries.

7

The parking stalls along Roble Road are unlabeled. It seems that it would be in keeping with the exception regarding surface parking if these stalls are not counted toward the minimum parking requirements for the site. These would be better served as loading to make up for the few loading stalls available on Del Hombre.

It is disappointing that more replenishment of the water table is not being provided. It is unclear whether assessment of the impact of the change to the water table that will occur in the conversion of the site from being almost fully pervious to being largely impervious has been performed.

8

The mechanical detention and pumped released of the stormwater is of long term concern as the pump will be infrequently used, yet will need regular maintenance and servicing. It is also unclear how evident the failure of the pump would be or whether there will be a gradual increase in surface flooding with no apparent cause when it does fail.

9

d. A concession to provide the remaining affordable units (24 total) as affordable to moderate income.

Given the project is providing 12 out of 284 units as affordable to very low income and the remainder as market rate or affordable to moderate income it seems overstated to state that the project will "provide much needed affordable housing through the delivery of 36 affordable units" in the project description or the project objectives. Over 95% of the apartments will be considered affordable to above median wages in an area that has a relatively higher median wage.

10

2. Vehicular and pedestrian impacts

- a. Intersection of Coggins Drive at Las Juntas Way (also the main crossing point for Iron Horse trail)

The proposed development as stated in the report will cause an unmitigable impact to this intersection. In order to improve this for pedestrians some, or all, the following mitigation measures will be implemented:

11

- Advance stop bars
- Narrowed travel lanes
- Curb extensions
- Improved crosswalk lighting
- A pedestrian/bicyclist actuated trail crossing warning device,
- Other similar measures as approved by the Public Works Department.

All of these will further impact the Level of Service of the intersection. Could a pedestrian bridge allow for the intersection to be mitigated without impacting the walkability and bikeability of the area?

It should be noted that the reduced density alternate project significantly lessened the impact on this intersection.

- b. Coggins Drive at Jones Road – this is one of the main entry points to Bart parking and the bus terminal.

Though the Level of Service would remain acceptable at a D level it is unclear whether the additional foot traffic from this project has been factored in. As the this is a four way stop sign with large flows of pedestrian and bike traffic to and from Bart vehicles can be delayed significantly here by pedestrians. Given the somewhat uncontrolled nature of the intersection this can be dangerous for foot traffic. The EIR should clarify whether an increase of foot traffic has been accounted for.

12

- c. Operational traffic

It appears that there is a loading dock off Roble Road. Given the likely turnover of the apartments it would be expected that there would be several move ins/outs per week. Given the narrow roads and inability to traverse Del Hombre Lane without passing the project it should be confirmed that facilities provided are sufficient that all moving vehicles and larger delivery vehicles are able to be pulled entirely off the roads.

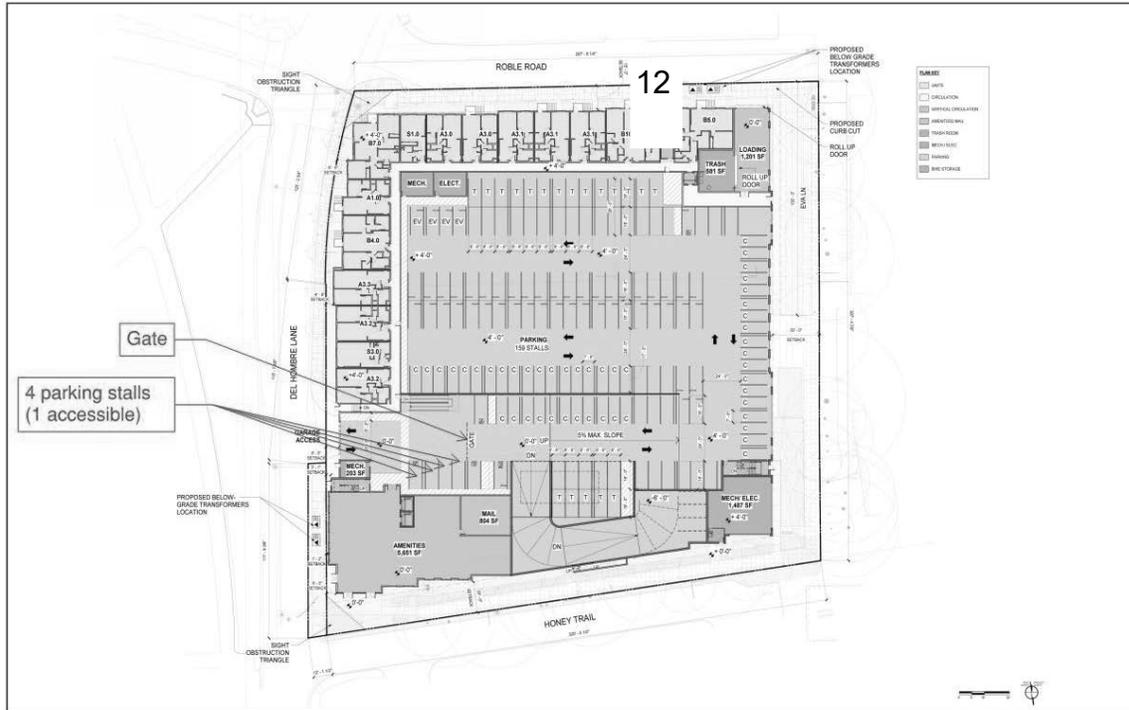
13

It is noted that the mail room is at the southwest corner of the site. It is unclear if the drop off loading zone at this location would be adequate for parcel delivery trucks as well as pedestrian pick up drop off. This could lead to double parking at a location very close to the main entry and associated and the intersection with Honey Trail. This could be a safety hazard.

14

d. Guest parking

The ground floor plan implies there are four guest parking spaces within the podium. If this is accurate this is inadequate. Note the earlier comment regarding parking along Roble Road.



Source: BFK Engineers, Surveyors, Planners, May 16, 2019.

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26480011 • 05/2019 | 2-8b_Proposed Parking-Ground Floor.cdr

Exhibit 2-8b
Proposed Parking-Ground Floor

CONTRA COSTA COUNTY • DEL HOMBRE APARTMENTS PROJECT
ENVIRONMENTAL IMPACT REPORT

15

e. Construction traffic

No construction logistics plans were provided. Given the lack of setbacks on any side it appears that this site will be extremely difficult to build without significant impacts to the neighboring properties. The fire lane at the east is unlikely to provide the necessary truck turning radiuses to use as ongoing construction access so laydown area will likely be limited to Del Hombre Lane reducing the width. It is assumed that 24' wide fire access will be provided past the site at all times (including crane erection and dismantlement and concrete pump work).

3. Trees

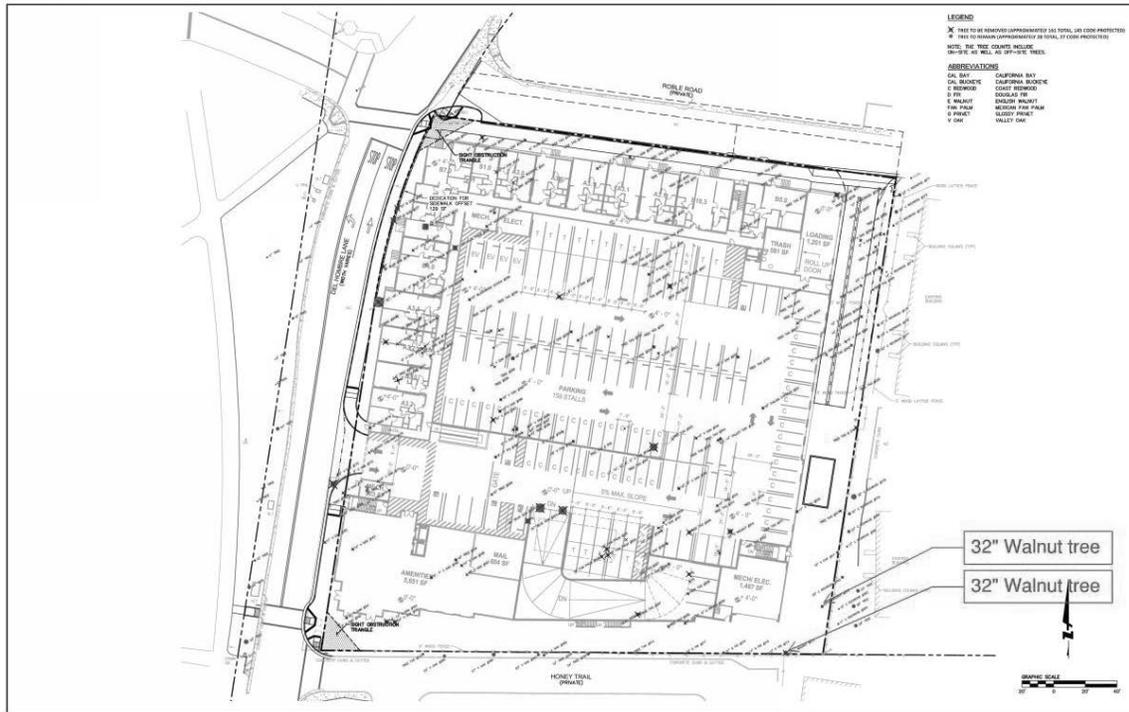
a. Trees on site

- i. It is noted that all trees on site are to be demolished. This certainly seems appropriate for the Blue Gums in the center of the site and a number of trees would need to be demolished for any development to take place.
- ii. There are two large walnut trees at the edge of the site that, given the proposed footprint, appear to be able to be protected in place. No justification within the DEIR has been provided for their removal.

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17

Given their location in providing visual privacy for the neighbors it seems that these should not be removed.



Source: BFK Engineers, Surveyors, Planners, July 2019.

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26480011 • 09/2019 | 3.3-2_tree_removal_plan.cdr

Exhibit 3.3-2
Tree Removal Plan

CONTRA COSTA COUNTY • DEL HOMBRE APARTMENTS PROJECT
ENVIRONMENTAL IMPACT REPORT

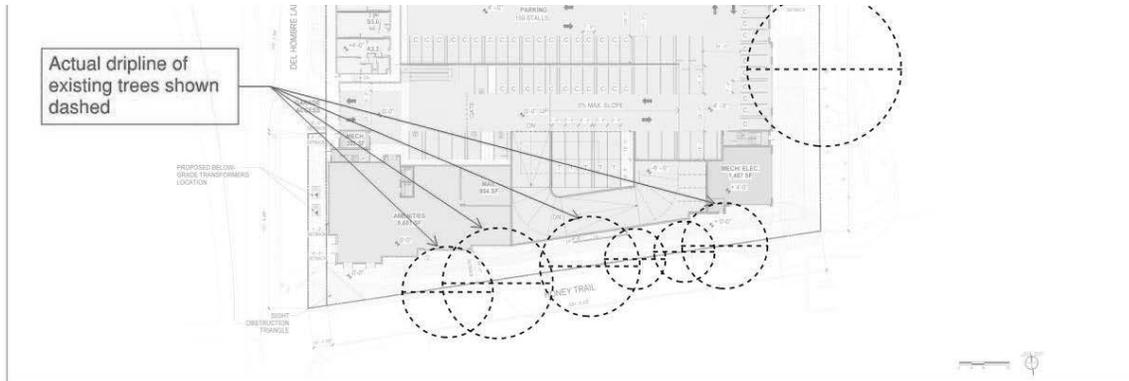
17
CONT.

- b. Trees on adjacent properties
 - i. Immediately south of the southern property line are a series of valley oaks ranging from 15" to 27". These have canopies that extend both north and south and provide visual amenity, shade and habitats for the local wildlife.

It is noted that some measures to less adversely affect the trees are proposed but these are inadequate. They include a 10' buffer zone during construction and a 20' setback of the above ground structure.

The Proposed Parking Ground Floor Plan shows the extent of the driplines for these existing trees. This appears to match what is observable on site for at least some of the valley oaks as some have asymmetrical canopies.

18



Source: BFK Engineers, Surveyors, Planners, May 16, 2019.

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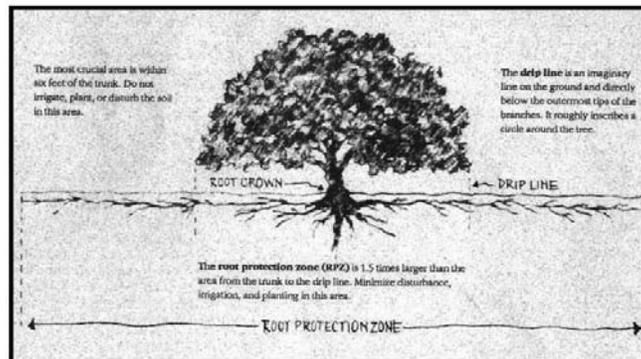
26480011 • 05/2019 | 2-8b_Proposed Parking-Ground Floor.cdr

Exhibit 2-8b
Proposed Parking-Ground Floor

CONTRA COSTA COUNTY • DEL HOMBRE APARTMENTS PROJECT
ENVIRONMENTAL IMPACT REPORT

18
CONT.

Valley Oaks are particularly sensitive to disturbance in soil compaction (construction traffic, scaffolding, pavement), hydrology (changed stormwater flows and groundwater conditions), and mechanical interference (shoring and trenching) within their root zones. The root zone can extend significantly further than their dripline – typically 1.3 to 1.5 times the diameter of the dripline. (Reference the California Wildlife Foundation)



<http://californiaoaks.org/wp-content/uploads/2016/05/CareOfCAsNativeOaks.pdf>

Typical protection includes an exclusion zone within the root protection zone.

Work that will occur along the south face of the building will include at a minimum:

- Shoring – likely approximately 24” zone from face of retaining wall.
- Scaffolding – typically up to 60” from the face of building and needs to allow for erection and removal.
- Construction traffic – transportation of materials and equipment.
- Utility trenching – a storm line is the only utility shown at this time.
- Pavement construction.

Both the eventual building and the construction will conflict significantly with the trees. The mitigation is not adequate and it is unclear how the proposed measures have been reached with any specificity to these trees.

18
CONT.

It is unclear whether the proposed landscaping around these trees is appropriate and whether the existing hydrology will be preserved locally to ensure the tree's long-term health.

- ii. Along the eastern property line adjacent the firelane there are some large redwoods. Whether these overlap the fire lane and whether this is acceptable to the fire marshal should be reviewed.

19

4. Building massing and articulation

- a. The building has been placed on the site to maximize envelope and as such the elevation along Del Hombre Lane and Roble Road is largely six stories high. There has been no effort to break down the mass along these roads. At no other location along Del Hombre Lane is such a street wall present.
- b. Trees planted in the set back zones along with broken frontages of up to four stories characterize the immediate area. The only exception to this is within the urbanized core three blocks around the Bart Plaza, fronting onto the bus terminal and at Treat Boulevard.

20

This proposed treatment of the street wall is a significant departure from the context.



A. View 1 Existing - View from Iron Horse Regional Trail Looking East toward the Project Site.



A. View 1 Proposed - View from Iron Horse Regional Trail Looking East toward the Project Site.



B. View 2 Existing - View from Coggins Drive/Las Juntas Way Looking Southeast toward the Project Site.



B. View 2 Proposed - View from Coggins Drive/Las Juntas Way Looking Southeast toward the Project Site.

21

5. Operational noise	
a. There is a mechanical room shown in the south east corner. It is unclear what this is for. It appears to have large louvers facing the property line to the south. The DEIR does not address this, nor provide mitigation for possible noise impact on the neighboring properties.	22
b. The dog respite area appears to be at the southeast corner of the site. Potential noise impacts from this do not seem to be evaluated and it does not appear that there are noise mitigation measures for this.	23
c. The second floor pool deck and terrace appears to be at the southeast corner of the site. Potential noise impacts from this do not seem to be evaluated and it does not appear that there are noise mitigation measures for this.	24
6. Proposed unit mix:	
The surrounding neighborhood though a steadily developing and growing one still retains a balance between shorter term rental properties and longer-term owners, between walk apartments, single family houses, elevator served apartments and townhouses. The proposed development is strongly biased towards one bedroom apartments which will likely be on one year leases. It would be more desirable to see the much-needed affordable housing that the summary cites include more apartments that are suitable for families to help foster longer term residents and encourage the sense of community.	25
Ultimately, though outside of the scope of this document an ownership model would be the most desirable outcome.	
7. Summary	
Given the proximity to Bart and other transit options and the statewide imperatives for transit oriented development it is appropriate that the properties 112 Roble Road, 3010, 3018, 3050, and 3070 Del Hombre Lane are developed. However, any development should be sensitive to its environs; the project should be scaled to fit in with the neighboring properties, the density should work with the lot and the natural features. The current proposal does not have this sensitivity to the neighborhood and community, and this is reflected in the number of variances being sought. Justification for these variances has not always been provided and other means of mitigation of the impacts of these variances has not been provided.	26
A number of impacts documented in the DEIR do not appear to have been adequately mitigated.	
Though I support development at this location, I do not support the project in its current form.	

Sincerely

Nick Wai-Poi

Homeowner at Honey Trail

Anita Bottari and Barbara Haugse

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Anita Bottari and Barbara Hauge (BOTTARI_HAUGSE)

Response to BOTTARI_HAUGSE-1-26

The commenters signed onto a letter authored and submitted by Nick Wai-Poi.

Please refer to Response to WAI-POI.2-1 through WAI-POI.2-26.

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November 15, 2019

Ms. Jennifer Cruz
Contra Costa County
Department of Conservation and Development
30 Muir Road
Martinez, CA 94553

Regarding: Del Hombre 284-unit apartment project

County File Numbers: GP18-0002, RZ18-3245, MS18-0010, DP18-3031

Dear Ms. Cruz,

We are writing to you to comment on the draft EIR for the proposed 284-unit apartment project on Del Hombre. We are the owners of 1273 Honey Trail, a home adjacent to the building site for the project.

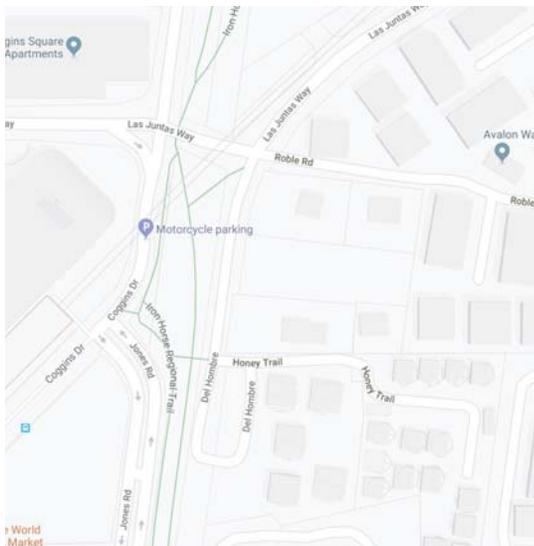
1

We have concerns about the project, including safety, impact on traffic, noise impact, impact on the community, and aesthetic impact on the neighbourhood.

Safety

The proposed project adds 284 families as users of the Del Hombre road, as well as the Roble Rd/Las Juntas Way intersection (see map below).

2



We are concerned that in the case of a necessary evacuation (e.g. because of a fire, or an earthquake), the residents of Del Hombire apartments south of the proposed project and the residents of Honey Trail south east of the proposed project will find themselves trapped with Del Hombire being clogged by outflow of cars from the underground parking of the proposed project. In light of this it seems irresponsible to upzone the project site to Multiple-Family Residential-Very High Special Density (MS).

2
CONT.

Impact on traffic

The EIR quotes unmitigatable impact on traffic on Coggins Drive/Las Juntas intersection. This is concerning to us, especially in the light of safety concerns outlined above.

3

Noise impact

The EIR shows a planned activity lawn on the south-east corner (exhibit 2-9a in EIR). The activity lawn is close to the properties at 1263, 1267, 1273 Honey Trail - we are concerned that the noise level from dogs using the activity lawn might be unacceptable during the late night hours.

4

Impact on the community

The area around the BART has many rental properties (Avalon Walnut Creek, Avalon Walnut Redge, eaves Walnut Creek, Del Hombire apartments), all having high turnover rates. The high turnover rates make building a community difficult. Adding even more rental capacity makes this problem even worse. We believe the community around the proposed project site would

5

benefit from more homeownership capacity (the turnover in owner-occupied units tends to be much lower than in rental units).

5
CONT.

Aesthetic impact

The area east of the Iron Horse Trail around the proposed project site has a quaint suburban feel and aesthetics - there is much greenery, the homes are 1 to 3 stories tall, the setbacks are mostly over 15'. The proposed project seems to be much more in line with the "urban" aesthetics of the BART transit village - 6 stories tall along Del Hombre and Roble Road, setbacks less than 10', eliminates trees on the site and negatively impacts trees growing on its perimeter. We believe the project represents a significant departure of the aesthetics of the neighbourhood it is surrounded by.

6

To summarize, we oppose the project in its current form due to the safety concerns from increased pressures on the infrastructure, impacts on traffic, community, and aesthetics. We believe these concerns can be mitigated by decreasing the scale of the proposed project and it is our hope that the county takes these issues into consideration.

7

Best regards,
Yuri and Kristen Burda

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Yuri and Kristen Burda (BURDA)

Response to BURDA-1

This comment provides introductory remarks and summarizes the content of the comment letter.

Please refer to Response to BURDA-2 through Response to BURDA-7.

Response to BURDA-2

The commenters express concern regarding evacuations in a high-density housing area.

For a discussion of evacuations during an emergency, please refer to Master Response 8—Emergency Access.

Response to BURDA-3

The commenters express concern regarding the significant unavoidable transportation impact discussed in the Draft EIR.

Please refer to Master Response 2—Traffic Congestion.

Response to BURDA-4

The commenters express concern regarding the potential for late-night noise from the proposed dog run.

Please refer to Response to DCD_ZA_MTG-5.

Response to BURDA-5

The commenters would prefer for-sale housing rather than more rental housing in the area.

Please refer to Master Response 7—Community Character.

Response to BURDA-6

The commenters assert that the project would not fit the aesthetics of the surrounding area given the size of the setbacks and the height of the building.

Please refer to Master Response 3—Setbacks and Building Heights.

Response to BURDA-7

The commenters summarize the content of the comment letter and assert that a reduced scale would mitigate concerns.

Please refer to Response to BURDA-1 through BURDA-6 and Master Response 4—Density.

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-----Original Message-----

From: Elliott Dushkin <leedushkin77@gmail.com>
Sent: Saturday, October 26, 2019 10:08 PM
To: Jennifer Cruz <Jennifer.Cruz@dcd.cccounty.us>
Subject: GP18-0002,RZ18-3245,MS18-0010,DP18-3031

Dear Ms. Cruz,

I've lived in this area since 1963, the area was quiet and safe for children.

In 1973, with the addition of Bart, traffic became bad. Las Juntas became like a race course in the morning and afternoons on work days.

With the addition of apartment and multi-family structures the additional cars and people crossing streets wherever they feel like it, traffic and driving is dangerous.

Additionally, the proximity of Bart has allowed the rate of home break-ins to soar.

More housing in the area will turn what was once a quiet neighborhood into a situation like downtown San Francisco.

Additionally, the loss of "Quiet and Peaceful" decreases our property values.

1

2

Dr. Elliott S Dushkin
157 Greenwood Circle
Walnut Creek, Ca. 94597

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Elliott S. Dushkin (DUSHKIN)

Response to DUSHKIN-1

The commenter expresses concern regarding traffic congestion and safety.

Please refer to Master Response 2—Traffic Congestion.

Response to DUSHKIN-2

The commenter expresses general opposition to the project.

Please refer to Master Response 1—General Opposition to the Project.

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From: Royce Everone <welrde@sbcglobal.net>

Sent: Thursday, November 14, 2019 2:33 PM

To: Jennifer Cruz <Jennifer.Cruz@dcd.cccounty.us>

Subject: [BULK] GP18-0002, RZ18-3245, MS18-0010, DP18-3031 CONCERNS and MISGIVINGS

Hello Jennifer,

1

I am writing to you concerning the building of a large apartment complex on DelHombre and Las Juntas.

A shame to chop down over a hundred trees! Not to mention the number of vehicles that would be

Plugging up roadways, in addition to the already jammed parking available around the Bart Station!

2

I'd like to know of any planning meetings related to this potential building project.

Please register my concern about this apartment building.

3

Sincerely, Royce Everone

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Royce Everone (EVERONE)

Response to EVERONE-1

This comment provides introductory remarks.

No response is required.

Response to EVERONE-2

The commenter expresses concern regarding additional vehicles and traffic as well as tree removal.

Please refer to Master Response 2—Traffic Congestion and Master Response 5—Tree Health, Removal, and Replacement.

Response to EVERONE-3

The commenter requests to be notified of planning meetings regarding the project.

The County held a Draft EIR Scoping Session (Zoning Administrator’s Hearing) on November 19, 2018, and a Zoning Administrator’s Draft EIR Comment Hearing on October 7, 2019. There will also be a County Planning Commission Hearing and a Board of Supervisors’ meeting prior to project approval. These meetings have not yet been scheduled; however, Mr. Everone will be provided with the required noticing prior to the meetings.

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October 30, 2019

Ms Jennifer Cruz
SENIOR PLANNER
DEPARTMENT OF CONSERVATION AND DEVELOPMENT
COMMUNITY DEVELOPMENT DIVISION
30 Muir Road, Martinez, CA 94553

SUBJECT: GP18-0002, RZ18, 3245, MS18-0010, DP18-3031

Dear Ms Cruz

Please allow me to introduce myself:

Jacques Fasquelle at 12 Calle Este, Walnut Creek, CA 94597

As a concern citizen living in the neighborhood north of Pleasant Hill Bart Station, between Mayhew Way, and Del Hombre near Las Juntas Way, I feel oblige to write to you to express our dismay after learning that one more big apartment complex is being planned in the vicinity of our neighborhood. There are already approximately eight to ten high density residential apartment or condominium buildings and senior apartments in the proximity of our living area and this has started to affect out neighborhood in a very negative way.

1

In the last few years the increase of traffic on las Juntas and surrounding streets is beginning to affect in a critical way the character of our neighborhood as result of multiple apartments in our area. Gridlock is beginning to form at very inconvenient times for all the neighbors trying to go out to work via Las Juntas to Bancroft, Cherry Lane to Treat Blvd, Las Juntas and Coggins Drive to gain access to Hwy.680 North and South. With the additional constructions of homes going on on Mayhew Way and additional automobiles the traffic in Mayhew Way is becoming congested even before all the new homes have been occupied. The additional automobiles related to this new project is going to bring more chaos to the narrow streets surrounding Pleasant Hill Bart Station, Las Juntas, Mayhew Way; and we believe the damage done to our lovely neighborhood will be irreversible.

2

3

The pedestrian traffic in the Bart Station area, also slows down the traffic increasing the gridlock which gets at its worst in the winter months when the narrow streets are dark, and they rush to and from Bart. In the day time from the Iron Horse Trail to add to the chaos, mothers with strollers, bicyclists, joggers, seniors walking, have no choice but to slow the traffic in the proximity of Bart Station, where traffic is rushing to get in the station garage or go to the entrance ramps of Hwy. 680; more traffic will only make more unsafe for the pedestrian who on rainy dark days they wear dark clothing making them difficult to see.

4

There is also the necessity of commuters who do not live in the area in question and who have the legitimate need to commute on Bart, when they cannot find parking in the Station's garage, then out of necessity they will drive around and around to find a space available in the adjacent streets, this also contributes to the slowing and congestion of traffic and adding 500 additional cars to the area is not going to help at all.

5

(Over Please)

This bring us to another great concern to all of us who live in a very enclosed neighborhood, and that is is of course an event that requires our neighborhood to be evacuated in an emergency, and making the entrance of first responder vehicles and emergency personnel very difficult.

6

On the other hand I understand that numerous trees are going to be removed to make room for the new building this is is a problem for our environment when instead we should be preserving trees in crowded neighborhoods and metropolitan areas such as ours, since their contribution to a cleaner air is of most importance for humans health. The City of Walnut Creek has been a champion in the preservation of trees and we have been grateful to the city for this endeavor and hope the City will continue to provide this great asset to all of us.

7

In regard to noise, Bart Trains provide plenty of noise already, the additional traffic will make our neighborhood less peaceful, allowing our community to lose quality of living, the characteristic of a pleasant and safe homely environment. The peaceful ambiance of the streets of our neighborhood is being permanently affected, I have lived in this neighborhood since 1993, and have spent a lot of money on an effort the remodel and improve the house where I live and the neighborhood, as others of my neighbors have done, which increased the assessment value properties around here, and of course the property taxes considerably. My property taxes now exceed \$6000.00 a year, now this is almost double of what it was when we move in, this only to live in a neighborhood which is quickly deteriorating do to the surrounding crowding of multiple family units, our efforts not only improved the character of the neighborhood buy it made it more pleasant for every one living around here. I think the county owes it us to at least salvage what is left of our neighborhood.

8

Traffic congestion, problems accessing the neighborhood, the noise and lack of trees in the area could begin to cause LOCATIONAL OBSOLESCENCE, which my result in depreciation of property values.

Is with great regret that we have received the news of this new construction in our area and me and my neighbors will appreciate if our concerns are taken under serious consideration.

Best Regards. —



Jacques Fasquelle

Jacques Fasquelle (FASQUELLE)

Response to FASQUELLE-1

This comment provides introductory remarks.

No response is required.

Response to FASQUELLE-2, FASQUELLE-3, and FASQUELLE-4

The commenter notes traffic increases in the project area in recent years and expresses concern about the cumulative impact on transportation (including pedestrian and bicyclist safety) caused by the project in conjunction with other projects.

