

FINAL ENVIRONMENTAL IMPACT REPORT

WEST COUNTY DETENTION FACILITY EXPANSION

STATE CLEARINGHOUSE #2015042003

PREPARED FOR:

Contra Costa County Public Works Department
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July 2015



ICF International. July. Final Environmental Impact Report West County
Detention Facility Expansion. 2015. (ICF 00026.15.) Sacramento, CA.
Prepared for Contra Costa County Public Works Department, Martinez, CA.

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List of Acronyms and Abbreviations

BAAQMD	Bay Area Air Quality Management District
BMPs	best management practices
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CEQA	California Environmental Quality Act
dBA	A-weighted decibels
EIR	Environmental Impact Report
FAR	floor area ration
L _{dn}	day-night sound level
L _{max}	maximum sound level
MDF	Martinez Detention Facility
MMRP	Mitigation, Monitoring and Reporting Plan
NOP	Notice of Preparation
WCDF	West County Detention Facility

1.1 Purpose of this Document

This document is the Final Environmental Impact Report (EIR) for the West County Detention Facility (WCDF) Re-Entry and Treatment Expansion (proposed project). The purpose of this document is to summarize the process that has occurred to date, present comments received during the public comment period, provide responses to public comments, provide text changes to the Draft EIR where necessary for clarification or to make minor corrections in response to comments, and present the Mitigation, Monitoring and Reporting Plan (MMRP) to be included with the proposed project. The information presented in this Final EIR is being provided in accordance with the requirements of the State California Environmental Quality Act (CEQA) Guidelines. This Final EIR contains five chapters.

- Chapter 1, *Introduction*, discusses the purpose of this document, public review process, CEQA requirements, and use of this document.
- Chapter 2, *Responses to Comments*, contains copies of the comments received during the public review period for the Draft EIR and the written responses to those comments.
- Chapter 3, *Text Changes to the DEIR*, contains changes to the text of the Draft EIR made in response to comments received during the public review period for the Draft EIR or for purposes of clarification.
- Chapter 4, *Mitigation Monitoring and Reporting Program*, contains the program required by CEQA to ensure that the mitigation measures identified in the EIR will be implemented.
- Chapter 5, *List of Preparers*, identifies the individuals who prepared the Draft and Final EIRs.

1.2 Public Review Process

CEQA does not require formal hearings at any stage of the environmental review process (State CEQA Guidelines Section 15202[a]). However, CEQA does encourage “wide public involvement, formal and informal, in order to receive and evaluate public reactions to environmental issues” (State CEQA Guidelines Section 15201).

Contra Costa County has conducted several public meetings throughout the environmental review process to help inform its environmental analysis. The County distributed a Notice of Preparation (NOP) of intent to prepare a Draft EIR for the proposed project beginning on April 1, 2015. A 30-day public comment period for the NOP ended on April 30, 2015. Comments on the NOP were considered during the preparation of the Draft EIR. The Zoning Administrator conducted a public scoping session on April 20, 2015; however, there were no public comments on the scope of the EIR. The Draft EIR was made available for public comment May 15, 2015, and the 45-day public comment period ended on July 1, 2015. A public meeting was conducted by the Zoning Administrator on June 10, 2015; however, no public comments were received at the hearing.

The Sheriff's Department also conducted outreach meetings to local city councils and community organizations. The Sheriff's Department and County staff attended a Richmond City Council meeting on May 26, 2015, and a San Pablo City Council meeting on June 15, 2015. The Sheriff's Department also conducted approximately four additional meetings with community groups.

Written comments were received during the public comment period.

1.3 CEQA Requirements

CEQA Guidelines Section 15132 requires that the Final EIR consist of:

- a. The Draft EIR or a revision of the Draft.
- b. Comments and recommendations received on the Draft EIR either verbatim or in summary.
- c. A list of persons, organizations, and public agencies commenting on the Draft EIR.
- d. The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- e. Any other information added by the Lead Agency.

1.4 Use of this Document

This Final EIR will be used by the Contra Costa County Board of Supervisors to decide on the proposed project and its implementation. The public may use this document to understand the public comments that were received and how the County responds to those comments, as well as changes to the EIR.

Chapter 2

Responses to Comments

Table 2-1 lists the comment letters on the Draft Environmental Impact Report (Draft EIR).

Table 2-1. Draft Environmental Impact Report Comment Letters

Comment Letter Number	Commenter	Date
1	California Department of Fish and Wildlife (letter)	May 21, 2015
2	California Department of Fish and Wildlife (e-mail)	May 18, 2015
3	City of San Pablo	June 15, 2015
4	City of Richmond, Mayor Tom Butt	June 30, 2015
5	City of Richmond, Director of Planning and Building Services	June 30, 2015
6	Contra Costa Interfaith Supporting Community Organization	July 1, 2015
7	Faith Alliance for a Moral Economy (plus duplicate letter from same commenter on East Bay Alliance for a Sustainable Economy letterhead)	July 1, 2015
8	Contra Costa County Racial Justice Coalition	July 1, 2015
9	Richmond Progressive Alliance	July 1, 2015

Many of the comment letters addressed common issues including the project description, aesthetics and transportation of inmates for program services. Comment letters from the non-governmental organizations appear to be a common form letter. Common responses were developed for these issues and are provided below. Common responses are followed by responses to the specific comment letters, which are ordered by letter number and comment number.