A cumulative transportation analysis is provided in Section 3.15, Transportation, in the Draft EIR. This analysis includes approved and pending projects in the project area. Impacts on all intersections were found to be less than significant except for the intersection of Coggins Drive at Las Juntas Way. Restriping within the existing right-of-way to provide a left-turn pocket and a through-right shared lane would be possible if parking is restricted on the north side of Las Juntas Way. This restriping would result in LOS E operations (41 seconds) for vehicles during the AM peak-hour, and would thereby reduce the vehicle impact to a less-than-significant level. However, this improvement could increase vehicle/bicycle/pedestrian conflicts associated with the high volume of activity on Iron Horse Trail, which crosses this intersection. Therefore, implementation of this improvement is not recommended, as it could lead to secondary impacts for pedestrians and bicyclists. Including this left-turn pocket would conflict with numerous policies (e.g., Complete Streets, Pleasant Hill BART Specific Plan), as well as general best practices in transit-oriented development planning, but specifically would conflict with General Plan Policy 5-18, which directs the County to prioritize intermodal safety over capacity. Therefore, in order to promote the safety of pedestrian and bicycles in accordance with adopted policies, this left-turn pocket would not be included as part of the project.⁴³

Response to FASQUELLE-5

The commenter expresses concern regarding additional traffic caused by a perceived lack of parking.

Please refer to Master Response 6—Parking.

Response to FASQUELLE-6

The commenter expresses concern regarding evacuation events and emergency access.

Please refer to Master Response 8—Emergency Access.

Response to FASQUELLE-7

The commenter expresses concern regarding tree removal.

Please refer to Master Response 5—Tree Health, Removal, and Replacement.

Response to FASQUELLE-8

The commenter expresses general opposition to the project.

Please refer to Master Response 1—General Opposition to the Project.

⁴³ FirstCarbon Solutions (FCS). 2019 Del Hombro Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Page 3.15-71. September.

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From: Lydia Fedotoff <lfedo@comcast.net>
Sent: Sunday, November 10, 2019 8:59 PM
To: Jennifer Cruz <Jennifer.Cruz@dcd.cccounty.us>; SupervisorMitchoff <SupervisorMitchoff@bos.cccounty.us>; Lia Bristol <Lia.Bristol@bos.cccounty.us>; fire@cccfd.org <fire@cccfd.org>
Subject: GP18-000,18-00010, DP18-3031 , MS182, RZ18-3245, Del Hombre Apartments

Dear Concerned Parties,

I have been a homeowner of a townhouse at Honey Trail since 2004. I am against the proposed Hanover development on Del Hombre Lane for the following reasons:

First, this is already a congested area. Rezoning the area from high-density to super high-density as has been proposed will impact not just our area, but everyone in the community. Pleasant Hill BART is already congested, as are nearby Mayhew Way, Cherry Lane, and Treat Bl during commute hours. At this time, the new Avalon 200-unit apartment building next to Pleasant Hill BART is nearly completed. Across the street, on Las Juntas Way, a 42-unit Habitat for Humanity is scheduled to open in Fall of 2021. And now you are proposing a 284-unit across the street on Del Hombre. That adds up to a total of 526 new units to this already heavily populated corner of Walnut Creek! Meanwhile, the older, established Avalon units on Del Hombre still have "For Lease" signs up in their windows. The added number of cars and people will heavily impact congestion, traffic, safety, and crime for everyone in the surrounding area.

In addition, this part of our community will lose its quality of living and character of community. Del Hombre is a dead end small roadway that basically serves as the only road out for Del Hombre and Honey Trail residents. Next to us is the two acre parcel currently being discussed, but now covered with trees and a few homes in the back, and then after that, at the corner of Del Hombre and Las Juntas, is the three to four-story Avalon apartments. They are set back from the sidewalk from 25 to 35 inches with shrubs and trees planted in front to soften the look of the tall buildings and add an aesthetic appeal. The proposed Hanover project is calling for a 6 story apartment building set less than two feet from the sidewalk. Unfortunately, there is not enough room for shrubs or trees. It will stand out like a monstrosity. While the west side of the Iron Horse Trail by BART has buildings close to the sidewalk, our east side of the trail has a very different aesthetic appeal to it. I am asking you to help us keep our character of community by scaling back the height of the building to three or four stories, and increase the setback from the sidewalk to align with our community.

2

The third impact will be safety. Del Hombre Road is a small lane and the only access out for the 60 units of Del Hombre and Honey Trail residents. The proposed project also has an exit onto the small Del Hombre Road, which will cause gridlock getting out, especially in the event of a catastrophe – a fire or earthquake. All 350 units will be fighting for a way out onto this tiny lane. I am asking that the proposed apartment building have an alternate route out, and a place other than Del Hombre Lane for their moving vans, Uber vehicles, delivery trucks, etc. It is too dangerous to block a small road when it is the only exit and entrance for those of us living on the dead end side of the proposed apartment driveway. We will be trapped. Not to mention bicycler and pedestrian safety – right now the streets are dimly lit and it is hard to see pedestrians, especially in the evening. They don't always look up from their phones when crossing, and often don't cross in the crosswalks – they simply walk onto the street for the shortest route. With so many residents within such a small area, is it an accident waiting to happen?

3

4

Another aspect of safety that will be impacted is the crime. Lately, there have been a growing number of cars whose windows have been smashed on Coggins. Across the Iron Horse Trail and close to us, similar break-ins have started to occur on Del Hombre Road, even though there is only room for seven cars on that tiny stretch of road. Since the proposed complex will have 284 units and 380 parking spaces, where will the remaining residents and visitors park? There is only room for seven vehicles on Del Hombre – and they are always taken. Sheriffs are thinly stretched – they are rarely seen these days. What can be done to reinforce safety in our area? According to the EIR, there is no plan to improve the in and out of this development. No improvements are included for Las Juntas Way, Del Hombre, or Cherry Lane. Please consider the safety, congestions, traffic, quality of life for residents when you vote on the Hanover Del Hombre Project.

5

6

7

8

Thank you for your consideration,

Lydia Fedotoff

[1277 Honey Trail](#)

[Walnut Creek, CA 94597](#)

Lydia Fedotoff (FEDOTOFF)

Response to FEDOTOFF-1

The commenter expresses concern regarding cumulative impacts of several new housing sites in the area. The commenter also expresses concern about rezoning the area to a higher density and potential impacts to congestion, traffic, safety, and crime.

Chapter 3, Environmental Impact Analysis, of the Draft EIR evaluates cumulative impacts (including impacts to congestion, traffic, safety, and crime) of the project in conjunction with cumulative projects in the project area. All cumulative impacts were either less than significant or less than significant with mitigation with the exception of transportation. For further discussion of cumulative transportation impacts, please refer to Response to FASQUELLE-2, FASQUELLE-3, and FASQUELLE-4.

With regards to rezoning the area to a higher density, please refer to Master Response 4—Density.

Response to FEDOTOFF-2

The commenter requests the project be built at a shorter building height with larger setbacks.

Please refer to Master Response 3—Setbacks and Building Heights.

Response to FEDOTOFF-3

The commenter requests that the building have an alternate vehicle exit in case of emergency and a designated temporary parking area for moving vans, transportation network company vehicles, delivery trucks, etc.

For emergencies and evacuations, please refer to Master Response 8—Emergency Access.

Regarding temporary parking, the proposed loading dock would be used for move-in/move-out of future residents. General deliveries would occur at a white curb passenger loading/unloading zone located along the west of Del Hombre Lane.

Response to FEDOTOFF-4

The commenter notes that existing street lighting is not adequate and expresses concern about pedestrian safety.

Please refer to Response to DCD_ZA_MTG-37.

Response to FEDOTOFF-5

The commenter indicated that the project would increase crime in the area.

The Office of the Sheriff would continue to respond to calls near the project site. As discussed in Section 3.13, Public Services, the Office of the Sheriff did not indicate that the project would result in the need for new or expanded Sheriff facilities in order to maintain acceptable service ratios, response times, or other performance objectives.^{44,45}

⁴⁴ Contra Costa County Office of the Sheriff. 2019. Email Correspondence with Carlye Slover, Sheriff's Specialist. January 24, 2019.

⁴⁵ FirstCarbon Solutions (FCS). 2019 Del Hombre Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Page 3.13-12. September.

Response to FEDOTOFF-6

The commenter asks where residents and visitors will park.

Please refer to Master Response 6—Parking.

Response to FEDOTOFF-7

The commenter notes a lack of policing in the project area and the area surrounding the project site.

Please refer to Response to FEDOTOFF-5.

Response to FEDOTOFF-8

The commenter notes that no street improvements are proposed as part of the project.

The project would include several transportation enhancements as described in Master Response 2—Traffic Congestion.

From: Shannon Galvin <silver.rin@gmail.com>
Sent: Sunday, October 20, 2019 2:05 PM
To: Jennifer Cruz <Jennifer.Cruz@dcd.cccounty.us>
Subject: Concerns over the current Del Hombre Apartments Project

Reference Number GP18-0002, RZ18-3245, MS18-0010, DP18-3031

I'm a condo owner at Honey Trail Condominiums. I have recently found out about the proposed six-story apartment project nearby, and I'm very concerned. While any new project is expected to get a degree of NIMBY pushback, the idea of having this massive a structure on an area that small and on a road that is that small is hard to accept. I understand the property owner wants to get as much value out of their property as possible, but the degree of this seems like it will aggressively change the surrounding area. According to the plan, there doesn't seem to be any setback on the street for trees or anything else that could mitigate the appearance of this building, In fact the whole plan seems to be about using every square inch of land without concern of the neighborhood or even the future residents.

I think everyone in the surrounding area knew that eventually a larger housing structure would be build in the property, but this proposal is entirely too huge. If it was changed to something more characteristic of even the larger housing developments, such as the next-door Avalon Walnut Ridge, it would be far less of a concern.

What would be best is to go with the provided alternative plan, found on the webpage listed below, which I'll also quote here:

•Reduced Scale Alternative: Under the Reduced Scale Alternative, 52 townhomes (22 units peracre on 2.37 acres) would be constructed on the project site. While this alternative would reduce the overall intensity of development on the project site, it would still require the development of the entire project site. In this scenario, the number of market rate units would decrease by 82 percent (248 units down to 44 units) and the number of affordable units would decrease by 78 percent (36 units down to 8 units). Similar to the project, the two existing single-family homes and garage on the project site would be demolished. However, no below ground parking would be constructed under this alternative.

2

A development on this scale would work far better for everyone concerned, and I believe the owners of the property would still be getting a lot of worth out of their investment. But I would still rather have a compromise between these two choices (the townhome proposal and the six story apartment building) then to go with the current proposal, which honestly seems to have little concern about the area where it would be built.

Shannon Galvin

Homeowner at [1297 Honey Trail](#)

Alternate project plan webpage can be found at:

<https://www.contracosta.ca.gov/DocumentCenter/View/61044/60-Alternatives-PDF>

Shannon Galvin (GALVIN)

Response to GALVIN-1

The commenter notes there does not seem to be any setback on the street for trees or anything else that could mitigate the appearance of the building.

Please refer to Master Response 3—Setbacks and Building Heights.

Response to GALVIN-2

The commenter voices support for the Reduced Scale Alternative (Alternative 2) that is discussed in Section 6, Alternatives, of the Draft EIR.

The comment in support of the Reduced Scale Alternative is noted. Please refer to Master Response 4—Density.

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-----Original Message-----

From: Susan Haggerty <haggertysusan@gmail.com>

Sent: Thursday, November 14, 2019 4:22 PM

To: Jennifer Cruz <Jennifer.Cruz@dcd.cccounty.us>

Subject: [BULK] Del Hombre284 unit

County file numbers GP18-0002, RZc18-3245, MS18-0010, DP18-3031

Please define "affordable" units. Are the 237 units less the 36 affordable units market rate and if not what are they. I have multiple concerns about this proposed project. It's is enormous in relation to the adjacent rental buildings and town homes. The construction will take it to the property line on all sides. This is not New York City. This is a suburban community. The project is much too large for the location. Too many motor vehicles are proposed to be allowed.

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In short I object.

I received notices as an occupant of a rental apartment.

Sent from my iPad

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Susan Haggerty (HAGGERTY)

Response to HAGGERTY-1

The commenter requests a definition of affordable units.

As described in Section 3.10, Land Use and Planning,⁴⁶ 12 units would be affordable to very low-income households. Very low-income units are affordable to households with income up to 50 percent of Area Median Income for Contra Costa County, adjusted for assumed household size, multiplied by 30 percent and divided by 12.⁴⁷ In addition, 24 units would be affordable to moderate income households. Moderate income units are affordable to households with persons and families whose income does not exceed the moderate income limits applicable to Contra Costa County, adjusted for household size, as published and periodically updated by the State Department of Housing and Community Development pursuant to Health and Safety Code Section 50093. The income limit for moderate income households in Contra Costa County is 120 percent of the area median income.⁴⁸

Response to HAGGERTY-2

The commenter notes the proposed building is larger than other rental buildings and townhomes in the area.

Please refer to Master Response 3—Setbacks and Building Heights and well as Master Response 7—Community Character.

Response to HAGGERTY-3

The commenter states that too many motor vehicles would be allowed and generally objects to the project.

Please refer to Master Response 1—General Opposition to the Project and Master Response 2—Traffic Congestion.

⁴⁶ FirstCarbon Solutions (FCS). 2019 Del Hombre Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Page 3.10-16. September.

⁴⁷ Contra Costa County. 2019. Contra Costa County Ordinance Code, Chapter 822-4 – Inclusionary Housing, 822-4.206(a)(1). Website: <https://www.contracosta.ca.gov/DocumentCenter/View/28346/Inclusionary-Housing-Ordinance?bidId=>. Accessed: March 23, 2020.

⁴⁸ Contra Costa County. 2019. Contra Costa County Ordinance Code, Chapter 822-4 – Inclusionary Housing, 822-4.206(l). Website: <https://www.contracosta.ca.gov/DocumentCenter/View/28346/Inclusionary-Housing-Ordinance?bidId=>. Accessed: March 23, 2020.

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From: Carol Haig <carolhaig@earthlink.net>
Sent: Thursday, October 24, 2019 5:35 PM
To: Jennifer Cruz <Jennifer.Cruz@dcd.cccounty.us>
Subject: Proposed Del Hombre Apartments -- Reference: GP18-0002, RZ18-3245, MS18-0010, DP18-3031

Dear Ms. Cruz,

I recognize the importance of building additional housing in Contra Costa County and the value of infill projects. While the proposed 284-unit, six-story apartment project on the corner of Del Hombre and Roble Road in Contra Costa Centre/Walnut Creek might fit the space there, it is definitely *not* a good fit for this already-congested neighborhood.

1

I live nearby on Calle Nogales, a cul-de-sac of single-family homes with only one way in and out to Las Juntas way, a main commute road for BART riders and all of us in this neighborhood. We are short on escape routes in the event of a fire, earthquake, or other emergency. The nearby streets, including Del Hombre, Honey Trail, and Las Juntas are narrow. In an emergency evacuation, we will all be gridlocked.

2

We endure the construction noise for the apartments currently being added next to the Pleasant Hill/CC Centre BART station, not to mention the noise from frequent track repair, usually in the middle of the night. The idea of several years of construction noise, dust, and workers' vehicles, followed by a huge influx of people and their cars would turn what remains a relatively green and welcoming area into an urban jungle, especially with the trees that will have to be removed.

3

Please consider the quality of life and the impact on not only the current residents in the area but the effect on new tenants in the proposed apartments. No one will benefit. Why not a smaller-scale and style of homes on that property?

3
CONT

Sincerely,

Carol Haig

Carolhaig@earthlink.net

925.934.5338

Carol Haig (HAIG)

Response to HAIG-1

The commenter expresses general opposition to the project.

Please refer to Master Response 1—General Opposition to the Project.

Response to HAIG-2

The commenter expresses concern regarding evacuation routes in the neighborhood and specifically notes that Del Homb्रे Lane, Honey Trail, and Las Juntas Way are narrow.

Regarding narrow roadways, a number of transportation enhancements would be constructed (please refer to Master Response 2—Traffic Congestion). Concerning escape routes and emergencies, please refer to Master Response 8—Emergency Access.

Response to HAIG-3

The commenter expresses general opposition to the project and asks why a smaller scale project was not proposed.

Please refer to Master Response 1—General Opposition to the Project and Master Response 4—Density.

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November 12, 2019

Contra Costa County
Department of Conservation and Development
30 Muir Road | Martinez, CA 94553

Attn.: Jennifer Cruz, Senior Planner (jennifer.cruz@dcd.cccounty.us)

Subject: Del Hombre Holdings LLC – 3010 – 3070 Del Hombre, Walnut Creek; Land Rezoning and Building Design Application – AMENDED 11/30/2018 & 10/25/2019
State Clearinghouse Number: 2018102067
County Planning References: GP18-0002, RZ18-3245, MS18-0010, DP18-3031

Dear Ms. Cruz:

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) for the Del Hombre Apartments. I no longer live adjacent to the proposed development, however, I have family members and friends who reside in the Honey Trail Condominium complex. Although the DEIR addresses a General Plan Amendment, the DEIR did not receive a wider notification/distribution that would be expected of an action of this scope.

1

The DEIR addresses the General Plan amendment from Multiple-Family Residential-Very High Density (MV) to Multiple-Family Residential-Very High Special Density (MS). Approval of this amendment would allow the rezoning of the subject property from Single-Family Residential (R-15) and Planned Unit District (P-1) to Planned Unit District (P-1). The existing MV/P-1 zoning would permit 30-45 units per acre (with a five acre minimum), whereas the MS/P-1 would permit 72-108 units per acre (also with the five acre minimum lot size). Although the project property is 2.37 acres, it appears an exception to the minimum lot size is allowed since it is an “in-fill” project.

2

The DEIR identifies significant unavoidable traffic impacts, along with numerous significant impacts that are mitigated to less than significant. The potential effectiveness of the mitigation measures will be discussed by various experts and interested parties commenting on the DEIR. I think, however, that the project, as proposed, cannot be described as in character with the surrounding community. It is significantly larger than projects in the surrounding community and located on a small, access constrained parcel. If developed as proposed, it will serve as an unfortunate example of “spot zoning” in the transit-oriented community surrounding the Pleasant Hill BART Station.

3

Section 6 of the DEIR discusses alternatives to the proposed project, including identification of an environmentally superior alternative, as required by CEQA Guidelines (Section 15126(e) (2)). The alternatives are “no project” or a lower density townhouse development (22 units per acre). It is interesting that this density was selected, since the current General Plan MV designation would permit 30-45 units per acre. An alternative similar to the adjacent apartment (Avalon) development would be more in keeping with the character of the project’s surrounding area to the north and east.

4

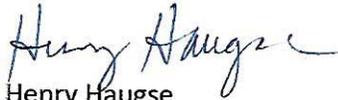
As would be expected, the lower density alternative project is determined to be the environmentally superior alternative, however, it is doubtful that this would be financially justifiable for the developer.

A project alternative, similar in scale and density to the Avalon Apartment complex, would be more useful to a decision-maker and consistent with the GP MV designation and P-1 zoning. MV (30-45 units/acre) would allow approximately 72 – 108 units on the 2.37 acre project site. Assuming 15 percent affordable units were included, an additional 22 bonus units could be added, resulting in approximately 130 units.

5

An evaluation of this approximately 130 unit alternative would determine if it would be the environmental superior alternative, while providing 2.5 times more units than the low density townhouse example. The analysis would determine if it would avoid significant traffic impacts and other mitigated impacts. I would urge the County to revise the DEIR to include a reasonable alternative for this Section of the DEIR for the benefit of the decision-makers.

Regards,



Henry Haugse

3150 Cafeto Drive

Walnut Creek, CA 94598-3813

Henry Haugse (HAUGSE)

Response to HAUGSE-1

The commenter notes the Draft EIR should have been distributed more widely.

CEQA Section 15087 (a)(3) requires direct mailing to owners and occupants of properties contiguous to the parcel or parcels on which the project is located. The Draft EIR was distributed according to this requirement.

Response to HAUGSE-2

The comment describes the project including the General Plan Amendment and the rezoning of the project site.

No response is required.

Response to HAUGSE-3

The commenter notes that the Draft EIR identifies significant unavoidable traffic impacts as well as numerous other impacts that can be mitigated to less than significant. The commenter asserts that the project is significantly larger than and denser than projects in the surrounding community and does not fit in within the community character.

Please refer to Master Response 4—Density and Master Response 7—Community Character.

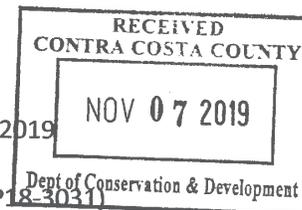
Response to HAUGSE-4 and HAUGSE-5

This commenter requests an evaluation of an additional alternative that conforms to the existing density and suggests evaluating a 130-unit alternative. The commenter also suggests an alternative consistent with the densities to the north and east, even though the project is consistent with the densities proposed to the west. They ask whether this alternative would avoid the significant unavoidable traffic impact and other mitigated impacts.

Under CEQA, the purpose of alternatives analysis is to provide a reasonable range of feasible alternatives to the project that could attain most of the basic project objectives, while avoiding or reducing any of the project's adverse environmental impacts. The alternative outlined in the comment would not meaningfully reduce the environmental impacts identified in the Draft EIR (see Chapter 6, Alternatives, Section 6.6, Alternative 2—Reduced Scale Alternative).

Additionally, the suggested alternative would not meet the project's basic objectives because it would not help correct the jobs/housing imbalance, nor maximize delivery of affordable units. Moreover, while an additional reduced scale alternative of 130 units would likely have less severe impacts than the project, it would not reduce the significant and unavoidable impact at Coggins Drive and Las Juntas Way to less than significant.

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Comment on the DEL HOMBRE APARTMENTS PROJECT

1 November 2019

(Contra Costa County Reference Numbers: GP18-0002, RZ18-3245, MS18-0010, DP18-3031)

My name is Don Huggins, 88 years old, and I own and live in a single-family home not far from the proposed Del Hombre Apartments project site near the Pleasant Hill BART station.

I was shocked to learn of the size of this apartment project: six stories, 284 units, 380 parking spaces on 2.37 acres in a squeezed- in location. So large and dense that so many (seems like most) development controls-- such as the General Plan, zoning, height limits, intensity/density, setbacks, etc.-- must be altered or waived to allow the project as proposed.

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Since large apartment or condo projects usually overflow their own parking spaces with cars when fully occupied, this could easily draw 400 new vehicles and their traffic into the area. The area already has much traffic, often backed up at intersections and sometimes difficult to get onto one road from another.

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The project would face Del Hombre road, which runs from Las Juntas Way south along the east side of the Iron Horse Trail but deadends at Treat (no outlet), so the southern part (half?) of Del Hombre road would be of no use. Cars from the project would either exit onto Del Hombre or onto Roble Road, which is a main road in the large Avalon apartment complex which borders the project site on its north side. In either case, all this new traffic heads immediately into two close-together simple intersections (of 2-lane roads controlled by stop signs) on Las Juntas Way, immediately on each side of the Iron Horse Trail. (Hard to visualize without being there.) All of these additional cars would have to go directly into the narrow roadway path that many commuters take to and from the BARTD station.

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Alternatively, cars from the new apartments could turn right onto Las Juntas, in which case they drive alongside the elevated BARTD tracks then either turn right onto Cherry Lane, which is a very narrow, windy road through a secluded neighborhood, or follow Las Juntas to the left through pleasant single-family neighborhoods. Not good in either case.

The Draft EIR for the project, dated Sept 10, 2019, presents a Reduced Scale Alternative which would consist of 52 town homes on the same 2.37 acres. Without knowing the details (e.g., how many units is reasonable), a town home alternative would fit the area much better in all respects, and especially aesthetics, height, traffic, and pollution.

4

The land speculators and developers are probably very nice folk, but please don't let their profit motives take precedent over the interests of existing residents and the community.

Thanks.

A handwritten signature in cursive script that reads "Don Huggins".

Donald G. Huggins
506 Le Jean Way

Walnut Creek, CA 94597

Phone: (925) 934-5472

Email: dghuggins@astound.net

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Donald G. Huggins (HUGGINS)

Response to HUGGINS-1

The commenter expresses concern regarding size and density of the project.

Please refer to Master Response 4—Density.

Response to HUGGINS-2

The commenter expresses concern regarding additional vehicles and traffic.

Please refer to Master Response 2—Traffic Congestion and 6—Parking.

Response to HUGGINS-3

The commenter describes in more detail their traffic concerns.

The commenter's concern is unclear. The potential routes vehicle traffic could use to access the project were accounted for in the analysis. It is expected that approximately 10 to 20 additional vehicle trips would be added to Cherry Lane during the AM or PM peak-hours, with less added traffic at other times of day. About the same level of vehicle traffic is expected to be added to Las Juntas Way, north of Cherry Lane. The resulting level of peak-hour vehicle traffic on Cherry Lane and Las Juntas Way is within the expected range for collector roadways.

Response to HUGGINS-4

The commenter voices support for the Reduced Scale Alternative (Alternative 2) presented in Chapter 6, Alternatives, of the Draft EIR.

Please refer to Master Response 4—Density.

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From: Denise Knapp <Knapp@glazierye.com>
Sent: Friday, November 01, 2019 9:28 AM
To: Jennifer Cruz <Jennifer.Cruz@dcd.cccounty.us>
Subject: GP18-0002, RZ18-3245, MS18-0010 and DP18-3031

Ms Cruz:

I write as an 18+ year resident on Greenwood Circle, walkings distance from the Pleasant Hill BART station. I regularly walk, ride my bike and BART to and from the neighborhood. PLEASE HALT approving additional builds of multi-family dwellings in our beautiful neighborhood. We have had to endure YEARS of overnight noise, additional traffic and lost neighborhood beauty. It's enough that BART has become a Transit Village bringing in untold numbers of people from all over the place to our quiet neighborhood, but to add yet another large apartment project so near to us is unthinkable and a hard slap in the face. The traffic alone is horrendous, not to mention the loss of property value that all of us have to bear – it's crippling!

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PLEASE STOP! IT WE'VE BORNE ENOUGH OF THE WALNUT CREEK LOAD, LET ANOTHER NEIGHBORHOOD IN WALNUT CREEK PICK UP THE MANTLE! IT'S DOWNRIGHT UNFAIR!

Denise Knapp

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Denise Knapp (KNAPP)

Response to KNAPP-1

The commenter expresses general opposition to the project.

Please refer to Master Response 1—General Opposition to the Project.

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From: Susan Kotchou <sue@kotchou.com>
Sent: Thursday, November 14, 2019 11:11 AM
To: Jennifer Cruz <Jennifer.Cruz@dcd.cccounty.us>
Subject: Del Hombfre Apartments GP18-002, RZ18-3245, MS18-0010, DP18-3031

Ms. Cruz,

As a county resident who currently lives at 218 Ivywood Dr, just a little shy of Bancroft and Mayhew I'm writing to express some concerns my husband and I have regarding the proposed rezoning, destruction of trees and building of a six-story apartment complex off Honey Trail. Having lived in our current home for 23 years we have seen the neighborhood change and infill occur consistently during our time here, with little to no regard for the traffic impact on the part of the neighborhood that is single family homes. The corner of Bancroft and Mayhew has become particularly dangerous, with accidents occurring routinely, and it is extremely difficult to exit or enter our street during commute times, often taking minutes to pull out or into the street. We would be interested to know what the county plans are for this particular intersection, and for the intersection of Las Juntas, Del Hombre and Honey Trail, as it's already quite a bottle neck most mornings, and particularly dangerous to pedestrians after dark. Additionally, now that a state law has been passed to allow BART to essentially build whatever it likes on it's own land, we imagine that once the never-ending apartment construction in the former BART parking is complete, they will likely build 8 - 10 stories of apartments in the small lot remaining along Civic Drive. We are also wondering exactly when Habitat for Humanity will begin construction at the old swim club lot.

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While we appreciate the need for housing, we have been here before, when BART was seeking approval for their current buildings. After extensive planning work and an agreement by all concerned parties, including the affected neighborhoods, BART's developer went back and declared that they needed to build apartments rather than condos

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because the condo project just didn't pencil out so they needed additional units, meaning more people and cars. So, the neighborhood concerns were brushed off, and the project was changed, despite objections, including those of the late Donna Gerber.

Perhaps this sort of selling out of existing neighborhoods is one of the reasons why NIMBYism is so rampant in the Bay area. We feel that our neighborhood has actually far exceeded the efforts to build multi-unit housing than any other city in Contra Costa County has made, including areas like Lafayette, which routinely stops any and all efforts to build anything other than \$1million+ homes in their neighborhoods. While we appreciate that our area includes the county, Pleasant Hill, Walnut Creek and Concord, making it unique, we also feel that it's become easy for agencies to dump projects in it because so few people from each area are affected by the decisions of those entities that it's hard to take our objections seriously and easy to simply impose on us time and again.

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CONT.

While I'm sure rezoning this land is inevitable, and we will see mass destruction of trees, something that we absolutely don't need and can't afford in our current climate situation, we'd hope the county would consider keeping the project in line with existing apartment and condo complexes in that part of the neighborhood and limit it to three stories and no more than 100 - 140 units. We understand that it's likely this will not "pencil out" for the developer in the way he desires, nonetheless, we feel that we've already sacrificed enjoyment of our own property and neighborhood to constant construction with very little infrastructure improvement by any entity, besides the new light at Mayhew and Buskirk. Since we almost never come from the direction of Monument, the "improvements" there do not affect us in any way, nor will they have an affect on traffic coming off Treat to cut through the "back way" to BART or the freeway. We'd also like to see the traffic planning proposed implemented BEFORE any further construction begins, so that a) we can see if it's any improvement at all, and b) it can be tweaked if necessary, immediately, during construction, rather than years afterwards.

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We appreciate your time in reading our concerns, even though we realize that absolutely none of them have been addressed to date on any project in our area, nor do we expect that will happen. It's just nice to go on record. We imagine during the next economic downturn, we will actually see some traffic relief, and lots of vacant apartments, so at that point, the neighborhood will once again be able to breathe, get out of their driveways, and across Treat Blvd in less than 10 minutes in the morning and reach their homes driving from the freeway along Mayhew in less than 20 minutes in the evening.

Thanks again.

Sue and Keith Kotchou

Susan and Keith Kotchou (KOTCHOU)

Response to KOTCHOU-1

The commenters express concern regarding traffic in nearby neighborhoods, particularly near the corner of Bancroft Road and Mayhew Way.

The intersection of Bancroft Road and Mayhew Way was not identified for inclusion in the TIA, as the project is not projected to add a significant level of traffic to the intersection and did not meet the threshold for further analysis (signalized intersection with more than 50 peak-hour trips added to the intersection). The County does not plan to implement any improvements at the Bancroft Road at Mayhew Way intersection as a part of the project.

Response to KOTCHOU-2

The commenters would like to see County plans for the corner of Bancroft Road and Mayhew Way as well as the intersection of Las Juntas Way, Del Hombro Lane, and Honey Trail because of the existing congestion as well as safety issues for pedestrians after dark.

The intersection at Bancroft Road and Mayhew Way is on the border between the cities of Concord and Walnut Creek. It is not within County jurisdiction.

The intersection of Las Juntas Way/Del Hombro Lane was studied under the Draft EIR; it was determined that a traffic signal would worsen existing traffic conditions, due primarily to the short distance between this intersection and the Coggins Drive/Las Juntas Way intersection.

The project would include pedestrian facilities along Honey Trail, which would help alleviate safety issues for pedestrians after dark. The project would also include exterior lighting, (e.g. street lighting and lighting on the building) which would further enhance pedestrian safety for residents and pedestrians at the intersection of Del Hombro Lane and Honey Trail.

Response to KOTCHOU-3

The commenters speculate on other projects and the potential impacts of those projects.

Chapter 3, Environmental Impact Analysis, of the Draft EIR evaluates cumulative impacts (including impacts to congestion, traffic, safety, and crime) of the project in conjunction with cumulative projects in the project area. All cumulative impacts were either less than significant or less than significant with mitigation with the exception of Transportation. For further discussion of cumulative transportation impacts, please refer to Response to FASQUELLE-2, FASQUELLE-3, and FASQUELLE-4.

Response to KOTCHOU-4

The commenter expresses frustration over the development process, including the process leading to the current BART residential buildings and how the original proposal for condominiums was changed to the development of apartments.

Please refer to Master Response 7—Community Character.

Response to KOTCHOU-5

The commenter expresses concern over tree removal associated with the project especially in light of climate change. They also express dissatisfaction with infrastructure improvements and request

the traffic planning proposed as part of the project be implemented before further construction begins.

Please refer to Master Response 5—Tree Health, Removal, and Replacement. The project’s GHG emissions were evaluated in Section 3.7, Greenhouse Gas Emissions, and the Draft EIR concluded that impacts would be less than significant with mitigation.

With respect to infrastructure, the project applicant would be responsible for mitigating impacts associated with the project, which are enumerated in Section 3.15, Transportation. This evaluation included an analysis of impacts under Existing plus Project, Opening Year plus Project, and Cumulative plus Project conditions. Existing conditions and impacts not associated with the project are not within the scope of the Draft EIR.

From: jim kirk <climberjk@hotmail.com>
Sent: Friday, November 15, 2019 3:58 PM
To: Jennifer Cruz <Jennifer.Cruz@dcd.cccounty.us>
Subject: [BULK] Del Hombre appartments

Reference numbers: GP18-002, RZ18-3245, MS18-0010, DP18-3031

Hello Ms Cruz,

I understand nothing stays the same. However, that doesnt measn anything goes just because somebody asks for it.

I am taken aback by the number of "exceptions" this proposed project would require. Starting with a general plan ammendment ... then a rezoning ... and several variances. . These "guardrails" exist so the residents of the area can have some confidence the living conditions and character of the neighvorhood will not be turned on it's head.

These regulations, which exist to protect the residents of the area, were arrived at after much analysis. discussion, and public comment. One might say they represent a legacy of precedent that controls what is appropriate. There needs to be a really good reason to cast all of this history of precednet to the four winds. I have not read the entirety of the EIR but what I did read did

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not explain any compelling justification for such an upheaval of the neighborhood, based on the greater good. The claim, in the DEIR (page 2), that 11 of the 12 environmental impacts can be mitigated to "less than significant" levels is laughable.

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CONT.

There is the promise of low income housing, which we certainly need. However, rather than being a requirement to have the project even considered, the inclusion of low income housing is accomplished by bribing the developer with the prospect of making even more money, to do something that should be required.

3

I think this entire project is very ill advised and inappropriate. Certainly that lot will eventually be built out, however, we need a project which is compatible with the neighborhood and which can be accomplished within the context of the existing General Plan, Zoning and other regulations. A project in the style of the apartment clusters to the north and east of the site, for example, would be compatible with the neighborhood. At present, Del Hombro and Las Juntas represent a demarcation between the "industrial" part of Walnut Creek/Pleasant Hill and the residential portion. Breaching this natural border with a project of this scale would permanently, and for the worse, change the character of the entire area.

4

And now we come to the elephant in the room: TAX BASE. Lets be transparent- why isnt this consideration discussed in the DEIR? Is it worth putting another nail in the coffin of the quality of life in Walnut Creek/Pleasant Hill and betraying hundreds of residents of the area to accomplish that, if in fact it even would be accomplished. I will be anxiously awaiting the announcement of a better alternative.

5

Thank you,

John Kreutzer, Kismet court, Pleasant Hill.

John Kreutzer (KREUTZER)

Response to KREUTZER-1

The comment expresses opposition to the project and does not agree that there are overriding considerations that would outweigh the project's impacts.

The comment does not make any statement or raise any specific issues concerning the Draft EIR's analysis or environmental issues. The County will consider all the comments, along with all available evidence, and make a decision on the project's merits and whether the benefits of the project outweigh project impacts. The County notes that the County's decisions regarding the applicability of the statement of overriding considerations is entitled to substantial deference; the challenger bears the burden of proving the contrary. State Water Resources Control Board Cases (2006) 136 CA 4th 674, 723; Sierra Club v. County of Napa (2004) 121 CA 4th 1490, 1497; San Franciscans Upholding the Downtown Plan v. City & County of San Francisco (2002) 102 CA 4th 656, 674; Save Our Peninsula Comm. v. Monterey County Board of Supervisors (2001) 87 CA 4th 99, 117; Barthelemy v. Chino Basin Municipal Water District (1995) 38 CA 4th 1609, 1617; Al Larson Boat Shop, Inc. v. Board of Harbor Comm'rs (1993) 18 CA 4th 729, 740. No further response is required because the comment does not raise any significant environmental issues.

Response to KREUTZER-2

The commenter notes that the Draft EIR does not provide compelling justification for an upheaval of the neighborhood.

The comment does not specifically address the adequacy of the Draft EIR or identify any potential significant environmental impacts. The environmental impacts of the project were analyzed in compliance with CEQA Guidelines and are discussed in detail in the Draft EIR. The comment will be provided to County decision makers.

Response to KREUTZER-3

The commenter states that low-income housing should be a project requirement and not an opportunity to exceed density limits.

The County is in accordance with the SDBL. The project applicant is eligible and is requesting a density bonus under the SDBL (Government Code § 65915). The SDBL requires the County to grant a density bonus unless written findings, based on substantial evidence, can be made that show that the project (1) does not result in identifiable and actual cost reductions to provide for affordable housing costs, and (2) would cause a specific, adverse impact upon public health and safety or the physical environment.

The County's grant of the requested concession will mitigate the financial impact of creating affordable housing, while at the same time optimizing the project's ability to provide additional very low-income units. Thus, the County is well within its authority to grant this concession under the SDBL to promote and maximize the production of affordable housing.

Response to KREUTZER-4

The commenter asserts the project is not compatible with the neighborhood and does not fit within the context of the existing General Plan.

The Draft EIR appropriately concludes that the project is a continuation of higher density multi-family development around the Pleasant Hill/Contra Costa Centre BART Station that is consistent with the visual character of the area as a transit-oriented residential neighborhood. In addition, the project complies with applicable visual character regulations.⁴⁹

Response to KREUTZER-5

The commenter asks why tax base is not discussed in the DEIR.

The comment does not specifically address the adequacy of the Draft EIR or identify any potential significant environmental impacts. The environmental impacts of the project were analyzed in compliance with CEQA and are discussed in detail in the Draft EIR. The comment will be provided to County decision makers.

⁴⁹ FirstCarbon Solutions (FCS). 2019. Del Hombre Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Pages 3.1-17 through 3.1-23. September.

-----Original Message-----

From: Alice Lasky <alice4strings@yahoo.com>
Sent: Thursday, October 24, 2019 10:17 AM
To: Jennifer Cruz <Jennifer.Cruz@dcd.cccounty.us>
Subject: Proposed 284 unit apartment

Hi Jennifer, my family has lived on Alderwood Lane, near the proposed Del Hombre apartment site for twenty years and we strongly appose the construction of these new apartments. The area has become impacted from the construction of the Avalon Apartments and the increase in vehicle traffic on our narrow streets. I feel these proposed new apartments will negatively impact our quality of life with the added car congestion, noise and air pollution from the construction and loss of green spaces.

Sincerely, Alice and Richard Lasky
Sent from my iPad

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Alice and Richard Lasky (LASKY)

Response to LASKY-1

The commenters express general opposition to the project and assert that the new apartments will negatively affect quality of life because of added car congestion, noise, and air pollution, as well as the loss of green space.

Please refer to Master Response 2—Traffic Congestion for a discussion of the impacts of the addition of project trips. Section 3.11, Noise, Section 3.2, Air Quality, and Section 3.3, Biological Resources evaluate the project’s potential noise, air quality, and biological resources impacts, respectively, and the Draft EIR concluded that these impacts would be less than significant with mitigation.

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From: RnJ <rnjsayhi@yahoo.com>
Sent: Wednesday, November 13, 2019 5:46 PM
To: Jennifer Cruz <Jennifer.Cruz@dcd.cccounty.us>
Subject: Del Hombre Apartments Project

To: Jennifer Cruz, Senior Planner, Department of Conservation and Development, Community Development Division, 30 Muir Road, Martinez, CA 94553

Re: Del Hombre Apartments Project, Walnut Creek, GP18-0002, RZ18-3245, MS18-0010, DP18-3031

It's our understanding that you are accepting/collection comments regarding the above referenced proposed "Del Hombre Apartments Project." Below are our comments for your consideration:

November 12, 2019

Del Hombre Apartments Project

Contra Costa Country Reference Numbers: GP18-0002, RZ18-3245, MS18-0010, DP18-3031

We are presenting the following concerns regarding this project:

1. **Safety:** The proposed 284-unit apartment project will create a choke point in that immediate area - creating a greater risk in an emergency evacuation/responses.
2. **Traffic:** The proposed project will create a huge traffic problem. The suggested 300-400 additional vehicles will create gridlock. This area around BART already has created traffic problems and insufficient parking availability.
3. **Quality of Living:** The proposed project will create very high density living conditions when considering all the other apartments in the immediate area. There will be a need for space for children and pets to play and gather safely away from the traffic and stranger dangers that comes with living in close proximity of a BART station.

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4. **Character of Community Lost:** The proposed project will bring apartment dwellers vs single family homeowners. Our neighborhood was originally single family homes. When BART was created, apartments were built in the area. Renters do not have the same concerns/long term commitments as do homeowners.

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In conclusion, we would prefer single family homes, but we do realize higher density is the goal. Therefore, we would like the county to consider the second choice of (Draft EIR dated 9/10/2019) Reduced Scale Alternative of 52 town homes vs apartments. The lower density family-owned homes would be easier/safer to handle in an emergency/evacuation. The town homes would create less traffic impact. The town houses would create more quality life for the property owners (larger living and yard area) and also blend in better with the original single family homes. There are already many apartments in the area that will back up our safety, traffic/parking, quality of living and lost character of community concerns.

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Thanks for considering our comments.

Richard and Jean Lenart

507 Le Jean Way, Walnut Creek, CA 904597

Phone: (925) 937-7289 - Email: rnjsayhi@yahoo.com

Jean and Richard Lenart (LENART)

Response to LENART-1

This comment provides introductory text.

No response is required.

Response to LENART-2

The commenters express concern regarding emergency evacuation and response.

Please refer to Master Response 8—Emergency Access.

Response to LENART-3

The commenters express concern regarding traffic.

Please refer to Master Response 2—Traffic Congestion.

Response to LENART-4

The commenters express concern regarding high-density housing and potential impacts to community character.

Please refer to Master Response 4—Density and Master Response 7—Community Character.

Response to LENART-5

The commenters express concern over the development of for lease as opposed to for sale housing.

Please refer to Master Response 7—Community Character.

Response to LENART-6

The commenters voice support for the Reduced Scale Alternative (Alternative 2) discussed in Chapter 6, Alternatives, of the Draft EIR.

Please refer to Master Response 4—Density.

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Lisa Lombardi
1300 Honey Trail
Walnut Creek, CA 94597

November 6, 2019

Jennifer Cruz, Senior Planner
Department of Conservation and Development
Community Development Division
30 Muir Road
Martinez, CA 94553
jennifer.cruz@dcd.cccounty.us

Re: County Planning References: GP18-0002, RZ18-3245, MS18-0010, DP18-3031

Dear Ms. Cruz:

I am writing to express my concerns about the proposed development project, referenced in the subject line. I was also in attendance at the public hearing held on Monday, October 7, 2019, where I spoke briefly of my concerns. I am a homeowner at 1300 Honey Trail, in the condominiums that are adjacent to proposed project. I have been a homeowner here for 18 years.

1

I am writing this in the days that follow the Kincadee fire, where we are reminded again of what seems to be California's new normal - severe and fast moving wildfires and power outages. The additional fires in Vallejo, Martinez, and Lafayette were just 20 miles north, 11 miles north, and 5 miles south, respectively. It is a stark reminder about safety and the need to be prepared in the event of an emergency and evacuation and safety is my top concern when it comes to the proposed project. My major concerns are listed below.

1. **Safety and Vehicle Access.** Honey Trail, Del Hombre, Las Juntas and Roble Road are all narrow streets, with one lane for each direction of traffic. There is a much, much greater risk that in an emergency evacuation or emergency response, there will be a choke point in the immediate area for all residents. Residents in existing condominiums, townhouses and apartments, residents in apartments currently under construction, and residents in the proposed 284 unit apartment project. What consideration and discussion occurred with the Contra Costa County Sherriff Department, Fire Protection District, and Office of Emergency Services? Based on the EIR, it seems little to none.

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2. **Traffic and Vehicle Access.** Again, Honey Trail, Del Hombre, Las Juntas and Roble Road are all narrow streets, with one lane for each direction of traffic. Only stop signs dictate the flow of traffic at intersections and crosswalks are heavily used by those traveling to the Iron Horse Trail and to the Pleasant Hill Bart Station. It works for the current, low density occupancy of the existing neighborhood, but without major changes to these roads and pedestrian walkways, the proposed 284 unit apartment project will substantially increase both vehicle and pedestrian traffic, create consistent congestion, and increase the likelihood of accidents (vehicle and pedestrian). In addition, with a project this size, traffic will be negatively impacted at Oak Road, Jones Road, Cherry Lane and Treat Boulevard, where there is already an immense amount of traffic and vehicle backup. It appears that little consideration was given to appropriate and sufficient ingress and egress access, for a project this size.

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Jennifer Cruz
Page 2
November 6, 2019

3. **Density and Zoning.** The proposed 284 unit apartment project far exceeds current zoning. The project should be reduced in size to better reflect existing properties in the neighborhood. In addition, the height of the proposed project (six stories), does not comply with existing zoning requirements. It should be reduced in size to no more than three or four stories, to comply and to fit in with existing condominium, townhouse and apartment projects nearby. | 5
| 6
4. **Setbacks.** The proposed setbacks eliminate any chance for green space. The setbacks of 2 feet or less along Del Hombre and Honey Trail should be increased to 15 feet to allow for green space and visual buffers to the buildings, and to fit in with neighboring buildings that have even greater setbacks on either side of the project. In addition, all of the trees along Honey Trail (Valley Oak) will likely die as a result of construction, if the setback is not increased to 15 feet. Was an arborist consulted about the impact to these trees? Again, it appears that little to no consideration was given in this regard. | 7
| 8
5. **Noise.** It seems that little to no consideration was given to the substantial increase in noise levels that a project this size will create. Additionally, the proposed 2 feet or less setbacks will only increase the noise levels. Noise will be constant for neighboring developments from hundreds of extra residents and vehicles, parking ventilation system, dog park and swimming pool. Not to mention the two plus years for construction. | 9
6. **For Sale Housing v. Rental Property.** Do we really need more rental housing? I don't think so. There's a far greater need for for-sale housing. For-sale housing creates a sense of community and neighborhood. Rental turnover is 50% each year - how does that statistic help to create community and neighborhood? It doesn't. Townhouses were promised in the Transit Village, at the Pleasant Hill Bart Station, but instead, more apartments are currently under construction. That's not what we need - we need opportunities for home ownership, in the form of condominiums or townhouses. | 10
7. **Parking.** How are only 4 visitor parking spots enough for a project his size? There is no street parking available, so where will visitors park? In neighboring developments? Along streets where parking is prohibited? We already have a problem with vehicles parking in prohibited areas along Del Hombre and Las Juntas, and unauthorized parking in the visitor parking spaces in my condominium complex. | 11

Thank you for the opportunity for public comment and for your consideration of my comments. I look forward to the County's response to all comments submitted.

Sincerely,

Lisa Lombardi

Lisa Lombardi (LOMBARDI)

Response to LOMBARDI-1

The commenter provides introductory remarks, which she expands upon in other comments.

No response is required.

Response to LOMBARDI-2

The commenter expresses concern related to emergency evacuation and emergency response. The commenter also asks how the Office of the Sheriff Emergency Services Division and Contra Costa County Fire Protection District were involved in project planning.

For a discussion of emergency evacuation and emergency response, please refer to Master Response 8—Emergency Access.

As described in Sections 3.13, Public Services, and 3.18, Wildfire, both the Office of the Sheriff and Contra Costa County Fire Protection District were consulted on the project. The Office of the Sheriff did not indicate that the project would result in the need for new or expanded facilities in order to maintain acceptable service ratios, response times, or other performance objectives.⁵⁰ Contra Costa County Fire Protection District Fire Prevention Captain, Tracie Dutter, determined that the project would not be exposed to wildfire risks, and confirmed that the project would not expose people or structures to significant risks due to post-fire slope instability or drainage changes.⁵¹

Response to LOMBARDI-3

The commenter expresses concern regarding additional traffic in the area, and calls out specific intersections of concern, noting a potential increase in the likelihood of accidents for vehicles and pedestrians.

Please refer to Master Response 2—Traffic Congestion, for Del Hombre Lane/Las Juntas Way and Coggins Drive/Las Juntas Way intersections. Oak Road, Jones Road, Cherry Lane, and Treat Boulevard were all studied as part of the analysis. These study intersections would operate within designated standards prior to and with the addition of project traffic. Please refer to Response to CONTRA COSTA RESIDENTS-22 for further explanation of queueing at surrounding intersections.

Response to LOMBARDI-4

The commenter asserts vehicle access to the project is not sufficient.

Section 3.15, Transportation, Impact 3, evaluates roadways safety hazards and vehicular access to the project site. The Draft EIR concluded that vehicular access to the project site would be provided via a new driveway on Del Hombre Lane that would provide access to the proposed parking garage. Based on the existing traffic volumes on Del Hombre Lane and the projected project volumes, this

⁵⁰ FirstCarbon Solutions (FCS). 2019 Del Hombre Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Page 3.13-12. September.

⁵¹ FirstCarbon Solutions (FCS). 2019 Del Hombre Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Pages 3.18-11–12. September.

roadway is projected to operate with minimal delay for vehicles. Thus, proposed vehicular access is sufficient.⁵²

Response to LOMBARDI-5

The commenter notes the project would exceed the current zoning density and requests a reduction in the size of the project.

Please refer to Master Response 4—Density.

Response to LOMBARDI-6

The commenter notes the project would exceed the current zoning height limit and requests a shorter building height.

Please refer to Master Response 3—Setback and Building Heights.

Response to LOMBARDI-7

The commenter requests increasing setback to 15 feet for green space.

Please refer to Master Response 3—Setbacks and Building Heights.

Response to LOMBARDI-8

The commenter asks whether an arborist was consulted on tree impacts and requests a second arborist report.

Please refer to Master Response 5—Tree Health, Removal, and Replacement.

Response to LOMBARDI-9

The commenter expresses concern regarding additional construction and operational noise from the project.

With respect to construction noise, implementation of MM NOI-1 would ensure that construction activities would be only occur between 7:30 a.m. to 5:00 p.m., Monday through Friday (unless otherwise approved by the Contra Costa County Department of Conservation and Development). No construction is allowed on weekends, or on federal or State holidays, which would reduce potential impacts related to site preparation, grading, and construction to less than significant.⁵³

Impact NOI-1 in Section 3.11, Noise, evaluated potential noise impacts from project stationary noise sources. According to this analysis, a “significant impact would occur if operational noise levels generated by stationary noise sources at the project site would result in a substantial permanent increase in ambient noise levels in excess of any of the noise performance thresholds established in Contra Costa County and the City of Walnut Creek General Plans. Contra Costa County and the City of Walnut Creek both establish a maximum exterior noise performance threshold for receiving residential land uses of 65 dBA L_{dn}. Contra Costa County and the City of Walnut Creek also establish a

⁵² FirstCarbon Solutions (FCS). 2019 Del Hombre Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Page 3.15-58. September.

⁵³ FirstCarbon Solutions (FCS). 2019 Del Hombre Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Page 3.11-21. September.

maximum interior noise threshold of 45 dBA L_{dn} ; however, if ambient noise levels exceed 65 dBA L_{dn} due to train noise, the maximum interior noise threshold would be 50 dBA L_{dn} in bedrooms and 55 dBA L_{dn} in other habitable rooms.⁵⁴ The loudest potential stationary noise sources (including mechanical ventilation equipment) associated with implementation of the project were evaluated against these standards and it was determined that they would not exceed the established stationary noise source standards as measured at the nearest residential receptors.⁵⁵

Response to LOMBARDI-10

The commenter opposes adding rental housing to the area.

Please refer to Master Response 7—Community Character.

Response to LOMBARDI-11

The commenter asks questions and expresses concern regarding visitor parking.

Please refer to Master Response 6—Parking.

⁵⁴ FirstCarbon Solutions (FCS). 2019 Del Hombre Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Page 3.11-24. September 10.

⁵⁵ Ibid.

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From: Dan Mcdonald <dansolveig@gmail.com>
Sent: Tuesday, October 22, 2019 12:45 PM
To: Jennifer Cruz <Jennifer.Cruz@dcd.cccounty.us>
Subject: GP18-0002, RZ18-3245, MS18-0010, DP18-3031

Jennifer Cruz, Senior Planner

I am concerned about the proposed 284-unit, six story apartment project located on the corner of Del Hombre and Road.

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How can this be proposed when there are already two projects already in the works near by: The 200 apartment complex next to the Pleasant Hill BART station and the 42 low income housing to be at the old Las Juntas swim club site. That will add around 240 more cars in the area! Do we want to add 300 more? Can you imagine how the traffic might be during the commute hours?

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Wouldn't it be more prudent to wait and see how these two projects affect the area first before authorizing any more projects in the area?

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Dan McDonald

a concerned citizen

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Dan McDonald (MCDONALD)

Response to MCDONALD-1

The commenter expresses general concern about the project.

Please refer to Master Response 1—General Opposition to the Project.

Response to MCDONALD-2

The commenter expresses concern regarding potential vehicle traffic that could be generated by other approved and pending projects in the area.

Please refer to Master Response 2—Traffic Congestion.

Response to MCDONALD-3

The commenter asserts that it would be more prudent to wait and see how the two projects mentioned in the comment letters affect the area before authorizing any more projects.

The comment does not specifically address the adequacy of the Draft EIR or identify any potentially significant adverse environmental impacts. The comment is noted and will be provided to County decision makers.

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From: Sandra Moriarty <sangrita@sbcglobal.net>
Sent: Thursday, October 24, 2019 2:09 PM
To: Jennifer Cruz <Jennifer.Cruz@dcd.cccounty.us>
Subject: GP18-0002, RZ18-3245, MS18-0010, DP18-3031

Have mercy on those of us living in the Del-Hombre/Las Juntas area! Has anyone from the County looked at the area mentioned and seen what the traffic is at the four-way stop sign leading to BART or to Coggins Lane? In the morning I often have difficulty in pulling out of Calle Nogales to go towards the BART station. In the event of a disaster, there are already hundreds of people living in this area who would be trying to evacuate. There isn't any available street parking now along Las Juntas beginning at Cherry Lane down to Del Hombre as most of the cars belong to apartment dwellers who are allotted only one off-street parking space. Please don't let greed blind the development agency to what is good for the present homeowners.

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Sandra Moriarty (MORIARTY)

Response to MORIARTY-1

The commenter expresses concern about traffic at the four-way stop sign leading to BART and on Coggins Drive.

Please refer to Master Response 2—Traffic Congestion.

Response to MORIARTY-2

The commenter notes many people live in the area and roads are already congested; in an emergency, evacuation would also be difficult.

For a discussion of emergency evacuation, please refer to Master Response 8—Emergency Access.

Response to MORIARTY-3

The commenter notes lack of street parking availability on Las Juntas Way.

Please refer to Master Response 6—Parking.

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From: Fred Nelson <bigkahuna47@yahoo.com>
Sent: Tuesday, October 22, 2019 9:10 AM
To: Jennifer Cruz <Jennifer.Cruz@dcd.cccounty.us>
Subject: Del hombre Apartments

Ref#: GP18-0002,RZ18-3245, MS18-0010,DP18-3031

Jennifer Cruz: I am writing to voice my protest of the six story project going in on Del Hombre. This project is not thought out properly and it is way too big for the area. Traffic and parking problems all over the area. No safety as fire and police will have a hard time getting to any situation.

It should fit in to the neighborhood. The use of housing variances has gone wild on this project.

I suggest you listen to the people in the area understand what the problems are.

Fred Nelson
[160 Greenwood Circle](#)
[Walnut Creek, CA](#)

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Fred Nelson (F. NELSON)

Response to F. NELSON-1

The commenter expresses general opposition to the project.

Please refer to Master Response 1—General Opposition to the Project.

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From: m nelson <mnelson_001@yahoo.com>
Sent: Monday, November 04, 2019 9:59 AM
To: Jennifer Cruz <Jennifer.Cruz@dcd.cccounty.us>
Subject: GP18-0002, RZ18-3245, MS18-0010, DP18-3031

Jennifer Cruz, Senior Planner
Department of Conservation and Development
Community Development Division
[30 Muir Road](#)
[Martinez, CA 94553](#)

Dear Ms. Cruz,

I am contacting you regarding the proposed 284-unit, six story apartment project located on the corner of Del Hombre and Roble Road. As homeowner in the area, I am concerned about several issues that will result from this project including traffic, both vehicle and pedestrian, removal of trees, and increased noise during after after the completion of the project. The area has already undergone quite a bit of this with the past and present construction of apartments at the Pleasant Hill/Contra Costa Center BART station. Enough is enough!

My strong preference is for this proposed project to not be allowed in this neighborhood.

Thank you for your time and consideration.

M Nelson

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M. Nelson (M. NELSON)

Response to M. NELSON-1

The commenter expresses concern with respect to traffic, removal of trees, and increased noise during and after completion of the project and generally opposes the project.

Please refer to Master Response 1—General Opposition to the Project, Master Response 2—Traffic Congestion and Master Response 5—Tree Health, Removal, and Replacement. Impacts to noise were evaluated in the Draft EIR and impacts were found to be less than significant with mitigation. Please refer to Section 3.11, Noise.

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November 15, 2019

Jennifer Cruz
Contra Costa County
Department of Conservation and Development
30 Muir Road
Martinez, CA 94553

Re:

DEL HOMBRE 284-UNIT APARTMENT PROJECT
DRAFT ENVIRONMENTAL IMPACT REPORT
State Clearinghouse Number: 2018102067
County File Numbers: GP18-0002, RZ18-3245, MS18-0010, DP18-3031

Dear Jennifer Cruz,

I purchased a Honey Trail condominium 17 years ago and have enjoyed the peacefulness of the area and large trees lining Honey Trail.

I've seen the traffic increase in the area with the new Avalon apartments and likely more people living together than in the past to save money.

My concerns are many. I am not in favor of this development. I've seen many detailed letters sent to you so am going to focus on some smaller points of concern/impact.

Traffic during construction: I didn't see that this impact report considers the challenges during construction. With no setback or room to maneuver on such a small space for the large-scale effort, I expect there will be major impacts to those of us traveling in and out of Honey Trail/Del Hombre every day, multiple times a day. I've watched the challenges with traffic at the construction in progress in front of the Pleasant Hill BART station. I no longer drive on Jones Road from Treat Blvd to Coggins as I was caught too many times waiting for construction activities to finish so the cars could move again. How will the access points be kept open and accessible for residents as well as emergency vehicles?

Future increase in pedestrian traffic: Currently, there's often a wait for people to cross at Las Juntas and Coggins and again at Las Juntas and Del Hombre. The volume of residents this project would bring in will result in a much longer wait for vehicles as pedestrians have the right of way and don't care how long the vehicles wait. It's obvious when the BART train brings people as the wait time to drive through these intersections increases further. Will pedestrians be routed over a bridge to relieve congestion at the four-way stop intersections? I'm also concerned about safety as often times people don't even stop at the stop signs. I've seen this behavior increase tremendously over the past 5 years.

Alternative noted in the report: What is the likelihood of the alternative smaller construction project of 52 townhomes? The excessive dense construction in Walnut Creek is sad to see. What used to be a wonderful place to live is becoming a congested, overcrowded, noisy place losing its original appeal. Although I think 52 units is a lot, it is much better than 5 times more.