2.1 Common Responses

2.1.1 Project Description

The County is confident that the project description includes sufficient information to allow for the meaningful evaluation of potential environmental effects as required by the California Environmental Quality Act (CEQA). The project description in Chapter 2 of the Draft EIR contains information on the project setting, project objectives and project overview. The project description identifies the location of the project (page 2-1 and Figure 2-1), existing conditions (page 2-1), surrounding land uses, the size of the project (page 2-2), the proposed increase in staff and inmates, the project design and characteristics, proposed operations, and construction methods and schedule (all described on pages 2-2 through 2-5). The description of the project and construction methods contained in Chapter 2, Section 2.3, *Project Overview*, of the Draft EIR provides the level of detail necessary for evaluation of potential impacts related to air quality, noise and other resources.

The Draft EIR includes information on the precise location – within the fence line of the existing facility – on the southeastern most portion of the site (Figure 2-3). While the polygon shown in the

figure is conceptual, it represents the proposed building envelope. Final engineering plans with exterior and internal layouts are beyond what is required by CEQA or needed to conduct a complete analysis of the project. In addition, the identified range of potential facility heights, specifically, 32–45 feet (page 2-3), is sufficient to support an analysis of effects.

2.1.2 Aesthetics

Chapter 3, Section 3.1, *Aesthetics*, of the Draft EIR provides a thorough characterization of the project vicinity's existing visual qualities and identifies the area's existing viewer groups, specifically residents, business employees and patrons, roadway users, and recreational users. Figures 3.1-1 through 3.1-6 provide representative views of the project site from areas adjacent to the project site.

As explained under Impact AES-3 on pages 3.1-5 through 3.1-7 of the Draft EIR, the project would not change the character of existing visual resources. Because of topography, vegetation, and existing walls, viewers near the project site would have obscured sightlines and limited views of the project. Moreover, as explained in the Draft EIR, the project would be visually similar to existing buildings and would not alter the existing nature of views from nearby residences, businesses, and Giant Highway.

As explained on pages 3.1-6 and 3.1-7, visitors to Point Pinole Regional Shoreline enjoy expansive views of San Pablo Bay, and the project would not affect these views. Park users currently have limited views of the West County Detention Facility (WCDF) and would be unlikely to see the project because of existing buildings in the foreground.

In addition, as indicated on page 3.1-5, neither the City of Richmond nor the County has designated any area near the project site as a scenic vista, and there are no state- or County-designated scenic highways near the project site.

No additional description of the environmental setting or analysis of the impacts of the project is required under CEQA.

2.1.3 Transportation of Inmates for Program Services

The Sheriff does not propose to transport inmates from the Martinez Detention Facility (MDF) or the Marsh Creek Detention Facility to WCDF to attend programs in the proposed new building at WCDF. The objective of the project is to move inmates currently housed at the MDF and who need the program services to be offered at WCDF as a part of the proposed project. During project operations, inmates housed at WCDF including those currently in the medium security areas of WCDF would participate in programs onsite.

As explained on page 2-5 of the Draft EIR, the Sheriff's department already operates a bus system that circulates among the WCDF, MDF, and the courthouses. Implementation of the project would not change the number or timing of bus trips. Because the project would not alter the Sheriff's existing bus system, the transportation of inmates during project operations could have no effect on air quality, greenhouse gas emissions, noise, or transportation and traffic. No changes are necessary to the Final EIR.



State of California – The Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
7329 Silverado Trail
Napa, CA 94558
(707) 944-5500
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



Letter 1

May 21, 2015

Ms. Hillary Heard
Contra Costa County
Department of Conservation and Development
255 Glacier Drive
Martinez, CA 94453

Dear Ms. Heard:

Subject: West County Detention Facility Re-Entry and Treatment Expansion, Draft Environmental Impact Report, SCH #2015042003, Contra Costa County

The California Department of Fish and Wildlife (CDFW) has reviewed the documents provided for the subject project, and we have the following comments.

Please provide a complete assessment (including but not limited to type, quantity and locations) of the habitats, flora and fauna within and adjacent to the project area, including endangered, threatened, and locally unique species and sensitive habitats. The assessment should include the reasonably foreseeable direct and indirect changes (temporary and permanent) that may occur with implementation of the project. Rare, threatened and endangered species to be addressed should include all those which meet the California Environmental Quality Act (CEQA) definition (see CEQA Guidelines, Section 15380). CDFW recommended survey and monitoring protocols and guidelines are available at http://www.CDFW.ca.gov/biogeodata/cnddb/pdfs/Protocols_for_Surveying_and_Evaluating_Impacts.pdf.

1

If you have any questions, please contact Mr. Robert Stanley, Environmental Scientist, at (707) 944-5573; or Ms. Annee Ferranti, Senior Environmental Scientist (Supervisory), at (707) 944-5554.