Assumptions on fewer vehicles: I understand there's an expectation and push for people to use public transit nearby, but the reality is there are many reasons why people don't and can't. It is sad to see the excessive crowding being forced upon all in this area and the whole of Walnut Creek. The plans often

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don't include sufficient parking and result in congestion on the streets and people spilling out into other areas to park causing to walk long distances to reach their residence. This also results in double parking to allow for offloading of groceries, elderly, small children, etc. What is going to be done about these challenges as more and more people are living in such a small area?

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CONT.

Regards,

Kristina Nixon

Homeowner at Honey Trail, Walnut Creek

Kristina Nixon (NIXON)

Response to NIXON-1

The commenter provides introductory remarks and expresses general opposition to the project.

Please refer to Master Response 1—General Opposition to the Project.

Response to NIXON-2

The commenter expresses concern about traffic during construction especially with respect to access for emergency vehicles.

Please refer to Master Response 2—Traffic Congestion. Procedures for lane closures, including procedures for emergency access during lane closures, would be developed as part of the construction traffic control plan.

Response to NIXON-3

The commenter expresses concern about the increase in pedestrians and the potential impacts to the intersection of Coggins Drive at Las Juntas Way and Del Hombro Lane at Las Juntas Way.

Improvements would be implemented at the intersection of Del Hombro Lane at Las Juntas Way and Del Hombro Lane at Roble Road to improve pedestrian and bicycle connectivity, while balancing vehicle travel. Improvements would be made at the Del Hombro Lane at Las Juntas Way intersection to prioritize pedestrian and bicycle travel through the intersection. These improvements would help alleviate the impacts to vehicle congestion while providing safe crossings for pedestrians and bicyclists.

Response to NIXON-4

The commenter voices support for the Reduced Scale Alternative (Alternative 2) presented in Chapter 6, Alternatives, of the Draft EIR.

Please refer to Master Response 4—Density.

Response to NIXON-5

The commenter notes that not everyone can use transit and that the projects often do not include sufficient parking and result in congestion of the streets. They also generally ask what is going to be done about these challenges.

Please refer to Master Response 2—Traffic Congestion and Master Response 6—Parking.

With regard to challenges associated with development in the area in general, the comment does not specifically address the adequacy of the Draft EIR or identify any potential significant environmental impacts. The environmental impacts of the project were analyzed in compliance with CEQA Guidelines and are discussed in detail in the Draft EIR. The comment will be provided to County decision makers.

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From: Leslie Pannell <lesliepannell@yahoo.com>
Sent: Saturday, November 02, 2019 10:12 PM
To: Jennifer Cruz <Jennifer.Cruz@dcd.cccounty.us>
Subject: GP18-0002, RZ18-3245, MS18-0010, DP18-3031rger

With respect to the above referenced 284 unit six-story apartment project located on the corner of Del Hombre and Roble Road. I urge the Planning Department to strongly reconsider approving this project at the proposed size.

I live at [178 Calle Nogales](#), which is off of Las Juntas and just north down the Iron Horse trail from the proposed development. Our commute morning traffic along Cherry Lane/Las Juntas/Coggins and the Pleasant Hill Bart station is already at a choke point. I live this every day as I commute into San Francisco. We have two new additional large housing developments coming on line, the new Avalon Apartments being built at Bart and the Habitat for Humanity project on the corner of Las Juntas and Del Hombre that will start construction next year. These two projects alone will cause a major influx in car traffic, to our already impacted area. I can not imagine what the addition of another 284 units will do to the area. On street parking on Las Juntas is already car to car during the work week, snaking back up Las Juntas North, and all the way down Coggins to the bend.

I understand the project will require approval of a General Plan Amendment from **Multiple-Family Residential-Very High Density (MV) to Multiple-Family Residential-Very High Special Density (MS)**, a rezoning of the property from **Single-Family Residential (R-15) and Planned Unit District (P-1) to Planned Unit District (P-1)**, a minor subdivision, and a Final Development Plan to allow the construction of the apartments including variances to the lot size for rezoning a less than 5-acre property to P-1 and setback from a public road, and an exception from Title 9 for drainage requirements. Please don't allow for this to be changed to Very High Special Density (MS) if a rezone is required, please keep it consistent with

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the nature of the rest of the apartment/condos in the immediate area and NOT a six story building such as what's being built at Bart.

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CONT.

Please please please reconsider the magnitude of the project being built and scale it back substantially. This will not only lessen the impact on the roads but allow the developer to save many of the 160 trees they are proposing to remove.

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We've spent two years listening to the current Avalon project being wrapped up, Habitat's development will start up next. If this project moves forward at the proposed size, I shutter to think of the noise and truck traffic that will be introduced to the area, let alone the additional noise that adding that many additional people to the area. I'm not against a development there, just one of this density.

5

In addition, Coggins Lane already has a significant car break-in and auto alarm issue given that the existing county and the sheriff patrol is very limited. My house backs up on to it, I hear the car alarms and the cars and motorcycles already that use it as a raceway. Will there be additional sheriff patrol funding to monitor and keep the area safe with this new development? Is the developer being required to provide policing in the area to mitigate speeding and breakings? It's certainly not patrolled adequately currently for the current population that is already going to increase given the two projects mentioned above.

6

Thank you for your consideration of my concerns.

Leslie L. Pannell

178 Calle Nogales

Walnut Creek, CA 94597

Leslie L. Pannell (PANNELL)

Response to PANNELL-1

The commenter expresses concern about the traffic impacts caused by the project in conjunction with other projects in the area.

Please refer to Master Response 2—Traffic Congestion.

Response to PANNELL-2

The commenter expresses concern regarding street parking on Las Juntas Way.

Please refer to Master Response 6—Parking.

Response to PANNELL-3

The commenter requests that the project site not be rezoned to allow for a project of this scale.

Please refer to Master Response 4—Density.

Response to PANNELL-4

The commenter requests that the project site be scaled back to alleviate impacts to the roads and save trees that would be removed as part of the project.

Please refer to Master Response 2—Traffic Congestion, Master Response 4—Density, and Master Response 5—Tree Health, Removal, and Replacement.

Response to PANNELL-5

The commenter expresses concern regarding truck traffic and noise caused by construction of the project.

With respect to construction noise, implementation of MM NOI-1 would ensure that construction activities would be only occur between 7:30 a.m. to 5:00 p.m., Monday through Friday (unless otherwise approved by the Contra Costa County Department of Conservation and Development). No construction is allowed on weekends, or on federal or State holidays, which would reduce potential impacts related to site preparation, grading, and construction to less than significant.⁵⁶ Operational noise levels would not exceed established standards.⁵⁷

With respect to truck traffic, the County has designated truck routes that route construction trucks to I-680. The trucks would then access the project site from Del Hombro Lane via Treat Boulevard.⁵⁸ Construction truck routes follow main arterials and would avoid adding additional heavy-duty truck traffic on feeder streets and minor arterials. Furthermore, these construction truck routes are specifically designated to avoid impacts to pedestrian and bicyclists. Thus, because the construction trucks would travel along the designated construction truck routes, there would not be a conflict

⁵⁶ FirstCarbon Solutions (FCS). 2019 Del Hombro Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Page 3.11-21. September.

⁵⁷ FirstCarbon Solutions (FCS). 2019 Del Hombro Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Page 3.11-24. September.

⁵⁸ Contra Costa County. 2005. Contra Costa County General Plan, Chapter 5: Transportation and Circulation Element. Website: <http://www.co.contra-costa.ca.us/4732/General-Plan>. Accessed March 5, 2019.

with the automobile vehicle, bicycle, and pedestrian design and activity along roadways near the project site.⁵⁹

Response to PANNELL-6

The commenter asks whether the developer will be responsible for increased police service needs in the area.

Please refer to Response to DCD_ZA_MTG-26.

⁵⁹ FirstCarbon Solutions (prepared for Contra Costa County). 2019. Del Hombro Apartments Project Draft Environmental Impact Report, page 3.15-20. September.

From: Chet P <chet.paulinellie@gmail.com>
Sent: Sunday, November 10, 2019 5:00 PM
To: Jennifer Cruz <Jennifer.Cruz@dcd.cccounty.us>
Subject: [BULK] Del Hombre Apartments Project

Hi Jennifer, I had a question for you re the public comment period for this project, does the comment need to be from a person who resides in the unincorporated area of Walnut Creek where the project will be located, or can someone who lives in incorporated Walnut Creek (e.g Civic Drive) also be able to submit a comment that will be given consideration?

I know when there's an issue involving the City of Walnut Creek, there's been occasions when only residents of incorporated Walnut Creek's comments were considered. Wasn't sure if it worked the same way in this regard.

Chet Paulinellie

[3173 Wayside Plaza #314](#)

[Walnut Creek, CA 94597](#)

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Chet Paulinellie (PAULINELLIE)

Response to PAULINELLIE-1

The commenter asks about who is allowed to submit comments during the public comment period, specifically whether one must be a resident of unincorporated Contra Costa County within the project area.

Anyone is allowed to comment on the Draft EIR (not just residences of Contra Costa County) and all comments will be provided to the County decision makers. No response is necessary.

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From: sfhill@aol.com <sfhill@aol.com>
Sent: Saturday, October 26, 2019 7:34 PM
To: Jennifer Cruz <Jennifer.Cruz@dcd.cccounty.us>
Subject: Reference: GP18-002, RZ18-3245, MS18-0010, DP18-3031

Jennifer Cruz

Senior Planner

Department of Conservation and Development

[30 Muir Road](#)

[Martinez, CA 94553](#)

Reference: GP18-002, RZ18-3245, MS18-0010, DP18-3031

Dear Ms. Cruz

I am writing in opposition to the Del Hombre Apartment project proposed in Waldon, near the Pleasant Hill Bart station.

This project is totally inappropriate for this parcel. The requested exemption for setbacks doesn't fit the character or standards for this neighborhood. The setbacks should be increased to 15 feet to fit in with other buildings that have an even greater setback. Other apartment and condo complexes east of the Bart tracks have a more "rural" atmosphere that incorporates air flow, and green spaces for shrubs and trees. Even the apartments located at the Contra Costa Center have more setbacks than are proposed at the Del Hombre project. Any set-back exemption will have a negative impact on the surrounding residents

1
CONT

Also, the size and scope of this six story building is not appropriate to the parcel or the neighborhood. The building should be reduced to 4 stories. This height would be a more appropriate fit for the surrounding buildings. This parcel is in a neighborhood, not a downtown urban setting.

2

Another more serious concern is the intersection of Del Hombre, Las Juntas and Roble Road. The scope of this project will adversely affect this dangerous intersection. Even the County admits this intersection is a hazard that combines cars, pedestrian and bicyclists in a dangerous mix that is not easily resolved. The following changes should be adopted for this intersection to help alleviate some of the problems: The intersection should have pedestrian crosswalks, another entrance to the proposed development should be added on Robles Road and traffic patterns should be altered to help ease the flow of traffic under the BART tracks. Roble Road should be widened and reconfigured so that the intersection at Las Juntas is more clearly defined to insure pedestrian safety. The proposed Del Hombre project (in addition to the Habitat for Humanity project down the block) will only compound this problem. These streets are narrow, the pedestrian crosswalk from Avalon to Bart is non-existent. Twice a day, cars, pedestrians, and bicycles attempt to navigate this major thoroughfare that cross under the Bart tracks. The area is so congested that traffic backs up on Roble Road, Las Juntas and Del Hombre as people try to navigate this intersection to cross Iron Horse Trail as they try to get to Bart.

3

Another tragic consequence of this project is the loss of 160 trees that will succumb to bulldozers. This park like setting will be destroyed and there is no attempt to replace the trees. In fact the development is seeking to reduce the setback and create even less green space. This exemption is not necessary for this project and it seems to be nothing more than a convenience to cut down all trees on the property. This must not happen. The trees overlooking Del Hombre and Robles Road must not be removed to protect and enhance the Iron Horse Trail setting. Even more tragic is that several majestic Valley Oak in adjacent properties will eventually be destroyed as the result of the massive construction project.

4

I am not opposed to developing this property. I am opposed to such a large complex, which in addition to having more stories than any complex (including apartments at Contra Costa Center), is requesting exemptions that would remove trees, create hazardous traffic conditions and in general will have a negative impact on the neighborhood and community.

5

Sincerely,

Don Pologruto

Homeowner

Sent from Windows Mail

Don Pologruto (POLOGRUTO)

Response to POLOGRUTO-1

The commenter requests that project setbacks be increased.

Please refer to Master Response 3—Setbacks and Building Height.

Response to POLOGRUTO-2

The commenter requests the project be reduced from 6 to 4-stories to better fit the neighborhood.

Please refer to Master Response 3—Setbacks and Building Height.

Response to POLOGRUTO-3

The commenter expresses a safety concern for the intersection of Del Hombro Lane/Las Juntas Way/Roble Road.

Improvements would be implemented at the intersection of Del Hombro Lane at Las Juntas Way and Del Hombro Lane at Roble Road to improve pedestrian and bicycle connectivity, while balancing vehicle travel. Improvements would be made at the Del Hombro Lane at Las Juntas Way intersection to prioritize pedestrian and bicycle travel through the intersection.

Providing a second entrance to the parking structure from Roble Road, as suggested by the commenter, would not result in changed vehicle pattern under the BART tracks and would increase the number of pedestrian/bicycle/vehicle conflicts on Roble Road.

Response to POLOGRUTO-4

The commenter opposes tree removal on the project site and expresses concern for the health of nearby trees off-site.

Please refer to Master Response 5—Tree Health, Removal, and Replacement.

Response to POLOGRUTO-5

This commenter provides a summary of the comments provided in the letter.

Please refer to Response to POLOGRUTO-1 through Response to POLOGRUTO-4.

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Jennifer Cruz:

RE: GP 18-0002, RZ 18-3245,
MS 18-0010 + DP 18-3031

Please Please do not vote for the
above mentioned rules. We already
have Habitat for Humanity going in,
plus all the apartments that Bart
is in the process of building that's
going to be many more vehicles
right there. Have you driven down
Cherry Lane? I have many times, it's
my only way to get to a main street.
It is extremely narrow plus there is

a deep drop off that someone is
definitely going to roll ^{over} and down the slope
causing serious injury

I've lived on Briarwood Ct
since 1964. I'm worried for my own
safety and for anyone else using
Cherry Lane + Bart intersections

So ~~please~~ please do not
pass these rules

Sincerely

Kay Powell



1

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Kay Powell (POWELL)

Response to POWELL-1

The commenter expresses concern regarding the safety of Cherry Lane with the addition of project vehicles.

The project is expected to potentially increase vehicle traffic on Cherry Lane, south of Santos Lane by approximately 10 vehicles in either peak-hour. Based on a review of collision data from the Statewide Integrated Traffic Records System, there have not been reported collisions on Cherry Lane between Treat Boulevard and Santos Lane, the segment that the project would add traffic to, in the past 5 years.

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-----Original Message-----

From: WillRoberts <will@laser66.com>

Sent: Monday, November 04, 2019 4:38 PM

To: Jennifer Cruz <Jennifer.Cruz@dcd.cccounty.us>

Subject: [BULK] Del- Hombre Apartments

I am opposed to the new apartment project. I see parking access lane width is reduced to 24 feet, the least of my worries. Some sort of waiver for sewer or storm drain. This project is 3 floors higher than the Archstone, smaller Avalon projects adjacent to the project. I think this needs further set- back from the street Ten foot set back from the street? What is it at the new project on the BART property (tall Avalon)? This is too big at 284 units for such a small area and so close to much smaller structures.

I'm not sure the tax base for the owner of the building can support the load to our streets, and especially the likely hundreds of new children attending local schools.

GP18-0002, RZ18-3245, MS18-0010, DP18-3031

Please make this my official public comment.

William I. Roberts, Jr.

190 Alderwood RD

Walnut Creek, CA 94598

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William I. Roberts Jr. (ROBERTS)

Response to ROBERTS-1

The commenter expresses opposition to the project because of the proposed width reduction of the parking access lane, the height of the proposed building, and a proposed waiver for sewer or storm drain. The commenter also notes that setbacks seem too small and the project seems too big for such a small area. In addition, the commenter expresses concern about the tax base being able to support the load to streets and the schools being able to support the new students that would attend schools in the area as a result of the project.

Fehr & Peers reviewed the site plan and determined that parking access lane widths would be adequate (see TIA, Appendix I in Draft EIR, for additional information). The commenter is correct about the waiver for the storm drain. The project would require an exception from Title 9 for drainage requirements. As discussed in more detail in Section 3.9, Hydrology and Water Quality, the project applicant requests permission to drain to Drainage Area 44B instead of Drainage Area 44. Per MM HYD-3, that request would be reviewed in conjunction with the tentative map to ensure that the project complies with all provisions of Division 914 of the Ordinance Code.⁶⁰ Master Response 3—Setbacks and Building Heights and Master Response 4—Density, provide additional information about setbacks and building heights as well as the project’s density. Please refer to Master Response 2—Traffic Congestion, for a discussion of potential transportation impacts. As discussed in Section 3.13, Public Services, of the Draft EIR, the project applicant would be responsible for paying development impact fees to the Walnut Creek School District and the Acalanes Union High School District. The Draft EIR concluded that with the payment of impact fees, impacts related to need for new or altered school facilities impacts would be less than significant.

⁶⁰ FirstCarbon Solutions (FCS). 2019 Del Hombro Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Page 3.9-16. September.

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From: family shikuma <shikumafamily@gmail.com>
Sent: Wednesday, November 06, 2019 10:13 AM
To: Jennifer Cruz <Jennifer.Cruz@dcd.cccounty.us>
Subject: [BULK] NO del-hombre apartments PLEASE

Dear Jennifer

Our family lives in this area and it would devastate everything this project is planned for.

GP18-0002, RZ18-3245, MS18-0010, DP18-3031

Please do not let this project happen.

shikuma family

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The Shikuma Family (SHIKUMA)

Response to SHIKUMA-1

The commenter expresses general opposition to the project.

Please refer to Master Response 1—General Opposition to the Project.

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From: Ernie <etong41561@aol.com>
Sent: Sunday, November 17, 2019 11:49 PM
To: Jennifer Cruz <Jennifer.Cruz@dcd.cccounty.us>
Subject: Del Hombre

I have been a Walnut Creek resident for 42 years. In those 42 years I have lived two different places, both within 1 mile within of the Pleasant Hill BART station. First location was the former Wayne Ct now Wayne Drive. Our house was taken away from us through eminent domain for the Embassy Suites parking garage. Before that, a nice field and abandon girls school where my kids could safely play was razed in favor of what is now Brandman University. Then Honey Trail, then the big apartment complex on Las Juntas that runs parallel to BART track that is now called the Avalon, and so on.

The quality of life has diminished steadily, but the rate of decline has increased exponentially these past few years. Traffic lights at Buskirk and Mayhew?? Where does it end. Taking a walk on Las Juntas was never a problem in the past despite not having sidewalks, but now is a hazard with non-residences using it as a high speed thoroughfare at all times and day and all days of the week. Increase density brings increased crime which I have witnessed. Long term parking of unused vehicles. Panhandlers and shopping carts were unheard of in this neighborhood. I can go on and on.

So who stands to gain? The pro development side will argue tax base for the City and County, but it's a known fact that it is a break even proposition AT BEST because infrastructure and public services needed for new residences generally outweigh the tax gains. So again who stands to gain? I assure you, I'll make it known which council members and supervisors are in favor. I'm retired now and will gladly spend time rallying against this project.

1

Hing Tong
525 Kismet Ct

Hing Tong (TONG)

Response to TONG-1

The commenter expresses general opposition to the project and existing development in the area and questions who stands to gain from the development of this project.

Please refer to Master Response 1—General Opposition to the Project.

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November 10, 2019

Jennifer Cruz
Contra Costa County
Department of Conservation and Development
30 Muir Road
Martinez, CA 94553

RE: GP18-0002, RZ18-3245, MS18-0010, DP18-3031

Dear Ms. Jennifer Cruz,

This correspondence concerns the proposed 284 unit, six-story apartment project located on the corner of Del Hombre and Roble Road and my opposition to said project. I would also like to take this opportunity to introduce myself and provide some background regarding my concerns.

I have been a resident of Walnut Creek for 39 years, born and raised in the City of Walnut Creek and Contra Costa County. I currently reside at 1171 Honey Trail, Walnut Creek. My affordable, one-bedroom apartment has been home for over ten years. It has provided safety and comfort with the luxury of living close to public transportation, Downtown Walnut Creek, and convenient freeway access. Also, the awarded benefit of a quiet neighborhood and quaint community.

As a single woman for much of my adult life, I was fortunate to find my home on Honey Trail. The monthly rent more affordable in comparison to the average rate in Walnut Creek and continues to be despite an increased cost of living. I am content with my 1979, original construction 708 square foot one-bedroom apartment. For the time being, it is sufficient.

I earn a middle-income salary and yet find it a challenge to keep up with the rising cost of living in the Bay Area. I work from home three days a week and enjoy the rather subtle neighborhood. From my front door, balcony, and kitchen window, I have a view of an empty lot filled with mature and beautiful trees, wildlife, who have made it home, and nature. It is peaceful. Though, more recently, with the construction of the AvalonBay 200-unit luxury apartment complex currently being developed near Pleasant Hill/Contra Costa Center BART Station, I can hear construction noise in the distance. The nuisance is, fortunately, not obtrusive enough to disturb my quality of life.

The proposed 284-unit, six-story apartment project to be built on the corner of Del Hombre and Roble Road, will significantly decrease the quality of life for myself, neighbors, and residents of Honey Trail, Del Hombre Homeowners Association, and Honey Trail Homeowners Association.

The environmental impact on the community and existing wildlife is of great concern. There are more than 160 trees to be removed and 28 more at risk (including the Valley Oak, Sequoia, and Walnut which will likely suffer and potentially die as a result of the construction).

1

2

-2-

The proposed structure, built on just 2.37 acres, will add more than 300 vehicles to the area. Honey Trail, Del Hombre, and Las Juntas are narrow streets, creating a higher risk in an emergency evacuation or emergency response situation and create a choke point in the immediate area.

3

The addition of more than 300 vehicles will cause gridlock conditions on Del Hombre, Las Juntas, Coggins, Cherry Lane, and the surrounding area. Besides increased gridlock, there are concerns relating to the increased level of pedestrian foot traffic, causing safety issues on roads and intersections.

Noise levels will increase with the addition of 284 living units, their vehicles, a parking ventilation system, dog park, and swimming pool. Furthermore, besides the two-plus years of construction, there will be the sounds of dump trucks, bulldozers, big rigs and the necessary construction crews.

4

The quality of life, character, and serene community and what is left of open space will give way to another developer who has little to no regard for the current residents and community of Contra Costa County.

In a community in which I was born and raised, I have become disappointed and frustrated with The City of Walnut Creek and Contra Costa County. In recent years, builders and developers seem to have taken precedence over community and affordability. My husband (of two years) and I cannot afford to buy a home in the Bay Area even with our shared middle-income salaries, but that is for another time and letter.

5

Should this project be approved, the noise of construction, environmental impact, and increased safety concerns will steal from my current affordable and serene home and lifestyle. I will be forced to decide to succumb to the nuisance or choose to move from a place I have called home for over a decade. With affordable options limited, I will more than likely have an increased monthly expense and rent with the potential of less convenience and quality of life.

I appreciate your time in reviewing my concerns and that of my neighbors. I genuinely hope you will take into consideration the voices of this community and the importance of quality of life for all residents (current and future) of Contra Costa County when it comes time to consider this project.

Sincerely,



Dina Varellas

Dina Varellas (VARELLAS)

Response to VARELLAS-1

The commenter provides information about their personal history and expresses general opposition to the project.

Please refer to Master Response 1—General Opposition to the Project.

Response to VARELLAS-2

The commenter expresses concern for wildlife and trees.

As described in Section 3.3, Biological Resources, Implementation of MM BIO-1a and MM BIO-1b would reduce potential impacts to special-status wildlife species and migratory birds.⁶¹ For trees, please refer to Master Response 5—Tree Health, Removal, and Replacement.

Response to VARELLAS-3

The commenter expresses concern regarding additional vehicles and traffic in the area as well as emergency evacuation.

Please refer to Master Response 2—Traffic Congestion and Master Response 8—Emergency Access for a discussion of emergency access.

Response to VARELLAS-4

The commenter notes noise levels will increase with project construction and operation (including increased noise levels from the proposed dog run).

Please refer to Response to DCD_ZA_MTG-5 for a discussion of noise related to the dog run and Response to LOMBARDI-9 for a discussion of construction noise.

Response to VARELLAS-5

The commenter restates their comments provided in the commenter letter and expresses general opposition to the project.

Please refer to Response to VARELLAS-1 through Response to VARELLAS-4 and Master Response 1—General Opposition to the Project.

⁶¹ FirstCarbon Solutions (FCS). 2019 Del Hombre Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Pages 3.3-23–24. September.

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11-11-2019

Jennifer Cruz, Senior Planner
Community Development
Contra Costa County

Subject: Del Hombre Apartments

Reference Numbers: GP18-0002, RZ18,3245,
MS18-0010, DP-18-3031

Dear Ms. Cruz,

My name is Frances Votruba, a Honey Trail Condominium (HT) next door neighbor to subject proposed development. That proposal is too dense by several orders of magnitude and should in no way receive all the requested zoning and other exceptions necessary for it's construction.

1

Please maintain existing development requirements when approving any project fronting on Del Hombre lane. Being a dead end, it's hard to imagine, but, all project generated traffic would be dumped onto Las Juntas intersection creating even more congestion, only exit being thru BART's already crowded Las Juntas exit.

2

The proposed project is totally out of character, creating a solid wall built right on the property line, absent all the existing trees and any consideration of adjoining development. This is not what our area needs and will only cheapen what can still remain a pleasant, reasonably scaled neighborhood adjoining BART.

3

I fear the very high density, unarticulated box of a project will invite low investment tenants. As proposed, it invites a short term, high turnover occupancy which can generally degrade an active, viable neighborhood. Noise, air, traffic pollution, and crowding should be mitigated by sensibly complying with existing development standards.

I trust you will consider my request above to maintain our neighborhood character and livability.

4

Frances Votruba, owner
1254 Honey Trail
Walnut Creek 94597

Frances Votruba (VOTRUBA)

Response to VOTRUBA-1

The commenter opposes project density and other exceptions required for the development of the project.

The commenter does not specify which exceptions they do not believe the project should receive. The project would require a variance for the setback from the public road and a variance to the size of the property rezoned to a Planned Unit District (P-1), and an exception from Title 9 for drainage requirements.

For a discussion of density, please refer to Master Response 4—Density; for a discussion of the variance required for the proposed setbacks, please refer to Master Response 3—Setbacks and Building Heights; for a discussion of the exception for drainage requirements, please refer to Section 3.9, Hydrology and Water Quality, Impact HYD-3.

Response to VOTRUBA-2

The commenter expresses concern regarding traffic on Las Juntas Way.

Please refer to Master Response 2—Traffic Congestion.

Response to VOTRUBA-3

The commenter states the project would not fit with existing community visual character.

Please refer to Response to WDIA-12.

Response to VOTRUBA-4

The commenter opposes high-density rental housing. The commenter also notes that noise, air, traffic pollution, and crowding would be mitigated by sensibly complying with development standards.

Please refer to Master Response 4—Density and Master Response 7—Community Character.

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From: Nick Wai-Poi <nickwaipoi@comcast.net>
Sent: Monday, October 07, 2019 6:47 AM
To: Jennifer Cruz <Jennifer.Cruz@dcd.cccounty.us>
Subject: Del Hombre Apartments - development - County File #GP18-0002, RZ18-3245, MS18-0010, DP18-3031

Hi Jennifer,

In reviewing the DEIR documents for the Del Hombre Apartments development County File #GP18-0002, RZ18-3245, MS18-0010, DP18-3031 I had a few questions.

1. Was there any justification/support within the documents addressing the rezoning of a site which is less than 5 acres? | 1
2. Was there any justification or supporting information to show how the developer chose the reduced setbacks and identified sidewalk dimensions. | 2
3. Is there anywhere in the arborist report where the arborist specifically addresses the Valley Oaks along the southern property line? The 10' exclusion zone does not appear to match typical measures to ensure the health of these trees through construction. | 3
4. Do the documents contain a parking mix/summary with the stated number of visitor parking spaces? Accessible/accessible van and standard? | 4

- | | | |
|---|--|---|
| 5. Did a portion of the traffic engineer's report address the loading zone area and its capacity related to the day to day deliveries? | | 5 |
| 6. Was there a study on the move in/move out process. Is the loading dock adequate for regular turnover of apartments along with any large scale deliveries at times of furniture or large electric goods etc to residents? Can they pull entirely off the streets? | | 6 |
| 5. Very minor question in relation to those above - for the purposes and intent of the LID reductions does the parking on the private Roble Road count as surface parking? | | 7 |

Unfortunately I am unable to make the meeting this afternoon so when minutes are circulated I would appreciate seeing them. And if you or the developer could answer the above prior to submission of DEIR comments it would be appreciated.

Nick Wai-Poi

1310 Honey Trl.

Nick Wai-Poi, Letter 1 (WAI-POI.1)

Response to WAI-POI.1-1

The commenter asks about the justification/supporting information for rezoning the site since it is less than 5 acres.

The rezoning of the site to P-1 was addressed in Chapter 2, Project Description, and Section 3.10, Land Use and Planning, of the Draft EIR. The Draft EIR concluded that impacts to land use would be less than significant. Furthermore, the County has allowed sites less than 5 acres to pursue P-1 zoning in the past, including one of the parcels included in this project (3010 Del Hombree Lane). The County is currently updating the County Zoning Ordinance to remove the 5-acre minimum requirement for P-1 zoning. Furthermore, findings to grant the variance request to the minimum lot size to rezone to P-1 will be prepared for the public hearing.

Response to WAI-POI.1-2

The commenter asks how the developer made decisions about setback and sidewalk dimensions.

Please refer to Master Response 3—Setbacks and Building Heights. The sidewalk dimensions adhere to County standards.

Response to WAI-POI.1-3

The commenter asks about protecting valley oaks along the southern property line during construction and asserts that the 10-foot exclusion zone does not match typical measures to ensure the health of the trees during construction.