Sincerely,


for Scott Wilson
Regional Manager
Bay Delta Region

cc: State Clearinghouse

Conserving California's Wildlife Since 1870

Letter 2

From: [Stanley, Robert@Wildlife](mailto:Stanley_Robert@Wildlife)
To: [Hillary Heard](#)
Subject: West County Detention Facility Expansion
Date: Monday, May 18, 2015 12:58:56 PM

Hello,

A CEQA Announcement came across my desk for the West County Detention Facility Expansion Project. In looking at an aerial and the site photos provided in the environmental document I have some concerns about nesting bird, specifically raptors in the Eucalyptus tree stand near the railroad line. Will this line of trees be retained after the Project is complete? If any trees are set for removal if would be beneficial to include avoidance and minimization measures for nesting birds and nesting raptors as specified below, or if work that could disturb nesting birds in the tree line will be occurring within a reasonable distance that could flush the birds off the nest.

1

2

Nesting Bird Surveys and Avoidance. Prior to the initiation of construction, including ground disturbing activities scheduled to occur between February 1 and September 1, a qualified biologist shall conduct pre-construction surveys for nesting birds no more than seven (7) days prior to the initiation of work. Surveys shall encompass all potential habitats within five-hundred (500) feet of the project area. The qualified biologist conducting the surveys shall be familiar with the breeding behaviors and nest structures for birds known to nest in the project area. Surveys shall be conducted during periods of peak activity (early morning, dusk) and shall be of sufficient duration to observe movement patterns. Survey results, including a description of timing, duration and methods used, shall be submitted to CDFW for review forty-eight hours prior to the initiation of the Project. If a lapse in project activity of seven days (7) or more occurs, the survey shall be repeated and no work shall proceed until the results have been submitted to CDFW.

If nesting birds are found no work shall be initiated until species specific buffers have been established in consultation with CDFW. The buffer area (s) will be fenced off from work activities and avoided until the young have fledged, as determined by a qualified biologist. Active nests found inside the limits of species specific buffer zones or nests within the vicinity of the project area showing signs of distress from project activity as determined by a qualified biologist will be monitored daily a qualified biologist for the duration of the project for changes in bird behavior. At the first indication of potential nest abandonment (e.g., female rises off the eggs; paces/shuffles in the nest; flaps her wings in an agitated manner; extended, concentrated staring at project activities; distress calls; continuous circling over the area of disturbance (male); and/or other indications of distress), the biologist shall stop work immediately and consult CDFW on how to proceed.

Raptor Assessment and Avoidance. For any activity proposed to occur between March 15 to September 15, a qualified biologist shall conduct a survey no more than of seven (7) days prior to the initiation of construction including ground disturbing activities of all large trees capable of providing suitable nesting habitat for raptors within a one-thousand (1000) feet of the project. All instances shall be recorded and presented to CDFW a minimum of forty-eight (48) hours prior to the initiation of construction. If nesting raptors are found no work shall be initiated until the appropriate buffers have been established in consultation with CDFW. If a lapse in

project activity occurs for a period of seven (7) days or more the survey shall be repeated as specified in this measure.

Robert Stanley
Environmental Scientist
California Department of Fish and Wildlife
7329 Silverado Trail
Napa, CA 94558

Phone: (707)944-5573
Fax: (707)-944-5563

2.2 Letters No. 1 and No. 2

2.2.1 Response to Letter No. 1 and No. 2

2.2.1.1 Letter No. 1, Comment #1

The May 21 letter from the California Department of Fish and Wildlife (CDFW) is substantially the same as CDFW's comment letter on the Notice of Preparation (NOP) for the EIR. The County provided a response to that comment letter on page 1-5 of the Draft EIR, which included the County's commitment to use of its standard best management practices (BMPs), including pre-construction surveys, to ensure that nesting birds would not be affected.

As described on page 1-5 of the Draft EIR, the project would be located on a site that has previously been graded, is developed, and is within an existing fenced area of the West County Detention Facility (WCDF). Consequently, no endangered, threatened, or locally unique species or sensitive habitats would be impacted.

2.2.1.2 Letter No. 2, Comment #1

Regarding CDFW's question "will this line of trees be retained after the Project is complete?" Yes, the trees will be retained. No trees are proposed to be removed as a result of construction or operation of the project.

2.2.1.3 Letter No. 2, Comment #2

Regarding CDFW's concern that nesting birds in the tree line near the railroad line could be disturbed during construction: No impacts on nesting birds would result from construction noise, because the existing trees located along the rail line to the west are located more than 700 feet from the project construction site, and the existing trees located along the rail line to the east are located more than 150 feet away from the project construction site. In addition, birds are likely habituated to noise due to the location of the trees along an existing active rail line and, in the case of the trees to the east, along Giant Highway. As presented on page 3.4-7 of the Draft EIR, maximum construction noise was estimated at 88 A-weighted decibels (dBA) at 50 feet from the location of use of the identified equipment, which would be reduced to approximately 80 dB at the closest trees to the east. Because railroad noise is generally in the neighborhood of 83 dBA at 100 feet, and the trees are located along the rail line, noise levels from rail operations would exceed noise from project construction and the birds should be habituated to higher levels of noise. As noted in the response to Letter No. 1, however, the County provided its commitment on page 1-5 of the Draft EIR to use of its standard BMPs, including pre-construction surveys, to ensure that nesting birds would not be affected.

CITY OF SAN PABLO
Development Services / Planning

June 15, 2015

Ms. Hillary Heard
 Contra Costa County Public Works Department
 255 Glacier Drive
 Martinez, CA 94553

Letter 3



RE: Draft Focused Environmental Impact Report – West County Detention Facility Re-Entry and Treatment Expansion Project, 5555 Giant Highway, Richmond SHC #2015042003

Dear Ms. Heard,

The City of San Pablo Development Services Department appreciates the opportunity to comment on the adequacy and completeness of the Draft Focused Environmental Impact Report for the West County Detention Facility Re-Entry and Treatment Expansion Project located in the City of Richmond. The Department has the following comments:

Proposed Project

In the Draft Focused Environmental Impact Report, the proposed project consists of the construction of a new 150,000 square foot building for a high-security detention facility containing 240 double-occupancy cells for 480 beds for inmates, a 20,000 square foot mental health treatment facility, and a 30,000 square foot educational and vocational program facilities. While the size descriptions are stated as approximations, there appears to be a discrepancy between the project presentations by the County Sheriff's Department and those presented in the environmental document. At the project presentation for the City of Richmond, the proposed project was presented as having 418 beds and over 22,000 square feet for the mental health facility. Clarification of the proposed project in the environmental document is needed to be consistent with the proposed project being presented to public agencies and the general public. 1

In addition, there appears to be no discussion or analysis of possible inmate bed expansion in the future, beyond the 480 beds proposed. It would appear that there is space for expansion within the proposed 150,000 square foot building, especially if the mental health treatment facility and/or the educational and vocational program areas were eliminated due to reduction in funding or for other reasons. These areas could be utilized for additional beds that would not have been reviewed under this environmental document. Further environmental review would be needed at that time, or conversely, 2

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there should be some discussion and analysis of any impacts on Air Quality, Greenhouse Gas Emissions, Transportation and Traffic regarding this potential increase. | 2
If you have any questions concerning this response, please contact Rod Simpson, Con't.
Assistant Planner, Development Services at (510)-215-3036 or by email at
RodS@sanpabloca.gov.

With kind regards,



Rod Simpson
Assistant Planner
Development Services Department

cc: Matt Rodriguez, City Manager
Reina Schwartz, Assistant City Manager
Michele Rodriguez, Development Services Manager
File

2.3 Letter No. 3

2.3.1 Response to Letter No. 3

2.3.1.1 Comment #1

The Draft EIR analyzed a project with a maximum buildout of 240 double-occupancy cells with 480 beds for inmates within a 151,000-square-foot building. The Sheriff has continued to evaluate how to design the space of the proposed project to address the space needed in the most efficient manner. The Sheriff has been diligently working with the project's design engineer to refine the internal space and use of the facility; additional changes and architectural design will be required prior to project construction, although the facility will not be larger than that analyzed in the Draft EIR, including in size, footprint, approximate height, and capacity of the facility. For these reasons, the analysis of the project described in the Draft EIR provides a reasonable worst-case assessment of potential environmental impacts, and no changes are necessary in the Final EIR in response to this comment.

2.3.1.2 Comment #2

The County does not propose to expand the WCDF beyond what is described in the Draft EIR. The County has limited funds to be able to expand this facility and will depend on grant funds to support the currently proposed expansion. For these reasons, expansion beyond the proposed project is not proposed. Future expansion would be speculative and cannot be analyzed at this time. Similarly, the program space would be designed for the proposed use and not for housing, and it would be speculative to discuss potential conversion of proposed program space to inmate housing.

Letter 4

CITY OF RICHMOND, CALIFORNIA

Tom Butt

Mayor

June 30, 2015

Attn: Hillary Heard
 Contra Costa Public Works Department
 255 Glacier Drive
 Martinez, CA 94553

Office of the Mayor

*"We Can Do It!"*

Office: 510.620.6503

Re: West County Detention Facility Expansion Draft Environmental Impact Report

Dear Ms. Heard:

I am writing to provide comments regarding the circulated Draft Environmental Impact Report (DEIR) for the West County Detention Facility Expansion. As mayor of the host city for the West County Detention Facility and site of the proposed expansion, I have serious concerns that the document does not fully disclose all of the impacts of the proposed project. I request that you please reply to the following concerns:

1. There is no detailed description of the proposed West County Reentry and Mental Health Treatment Facility in the DEIR (e.g. number of stories, setback from Giant Highway, distance from nearby parks and businesses). This makes it extremely difficult for the public to determine whether neighboring residences and businesses will experience negative aesthetic, environmental, and traffic impacts associated with constructing and operating this facility. How can we meaningfully evaluate the aesthetic, environmental, and traffic impacts of building and operating the new facility without a detailed project description? 1
2. The DEIR takes credit for energy reductions at the Martinez Detention Facility (MDF). But in conversations with the Sheriff's Office, portions of the MDF will be **repurposed** for housing and programming space. Repurposing the space (rather than closing it permanently) reduces the amount of energy credits that can be claimed towards the West County Reentry and Mental Health Treatment Facility. Where is this addressed in the DEIR? 2
3. After listening to several public presentations from the Sheriff's Office about this new facility, it is my understanding that programs and services at the West County Reentry and Mental Health Treatment Facility will be available for all Contra Costa County inmates, including those from MDF and Marsh Creek Detention Facility in Clayton, CA. How does the DEIR address the associated impacts from this program service model (e.g. traffic, environmental, and noise impacts of additional busses shuttling inmates between the West County Detention Facility, MDF and Marsh Creek for programs and services)? 3