Please refer to Master Response 5—Tree Health, Removal, and Replacement.

Response to WAI-POI.1-4

The commenter asks whether the document provides a parking mix/summary that includes the stated number of visitor parking spaces as well as accessible/accessible van and standard spaces.

Please refer to Master Response 6—Parking, for a discussion of visitor parking spaces. Table 2-4 of Chapter 2, Project Description, provides the proposed vehicle and bicycle parking summary, which includes the breakdown of standard and accessible parking spaces.⁶²

Response to WAI-POI.1-5

The commenter asks whether the traffic report addresses general deliveries at the proposed loading area.

As described in Section 3.15, Transportation, the loading area would not be used for deliveries; the project would provide a white curb passenger loading/unloading zone along the west of Del Hombree Lane where general delivery vehicles would park temporarily.⁶³

⁶² FirstCarbon Solutions (FCS). 2019 Del Hombree Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Page 2-20. September.

⁶³ FirstCarbon Solutions (FCS). 2019 Del Hombree Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Page 3.15-58. September.

Response to WAI-POI.1-6

The commenter asks if analysis included a study on the moving process and delivery trucks.

Del Hombre Lane would be widened at its intersection with Las Juntas Way to allow enough maneuverability for delivery trucks to turn, as shown in Exhibit 3.15-11 of the Draft EIR.⁶⁴

Response to WAI-POI.1-7

The commenter asks about parking on Roble Road and Low Impact Development (LID) reductions.

Private parking along Roble Road is not within the project boundaries, and therefore was not included in the Draft EIR analysis, and does not count towards the project's provided off-street parking.

The comment regarding "LID reductions" is unclear. If the commenter is referring to Low Impact Development as defined by C.3 stormwater provision, Roble Road is not located within the project boundaries.

⁶⁴ FirstCarbon Solutions (FCS). 2019 Del Hombre Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Page 3.15-58. September.

November 15, 2019

Jennifer Cruz
Contra Costa County
Department of Conservation and Development
30 Muir Road
Martinez, CA 94553

Re:

DEL HOMBRE 284-UNIT APARTMENT PROJECT
DRAFT ENVIRONMENTAL IMPACT REPORT
State Clearinghouse Number: 2018102067
County File Numbers: GP18-0002, RZ18-3245, MS18-0010, DP18-3031

Dear Jennifer Cruz,

After reviewing the DEIR for the Del Hombre Apartments Project I am disappointed to see a number of adverse impacts to the neighborhood and the environment which do not appear to be addressed adequately or their impact fully evaluated. For the reasons below I cannot support the project in its current form.

1

1. Variances being applied for:

a. Zoning changes / variances

- i. General Plan Amendment from Multiple-Family Residential-Very High Density (MV) to Multiple-Family Residential-Very High Special Density (MS)

The surrounding parcels east of the Ironhorse Trail are MV or M-17. Parcels to the north of Bart are MH. It is unclear why this group of parcels with poorer roading infrastructure, a smaller lot area and without the more urban feel of the lots immediately to the south of Bart would have a higher density in the District Plan.

2

The DEIR contains no information justifying this increase in density or disparity from the neighboring properties, nor does it describe mitigating features.

Given this I believe the parcels should remain MV.

- ii. Rezoning of the property from Single-Family Residential (R-15) and Planned Unit District (P-1) to Planned Unit District (P-1)

3

It is understood that the County is looking to move unincorporated areas into P-1.

- iii. A minor subdivision

4

This does not appear to be addressed in the DEIR however appears necessary to achieve the densities described in the District Plan.

- iv. Variances to the lot size for rezoning a less than 5-acre property to P-1

It is understood that the County is looking at relaxing the minimum 5-acre lot size for rezoning to P-1 in order to better address urban infill sites. This site does not represent urban infill in that the neighboring lots are of a less dense zoning with

5

suburban setbacks and street presence. There does not appear to be any justification for this proposed variance in the DEIR nor mitigation.

5
CONT.

I could support this rezoning if protections to match the neighboring suburban street presence similar to other properties on Del Hombre and Las Juntas were put in place.

b. Variance to eliminate the 10-foot setback requirement from a public road.

Neighboring lots have a variety of setbacks set key map below:

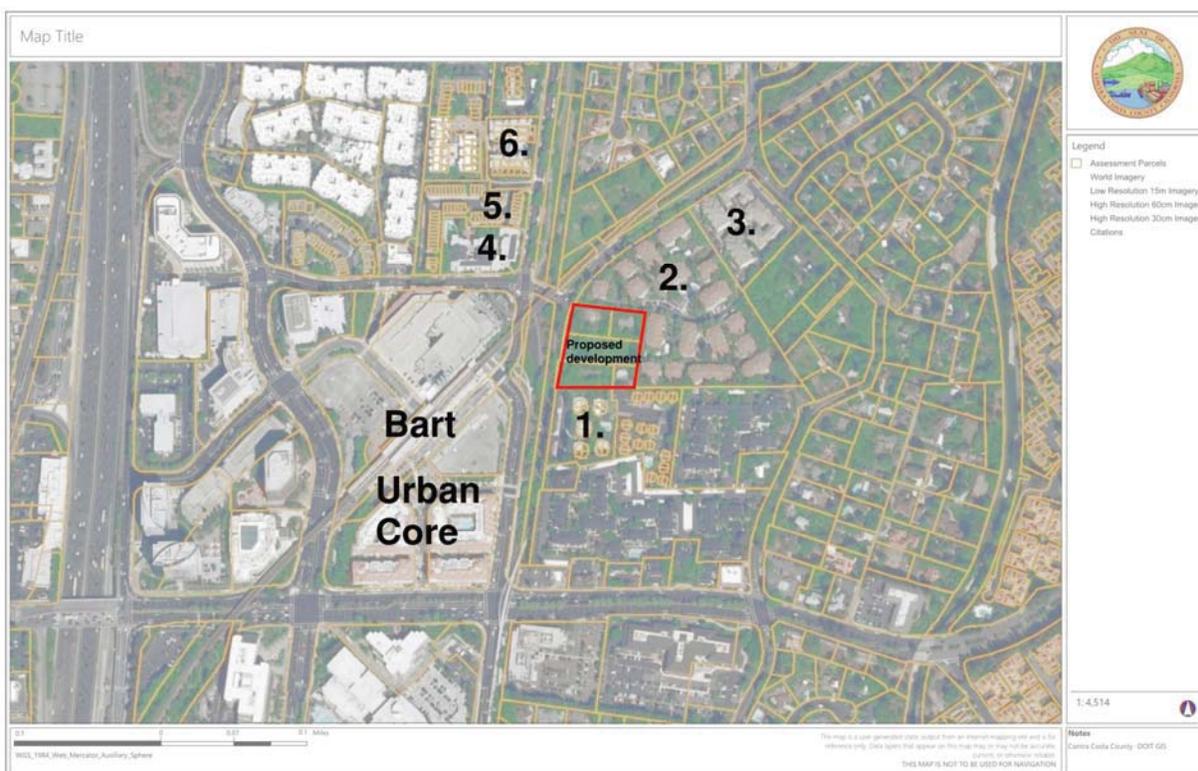
6

- 1) Del Hombre Condominiums: 16' to the carport structures
- 2) Avalon Walnut Ridge on Las Juntas: ranging from 16' to 30' adjacent the proposed site.
- 3) Avalon Walnut Ridge on Las Juntas between Santos Lane and Cherry Lane: ranging from 8' to 12'

Comparable lots on the north side of Bart:

- 4) 1316 Las Juntas: 10' on Las Juntas and 14' on Coggins Drive
- 5) 58 to 72 Iron Horse Trail: 24' on Coggins Drive
- 6) 3173 Wayside Plaza: 17' to 28' on Coggins Drive

(All measurements are approximate and taken from the Contra Costa County Maps Portal).



Each of these buildings are less than five stories and do not present a single façade parallel to the street. Therefore, even if at the same setback they would be less visually impactful.

Lots to the south of Bart have an urban approach to the streetscape. They are bordered by elements such as urban plaza space, bus stations and Treat Boulevard. They are not an appropriate comparison to the proposed site.

There does not appear to be any justification for the proposed variance to the 10' setback from a public road. In addition, it does not appear to be in keeping with the neighboring projects to have less than a 15' setback.

6
CONT.

c. Exception from Title 9 for drainage requirements

It appears that this is based on the proximity to Bart coupled with no surface parking. There are several parking stalls shown on the adjacent roads. The parking stalls along Del Hombre Lane are identified as loading zone. It seems unlikely that these few stalls are adequate for short term passenger loading as well as deliveries.

The parking stalls along Roble Road are unlabeled. It seems that it would be in keeping with the exception regarding surface parking if these stalls are not counted toward the minimum parking requirements for the site. These would be better served as loading to make up for the few loading stalls available on Del Hombre.

It is disappointing that more replenishment of the water table is not being provided. It is unclear whether assessment of the impact of the change to the water table that will occur in the conversion of the site from being almost fully pervious to being largely impervious has been performed.

The mechanical detention and pumped released of the stormwater is of long term concern as the pump will be infrequently used, yet will need regular maintenance and servicing. It is also unclear how evident the failure of the pump would be or whether there will be a gradual increase in surface flooding with no apparent cause when it does fail.

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d. A concession to provide the remaining affordable units (24 total) as affordable to moderate income.

Given the project is providing 12 out of 284 units as affordable to very low income and the remainder as market rate or affordable to moderate income it seems overstated to state that the project will "provide much needed affordable housing through the delivery of 36 affordable units" in the project description or the project objectives. Over 95% of the apartments will be considered affordable to above median wages in an area that has a relatively higher median wage.

10

2. Vehicular and pedestrian impacts

- a. Intersection of Coggins Drive at Las Juntas Way (also the main crossing point for Iron Horse trail)

The proposed development as stated in the report will cause an unmitigable impact to this intersection. In order to improve this for pedestrians some, or all, the following mitigation measures will be implemented:

- Advance stop bars
- Narrowed travel lanes
- Curb extensions
- Improved crosswalk lighting
- A pedestrian/bicyclist actuated trail crossing warning device,
- Other similar measures as approved by the Public Works Department.

All of these will further impact the Level of Service of the intersection. Could a pedestrian bridge allow for the intersection to be mitigated without impacting the walkability and bikeability of the area?

It should be noted that the reduced density alternate project significantly lessened the impact on this intersection.

- b. Coggins Drive at Jones Road – this is one of the main entry points to Bart parking and the bus terminal.

Though the Level of Service would remain acceptable at a D level it is unclear whether the additional foot traffic from this project has been factored in. As the this is a four way stop sign with large flows of pedestrian and bike traffic to and from Bart vehicles can be delayed significantly here by pedestrians. Given the somewhat uncontrolled nature of the intersection this can be dangerous for foot traffic. The EIR should clarify whether an increase of foot traffic has been accounted for.

- c. Operational traffic

It appears that there is a loading dock off Roble Road. Given the likely turnover of the apartments it would be expected that there would be several move ins/outs per week. Given the narrow roads and inability to traverse Del Hombre Lane without passing the project it should be confirmed that facilities provided are sufficient that all moving vehicles and larger delivery vehicles are able to be pulled entirely off the roads.

It is noted that the mail room is at the southwest corner of the site. It is unclear if the drop off loading zone at this location would be adequate for parcel delivery trucks as well as pedestrian pick up drop off. This could lead to double parking at a location very close to the main entry and associated and the intersection with Honey Trail. This could be a safety hazard.

11

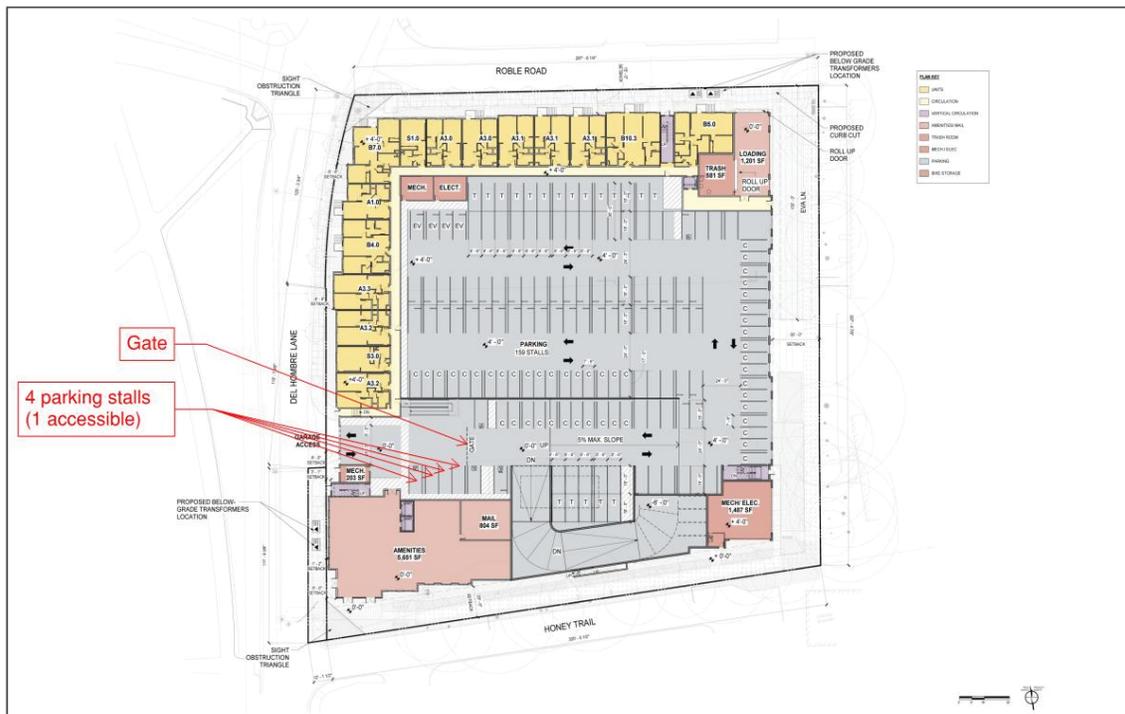
12

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d. Guest parking

The ground floor plan implies there are four guest parking spaces within the podium. If this is accurate this is inadequate. Note the earlier comment regarding parking along Roble Road.



Source: BFK Engineers, Surveyors, Planners, May 16, 2019.

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SOLUTIONS™

26480011 • 05/2019 | 2-8b_Proposed Parking-Ground Floor.cdr

Exhibit 2-8b
Proposed Parking-Ground Floor

CONTRA COSTA COUNTY • DEL HOMBRE APARTMENTS PROJECT
ENVIRONMENTAL IMPACT REPORT

15

e. Construction traffic

No construction logistics plans were provided. Given the lack of setbacks on any side it appears that this site will be extremely difficult to build without significant impacts to the neighboring properties. The fire lane at the east is unlikely to provide the necessary truck turning radiuses to use as ongoing construction access so laydown area will likely be limited to Del Hombre Lane reducing the width. It is assumed that 24' wide fire access will be provided past the site at all times (including crane erection and dismantlement and concrete pump work).

16

3. Trees

a. Trees on site

- i. It is noted that all trees on site are to be demolished. This certainly seems appropriate for the Blue Gums in the center of the site and a number of trees would need to be demolished for any development to take place.
- ii. There are two large walnut trees at the edge of the site that, given the proposed footprint, appear to be able to be protected in place. No justification within the DEIR has been provided for their removal.

17

Given their location in providing visual privacy for the neighbors it seems that these should not be removed.



Source: BFK Engineers, Surveyors, Planners, July 2019.

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26480011 • 09/2019 | 3.3-2_tree_removal_plan.cdr

Exhibit 3.3-2
Tree Removal Plan

CONTRA COSTA COUNTY • DEL HOMBRE APARTMENTS PROJECT
ENVIRONMENTAL IMPACT REPORT

17
CONT.

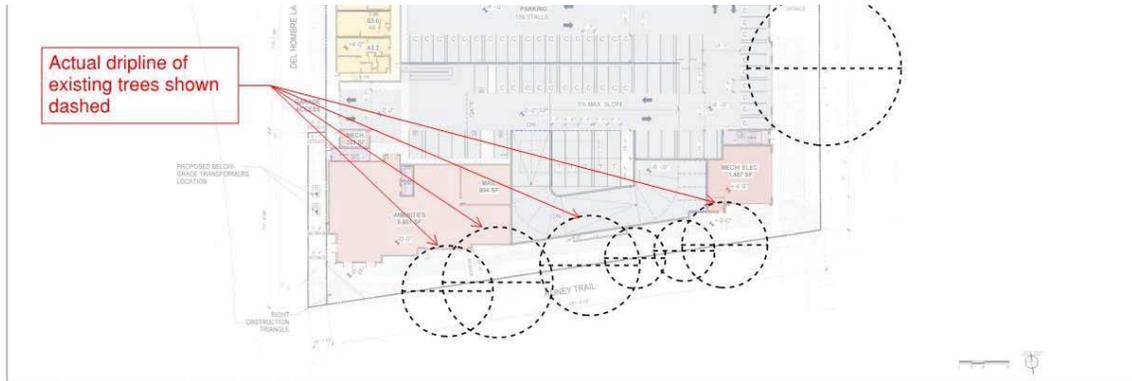
b. Trees on adjacent properties

- i. Immediately south of the southern property line are a series of valley oaks ranging from 15" to 27". These have canopies that extend both north and south and provide visual amenity, shade and habitats for the local wildlife.

It is noted that some measures to less adversely affect the trees are proposed but these are inadequate. They include a 10' buffer zone during construction and a 20' setback of the above ground structure.

The Proposed Parking Ground Floor Plan shows the extent of the driplines for these existing trees. This appears to match what is observable on site for at least some of the valley oaks as some have asymmetrical canopies.

18



Source: BFK Engineers, Surveyors, Planners, May 16, 2019.

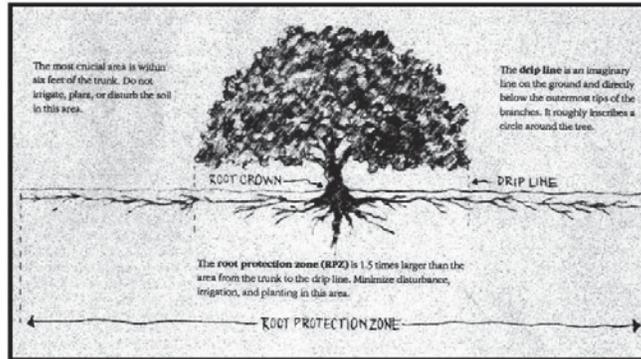


26480011 • 05/2019 | 2-8b_Proposed Parking-Ground Floor.cdr

Exhibit 2-8b
Proposed Parking-Ground Floor

CONTRA COSTA COUNTY • DEL HOMBRE APARTMENTS PROJECT
ENVIRONMENTAL IMPACT REPORT

Valley Oaks are particularly sensitive to disturbance in soil compaction (construction traffic, scaffolding, pavement), hydrology (changed stormwater flows and groundwater conditions), and mechanical interference (shoring and trenching) within their root zones. The root zone can extend significantly further than their dripline – typically 1.3 to 1.5 times the diameter of the dripline. (Reference the California Wildlife Foundation)



<http://californiaoaks.org/wp-content/uploads/2016/05/CareOfCAsNativeOaks.pdf>

Typical protection includes an exclusion zone within the root protection zone.

Work that will occur along the south face of the building will include at a minimum:

- Shoring – likely approximately 24” zone from face of retaining wall.
- Scaffolding – typically up to 60” from the face of building and needs to allow for erection and removal.
- Construction traffic – transportation of materials and equipment.
- Utility trenching – a storm line is the only utility shown at this time.
- Pavement construction.

18
CONT.

Both the eventual building and the construction will conflict significantly with the trees. The mitigation is not adequate and it is unclear how the proposed measures have been reached with any specificity to these trees.

18
CONT.

It is unclear whether the proposed landscaping around these trees is appropriate and whether the existing hydrology will be preserved locally to ensure the tree's long-term health.

- ii. Along the eastern property line adjacent the firelane there are some large redwoods. Whether these overlap the fire lane and whether this is acceptable to the fire marshal should be reviewed.

19

4. Building massing and articulation

- a. The building has been placed on the site to maximize envelope and as such the elevation along Del Hombre Lane and Roble Road is largely six stories high. There has been no effort to break down the mass along these roads. At no other location along Del Hombre Lane is such a street wall present.
- b. Trees planted in the set back zones along with broken frontages of up to four stories characterize the immediate area. The only exception to this is within the urbanized core three blocks around the Bart Plaza, fronting onto the bus terminal and at Treat Boulevard.

20

This proposed treatment of the street wall is a significant departure from the context.



A: View 1 Existing - View from Iron Horse Regional Trail Looking East toward the Project Site.



A: View 1 Proposed - View from Iron Horse Regional Trail Looking East toward the Project Site.



B: View 2 Existing - View from Coggins Drive/Las Juntas Way Looking Southeast toward the Project Site.



B: View 2 Proposed - View from Coggins Drive/Las Juntas Way Looking Southeast toward the Project Site.

21

5. Operational noise	
a. There is a mechanical room shown in the south east corner. It is unclear what this is for. It appears to have large louvers facing the property line to the south. The DEIR does not address this, nor provide mitigation for possible noise impact on the neighboring properties.	22
b. The dog respite area appears to be at the southeast corner of the site. Potential noise impacts from this do not seem to be evaluated and it does not appear that there are noise mitigation measures for this.	23
c. The second floor pool deck and terrace appears to be at the southeast corner of the site. Potential noise impacts from this do not seem to be evaluated and it does not appear that there are noise mitigation measures for this.	24
6. Proposed unit mix:	
The surrounding neighborhood though a steadily developing and growing one still retains a balance between shorter term rental properties and longer-term owners, between walk apartments, single family houses, elevator served apartments and townhouses. The proposed development is strongly biased towards one bedroom apartments which will likely be on one year leases. It would be more desirable to see the much-needed affordable housing that the summary cites include more apartments that are suitable for families to help foster longer term residents and encourage the sense of community.	25
Ultimately, though outside of the scope of this document an ownership model would be the most desirable outcome.	
7. Summary	
Given the proximity to Bart and other transit options and the statewide imperatives for transit oriented development it is appropriate that the properties 112 Roble Road, 3010, 3018, 3050, and 3070 Del Hombre Lane are developed. However, any development should be sensitive to its environs; the project should be scaled to fit in with the neighboring properties, the density should work with the lot and the natural features. The current proposal does not have this sensitivity to the neighborhood and community, and this is reflected in the number of variances being sought. Justification for these variances has not always been provided and other means of mitigation of the impacts of these variances has not been provided.	26
A number of impacts documented in the DEIR do not appear to have been adequately mitigated.	
Though I support development at this location, I do not support the project in its current form.	

Sincerely

Nick Wai-Poi

Homeowner at Honey Trail

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Nick Wai-Poi, Letter 2 (WAI-POI.2)

Response to WAI-POI.2-1

The commenter expresses general opposition to the project.

Please refer to Master Response 1—General Opposition to the Project.

Response to WAI-POI.2-2

The commenter asserts the project parcels should remain designated Multiple-Family Residential-Very High Density (MV).

The project is seeking a GPA from MV to Multiple-Family Residential Very-High Special (MS) to increase the allowable residential density on-site, which is a legislative policy decision to be made by the County's Board of Supervisors. The Draft EIR appropriately discloses that this policy decision does not signify a potential environmental impact and acknowledges that the project would be consistent with the infill development and transit-oriented residential character of the surrounding area. Findings for the GPA will be prepared and presented for review and recommendation by the County Planning Commission to the Board of Supervisors.

Response to WAI-POI.2-3

The commenter does not support rezoning the project from Single-Family Residential and Planned Unit District to entirely Planned Unit District (P-1).

The P-1 zoning would allow flexibility with respect to use, building types, lot size, and open space while ensuring the project complies with the Contra Costa County General Plan and requirements as set forth in the Contra Costa County Ordinance Code. It allows necessary public health and safety standards to be observed without inhibiting large-scale development.⁶⁵ In rezoning to P-1, the County is able to provide more housing near transit and meet County housing requirements.

Response to WAI-POI.2-4

The commenter notes a minor subdivision would be necessary to achieve the project density and asserts that this was not covered in the Draft EIR.

Section 2, Project Description, of the Draft EIR indicates that the project includes a minor subdivision, which would be necessary to assemble five parcels into one parcel. This information has been included in Section 3, Errata, of the Final EIR. The project applicant has submitted a Vesting Tentative Map, which was depicted in Exhibit 2-7 in the Draft EIR.

Response to WAI-POI.2-5

The commenter asserts that the Draft EIR does not justify the project being less than the minimum lot size of 5 acres.

The County is considering eliminating the minimum 5-acre lot size for P-1 zones to better accommodate infill sites. The County considers the project site to be infill because of its proximity to the Pleasant Hill/Contra Costa Centre BART Station and I-680 and because the site is surrounded by

⁶⁵ FirstCarbon Solutions (FCS). 2019 Del Hombro Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Page 3.10-26. September.

development. The project is consistent with the surrounding transit-oriented development and continues this pattern of development around the BART station.

The variance for the minimum lot size must be approved with findings justifying the change from the current P-1 zoning rules. As noted in Section 3.10, Land Use and Planning, on page 3.10-26 of the Draft EIR, the County must make findings pursuant to Section 26-2.2006 of the County's Code, which will be provided at the time of public hearing.

Response to WAI-POI.2-6

The commenter opposes the setback variance and points to other nearby housing projects with larger setbacks.

Please refer to Master Response 3—Setbacks and Building Height.

Response to WAI-POI.2-7

The commenter notes that the proposed loading zone would be too small and identifies project parking on Roble Road.

The loading zone has been sized adequately for a project of this size. The project proposes a separate off-street loading dock for resident move-ins. Moreover, the parking spaces along Roble Road are not counted towards the off-street parking provided for the project. Please refer to Master Response 6—Parking for a discussion of the adequacy of parking.

Response to WAI-POI.2-8

The commenter expresses concern regarding water table replenishment considering the conversion of pervious to impervious surfaces associated with the project.

As described in Section 3.9, Hydrology and Water Quality, the project would not significantly impact groundwater recharge rate due to the existing soils and groundwater depth. As discussed in Section 3.17, Utilities and Service Systems, Contra Costa Water District would be able to provide adequate water services to the project site and the rest of its service area during normal, dry, and multiple dry years under its Water Conservation Plan, and no groundwater would be used.⁶⁶ Thus, the project would not interfere substantially with groundwater supply, recharge, or groundwater management.⁶⁷

Response to WAI-POI.2-9

The commenter expresses concern regarding the performance and maintenance of the proposed stormwater detention pump.

As described in Section 3.9, Hydrology and Water Quality, implementation of MM HYD-3 would ensure the project collects and conveys stormwater entering or originating from the project site consistent with Division 914 of the Ordinance Code, and that the project applicant prepares and submits a Final Storm Water Control Plan and Stormwater Control Operation and Maintenance Plan to the County Public Works Department for approval. In addition, the project would comply with the

⁶⁶ FirstCarbon Solutions (FCS). 2019 Del Hombre Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Page 3.17-17. September.

⁶⁷ FirstCarbon Solutions (FCS). 2019 Del Hombre Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Page 3.9-14. September.

County's National Pollutant Discharge Elimination System (NPDES) program and the Contra Costa Clean Water Program, and all relevant provisions of the Ordinance Code related to stormwater pollution. An overflow pipe shall be included in the design for larger storms, and to convey flow should the pump system fail.⁶⁸

Response to WAI-POI.2-10

The commenter asserts that, given the mix of affordable to market rate units, the Draft EIR overstates the impact of the number of affordable units the project would be providing.

This is not a CEQA issue; therefore, the comment is noted for decision-makers' consideration of the project's merits. It should be noted that the project would provide 15 percent affordable units in compliance with the County's Inclusionary Housing Ordinance. The project would also provide 36 needed affordable units that do not exist on-site today, which is not insignificant given the current housing crisis.

Response to WAI-POI.2-11

The commenter asks whether a pedestrian bridge at Coggins Drive/Las Juntas Way would assist with mitigation, and notes that the Reduced Scale Alternative would decrease project impacts to this intersection.

A pedestrian bridge at the Las Juntas Way at Coggins Drive intersection is not expected to eliminate pedestrian conflicts. Given the relatively short crossing distance and the lack of a traffic signal to allocate pedestrian, bicycle, and vehicle right-of-way, many pedestrians would likely choose to cross at grade to avoid traveling up the ramp, or traveling out of their direction to access the pedestrian bridge (if the trip did not originate from the Iron Horse Trail). Additionally, given the location of the BART structure south of the intersection, there is not sufficient right-of-way to construct a pedestrian bridge in this area. Therefore, a pedestrian bridge was not considered a viable option to balance the needs of vehicles, pedestrians, and bicyclist at the as Las Juntas Way at Coggins Drive intersection.

The commenter is correct in noting that the Reduced Scale Alternative (Alternative 2) would result in a less than significant impact to Coggins Drive at Las Juntas Way for both Opening Year and Cumulative Year. However, because this alternative would provide substantially fewer affordable housing units and far fewer units in general, it would have greater impacts related to population and housing when compared to the project. In addition, Alternative 2 would not adequately address the housing and jobs imbalance based on the reduction of 232 total units compared to the project. The Reduced Scale Alternative would only partially fulfill the project objectives.

Response to WAI-POI.2-12

The commenter requests that the Draft EIR clarify whether additional pedestrian traffic was factored into the analysis at Coggins Drive at Jones Road.

In Section 3.15, Transportation, the Draft EIR documents that in the Cumulative with Project condition, the operation of Coggins Drive at Jones Road would degrade to LOS E for vehicles.⁶⁹ Based

⁶⁸ FirstCarbon Solutions (FCS). 2019 Del Hombre Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Page 3.9-15. September.

⁶⁹ FirstCarbon Solutions (FCS). 2019 Del Hombre Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Pages 3.15-67–3.15-73. September.

on the significance criteria, this was not considered a significant impact. Potential changes in pedestrian and bicycle flow through the intersection are accounted for in the analysis. The intersection is all-way stop-controlled, meaning that all vehicles are required to stop before proceeding through the intersection, with pedestrians given the right-of-way.