I believe the current DEIR is inadequate and must be recirculated with additional, appropriate information so the public and municipal agencies can provide informed responses. I look forward to your reply to my comments. Please contact my office if you have any questions. 4

Sincerely,

Tom Butt
 Mayor, City of Richmond

Home of Rosie the Riveter WWII Home Front National Historical Park

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2.4 Letter No. 4

2.4.1 Response to Letter No. 4

2.4.1.1 Comment #1

The commenter states that there is no detailed description of the proposed project in the Draft EIR. In fact, the Draft EIR includes a project description with information on what is proposed on the site, including all of the information requested in this comment. This information is provided in Draft EIR Chapter 2, *Project Description*, which describes surrounding land uses (page 2-1) and the facility height (32–45 feet) (page 2-3). The setback from Giant Highway is generally illustrated in Figure 2-3 and would be greater than 100 feet. Distances from other land uses are specified in the Draft EIR, including on page 3.1-6, where it is stated, “The closest residence to the project site is approximately 450 feet to the northeast,” and “Businesses at the Pinole Point Business Park are approximately 600 feet north of the project site.” Chapter 3, Section 3.1, *Aesthetics*, includes a detailed analysis of potential aesthetic impacts, including an analysis of potential viewer groups including residents, business employees and patrons, roadway users, and recreational users. Chapter 3, Section 3.6, *Transportation and Traffic*, includes a detailed analysis of potential traffic impacts. Other potential environmental impacts are also described in Chapter 3. The Draft EIR provides sufficient information to evaluate the environmental impacts of the project. No changes are provided in the Final EIR in response to this comment.

2.4.1.2 Comment #2

The commenter states that the County is taking credit for energy reductions at the MDF. This is not correct. The Draft EIR indicates that operation and maintenance of the project would not increase the use of nonrenewable resources (including energy) because the same number of inmates would be housed in County facilities. Further, as indicated in Chapter 3, Section 3.2, *Air Quality, Greenhouse Gas Emissions, and Energy*, on page 3.2-26 in Impact EGY-1, the project would not result in the wasteful, inefficient, or unnecessary usage of energy. On page 3.2-20, the County indicates, “It was conservatively assumed that emissions at the MDF would not change with implementation of the project. However, it is likely area source emissions at the MDF would decrease because 480 inmates would be transferred to the WCDF.” Because the question asked by the City of Richmond is already addressed in the Draft EIR, no changes in the Final EIR are necessary.

2.4.1.3 Comment #3

Program services offered at the WCDF would be conducted within the proposed building. No additional noise impacts are anticipated from offering these services. Implementation of these program services would require additional staff, and these staff positions were accounted for in the Draft EIR’s project description and in the Draft EIR analysis, including the traffic analysis. The Sheriff does not propose to transport inmates from MDF or the Marsh Creek Detention Facility to WCDF to attend programs in the proposed new building. Please see Common Response Section 2.1.3 *Transportation of Inmates for Program Services*.

2.4.1.4 Comment #4

As described in detail in responses to Comments #1, #2 and #3, above, all of the questions raised by the City of Richmond in this letter have been responded to in the Final EIR, and any documentation referred to in the Draft EIR is readily available for public review. As noted in detail in the responses to comments, the Draft EIR is adequate, and does not need to be revised or recirculated to provide clarifications.

Letter 5



Department of Planning and Building Services

June 30, 2015

Contra Costa County Public Works Department
 Attn: Hillary Heard
 255 Glacier Drive
 Martinez, CA 94553
hheard@pw.cccounty.us

Sent Via Email & USPS

Subject: West County Detention Facility Expansion Draft Environmental Impact Report (SCH # 2015042003)-County File: CP #15-14

Dear Ms. Heard:

The City of Richmond has reviewed the subject draft environmental impact report (DEIR) and submits the following comments for your consideration. As the host city to the proposed project, we have concerns about the potential effects of the project on neighboring Richmond residents and the project's conformance to our development standards in the Zoning Ordinance and General Plan. We look forward to your responses in the Final EIR, but please don't hesitate to contact me if you would like to discuss any of our comments.

Project Description

1) Pages 2-1 through 2-6: The project description is limited and lacking in details that would contribute to a meaningful evaluation of the project's potential environmental effects, as required by the California Environmental Quality Act (CEQA). The project description lacks a site plan, one of the most fundamental components of an adequate project description. As required by Section 15124 of the *CEQA Guidelines*, the project description *shall* include a *detailed* map, preferably topographic, that shows the *precise location and boundaries* of the proposed project [emphasis added]. Figure 2-3, the only figure provided that approximates a site plan, is lacking in these required details. It does not show the site dimensions or footprint of the proposed building, or illustrate paved areas or circulation areas. Inclusion of floor plans would contribute to understanding how space would be allocated, particularly the location of inmate cells relative to the nearby AT&SF Railroad line and the potential for noise exposure.

1

There is no information provided in the text or on a figure regarding setbacks and distance from the neighboring building to the north, which precludes a complete understanding and evaluation of potential noise impacts.