Response to WAI-POI.2-13

The commenter notes that it appears there is a loading dock off Roble Road. The commenter requests confirmation that vehicles, including large delivery trucks, will fit in the loading zone and not block traffic on Del Hombre Lane.

The project plans submitted included an AutoTurn assessment to demonstrate how larger vehicles, including moving vehicles, would access the loading dock on Roble Road, and a fire access plan that demonstrates the required turning radius for emergency vehicles. As part of the development of the final site plan, the project applicant would demonstrate how all vehicles would serve the project site. The commenter does not provide evidence for the claim that there would be several more ins/outs per week.

With respect to delivery trucks, Del Hombre Lane would be widened at its intersection with Las Juntas Way to allow enough maneuverability for delivery trucks to turn, as shown in Section 3.15, Transportation, Exhibit 3.15-11, of the Draft EIR.⁷⁰

Response to WAI-POI.2-14

The commenter expresses concern regarding capacity of the proposed loading zone considering it is near the main project entrance and the proposed mailroom.

Package deliveries will occur in a separate loading zone on Roble Road, ensuring that these conflicts would not exist (see updated Exhibit 2-7 and clarification in Section 3, Errata).

Response to WAI-POI.2-15

The commenter asserts that there are too few proposed guest parking spaces.

Please refer to Master Response 6—Parking.

Response to WAI-POI.2-16

The commenter expresses concern regarding construction traffic.

Please refer to Master Response 2—Traffic Congestion.

Response to WAI-POI.2-17

The commenter notes that there is no justification in the Draft EIR for the removal of two walnut trees in the southeast corner of the site and they should not be removed.

All trees on the project site were surveyed by a Certified Arborist and recommended for removal or preservation as presented in their report (Appendix C of the Draft EIR). These two particular trees

⁷⁰ FirstCarbon Solutions (FCS). 2019 Del Hombre Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Page 3.15-58. September.

are being removed considering one has a history of branch failure and the other is only 1 foot from the proposed area of grading and cannot be preserved.

Response to WAI-POI.2-18

The commenter asserts that proposed mitigation for tree protection is inadequate for valley oaks.

Please refer to Master Response 5—Tree Health, Removal, and Replacement.

Response to WAI-POI.2-19

The commenter notes there are redwoods next to the proposed fire access lane and recommends the Fire Marshal review them for clearance.

The large redwood trees along the eastern property line (located on the Avalon Walnut Ridge side) are proposed for preservation. These trees can be preserved even with the building of the fire lane, which is located 10 feet inbound from the property line. The project applicant would be required to comply with Contra Costa County Fire Protection District's standards and requirements.

Response to WAI-POI.2-20

The commenter notes that, along Del Hombree Lane, the project would be 6-stories tall and be the largest building on this roadway, and that at no other location along Del Hombree Lane is such a street wall present.

Please refer to Master Response 3—Setbacks and Building Heights and Master Response 7—Community Character.

Response to WAI-POI.2-21

The commenter notes that that the project would not reflect other projects in the area that have larger setbacks and shorter building heights, and restates that this "street wall" along Del Hombree Lane is a departure from the surrounding area.

This is not a CEQA issue; therefore, the comment is noted for decision-makers' consideration of the project's merits. The Draft EIR appropriately concludes that the project is a continuation of higher density multi-family development around the Pleasant Hill/Contra Costa Centre BART Station and is consistent with the visual character of the area as a transit-oriented residential neighborhood, as well as applicable scenic quality regulations. The project's façade facing Del Hombree Lane is visually consistent with, and an appropriate reflection of, the more than 20-acre Contra Costa Centre, which the commenter notes as an exception to the immediate area. The project is located 300 feet from the BART station at the heart of Contra Costa Centre.

Response to WAI-POI.2-22

The commenter notes that the Draft EIR does not analyze potential noise impacts from the mechanical/electrical room presented in the site plans in the southeast corner of the proposed building.

Impact NOI-1 in Section 3.11, Noise, evaluated potential noise impacts from stationary noise sources. The loudest potential stationary noise sources (including mechanical ventilation equipment) associated with implementation of the project were evaluated against the Contra Costa County's and the City of

Walnut Creek's noise performance standards and it was determined that they would not exceed the established stationary noise source standards as measured at the nearest residential receptors.

The proposed mechanical/electrical room equipment would be located in the enclosed ground floor parking structure. Since these electrical and mechanical systems would be housed inside this room, they would generate lower noise levels (as measured at the nearest sensitive receptor) than those generated by the outdoor mechanical ventilation equipment operations analyzed in the Draft EIR analysis. Design details for any proposed ventilation system for this room were not available at the time of the analysis. However, even if potential vents would provide direct airflow from the interior of the room to the exterior, the enclosure would still provide a minimum of 15 dBA interior-to-exterior noise reduction compared to the noise levels of outdoor mechanical equipment. Therefore, the loudest stationary source operational noise levels were analyzed and it was determined they would not result in a substantial permanent increase in ambient noise levels in excess of any of the noise performance thresholds, and would represent a less than significant impact.

Response to WAI-POI.2-23

The commenter notes there the Draft EIR does not appear to be any noise impact analysis on the proposed dog runs.

Please refer to Response to DCD_ZA_MTG-5.

Response to WAI-POI.2-24

The commenter notes there does not appear to be any noise impact analysis on the pool area in the Draft EIR.

Impact NOI-1 in Section 3.11, Noise, evaluated potential noise impacts from project stationary noise sources. The loudest potential stationary noise sources (including mechanical ventilation equipment) associated with implementation of the project were evaluated and it was determined that they would not exceed the established stationary noise performance standards as measured at the nearest residential receptors. Activities associated with the recreational activity at the second floor pool deck and terrace would result in hourly average noise levels well below that of the analyzed mechanical ventilation equipment, and therefore, it can reasonably be concluded that they would similarly not result in an exceedance of the applicable noise performance standards as measured at the nearest residential receptors.

Response to WAI-POI.2-25

The commenter would prefer apartments better suited for families to build community rather than 1-bedroom apartments.

Please refer to Master Response 7—Community Character.

Response to WAI-POI.2-26

This comment summarizes the comment letter.

Please refer to Response to WAI-POI.2-1 through WAI-POI.2-25.

From: JOAN WILSON <whidbeyi23@att.net>
Sent: Friday, November 15, 2019 3:58 PM
To: Jennifer Cruz <Jennifer.Cruz@dcd.cccounty.us>; Supervisor Mitchoff <SupervisorMitchoff@bos.cccounty.us>; Lia Bristol <Lia.Bristol@bos.cccounty.us>
Subject: Proposed 284-Unit Del Hombre Apartments

Proposed 284-Unit Del Hombre Apartments

REFERENCE NUMBERS: GP18-0002, RZ18-3245, MS18-0010,
DP18-3031

To Whom It May Concern:

I read only a few small parts of the Draft EIR, but was dismayed to see some mischaracterizations of the community which surrounds the proposed project to the East of the Pleasant Hill BART Station, between Mathew and Treat Boulevard. It is not much multi-family housing; it is predominantly single-family housing and condominiums, with the exception of the Avalon Walnut Ridge Apartments, and the Eaves (which is on Treat Blvd). It is also NOT mostly senior citizen housing!!! It is all ages of people, including many families and children.

1

As a Property Owner and Resident of the Honey Trail Condominiums, I have the following concerns about the proposed project:

2

1. Degradation of Air Quality due to toxic fumes released from the underground parking garage, and from the amount of increased traffic in the immediate area. Toxic fumes also may be released by other large-scale equipment required by such large apartment buildings.

1. Unsafe traffic loads on the one road (Del Hombre) by which residents and guests of the Del Hombre and Honey Trail condominiums have access into and out of their homes. This road is only one lane each way, and in the event of an emergency, a blocked exit could be a matter of life or death. This same road is also expected to be the only access into and out of the 284-Unit Project itself. This is poor design and would create an unsafe traffic burden on everyone involved, including those who drive through the neighborhood on Las Juntas Way from areas beyond to reach the BART Station and go through the intersection of Las Juntas Way and Del Hombre Lane. The intersection of Las Juntas Way and Coggins Drive would be equally impacted. Not only would vehicle traffic be impacted; pedestrian, bicycle and electric-scooter traffic would also become more hazardous.

3

1. Loss of irreplaceable, protected trees along the Project perimeter. These trees

provide a shady, beautiful canopy that characterizes our neighborhood. In

addition, they contribute to clean air in the midst of already extremely heavy-trafficked roads and thoroughfares. This perimeter must be incorporated into a deep Setback along Honey Trail and Del Hombro Lane, in order to protect our trees and canopy, which are an irreplaceable environmental and aesthetic resource.

According to the existing plan, which calls for building out to within about one foot from the boundary lines, and also for a large subterranean parking garage, the large overhanging valley oak trees along Honey Trail would all be killed by having their roots cut off during excavation for the building foundation and underground parking lot. These trees are owned by Honey Trail Condominium homeowners, and the developers would kill them by cutting off approximately half of their roots! How can it be fair for the developers to do this, just because they want to maximize their profits in this way? If they are smart, through a compatible, smaller-scale design and landscaping, they can make plenty of profit with much less population density, and much less disruption to the existing community.

In addition, turnover at the Avalon Walnut Ridge Apartments, next door to the proposed project site, is about 50% per year. A similar turnover rate can be expected at the new apartments. That's a huge amount of moving in and out, coming and going. Plus, the proposed apartments would have only one entry and exit point. Renters simply do not contribute to the community in the way that homeowners do. Nearby homeowners would much prefer to see FOR SALE signs than LEASING NOW.

4

5

A greatly reduced total number of condominium units, featuring thoughtful, environmentally friendly landscaping that preserves many of the beautiful old trees would attract buyers and mitigate the severe negative impacts that would result from the current proposal.

6

The 2.37 acre site of the proposed project IS NOT within the more urban TRANSIT VILLAGE. It is in a separate long-existing neighborhood that is not urban in character, but defined by single-lane roads (1 lane each way), single-family homes & owner-occupied condominiums, 1-2 stories high, the Avalon Walnut Ridge Apartments (multiple well-landscaped 3-4 story buildings) -- a green and peaceful environment

7

The current proposed project is NOT functionally or aesthetically compatible or appropriate for the site and surrounding neighborhood. The additional traffic that WILL result will block roads and create gridlock that would likely trap residents, especially in an emergency and especially those who live adjacent & to the south on the dead end Del Hombre Lane and Honey Trail. Traffic and safety issues in the entire vicinity of Contra Costa Centre will negatively impact the people who live nearby, and those who come to and pass through the area from farther away.

8

Last but not least, construction of 42 Affordable Housing Habitat for Humanity homes on Las Juntas Way, near the intersections with both Roble Road and Coggins Drive is already approved and completion is scheduled for Fall of 2021.

9

I am convinced that this proposal is just wrong for this location. Something that fits better into the existing community in terms of scale, design, that is more sensitive to the environment and preservation of trees and clean air and safe roads, with a much lower increase in population density would be much more likely to be well received by those of us who call this neighborhood home.

10

Thank you for your consideration,

Sincerely,

Joan W. Wilson

1290 Honey Trail

Walnut Creek, CA 94597

10
CONT.

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Joan W. Wilson (WILSON)

Response to WILSON-1

The commenter asserts that the area surrounding the project is mischaracterized in the Draft EIR and is mostly single-family housing and condominiums, and specifically not senior citizen housing.

Condominiums qualify as multi-family housing. The Draft EIR does not identify the area as senior housing. As described in Section 3.10, Land Use and Planning, to the west of the of the project site are the Pleasant Hill/Contra Costa Centre BART Station and I-680, the East Bay Municipal Utilities District Iron Horse Regional Trail, and multi-family apartment housing currently under construction. To the north is multi-family apartment housing and single-family homes in the City of Walnut Creek. To the east is single and multi-family housing. To the south is multi-family apartment housing.⁷¹

Response to WILSON-2

The commenter expresses concern regarding “toxic fumes” degrading air quality resulting from the underground parking garage and large-scale equipment.

As discussed in Section 3.2, Air Quality, the potential for a CO hotspot (i.e., exceedance of the CO California and national ambient air quality standard) was evaluated in Impact AIR-3 using recommended BAAQMD methods and the Draft EIR concluded that impacts would be less than significant,⁷² which is the primary potential impact associated with the underground parking garage. Also, please note vents associated with the parking garage ventilation system would be located 70 feet away from the nearest off-site residents. In addition, with respect to large-scale equipment, an HRA was conducted to evaluate the potential impact to nearby receptors. As determined in the Draft EIR, with implementation of MMs AIR-2 and AIR-3, all construction related health risk impacts would be reduced to a less-than-significant impact.⁷³

Response to WILSON-3

The commenter expresses concern regarding unsafe traffic loads on Del Hombre Lane, which is the only access point for the condominiums to the south of the project site. The commenter also notes that the traffic burden associated with the project would be problematic during typical operation as well as during emergencies. The commenter notes that the intersection of Las Juntas Way and Coggins Drive would be impacted by the project and it would affect pedestrians and bicycle traffic.

Please refer to Master Response 2—Traffic Congestion and Master Response 8—Emergency Access.

Response to WILSON-4

The commenter opposes tree removal along the project boundary and recommends the reducing density.

⁷¹ FirstCarbon Solutions (FCS). 2019 Del Hombre Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Page 3.10.1 and 2. September.

⁷² FirstCarbon Solutions (FCS). 2019 Del Hombre Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Page 3.12-48 and 3.12-49. September.

⁷³ FirstCarbon Solutions (FCS). 2019 Del Hombre Apartments Project Draft Environmental Impact Report (prepared for Contra Costa County). Page 3.2-49. September 10.

Please refer to Master Response 4—Density and Master Response 5—Tree Health, Removal, and Replacement.

Response to WILSON-5

The commenter would prefer for sale housing rather than rental housing.

Please refer to Master Response 7—Community Character.

Response to WILSON-6

The commenter again advocates for reducing project density.

Please refer to Master Response 4—Density.

Response to WILSON-7

The commenter asserts that the project is not located within the Contra Costa Centre Transit Village and does not fit in with existing neighborhood character.

Please refer to Response to WAI-POI.2-21 and Master Response 7-Community Character.

Response to WILSON-8

The commenter asserts that the project will create gridlock and expresses concern regarding emergency evacuations.

Please refer to Master Response 2—Traffic Congestion and Master Response 8—Emergency Access.

Response to WILSON-9

The commenter makes note that the Habitat for Humanity project on Las Juntas Way has already been approved.

Chapter 3, Environmental Impact Analysis, of the Draft EIR evaluates cumulative impacts of the project in conjunction with cumulative projects in the project area, which includes the Habitat for Humanity project on Las Juntas Way. All cumulative impacts were either less than significant or less than significant with mitigation with the exception of transportation. For further discussion of cumulative transportation impacts, please refer to Response to FASQUELLE-2, FASQUELLE-3, and FASQUELLE-4.

Response to WILSON-10

This comment summarizes the letter and expresses general opposition to the project.

Please refer to Master Response 1—General Opposition to the Project.

SECTION 3: ERRATA

The following are revisions to the Draft Environmental Impact Report (EIR) for the Del Hombro Apartments Project (project). These revisions are minor modifications and clarifications to the document, and do not change the significance of any of the environmental issue conclusions within the Draft EIR. The revisions are listed by page number. All additions to the text are underlined (underlined) and all deletions from the text are stricken (~~stricken~~).

3.1 - Changes in Response to Specific Comments

Revisions to Exhibits

Exhibits 2-7, 2-8a, 2-8b, 2-9a, 2-9b, 2-9c, 2-10, 2-11, 3.15-11, and 3.15-12.

The project applicant has updated the site plan slightly as shown in updated Exhibits 2-7, 2-8a, 2-8b, 2-9a, 2-9b, 2-9c, 2-10, 2-11, 3.15-11 and 3.15-12. These revisions are minor modifications, and do not change the analysis or significance of any of the environmental issue conclusions within the Draft EIR. The minor site plan changes result in larger setbacks than were evaluated in the Draft EIR and will further enhance the project. These updates to the site plan include reducing the size of the lobby and ground floor amenities on the southwest corner of the building and moving it farther away from the western project boundary. In addition, the package room would be relocated from its current location at the southwest corner of the project site to the northeast corner of the site. A new loading zone for vehicles delivering packages would be provided along Roble Road. Fehr & Peers evaluated this new location for package delivery, and they do not foresee any issues with this revised location.¹ In the event of any site plan inconsistencies between the Draft EIR, the Final EIR, and the final site plans, the final site plans shall control.

Executive Summary

Pages ES-8, ES-9, and ES-10, Table ES-1: Executive Summary Matrix

To clarify that BAAQMD Best Management Practices would be stated on the face of the construction plans, MM AIR-2 has been revised. In addition, in response to CONTRA COSTA RESIDENTS-13, MM AIR-3 has been revised:

¹ Fehr & Peers. 2020. Email Correspondence with Kathrin Tellez, Principal. January 27, 2020.

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Table ES-1: Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<p>Impact AIR-2: The project could result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment under an applicable federal or State ambient air quality standard.</p>	<p>Potentially Significant</p>	<p>MM AIR-2: Implement BAAQMD Best Management Practices (BMP) During Construction</p> <p>During construction, the following BMPs, as recommended by the BAAQMD, shall be implemented and stated on the face of the construction plans:</p> <ul style="list-style-type: none"> • Exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, or more as needed. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered. • All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads and surfaces shall be limited to 15 miles per hour. • All roadways, driveways, and sidewalks shall be paved as soon as possible. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations. Clear signage shall be provided for construction workers at all access points. 	<p>Less Than Significant with Mitigation</p>

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<ul style="list-style-type: none"> All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. A publicly visible sign shall be posted with the telephone number and person to contact both at Contra Costa County and at the office of the General Contractor regarding dust complaints. This person shall respond and take corrective action within 2 business days of a complaint or issue notification. The BAAQMD’s phone number shall also be visible to ensure compliance with applicable regulations. 	
<p>Impact AIR-3: The project would expose sensitive receptors to substantial pollutant concentrations.</p>	<p>Potentially Significant</p>	<p>Implement MM AIR-2 and the following:</p> <p>MM AIR-3: Use Construction Equipment That Meets Tier IV Interim Off-road Emission Standards</p> <p>During construction activities, all off-road equipment with diesel engines greater than 50 horsepower shall meet either United States Environmental Protection Agency or California Air Resources Board Tier IV Interim off-road emission standards. The construction contractor shall maintain records concerning its efforts to comply with this requirement, including equipment lists. Off-road</p>	<p>Less than Significant with Mitigation</p>

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>equipment descriptions and information may include but are not limited to equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number.</p> <p>If engines that comply with Tier IV Interim off-road emission standards are not commercially available, then the construction contractor shall use the next cleanest piece of off-road equipment (e.g., Tier III) available. For purposes of this mitigation measure, “commercially available” shall mean the availability of Tier IV Interim engines taking into consideration factors such as (i) critical-path timing of construction; and (ii) geographic proximity to the project site of equipment. The contractor can maintain records for equipment that is not commercially available by obtaining letters from at least two rental companies for each piece of off-road equipment where the Tier IV Interim engine is not available.</p>	

Page ES-15

To clarify that tree protection guidelines would be stated on the face of the construction plans, MM BIO-5b has been revised:

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<p>Impact BIO-5: The project could conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.</p>	<p>Potentially Significant</p>	<p>MM BIO-5a: Prepare and Implement a Tree Replacement Plan A Tree Replacement Plan shall be submitted to and approved by Contra Costa County Department of Conservation and Development prior to the removal of trees, and/or prior to issuance of a demolition or grading permit. The Tree Replacement Plan shall designate the approximate location, number, and sizes of trees to be planted. Trees shall be planted prior to requesting a final inspection of the building permit.</p> <p>MM BIO-5b: Implement Tree Protection Guidelines During Construction Tree protection guidelines shall be implemented during construction through the clearing, grading, and construction phases as outlined in the arborist report prepared by HortScience dated May 9, 2019 <u>and shall be stated on the face of the construction plans.</u></p>	<p>Less Than Significant with Mitigation</p>

Pages ES-31 and ES-32

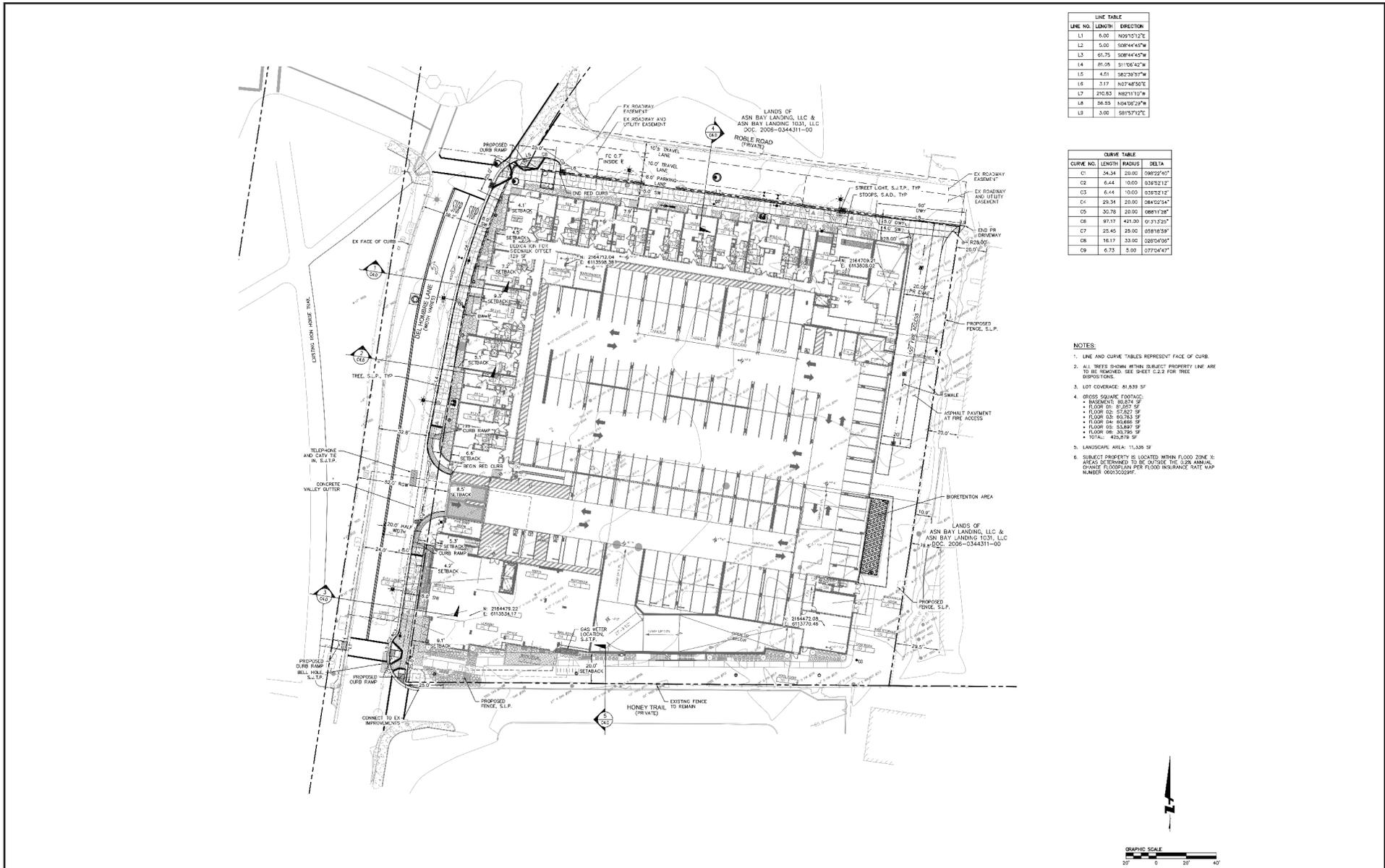
To clarify that noise reduction measures would be stated on the face of the construction plans, MM NOI-1 has been revised:

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<p>Impact NOI-1: The project would generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.</p>	<p>Potentially Significant (construction noise only)</p>	<p>MM NOI-1: Implement Noise-reduction Measures During Construction To reduce potential construction noise impacts, the following multi-part mitigation measure shall be implemented for the project <u>and shall be stated on the face of the construction plans</u>:</p> <ul style="list-style-type: none"> • The construction contractor shall ensure that all equipment driven by internal combustion engines shall be equipped with mufflers, which are in good condition and appropriate for the equipment. • The construction contractor shall ensure that unnecessary idling of internal combustion engines (i.e., idling in excess of 5 minutes) is prohibited. • The construction contractor shall utilize “quiet” models of air compressors and other stationary noise sources where technology exists. • At all times during project grading and construction, the construction contractor shall ensure that stationary noise-generating equipment shall be located as far as practicable from sensitive receptors and placed so that emitted noise is directed away from adjacent residences. 	<p>Less Than Significant with Mitigation</p>

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<ul style="list-style-type: none"> • The construction contractor shall ensure that the construction staging areas shall be located to create the greatest feasible distance between the staging area and noise-sensitive receptors nearest the project site. • Restrict noise-generating construction activities (including construction-related traffic, excluding interior work within the building once the building envelope is complete) at the project site and in areas adjacent to the project site to the hours of 7:30 a.m. to 5:00 p.m., Monday through Friday, unless otherwise approved by CDD, with no construction allowed on weekends, federal and State holidays. 	



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Source: BFK Engineers, Surveyors, Planners, February 18, 2020.

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Source: GWH Landscape Architects, February 5, 2020.

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Source: GWH Landscape Architects, February 5, 2020.