2

The description of the proposed building is limited to a single paragraph, which seems inadequate to a complete understanding of the project. It says that building heights would range from 32 to 45 feet, but provides no information on where these heights would occur, precluding a meaningful evaluation of the project's visibility from off-site locations, particularly from Point

3

450 Civic Center Plaza, Richmond, CA 94804 • Telephone: 510-620-6706 • Fax: 510-620-6858

Pinole Regional Shoreline, the Richmond Country Club, and the nearby residential neighborhood to the east. The project description should include building elevations depicting the heights of the different building elements. The elevations are necessary for understanding and evaluating the project's potential aesthetic impacts.

3
Con't.

One of the fundamental objectives of the project is to replace non-secure inmate housing with high-security housing, yet the project description contains no information on what is required to meet this objective or how the high-security housing differs from the non-secure housing.

4

It is stated in Section 5.2.1 (page 5-7) that the project would require additional access, yet no information is provided about this in the description of the project, or elsewhere in the DEIR, and no access points are illustrated on a site plan. The lack of this basic project information precludes a meaningful, complete evaluation of the project's potential environmental effects. Absent this fundamental project information, it is not possible to evaluate, as required by CEQA (e.g., see Appendix G, Section XVI, of the *CEQA Guidelines*), whether the project could result in inadequate emergency access or would substantially increase traffic hazards due to a design feature (e.g., sharp curves or dangerous intersections).

5

The project description also fails to disclose the intensity of the proposed project. As discussed further in the comments on DEIR Chapter 3, Land Use and Planning, this results in a failure to disclose a significant land use and planning impact. The project's conflict with the intensity limit for the Public and Civic (PC) zoning district and General Plan 2030 land use classification, in which the project is located, are not disclosed in the DEIR (see Section 2.4).

6

Another shortcoming of the project description is the absence of complete information about the programs that would operate at the proposed facility. Depending on what programs are selected for implementation, these components of the project have the potential to result in adverse environmental effects that should have been disclosed and evaluated in the DEIR. The DEIR merely states that educational and vocational programming would be provided to the high-security inmates, and states that the programming could include educational classes, vocational classes, drug treatment and prevention classes, parenting classes, library programs, and faith-based programs to improve inmates' re-entry into society. There is no additional information provided in the DEIR about these programs.

7

City staff recently attended a planning meeting for the project conducted by the Contra Costa County Sheriff's Office (Reentry Solutions Group meeting, June 23, 2015) at which Captain Thomas Chalk stated that all County inmates would be allowed to participate in the programs that would be provided by the proposed West County Detention Facility (WCDF) expansion. This means that inmates could be regularly transported to the WCDF from the Martinez Detention Facility (MDF) and the Marsh Creek Detention Facility (MCDF) on the other side of the County. Aside from security concerns that are not addressed in the DEIR, this would result in an increase in vehicle miles traveled and associated increases in emissions of criteria air pollutants and greenhouse gases that were not disclosed in the DEIR, as required by CEQA.

8

Although the City has other concerns about incomplete disclosure in the DEIR of potentially significant impacts, which are addressed in the comments that follow, the inadequacy of the project description alone should require that the DEIR be revised to fully describe the project characteristics that could lead to significant environmental effects. As established in Section 15088.5 of the *CEQA Guidelines*, a lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review, but prior to certification. Significant new information includes identification of a new significant environmental impact or a substantial increase in the severity of a significant impact already disclosed. It also applies when a draft EIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. As the comments in this letter demonstrate, the DEIR for the proposed project fails to disclose significant impacts in several instances and fails to provide sufficient information on the scope of the project to allow for a full consideration of its environmental impacts. Therefore, pursuant to the requirements of CEQA, the DEIR should be substantially revised and recirculated for public review.

9

Aesthetics

2) Pages 3.1-5 through 3.1-7, Impacts AES-1 and AES-3: The discussion of Impact AES-1 states that there are no scenic vistas designated by the City or County near the project site. While this may be true, there is nothing in the CEQA statute, *CEQA Guidelines*, or CEQA case law that states that a viewshed must be formally designated as a scenic vista in order to be considered a scenic vista subject to review under CEQA.

In fact, there are highly scenic views available from Point Pinole Regional Shoreline, located immediately to the south of the WCDF. These views encompass San Francisco Bay, San Pablo Bay, Mt. Tamalpais to the west, and the hills and natural habitat within the park itself. By any measure, these constitute scenic vistas and, pursuant to Appendix G of the *CEQA Guidelines*, a substantial adverse effect on a scenic vista must be disclosed in an EIR. By falsely stating that there are no scenic vistas near the project site, the analysis of aesthetic impacts is incorrect. In fact, scenic views of San Francisco Bay and Mt. Tamalpais are available from the parking and trailhead area of the park where, as acknowledged in the DEIR, portions of the WCDF are visible.

10

The discussion of Impact AES-3 concludes that the proposed project would not be visible from this part of the park. However, as noted in Comment #1, above, there is insufficient information presented in the project description to allow for an accurate evaluation of whether this is true or not. The analysis of Impacts AES-1 and AES-3 therefore appear to be basically inadequate and conclusory in nature, thus triggering a requirement for revision and recirculation of the DEIR.

3) Page 3.1-6, second paragraph: In the discussion of Impact AES-3, the DEIR states that views from the adjacent business park toward the WCDF are generally low-quality because of the lack of intact and unified visual elements. There is no information or analysis to support this conclusory statement.

11

Air Quality, Greenhouse Gas Emissions, and Energy

- | | |
|--|----|
| <p>4) <u>Page 3.2-6, Section 3.2.1.3</u>: This section identifies four rules adopted by the Bay Area Air Quality Management District (BAAQMD) as potentially applying to the project, but provides no information on what characteristics of the project would be subject to this regulation. Understanding how these regulations apply is critical to a complete evaluation of the project's potential air quality impacts. In particular, it is important to know what project component would trigger a New Source Review by BAAQMD.</p> | 12 |
| <p>5) <u>Page 3.2-14, first full paragraph</u>: The DEIR states that area source emissions at the Martinez Detention Facility (MDF) are expected to decrease with implementation of the project, due to the transfer of 480 inmates. Since the MDF would be repurposed for processing/release and short-term housing of inmates, and the space heating and other energy demands of the facility would remain unchanged, this assumption appears to be in error. Please provide supporting documentation for this statement.</p> | 13 |
| <p>6) <u>Page 3.2-21, Impact AQ-3</u>: This impact is incorrectly identified as "less than significant." As noted in the discussion of Impact AQ-2, project construction would exceed the significance threshold for nitrogen oxides (NO_x) and therefore, as noted in the discussion of Impact AQ-3, the project would also generate cumulatively considerable emissions of NO_x, which, absent mitigation, would be a significant impact. The DEIR fails to disclose this as a significant impact, thereby failing to comply with a fundamental requirement of CEQA. This error should be corrected, and the Draft EIR should be recirculated, pursuant to Section 15088.5 of the <i>CEQA Guidelines</i>.</p> | 14 |
| <p>7) <u>Page 3.2-22, Table 3.2-9</u>: The information presented in this table is confusing. The first column of the table lists Receptors. The entry in the first row in this column is the Nearest Receptor, which is presumed to be existing inmates at the WCDF. The entry in the second row in the column is Maximum Concentration, which is not a receptor. Since the data presented in this row differs from that in the Nearest Receptor row, the data in the second row needs to be explained. What is the Maximum Concentration receptor, and why is exposure to this receptor greater than exposure to the Nearest Receptor? Logic would dictate that the nearest receptor would be exposed to the highest concentration of pollutants.</p> | 15 |
| <p>8) <u>Page 3.2-23, fourth paragraph</u>: The discussion of Impact AQ-4 references the BAAQMD carbon monoxide (CO) screening threshold of 24,000 vehicles per hour, which is the threshold for intersections where vertical or horizontal mixing is substantially limited. Why was this threshold used for the intersection of Giant Highway and the Richmond Parkway instead of the threshold for unconstrained intersections?</p> | 16 |
| <p>9) <u>Page 3.2-24, first paragraph</u>: The discussion of Impact AQ-5 states that construction odors are not likely to adversely affect existing inmates. With the nearest receptor approximately 5 meters away, as listed in Table 3.2-9, what is the basis for this conclusory statement?</p> | 17 |
| <p>10) <u>Page 3.2-25, first full paragraph</u>: Again, the statement that operational emissions at the MDF would decrease is unsupported and appears to be erroneous, as noted in Comment #5, above.</p> | 18 |

11) Page 3.2-26, third paragraph: The discussion references Figure 3.2-1, but no such figure is provided in the DEIR. 19

Land Use and Planning

12) Page 3.3-2, Table 3.3-1: This table incorrectly notes in Footnote “a” that when a Public and Civic (PC) zoning district abuts a Residential (R) district, the development standards are the same as the standards for the adjacent R district. This is true of the front yard setback, but not of all of the development standards. The table also incorrectly lists the minimum front yard setback as 51 feet; it should be 5 feet. 20

13) Page 3.3-3, Impact LUP-2: This impact is incorrectly determined to be “no impact,” when in fact the project would conflict with the allowed floor area ratio (FAR) in the PC zoning district and General Plan 2030. As shown in Table 3.3-1, the PC zoning district allows a maximum FAR of 0.6. However, nowhere in the DEIR is the intensity of the project disclosed. In addition, the General Plan land use classification of the site has a 1.0 FAR limit. Section 2.1.1 indicates that the project site would be 2.3 acres. With a proposed expansion of 150,000 square feet, this works out to an FAR increase of approximately 1.5, far exceeding the allowable FAR for the site. This represents a conflict with a land use regulation adopted for the purpose of avoiding or mitigating an environmental effect. The City’s regulations pertaining to intensity, bulk, and building height are inherently promulgated to avoid environmental impacts on aesthetics and land use. In addition, Section 15.04.015 of the City’s Zoning Ordinance states that the provisions of the Zoning Ordinance are “held to be the minimum requirements for the promotion of *public health, safety, comfort, convenience and general welfare.*” [emphasis added.] 21

This conflict with the City of Richmond’s Zoning Ordinance and General Plan 2030, therefore, constitutes a significant impact that was not disclosed in the DEIR. The DEIR should be revised and recirculated, as stated in Comment #1.