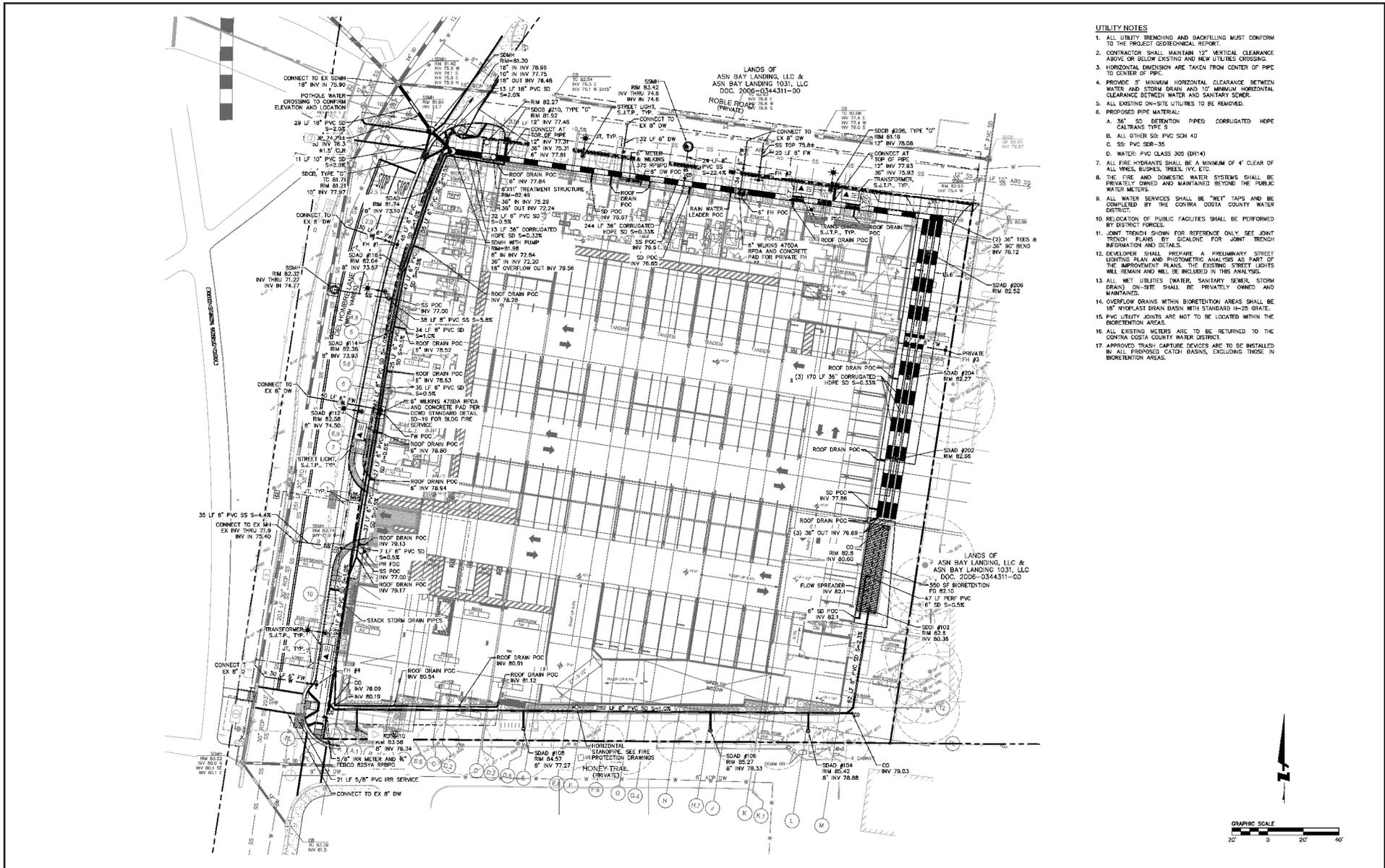
FIRSTCARBON
SOLUTIONS™

26480011 • 02/2020 | 2-9c_Landscape Plan-Floor 6.cdr

Exhibit 2-9c
Landscape Plan-Floor 6

CONTRA COSTA COUNTY • DEL HOMBRE APARTMENTS PROJECT
ENVIRONMENTAL IMPACT REPORT

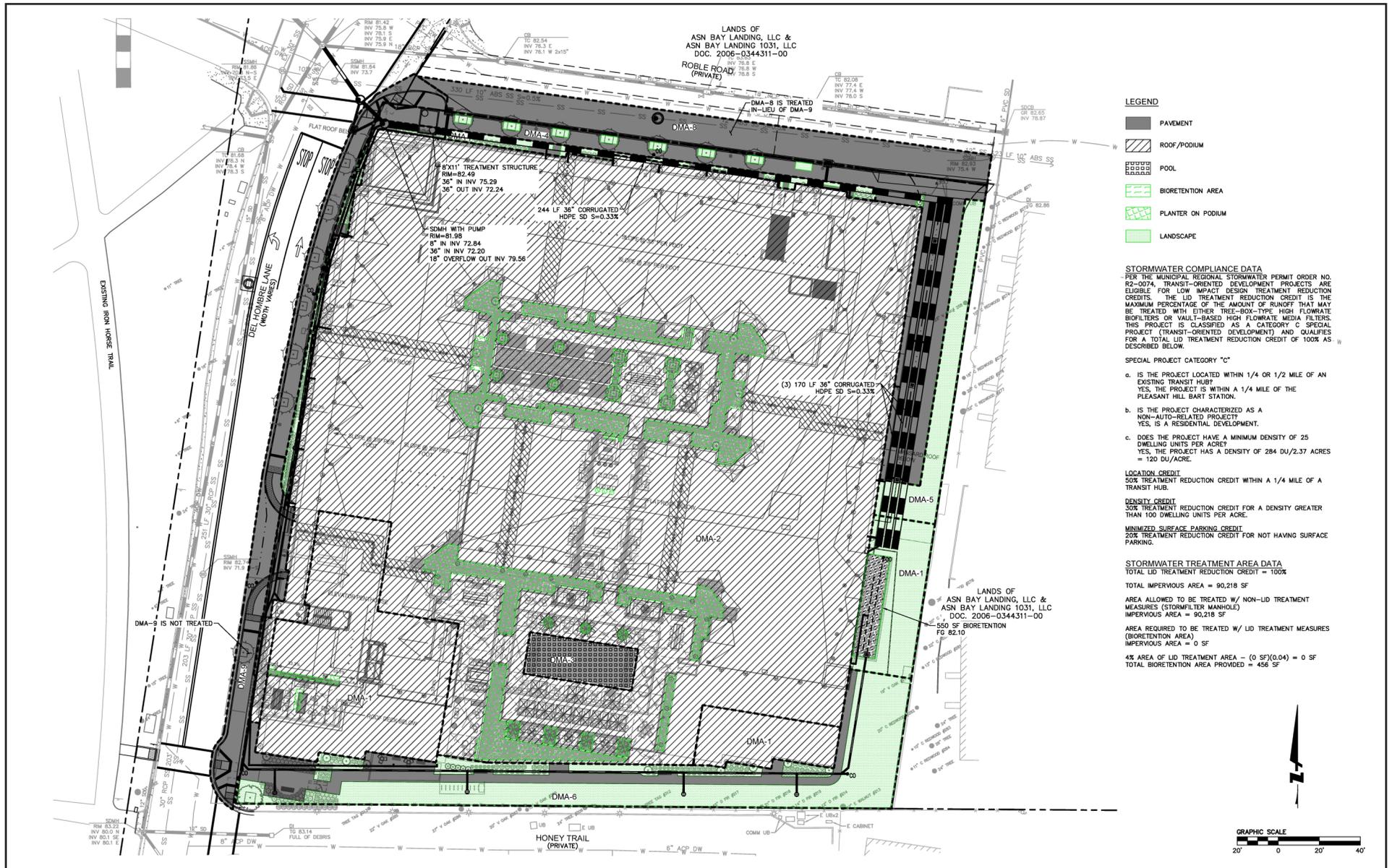
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- UTILITY NOTES**
1. ALL UTILITY TRENCHING AND BACKFILLING MUST CONFORM TO THE PROJECT GEOECONOMICAL REPORT.
 2. CONTRACTOR SHALL MAINTAIN 12" VERTICAL CLEARANCE ABOVE OR BELOW EXISTING AND NEW UTILITIES CROSSING.
 3. HORIZONTAL DIMENSIONS ARE TAKEN FROM CENTER OF PIPE TO CENTER OF PIPE.
 4. PROVIDE 8" MINIMUM HORIZONTAL CLEARANCE BETWEEN WATER AND STORM DRAIN AND 10" MINIMUM HORIZONTAL CLEARANCE BETWEEN WATER AND SANITARY SEWER.
 5. ALL EXISTING ON-SITE UTILITIES TO BE REMOVED.
 6. PROPOSED PIPE MATERIAL:
 - A. 30" SD DETENTION PIPES: CORRUGATED HDPE CALTRANS TYPE B
 - B. ALL OTHER SD: PVC SCH 40
 - C. SS: PVC 50R-35
 - D. WATER: PVC CLASS 305 (R14)
 7. ALL FIRE HYDRANTS SHALL BE A MINIMUM OF 4' CLEAR OF ALL TREES, BUSHES, TREES, IVY, ETC.
 8. THE FIRE AND DOMESTIC WATER SYSTEMS SHALL BE PRIVATELY OWNED AND MAINTAINED BEYOND THE PUBLIC WATER METERS.
 9. ALL WATER SERVICES SHALL BE "NET TAPS" AND BE COMPLETED BY THE CONTRA COSTA COUNTY WATER DISTRICT.
 10. RELOCATION OF PUBLIC FACILITIES SHALL BE PERFORMED BY DISTRICT FORCES.
 11. JOINT TRENCH SHOWN FOR REFERENCE ONLY. SEE JOINT TRENCH PLANS BY GICADLINE FOR JOINT TRENCH INFORMATION AND DETAILS.
 12. DEVELOPER SHALL PREPARE A PRELIMINARY STREET LIGHTING PLAN AND PHOTOMETRIC ANALYSIS AS PART OF THE IMPROVEMENT PLANS. THE EXISTING STREET LIGHTS WILL REMAIN AND WILL BE INCLUDED IN THIS ANALYSIS.
 13. ALL NET UTILITIES OWNER, SANITARY SEWER, STORM DRAIN) ON-SITE SHALL BE PRIVATELY OWNED AND MAINTAINED.
 14. OVERFLOW DRAINS WITHIN BIORETENTION AREAS SHALL BE 18" NYOPLAST DRAIN BASIN WITH STANDARD H-25 GRATE.
 15. PVC UTILITY JOINTS ARE NOT TO BE LOCATED WITHIN THE BIORETENTION AREAS.
 16. ALL EXISTING METERS ARE TO BE RETURNED TO THE CONTRA COSTA COUNTY WATER DISTRICT.
 17. APPROVED TRASH CAPTURE DEVICES ARE TO BE INSTALLED IN ALL PROPOSED CATCH BASINS, EXCLUDING THOSE IN BIORETENTION AREAS.

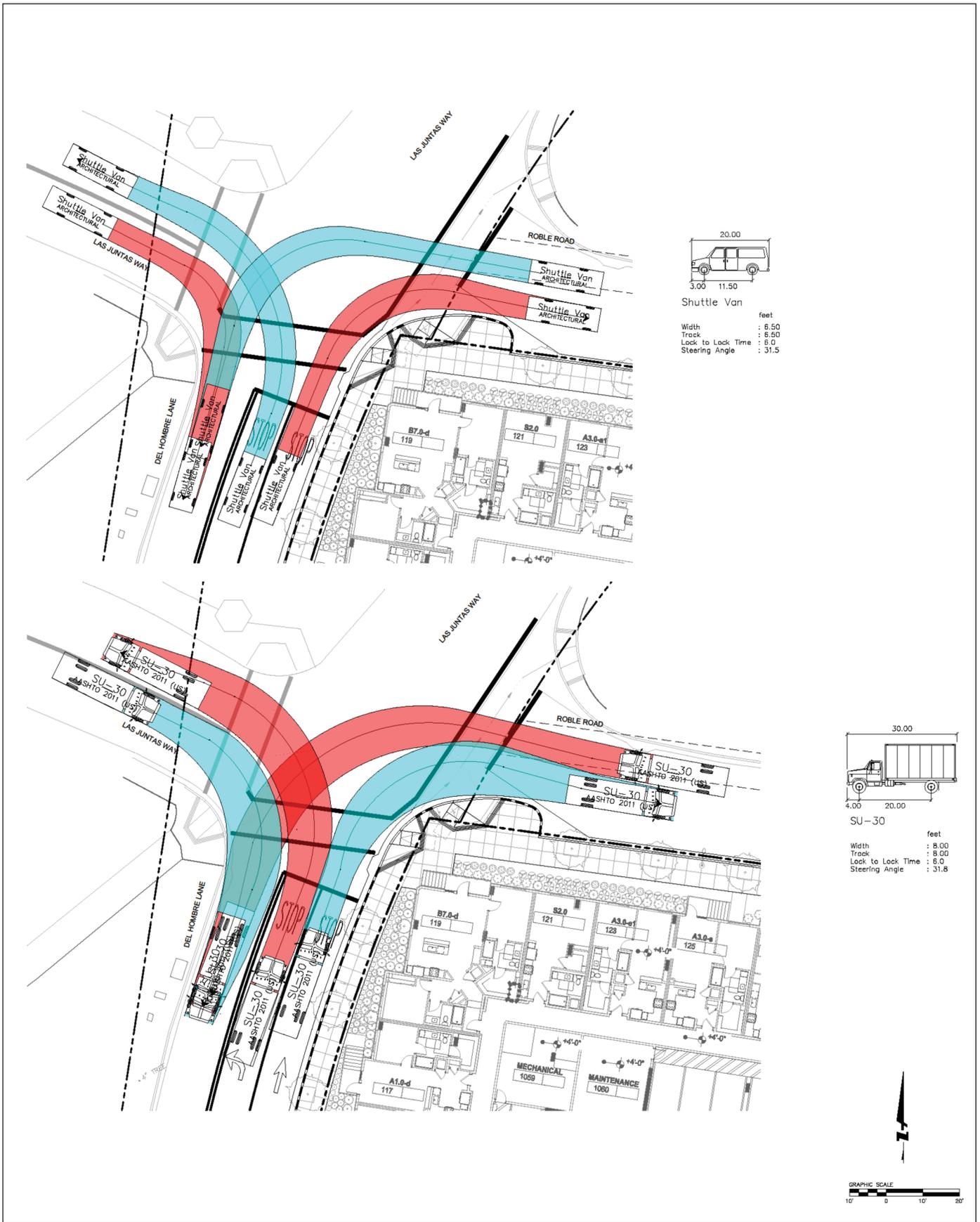
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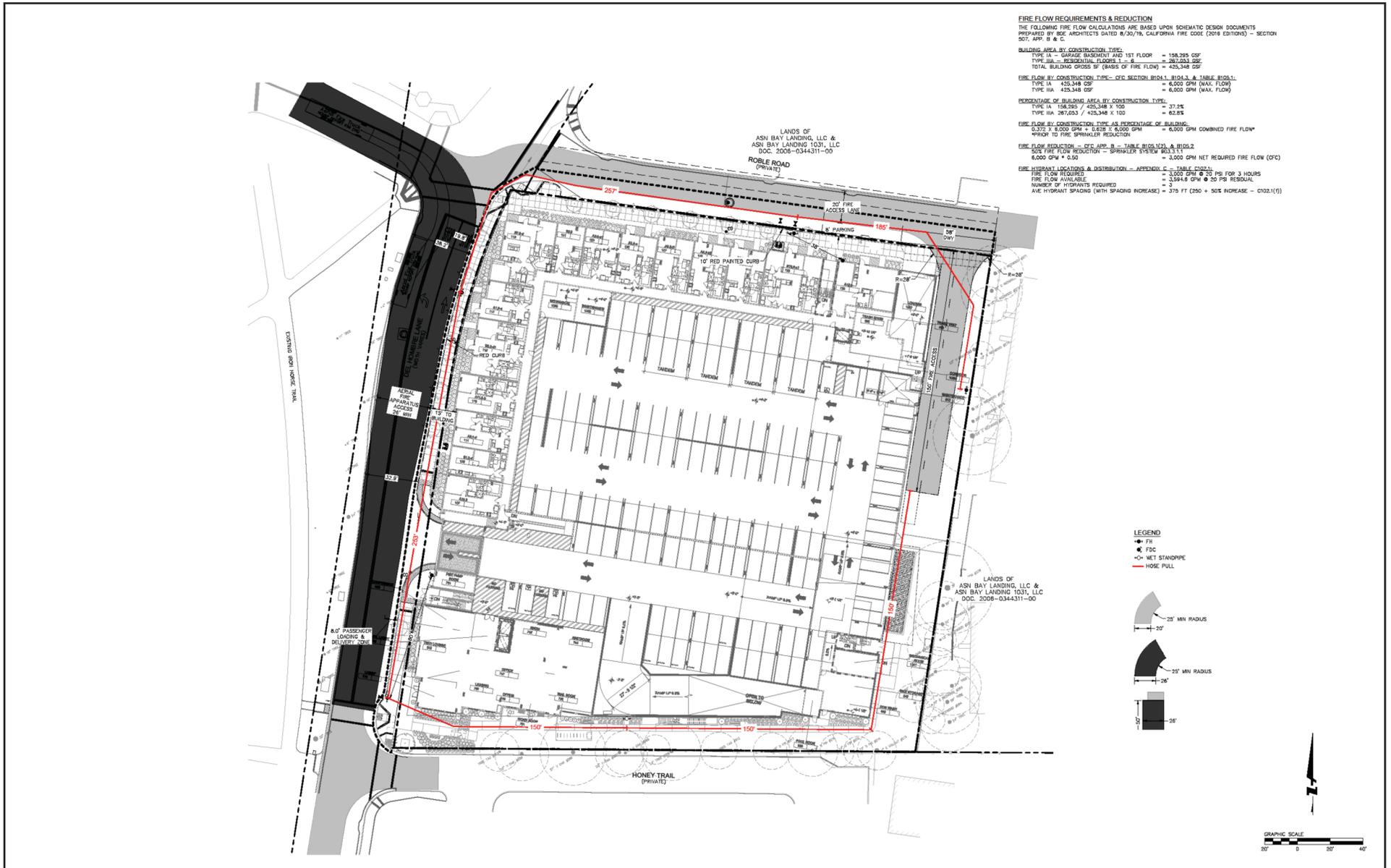
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Page ES-38

To clarify OPR’s threshold of significance with respect to Vehicles Miles Traveled (VMT) being used for this project, the executive summary matrix has been revised:

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<p>Impact TRANS-2: Project consistency with CEQA Guidelines Section 15064.3 subdivision (b) cannot be determined given that the County has not established a threshold with regard to VMT impact significance. <u>The project would not cause additional VMT, substantially induce additional automobile travel by increasing physical roadway capacity, or conflict with a plan, ordinance, or policy addressing the safety or performance of the circulation system.</u></p>	<p>No finding is required. <u>Less Than Significant</u></p>	<p>No finding is required. <u>No mitigation is necessary.</u></p>	<p>No finding is required. <u>Less Than Significant</u></p>

Chapter 2—Project Description

Pages 2-19, Paragraphs 1, 2, and 3 and Table 2-3

The project applicant has updated the site plan slightly, which includes an adjustment to the unit mix; however, the total number of units is not changing. The following paragraphs and table have been revised to reflect this change:

Residential Uses

The project involves the construction of a six-story podium apartment building totaling approximately 425,879 gross square feet that would cover 81,639 square feet (or 79 percent) of the 2.37-acre site. Exhibit 2-7 shows the site plan and describes the location of the proposed residential building. The residential building would consist of 21 studio apartments, ~~178~~ 174 one-bedroom apartments, and ~~85~~ 89 two-bedroom apartments, totaling 284 units, with an average unit size of 863 square feet. The proposed residential units would include 36 affordable housing units: 24 moderate income and 12 very low income. The proposed residential unit count and size is summarized in Table 2-3.

Table 2-3: Proposed Dwelling Unit Summary

Type of Apartment	Moderate	Very Low	Market	Total Number of Units	Average Unit Size (net rentable square feet)
Studio	21	—	—	21	592 <u>566</u>
One Bedroom	3	8	167 <u>163</u>	178 <u>174</u>	748 <u>773</u>
Two Bedroom	—	4	81 <u>85</u>	85 <u>89</u>	1,168 <u>1,160</u>
Total	24	12	248	284	244,856 <u>245,000</u>

Ancillary Facilities and Recreational Uses

The project would include amenities to serve residents. There would be 9,442 square feet of amenity space (including a ~~804~~728-square-foot mail room) located at the southwest corner of the project site that would be located in the same structure as the apartment units. A package room would be located at the northeast corner of the building just south of the loading dock. Amenities would include a fitness room, a club room with a kitchen, a business center with conference rooms, and media rooms. The leasing office would be located within the amenity space on the first floor.

The outdoor recreation area would include a private swimming pool and two outdoor courtyard areas that would be available to residents and their guests. The swimming pool courtyard would be located in the center of the southern area of the site near the indoor amenity space. The other outdoor courtyard area would be provided in the center of the site and would be accessible from several common corridors on Floor 2. The outdoor amenities are discussed in greater detail below under “Landscape and Open Space.”

Pages 2-19, Paragraph 4 and 2-20, Paragraph 1 and Table 2-4

The project applicant has updated the site plan slightly, which includes an adjustment to the mix of types of parking spaces. The total number of parking spaces is not changing and the project would provide a total of 380 spaces with 373 spaces required. The following paragraphs and table have been revised to reflect this change:

Parking Uses

The project would include two levels of parking. The lower level garage (basement level) would be below grade and would contain ~~221~~ 217 parking spaces, mechanical storage space, and electrical equipment rooms. Floor 1 (ground floor) parking would have ~~159~~ 163 parking spaces wrapped with apartment units along Del Hombre Lane and Roble Road, and provide bicycle racks (see Exhibit 2-8a and Exhibit 2-8b), as shown in Table 2-4.

Table 2-4: Proposed Vehicle and Bicycle Parking Summary

Type of Parking	Number of Stalls
Vehicle	
Standard	234 <u>229</u>
Compact	95 <u>68</u>
Tandem	31 <u>36</u>
Accessible	8 <u>9</u>
Electric Vehicle	12 <u>38</u>
Total	380
Bicycle	
Garage bike racks	56
On-sidewalk bike racks (10 spaces along Roble Road and 9 spaces in the southwest corner of the property just south of the amenity space)	19
Total	75

Parking would be provided pursuant to the parking requirements of California Senate Bill (SB) 1818, Chapter 928, Section 65915.p(1) that states:

Upon the request of the developer no city, county, or city and county shall require a vehicular ratio, inclusive of handicapped and guest parking, of a development meeting the criteria of subdivision (b), that exceeds the following ratios:

- (A) Zero to one bedrooms: one on-site parking space
- (B) Two to three bedrooms: two on-site parking spaces

Therefore, with provision of 380 vehicle parking spaces, the project provides more vehicle parking spaces than the required ~~369~~ 373 spaces.

Page 2-28, Third Full Paragraph

The following paragraph has been revised to reflect slight changes to the site plan:

The project would construct an 8-foot-wide sidewalk on the eastern side of Del Hombre (along the project frontage). ~~The sidewalk would widen to 10.6 feet farther south of the garage access.~~ The project would also construct an 8-foot-wide sidewalk on the southern side of Roble Road. The sidewalks would be ADA accessible.

Page 2-29, Paragraph 1 and 2 and Table 2-5

In response to LIUNA-64, to clarify that the final site plan does not include a dog run, clarify potential impacts to trees, and to clarify slight changes in the project site coverage, the following paragraph and table have been revised:

Landscaping and Open Space

There are a total of 189 trees representing 27 different species across the project site. The foliage present on the project site can be characterized as a mixed oak woodland, dominated by valley oak (*Quercus lobata*) and coast live oak (*Quercus agrifolia*), in conjunction with a variety of other mature, adult tree species.² The project would remove approximately 161 trees (approximately 145 code-protected trees and approximately 16 trees that are not code-protected) and impact approximately 27 additional trees. A total of 14 approximately 15 trees would be planted along Honey Trail, Del Hombre Lane, and Roble Road (see Exhibit 2-9a). If the trees are located within the public right-of-way, they will need to meet Public Works Landscape Guidelines. Screening bushes would also be planted along Honey Trail. ~~A small dog run would be constructed along the eastern boundary of the project site at the southeastern corner, and a large dog run would be constructed just north of the small dog run.~~ Bioretention swales would be installed north of large dog run. ~~They would be separated by a cement path at the southeast corner of the project site.~~ The project would comply with the California Green Building Code and Model Water Efficient Landscape Ordinance.

There would be two courtyard areas provided on Floor 2 (see Exhibit 2-9b). The first area would include outdoor seating, a bocce ball court, private patios connected to the apartment units, a fireplace, and fire pits. A pool would be provided in the other courtyard in the center of the southern portion of the project site with outdoor beds and lounges. Porcelain tile paving would be used in both courtyard areas. An assortment of trees would be interspersed throughout the courtyard areas and would include palm trees, shade trees, and other decorative trees. A roof deck measuring 735 square feet would also be provided on Floor 6 (see Exhibit 2-9c), as well as palm trees.

Table 2-5 provides a summary of project site coverage.

Table 2-5: Project Site Coverage

Project Component Type	Square Feet	Percent Coverage
Roof/Podium	76,131 <u>77,388</u>	71 <u>72</u>
Landscaped Areas	11,247 <u>11,085</u>	11 <u>10</u>
Planter on Podium	5,414 <u>5,630</u>	5
Pavement	14,087 <u>12,532</u>	13 <u>12</u>
Bioretention	456 <u>549</u>	< 1 ¹
Total	107,335<u>107,184</u>	100

² Hort Science. 2018. Tree Inventory Report, Del Hombre Lane Contra Costa County, CA. April.

Table 2-5 (cont.): Project Site Coverage

Project Component Type	Square Feet	Percent Coverage
Notes: ¹ This number equals 0.42 <u>0.51</u> percent. Numbers over one have been rounded to the nearest whole number. Source: BKF Engineers 2018 <u>2020</u>		

Page 2-31 (continues on page 2-32), Fourth Full Paragraph

In response to LIUNA-65, the following paragraph has been revised:

Solid Waste and Recycling Collection

The Central Contra Costa Solid Waste Authority (CCCSWA) provides solid waste and residential recycling services for areas within Contra Costa County. CCCSWA holds franchise agreements with waste franchises that provide solid waste collection and disposal of residential and commercial solid waste. RecycleSmart would provide solid waste removal services for the project site. RecycleSmart is contracted with Republic Services for the collection, transfer, and disposal of residential and commercial garbage, recycling, and organics.³ The project would comply with Assembly Bill 341 (which mandates that 75 percent of solid waste generated be source reduced, recycled, or composted) and would provide recycling facilities on-site.

Page 2-32, Third Full Paragraph

In response to LIUNA-63, the following paragraph has been revised:

There would be one ~~emergency~~ generator utilized for approximately 3 months during project construction, which would no longer be used once the site is under permanent power. Project construction would use a crane that is electrically powered and a forklift that utilizes compressed natural gas.

Section 3.2—Air Quality

Page 3.2-29, Table 3.2-9

In response to LIUNA-59, the following table has been revised:

Table 3.2-9: Construction Off-site Trips

Activity	Construction Trips per Day		Total Construction Trips
	Worker	Vendor	Haul
Demolition	13	0	<u>419</u>
Site Preparation	5	0	0

³ RecycleSmart. 2018. Accessed November 27, 2018. Website: <https://www.recyclesmart.org/>.

Table 3.2-9 (cont.): Construction Off-site Trips

Activity	Construction Trips per Day		Total Construction Trips
	Worker	Vendor	Haul
Grading	10	6	3,675
Building Construction	277	59	0
Architectural Coating	55	0	0
Paving	10	6	0
Off-site Roadway Improvements	28	0	0

Source: Appendix B.

Page 3.2-29 through 3.2-30, On-road Motor Vehicles Paragraph

In response to LIUNA-62, the following paragraph has been revised:

On-road Motor Vehicles

Motor vehicle emissions refer to exhaust and road dust emissions from the automobiles that would travel to and from the project site. The mobile source emissions from the project depend on a number of factors including the number of trips a project would generate each day among other factors including trip distances and types of trips, and vehicle class (cars vs. trucks). Trip generation rates used in estimating mobile-source emissions were consistent with those presented in the Del Hombre Apartments Transportation Impact Assessment (TIA) prepared by Fehr & Peers. As detailed in the TIA, the project is expected to generate approximately 1,800 net daily vehicle trips. The vehicle trips estimated for the project includes a 20-percent reduction based on the project’s proximity to existing transit and pedestrian pathways and five-percent increase to account for Transportation Company use. For the purposes of a conservative analysis, this trip reduction was not applied to the project’s Sunday trip rate. Although it is possible that this same trip reduction could occur on Sundays as well, this conservative assumption avoids underestimating long-term operational emissions. The CalEEMod trip purposes (e.g., primary, pass-by) and default round trip lengths for an urban setting for Contra Costa County were used in this analysis. Emission factors are assigned to the expected vehicle mix as a function of vehicle class, speed, and fuel use (gasoline and diesel-powered vehicles). The CalEEMod default vehicle fleet mix for Contra Costa County was used for this analysis.

Page 3.2-38, Table 3.2-12

In response to LIUNA-16 and LIUNA-59, the following table has been revised:

Table 3.2-12: Annual Construction Emissions (Unmitigated)

Construction Activity	Emissions (Tons/Year)			
	ROG	NO _x	PM ₁₀ (Exhaust)	PM _{2.5} (Exhaust)
2020 Construction Emissions	0.05	0.82 <u>0.83</u>	0.02	0.02
2021 Construction Emissions	0.15	1.04	0.01	0.01
2022 Construction Emissions	3.12	0.59	0.02	0.02
Total Construction Emissions (2019–2020/2022)¹	3.32	2.45	0.04	0.04

Notes:
 ROG = reactive organic gases NO_x = oxides of nitrogen
 PM₁₀ = particulate matter 10 microns in diameter
 PM_{2.5} = particulate matter 2.5 microns in diameter
 All construction equipment other than cranes and forklifts were assumed to be diesel-powered. Consistent with applicant-provided information, it was assumed that cranes would be powered by electricity, and forklifts would be powered by liquid propane or compressed natural gas.
 Unrounded numbers from the CalEEMod output were used for all calculations.
¹ Construction Emissions include off-site roadway improvement emissions.
 Source: CalEEMod Output (see Appendix B).

Page 3.2-38, Table 3.2-13

In response to LIUNA-59, the following table has been revised:

Table 3.2-13: Average Daily Construction Emissions (Unmitigated)

Parameter	Air Pollutants			
	ROG	NO _x	PM ₁₀ (Exhaust)	PM _{2.5} (Exhaust)
Total Emissions (tons/year)	3.32	2.45	0.04	0.04
Total Emissions (lbs/year)	6,630	4,895 <u>4,899</u>	81	78
Average Daily Emissions (lbs/day) ¹	12.87	9.509 <u>9.51</u>	0.16	0.15
Significance Threshold (lbs/day)	54	54	82	54
Exceeds Significance Threshold?	No	No	No	No

Notes:
¹ Calculated by dividing the total lbs by the total 515 working days of construction for the duration of construction (2020–2022).
 Calculations use unrounded totals.
 lbs = pounds ROG = reactive organic gases NO_x = oxides of nitrogen
 PM₁₀ = particulate matter 10 microns in diameter
 PM_{2.5} = particulate matter 2.5 microns in diameter
 Source: CalEEMod Output (see Appendix B).

Page 3.2-39, Table 3.2-14

In response to LIUNA-62, the following table has been revised:

Table 3.2-14: Annual Operational Emissions (Unmitigated)

Emissions Source	Tons per Year			
	ROG	NO _x	PM ₁₀	PM _{2.5}
Area	2.04	0.03	0.01	0.01
Energy	0.01	0.11	0.01	0.01
Mobile	0.440.46	2.032.09	1.551.60	0.430.44
Estimated Annual Emissions	2.502.51	2.182.23	1.571.62	0.450.46
Thresholds of Significance	10	10	15	10
Exceeds Significance Threshold?	No	No	No	No
Notes: ROG = reactive organic gases NO _x = oxides of nitrogen PM ₁₀ = particulate matter 10 microns or less in diameter PM _{2.5} = particulate matter 2.5 microns or less in diameter Source: CalEEMod Output (see Appendix B).				

Pages 3.2-40 and 3.2-41, Mitigation Measure AIR-2

To clarify that BAAQMD Best Management Practices would be stated on the face of the construction plans, MM AIR-2 has been revised:

Mitigation Measures

MM AIR-2 Implement BAAQMD Best Management Practices (BMP) During Construction

During construction, the following BMPs, as recommended by the BAAQMD, shall be implemented and stated on the face of the construction plans:

- Exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, or more as needed.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads and surfaces shall be limited to 15 miles per hour.
- All roadways, driveways, and sidewalks shall be paved as soon as possible.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations. Clear signage shall be provided for construction workers at all access points.

- All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- A publicly visible sign shall be posted with the telephone number and person to contact both at Contra Costa County and at the office of the General Contractor regarding dust complaints. This person shall respond and take corrective action within 2 business days of a complaint or issue notification. The BAAQMD’s phone number shall also be visible to ensure compliance with applicable regulations.

Page 3.2-43, Table 3.2-16

In response to LIUNA-59, the following table has been revised:

Table 3.2-16: Project DPM (as PM_{2.5} Exhaust) Construction Emissions

Scenarios	On-site DPM (grams/sec)	Road Segment 1 Off-site PM _{2.5} DPM (grams/sec)	Road Segment 2 Off-site PM _{2.5} DPM (grams/sec)	Road Segment 3 Off-site PM _{2.5} DPM (grams/sec)	Road Segment 4 Off-site PM _{2.5} DPM (grams/sec)
Annual Average Construction Emissions (Unmitigated)					
Unmitigated	1.996E-03	4.964E-06 4.968E-06	4.525E-06 4.529E-06	6.179E-06 6.184E-06	5.428E-06 5.433E-06
Annual Average Construction Emissions (Mitigated—Tier IV Interim Equipment)					
Mitigated	3.851E-04	4.964E-06 4.968E-06	4.525E-06 4.529E-06	6.179E-06 6.184E-06	5.428E-06 5.433E-06
Source: Appendix B.					

Page 3.2-49 through 3.2-50, Mitigation Measure AIR-3

In response to CONTRA COSTA RESIDENTS-13, the following mitigation measure has been revised:

MM AIR-3 Use Construction Equipment That Meets Tier IV Interim Off-road Emission Standards

During construction activities, all off-road equipment with diesel engines greater than 50 horsepower shall meet either United States Environmental Protection Agency or California Air Resources Board Tier IV Interim off-road emission standards. The construction contractor shall maintain records concerning its efforts to comply with this requirement, including equipment lists. Off-road equipment descriptions and information may include but are not limited to equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number.

If engines that comply with Tier IV Interim off-road emission standards are not commercially available, then the construction contractor shall use the next cleanest piece of off-road equipment (e.g., Tier III) available. For purposes of this mitigation measure, “commercially available” shall mean the availability of Tier IV Interim engines taking into consideration factors such as (i) critical path timing of construction; and (ii) geographic proximity to the project site of equipment. The contractor can maintain records for equipment that is not commercially available by obtaining letters from at least two rental companies for each piece of off-road equipment where the Tier IV Interim engine is not available.

Page 3.2-51, Paragraph 1

To correct a typographical error in the Draft EIR, the following paragraph has been revised:

Operational Odors at Existing Off-site Odor Sensitive Receptors

Land uses considered associated with odors typically include agricultural operations (dairies, feedlots, etc.), landfills, wastewater treatment plants, refineries, and other types of industrial land uses. The project does not propose any of these types of land uses or other land uses typically associated with emitting objectionable odors (see Table 3.2-10 for land uses typically associated with emitting objectionable odors). During operation of the project, potential sources of odor would primarily consist of vehicles traveling to and from the site. Exhaust from mobile sources are not typically associated with numerous odor complaints but are known to have temporary and less concentrated odors. As such, these occurrences would not produce significant amounts of odors. Therefore, ~~construction~~ operation odor impacts at existing off-site odor sensitive receptors would be less than significant.

Page 3.2-52, Last Paragraph

In response to CONTRA COSTA RESIDENTS-25, the following bullet point has been revised:

- **Stationary Source Risk and Hazard Screening Tool.** BAAQMD prepared a Google Earth file that contains the locations of all stationary sources within the Bay Area that have BAAQMD permits. For each emissions source, BAAQMD provides conservative cancer risk and PM_{2.5} concentration increase values. ~~There are no is one~~ stationary sources located within 1,000 feet of project boundary. This stationary source is the Bank of the West project and its associated health risks (determined by the BAAQMD) are included in Tables 3.2-20 and 3.2-21. There are no stationary sources located within 1,000 feet of the MIR.

Page 3.2-53, Table 3.2-20

In response to CONTRA COSTA RESIDENTS-25, the following table has been revised:

Table 3.2-20: Cumulative Construction Air Quality Health Impacts at the MIR (Unmitigated)

Source	Source Type	<u>Distance from Project Site (feet)</u>	Distance from MIR (feet) ⁽¹⁾	Cancer Risk (per million)	Chronic Non-Cancer HI	PM _{2.5} Concentration (µg/m ³)
Project						
Construction—Unmitigated	Construction Equipment and Construction Vehicle Trips	<u>0</u>	25	19.70	0.02	0.079
Existing Stationary Sources (BAAQMD Facility Number)⁽²⁾						
<u>Bank of The West</u>	<u>Generators</u>	<u>948</u>	<u>1,151</u>	<u>1.59</u>	<u>0.00</u>	<u>0.00</u>
Local Roads (>10,000 Average Daily Trips)⁽²⁾						
Treat Boulevard ⁽³⁾	Local Roadway	<u>850</u>	1,000	2.21 <u>3.04</u>	ND	0.057
Cumulative Health Risks from Project Construction and Existing TAC Sources						
Cumulative Total with Project Construction				21.92 <u>4.33</u>	0.02	0.10 <u>0.136</u>
BAAQMD Cumulative Thresholds of Significance				100	10	0.8
Threshold Exceedance?				No	No	No
<p>Notes:</p> <p>⁽¹⁾ The MIR is an existing dwelling unit within the multi-family residences, located adjacent to the project site to the east and off Roble Road.</p> <p>⁽²⁾ Assumes emissions remain constant with time.</p> <p>⁽³⁾ The cancer risk calculated estimated using the BAAQMD Roadway Screening Analysis Calculator was adjusted by a correction factor of 1.3744 to incorporate the latest OEHHA guidance. Source of 1.3744 correction factor: BAAQMD recommendation confirmed through personal communication with BAAQMD Environmental Planner, Areana Flores, on January 8, 2020.</p> <p>MIR = maximum impacted sensitive receptor ND = no data available Source: Appendix B.</p>						

Page 3.2-54, Table 3.2-21

In response to CONTRA COSTA RESIDENTS-25, the following table has been revised:

Table 3.2-21: Cumulative Construction Air Quality Health Impacts at the MIR (Mitigated)

Source	Source Type	Distance from Project Site (feet)	Distance from MIR (feet) ⁽¹⁾	Cancer Risk (per million)	Chronic Non-Cancer HI	PM _{2.5} Concentration (µg/m ³)
Project						
Construction—Mitigated	Construction Equipment and Construction Vehicle Trips	0	25	3.81	0.003	0.017
Existing Stationary Sources (BAAQMD Facility Number)⁽²⁾						
Bank of The West	Generators	948	1,151	1.59	0.00	0.00
Local Roads (>10,000 Average Daily Trips)⁽²⁾						
Treat Boulevard ⁽³⁾	Local Roadway	948	1,000	2.21 3.04	ND	0.057
Cumulative Health Risks from Project Construction and Existing TAC Sources						
Cumulative Total with Project Construction				6.08 4.44	0.000 0.003	0.1
BAAQMD Cumulative Thresholds of Significance				100	10	0.8
Threshold Exceedance?				No	No	No
Notes: ⁽¹⁾ The MIR is an existing dwelling unit within the multi-family residences, located adjacent to the project site to the east and off Roble Road. ⁽²⁾ Assumes emissions remain constant with time. ⁽³⁾ The cancer risk calculated estimated using the BAAQMD Roadway Screening Analysis Calculator was adjusted by a correction factor of 1.3744 to incorporate the latest OEHHA guidance. Source of 1.3744 correction factor: BAAQMD recommendation confirmed through personal communication with BAAQMD Environmental Planner, Areana Flores, on January 8, 2020. MIR = maximum impacted sensitive receptor ND = no data available Source: Appendix B.						

Page 3.2-55, Second Bullet Point and Table 3.2-22

In response to CONTRA COSTA RESIDENTS-25, the following bullet point and table have been revised:

- Stationary Source Risk and Hazard Screening Tool.** BAAQMD prepared a Google Earth file that contains the locations of all stationary sources within the Bay Area that have BAAQMD permits. For each emissions source, BAAQMD provides conservative cancer risk and PM_{2.5} concentration increase values. There are no stationary sources located within 1,000 feet of project boundary. This stationary source is the Bank of the West project and its associated health risks (determined by the BAAQMD) are included in Tables 3.2-22. There are no stationary sources located within 1,000 feet of the MIR.

Table 3.2-22 summarizes the cumulative health impacts at the project site at project buildout.

Table 3.2-22: Cumulative Operational Air Quality Health Impacts at the Project Site

Source	Source Type	Distance from Project Site (feet)	Cancer Risk (per million)	Chronic Non-Cancer HI	PM _{2.5} Concentration (µg/m ³)
Existing Stationary Sources (BAAQMD Facility Number)⁽¹⁾					
<u>Bank of The West</u>	<u>Generators</u>	<u>948</u>	<u>1.59</u>	<u>0.00</u>	<u>0.00</u>
Local Roads (>10,000 Average Daily Trips)					
<u>Treat Boulevard⁽²⁾</u>	<u>Local Roadway</u>	<u>850</u>	<u>2.543.04</u>	<u>ND</u>	<u>0.066</u>
Project-level Health Risks					
Maximum Individual Source			<u>2.543.04</u>	<u>—ND</u>	<u>0.060.066</u>
BAAQMD Project-level Thresholds of Significance			10	1	0.3
Threshold Exceedance?			No	No	No
Cumulative Health Risks from Project Construction and Existing TAC Sources					
Cumulative Total			<u>2.544.63</u>	<u>—0</u>	<u>0.060.066</u>
BAAQMD Cumulative Thresholds of Significance			100	10	0.8
Threshold Exceedance?			No	No	No
Notes:					
⁽¹⁾ Assumes emissions remain constant with time.					
⁽²⁾ <u>The cancer risk calculated estimated using the BAAQMD Roadway Screening Analysis Calculator was adjusted by a correction factor of 1.3744 to incorporate the latest OEHHA guidance. Source of 1.3744 correction factor: BAAQMD recommendation confirmed through personal communication with BAAQMD Environmental Planner, Areana Flores, on January 8, 2020.</u>					
ND = no data available					
Source: Appendix B.					

Section 3.3—Biological Resources

Page 3.3-2, Fourth Full Paragraph

In response to LIUNA-6 and LIUNA-35, the following paragraph has been revised:

Field Survey

On January 7, 2019, an FCS Biologist conducted a reconnaissance-level field survey of the project site and surrounding area up to 100 feet where possible. The reconnaissance-level survey was conducted on foot during daylight hours. The weather conditions were partly cloudy with an average temperature of 57°F (degrees Fahrenheit). Average wind speed was 4 mph. The duration of the survey was one hour from 11:00 a.m. to noon. The purpose of the survey was not to extensively search for every species occurring within the project site, but to ascertain general site conditions and identify potentially suitable habitat areas for various special-status plant and wildlife species. Special-status or unusual biological resources

identified during the literature review were ground-truthed during the reconnaissance-level survey for mapping accuracy. Special attention was paid to sensitive habitats and areas potentially supporting special-status floral and faunal species.

Page 3.3-26, Third Full Paragraph

To clarify the number of trees to be preserved during construction, the following paragraph has been revised:

The Tree Inventory Report⁴ conducted for the project site on May 9, 2019, provides an inventory and preliminary evaluation of all trees over 6 inches in diameter within the project site. Trees that were surveyed were numbered, tagged, identified, measured, and evaluated. A total of approximately 161 trees would be removed within the boundaries of the project site. Of the trees proposed for removal, approximately 145 trees are considered code-protected due to their size, while the remaining approximately 16 trees are not code-protected based on the Tree Protection and Preservation Ordinance. Approximately 27 trees would be impacted, but are to be preserved during construction, which includes approximately 18 off-site trees and approximately 9 trees on or near the border of the project site. If not properly protected, the trees proposed for preservation within the site boundaries and directly adjacent to the project site could also be subject to injury or inadequate maintenance during construction, which represents a potentially significant impact.

Page 3.3-27, Mitigation Measure BIO-5b

To clarify that tree protection guidelines would be stated on the face of the construction plans, MM BIO-5b has been revised:

MM BIO-5b Implement Tree Protection Guidelines During Construction

Tree protection guidelines shall be implemented during construction through the clearing, grading, and construction phases as outlined in the arborist report prepared by HortScience dated May 9, 2019 and shall be stated on the face of the construction plans.

Page 3.3-27, Second Full Paragraph

In response to LIUNA-51, the following paragraph has been revised:

Construction

~~The project site does not fall within the coverage area of a habitat conservation plan or natural community conservation plan.~~ falls within the coverage area of the Pacific Gas and Electric Company Bay Area Operations & Maintenance Habitat Conservation Plan (PG&E HCP). However, the project is not considered a “Covered Activity” under the PG&E HCP and is not a PG&E led project. Thus, the project does not qualify for evaluation under the PG&E HCP. The project site is roughly 5.5 miles west of the East Contra Costa County Habitat

⁴ HortScience, Inc. 2019. Tree Inventory Report.

Conservation Plan (ECCCHCP) area, ~~the nearest habitat conservation plan area~~. Therefore, there would be no construction impact related to consistency with a conservation plan.

Section 3.5—Energy

Page 3.5-10, Paragraph 1

In response to LIUNA-59, the following paragraph has been revised:

Construction

During construction, the project would result in energy consumption through the combustion of fossil fuels in construction vehicles, worker commute vehicles, and construction equipment, and the use of electricity for temporary buildings, lighting, and other sources. It is not anticipated that natural gas would be consumed as part of project construction. Fossil fuels used for construction vehicles and other energy-consuming equipment would be used during site clearing, grading, paving, and building construction. The types of equipment could include gasoline- and diesel-powered construction and transportation equipment, including trucks, bulldozers, frontend loaders, forklifts, and cranes. Based on CalEEMod estimations within the modeling output files used to estimate GHG emissions associated with the project, construction-related vehicle trips would result in approximately 1.32 million vehicle miles traveled, and consume an estimated ~~62,074~~62,077 gallons of gasoline and diesel combined during the construction phase (Appendix B). Additionally, on-site construction equipment would consume an estimated 18,353 gallons of diesel fuel (Appendix B).

Page 3.5-11, Paragraph 3

In response to LIUNA-62, the following paragraph has been revised:

Fuel

Operational energy would also be consumed during vehicle trips associated with the project. Fuel consumption would be primarily related to vehicle use by residents, visitors, and employees associated with the project. Based on energy use estimations contained within the CalEEMod output files used to estimate the project's generation of GHG emissions, project-related vehicle trips would result in approximately ~~4.124~~4.24 million vehicle miles traveled and consume an estimated ~~117,378~~120,716 gallons of gasoline and diesel combined, annually (CalEEMod output files and energy-specific calculations are included in Appendix B).

Section 3.7—Greenhouse Gas Emissions

Page 3.7-38, Description of Contra Costa County CAP

In response to LIUNA-21, the following paragraph has been revised:

Contra Costa County CAP

On December 15, 2015, the Contra Costa County CAP was approved by the Board of Supervisors.⁵ The CAP identifies specific measures on how the County can achieve a GHG reduction target of 15 percent below baseline levels by the year 2020. In addition to reducing GHG emissions, the CAP includes proposed policies and actions to improve public health and provide additional community benefits, ~~and it lays the groundwork for achieving long-term GHG reduction goals for 2020 and 2035.~~

Page 3.7-44, First Full Paragraph and Table 3.7-5

In response to LIUNA-59, the following paragraph and table have been revised:

Operational GHG emissions by source are shown in Table 3.7-5. As previously indicated, the analysis includes construction emissions amortized over the project’s life. The project would generate approximately ~~2,3462,391~~ MT CO₂e per year with the addition of amortized construction emissions. The project is expected to accommodate 818 residents and five employees, resulting in a service population of 823. The estimated total annual project-generation emissions, including operational emissions and amortized construction emissions, were compared with the efficiency threshold of 4.6 MT CO₂e/service population/year to determine significance at project buildout in the year 2022. The estimated total annual GHG emissions generated by the project in the year 2030 were compared with the applicable threshold of 2.6 MT CO₂e/service population/year.

Table 3.7-5: Project Operational GHG Emissions (Unmitigated)

Emission Source	Year 2022 Total Emissions (MT CO ₂ e per year)	Year 2030 Total Emissions (MT CO ₂ e per year)
Area	9	9
Energy	615	493
Mobile	1,5991,644	1,2691,305
Waste	49	49
Water	45	39
Amortized Construction Emissions	29	29
<i>Total Project Emissions</i>	2,3462,391	1,8881,924
Service Population (Employees + Residents)	823	823
Project Emission Generation (MT CO₂e/service population/year)	2.9	2.3*
BAAQMD 2017 Threshold (MT CO₂e/service population/year)	4.6	2.6
Does Project exceed threshold?	No	No

⁵ Contra Costa County. 2015. Contra Costa County CAP. Website: <http://www.co.contra-costa.ca.us/4554/Climate-Action-Plan>. Accessed February 26, 2019.

Table 3.7-5 (cont.): Project Operational GHG Emissions (Unmitigated)

Emission Source	Year 2022 Total Emissions (MT CO ₂ e per year)	Year 2030 Total Emissions (MT CO ₂ e per year)
<p>Notes: MT CO₂e = metric tons of carbon dioxide equivalent. * Adjusted threshold to account for 2017 Scoping Plan Update 40% Reduction Goal by 2030 Source of Emissions: CalEEMod Output (Appendix B)</p>		

Section 3.8—Hazards and Hazardous Materials

Page 3.8-20, Paragraph 3

To correct a typographical error in the Draft EIR, the following paragraph has been revised:

Construction

During construction, it is expected that construction equipment and vehicles would be accessing and leaving the project site, which in turn could potentially impede evacuation or emergency vehicle access. ~~However, as discussed under Impact TRANS-5 in Section 3.15, Transportation, the project would result in less than significant impacts related to emergency vehicle access. In addition, the project would~~ Construction equipment and vehicles would comply with the Contra Costa County Emergency Plan, ensuring efficient response to emergency incidents associated with emergencies affecting Contra Costa County. Therefore, construction impacts related to emergency response and evacuation would be less than significant.

Section 3.10—Land Use and Planning

Page 3.10-2, Paragraph 2

In response to DCD_ZA_MTG-8, the following paragraph has been revised:

To the South

~~There are multi-family apartments~~ There are two separate condominium complexes to the south of the project site (on Honey Trail). The Eaves Walnut Creek is a multi-family apartment complex further to the south of the project site just north of Treat Boulevard.

Page 3.10-13, After Last Paragraph

To provide clarity about the required setback variance, the following paragraph has been added:

Bicycle Parking

Section 82-16.412 of the Contra Costa County Ordinance Code sets forth the amounts of long-term and short-term bicycle parking that a project must provide. The County Code requires a multi-family dwelling to provide space for 15 percent of the number of bedrooms for long-term parking, or two spaces (whichever is greater) and space for 5 percent of the

number of bedrooms for short-term parking, or two spaces (whichever is greater).⁶ Therefore, the project would be required to provide 56 long-term and 19 short-term spaces, for a total of 75 bicycle parking spaces.

Setbacks

Section 82-12.402 of the Contra Costa County Ordinance Code sets forth the required setbacks: “the setback line on land bounded on one or more sides by a public road other than a state highway shall be ten feet inward from each boundary line.”⁷

Page 3.10-16, After Second Full Paragraph

In response to WAI-POI.2-4, the following paragraph has been added:

With respect to density, the project would provide 36 affordable units; representing 15 percent of the 237 units allowed by the proposed MS land use district and 12 of those (5 percent) would be affordable to very low income households. Therefore, the project would be eligible for the State density bonus of 20 percent, and the total allowable unit count would increase from 237 units to 284 units. By providing 5 percent of units as affordable to very low income households, the project is also eligible for one development incentive or concession. The project would require a concession to provide the remaining affordable units (24 total) as affordable to moderate income.

The project would require approval of a minor subdivision to merge the five existing parcels into one.

Page 3.10-26, Paragraph 3

In provide clarity about the required variance for setback from a public road, the following paragraph has been revised:

As shown in Table 3.10-2 the minimum lot size for residential uses under the P-1 zoning is 5 acres (Section 84-66.602). This project site is 2.37 acres, and therefore requires a variance from the minimum lot size requirement of the P-1 zone district. The project would also require approval of a variance to allow the setback of less than 10 feet from a public road pursuant to Contra Costa County Ordinance Code Section 82-12.402. In order to approve a variance, Pursuant to Section 26-2.2006, the planning agency must make the following findings:

⁶ Contra Costa County Ordinance Code. 2018. Chapter 82-16.412—Bicycle Parking. Website: https://library.municode.com/ca/contracosta_county/codes/ordinance_code?nodeId=TIT8ZO_DIV82GERE_CH82-16OREPA_82-16.412BIPA. Accessed November 26, 2018.

⁷ Contra Costa County Ordinance Code. 2018. Chapter 82-12. Setbacks. Website: http://contracostaco-ca.elaws.us/code/oc_title8_div82_ch82-12_sec82-12.402. Accessed February 26, 2020.

Section 3.11—Noise

Page 3.11-25, Mitigation Measure NOI-1

To clarify that noise reduction measures would be stated on the face of the construction plans, MM NOI-1 has been revised:

MM NOI-1 Implement Noise-reduction Measures During Construction

To reduce potential construction noise impacts, the following multi-part mitigation measure shall be implemented for the project and shall be stated on the face of the construction plans:

- The construction contractor shall ensure that all equipment driven by internal combustion engines shall be equipped with mufflers, which are in good condition and appropriate for the equipment.
- The construction contractor shall ensure that unnecessary idling of internal combustion engines (i.e., idling in excess of 5 minutes) is prohibited.
- The construction contractor shall utilize “quiet” models of air compressors and other stationary noise sources where technology exists.
- At all times during project grading and construction, the construction contractor shall ensure that stationary noise-generating equipment shall be located as far as practicable from sensitive receptors and placed so that emitted noise is directed away from adjacent residences.
- The construction contractor shall ensure that the construction staging areas shall be located to create the greatest feasible distance between the staging area and noise-sensitive receptors nearest the project site.
- Restrict noise-generating construction activities (including construction-related traffic, excluding interior work within the building once the building envelope is complete) at the project site and in areas adjacent to the project site to the hours of 7:30 a.m. to 5:00 p.m., Monday through Friday, unless otherwise approved by CDD, with no construction allowed on weekends, federal and State holidays.

Section 3.13—Public Services

Page 3.13-10 through 3.13-11, Paragraph 1 on page 3.13-11 (continued from Page 3.13-10)

To correct a typographical error in the Draft EIR, the following paragraph has been revised:

As part of project operation, the project would comply with the CBC, which is adopted by the Contra Costa County Ordinance. Specifically, in compliance with the California Fire Code, Part 9 of the CBC, during operation the project would follow standards for fire safety such as fire flow requirements for buildings, fire hydrant location and distribution criteria, automated sprinkler systems, and fire-resistant building materials. Primary vehicle access to the project site would be from Del Hombre Lane via the ground-floor parking structure. Del Hombre Lane is a public County local street that runs north-south along the project site

frontage. Secondary emergency access to the project site would be provided from the back of the parking structure from Roble Road. Roble Road is a two-lane private local street that runs east-west along the northern project site boundary. Thus, during project operation, emergency vehicles would not have issues accessing the project site, as also further discussed under Impact ~~TRANS-3~~ TRANS-4, Emergency Access, in Section 3.15, Transportation. As such, it is not expected that the project would adversely affect response times or increase the use of existing fire protection or emergency medical response facilities such that substantial physical deterioration, alteration, or expansion of these facilities would be required, thereby triggering environmental impacts. Furthermore, the project applicant would be required to pay applicable fees towards fire protection facilities and apparatus, so that the CCCFPD can maintain fire safety standards.

Page 3.13-12, Paragraphs 4 and 5

To clarify information about police protection, the following paragraphs have been revised:

As such, it is not expected that the project would adversely affect service ratios or response times or increase the use of existing police protection facilities such that substantial physical deterioration, alteration, or expansion of these facilities would be required, thereby triggering environmental impacts. ~~Furthermore, the project applicant would be required to pay applicable fees to the Office of the Sheriff to help provide for the costs associated with a police facilities building and equipment to serve additional demands for police services.~~

~~With adequate project site access and payment of impact fees to the Office of the Sheriff, o~~
Operation of the project would not create a need to construct new or expand existing police protection facilities. Therefore, operational impacts related to need for new or altered police protection facilities impacts would be less than significant.

Section 3.15—Transportation

Page 3.15-25, Paragraph 4

To clarify the regulatory framework for SB 743 and VMT, the following paragraph has been revised:

As noted in the OPR Guidelines, agencies are directed to choose metrics that are appropriate for their jurisdiction to evaluate the potential impacts of a project in terms of VMT. The current deadline for adopting policies to implement SB 743 is July 2020; the change to VMT was formally adopted as part of updates to the CEQA guidelines in December 2018. Contra Costa County has not yet established specific local VMT thresholds; however, the County has determined that it would be appropriate to utilize the regional average of a 15 percent reduction recommended by OPR for purposes of the project.

Page 3.15-40, Paragraph 2

To clarify the County has determined that OPR’s threshold of significance with respect to VMT is appropriate for this project, the following paragraph has been revised:

Vehicle Miles of Travel

According to the Updated to CEQA Thresholds of Significance and Transportation Impact Study Guidelines dated December 28, 2018, VMT impacts could have a significant effect on the environment if the project would:

- Cause additional VMT per capita, per service population, or other appropriate efficiency measure; or
- Substantially induce additional automobile travel by increasing physical roadway capacity in congested areas (i.e., by adding new mixed-flow lanes) or by adding new roadways to the network.
- Conflict with a plan, ordinance, or policy addressing the safety or performance of the circulation system, including transit, roadways, bicycle lanes, and pedestrian paths (except for automobile LOS or other measures of vehicle delay).

~~However, n~~New CEQA guidelines section 15064.3 states that the amendments do not take effect until July 1, 2020 unless the lead agency adopts them earlier. Neither the City of Pleasant Hill, Contra Costa County nor the CCTA have adopted VMT thresholds. Accordingly, this analysis has been prepared for informational purposes only. However, the County has determined that the fifteen percent reduction recommended by OPR is an appropriate significance threshold for the project given the recommendation in the OPR’s Technical Advisory document previously mentioned.

Page 3.15-57, Impact TRANS-2 (Impact Statement) and Analysis

To clarify the County had determined that OPR’s threshold of significance with respect to VMT is appropriate for this project, the following impact statement and analysis has been revised:

Vehicle Miles Traveled

Impact TRANS-2: ~~Project consistency with CEQA Guidelines Section 15064.3 subdivision (b) cannot be determined given that the County has not established a threshold with regard to VMT impact significance. The project would not cause additional VMT, substantially induce additional automobile travel by increasing physical roadway capacity, or conflict with a plan, ordinance, or policy addressing the safety or performance of the circulation system.~~

Construction

~~No construction impact determination is made with regard to VMT, given that the County has not established a threshold with regard to construction-related VMT impact significance. VMT impacts are limited to operational impacts. No respective construction impacts would occur.~~

Operation

~~The project would generate VMT on a per capita basis less than 15 percent below the local and regional average. Therefore, the project is consistent with the intent of SB 743 to promote development that reduces vehicle travel. However, as the County has not~~

~~established a threshold with regard to operation-related VMT impact significance, no finding is required, and this analysis has been provided for informational purposes. The project is expected to generate 11.4 VMT per capita per day, which is more than 15 percent below both the regional (15.3 VMT) and local (18.0 VMT) average. Absent adopted local thresholds, the recommended OPR threshold for residential uses was applied; new developments that have an estimated VMT of 15 percent below existing regional and city VMT per capita (household or home-based) would be considered less than significant. Therefore, based on the OPR criteria, the project is consistent with the intent of SB 743 to promote development that reduces vehicle travel and the VMT impact is less than significant.~~

Level of Significance

~~No finding is required. Less Than Significant~~

Page 3.15-58 (continued on page 3.15-61), Paragraph 4 and Paragraph 1 (on page 3.15-61)

To update the description the package loading/unloading zone, the following paragraphs have been revised:

A loading area at the northeast corner of the site with access to the trash room is proposed along Roble Road (Exhibit 2-7). The project applicant has access rights to Roble Road in order to service the trash pickup. Management would take the trash bins to and from Roble Road for collection via the loading dock. A trash vestibule is located on each level of the development and residents would access the vestibule from their units via the corridors. On Floors 2-6, residents would dispose of refuse through chutes in the vestibule. On Floor 1, residents would dispose of refuse through a hopper and will not physically enter the trash termination room. A Property Manager or staff member would be on-site at all times to handle trash pick-up operations promptly. This loading dock would also be utilized for resident move-in/move-out, and Property Management would coordinate and schedule these move-in/move-outs to ensure there is no conflict with trash collection. This loading dock would not be used for general deliveries to the site (such as United Parcel Services deliveries); those deliveries would occur at a white curb ~~passenger~~ loading/unloading zone located ~~along the west of Del Hombre Lane, in front of the amenity area in the southwest corner of the site~~ along Roble Road at the northeast corner of the project site (Exhibit 2-7).

It is expected that some vehicle trips to the site may be made through the use of transportation network companies such as Uber or Lyft. Passenger pick up for these companies would ~~also~~ occur at the white curb passenger loading/unloading zone located along the west of ~~the lobby~~ Del Hombre Lane, thus reducing the potential for vehicle travel through the neighboring private streets. As such, there would not be a conflict with roadway geometric design and use compatibility and impacts would be less than significant.

Section 3.18—Wildfire

Pages 3.18-10, Paragraph 1

To correct a typographical error in the Draft EIR, the following paragraph has been revised:

Construction

During construction, it is expected that construction equipment and vehicles would be accessing and leaving the project site, which in turn could potentially impede evacuation or emergency vehicle access. ~~However, as discussed under Impact TRANS-5 and Impact HAZ-6, the project would result in less than significant impacts related to emergency vehicle access. In addition, the project would be in compliance~~ Construction equipment and vehicles would comply with the Contra Costa County Emergency Plan, ensuring efficient response to emergency incidents associated with emergencies affecting Contra Costa County. Furthermore, blockage of an evacuation route would not occur during project construction because the project would not result in road closures to either Treat Boulevard or Interstate 680 (I-680), the most likely evacuation routes from the project site. Therefore, construction impacts related to emergency response/evacuation plan consistency would be less than significant.

Appendix B—Biological Resources Supporting Information

In response to LIUNA-6 and LIUNA-35, the following paragraph on page 16 has been revised:

FCS Biologist, Joaquin Pacheco, conducted the reconnaissance-level field survey on January 7, 2019. Weather conditions during the field survey were partially cloudy with light rain occurring towards the start of the survey and a temperature of 57° degrees Fahrenheit. Average wind speed was 4 mph. The duration of the survey was one hour from 11:00 a.m. to noon.

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