14) Page 3.3-4, second paragraph: The discussion of the project’s consistency with Policy LU5.B states that the proposed project would not be visible from the adjacent residential areas. This contradicts the discussion of Impact AES-3, which notes that the roofs of the proposed structures may be visible from some of the residences in the area. Furthermore, as noted in Comment #1, above, the project description lacks elevations and other fundamental project information that would allow the reader to evaluate whether the analysis of Impact AES-3 is accurate and complete. 22

Noise

15) Page 3.4-5, second paragraph: The discussion of Richmond’s noise ordinance does not indicate which noise parameter applies to construction noise limits. Are these L_{max} values, L_{eq} values, or some other parameter? It is difficult to evaluate the project’s construction noise impacts without knowing this. 23

16) Page 3.4-6, first paragraph: The discussion of the environmental noise setting states that noise levels at the project site are expected to be in the range of 50 to 60 dBA L_{dn} because the site is mostly surrounded by undeveloped land. However, as acknowledged in the discussion, 24

Giant Highway and two railroad lines pass adjacent to the site; these transportation corridors could be expected to contribute substantially to the existing noise environment. Consequently, the existing noise levels cited in the DEIR appear questionable, and undermine the results of the analysis. Absent noise measurements to determine actual noise levels, the County does not have a defensible basis for concluding that noise impacts would be less than significant.

24
Con't.

17) Page 3.4-6, last paragraph: On what basis were the acoustical use factors for construction equipment determined? These values have an effect on the outcome of the construction noise impact analysis, and need to be better explained, and their use needs to be justified.

25

18) Page 3.4-7, second paragraph: In Impact NOI-1 the DEIR finds construction noise to be a less-than-significant impact because noise levels at the nearest residence would be 69 dBA L_{max} and 65 dBA L_{eq} . However, noise generally attenuates over level ground or in a straight line by 3 dBA for each doubling of distance. If the combined L_{max} level for three pieces of construction equipment operating simultaneously would be 88 dBA at 50 feet, the L_{max} level at 400 feet would be 79 dBA, and roughly 78 dBA at 450 feet, the distance to the nearest sensitive receptors. This would exceed the City's 75-dBA limit on daytime construction noise, and thus would constitute a significant impact, not a less-than-significant impact, as stated in the DEIR. Again, this failure to disclose a significant impact requires revision and recirculation of the DEIR prior to making a decision on whether or not to approve the proposed project.

26

19) Page 3.4-7, third paragraph: The Impact NOI-1 discussion also states that because inmates are located within existing buildings or in outdoor areas shielded by existing buildings, there would be no adverse construction noise impact on inmates, but provides no factual support for this conclusory statement. What is the distance to the nearest cell block building? What attenuation factor is assumed for wall and window assemblies in order to determine interior noise levels at adjacent buildings? Where are the nearest outdoor areas for inmates and what are the intervening structures and applicable noise attenuation factors? The DEIR fails to provide any of this analysis to support the conclusion of a less-than-significant construction noise impact.

27

20) Page 3.4-7, last paragraph: The Impact NOI-1 discussion states that noise from a typical packaged air handling unit with a cooling capacity in the range of 100 to 300 tons would produce a sound level of about 70 dBA at 50 feet, then goes on to find that this would correspond to a noise level of about 51 dBA at the nearest residential receptor. With a typical noise attenuation factor of 3 dBA for each doubling of distance, the noise level at the nearest residence would be about 60 dBA, not the 51 dBA reported. Given the questionable validity of the assumed existing noise levels, as discussed in Comment #16, above, it is likely that operational noise could exceed 60 dBA, which would constitute a significant impact that has not been disclosed in the DEIR, as required by CEQA. Again, this failure to disclose a significant impact requires revision and recirculation of the DEIR prior to making a decision on whether or not to approve the proposed project.

28

21) Page 3.4-8, Impact NOI-2: As discussed in Comment #18, above, the conclusions regarding noise levels at the nearest residential receptors are based on an invalid attenuation factor, and thus are erroneous. Impact NOI-2 should be disclosed as a significant impact and appropriate mitigation should be identified. This requires recirculation of the DEIR.

29

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22) <u>Page 3.4-8, Impact NOI-4</u> : The same comment regarding Impact NOI-1, presented in Comment #20, above, also applies to Impact NOI-4, which is based on the same analysis employed in Impact NOI-1.	30
Transportation and Traffic	
23) <u>Page 3.6-3, Section 3.6.2.4</u> : The discussion does not indicate how existing traffic volumes were determined or when the data was collected. It does not indicate whether traffic volumes shown on Figure 3.6-3 are daily volumes or (presumably) peak-hour volumes. (It is acknowledged that this information is provided later in Section 3.6.)	31
24) <u>Figure 3.6-3 [after Page 3.6-4]</u> : The figure does not indicate the time period(s) of the traffic count volumes. It is presumed that the two sets of numbers shown for each turning movement represent AM peak-hour and PM peak-hour volumes, respectively, but this should be indicated on the figure and/or explained in the text discussion.	32
25) <u>Page 3.6-9, Impact TRA-1</u> : The impact discussion references Institute of Transportation Engineers' (ITE) trip generation rates for the general light industrial land use category, but provides no discussion as to why this rate was used to calculate construction-related traffic trips. This should be explained and justified in the impact discussion.	33
26) <u>Figure 3.6-4 [after Page 3.6-10]</u> : The same comment regarding Figure 3.6-3 (Comment #24) also applies to Figure 3.6-4.	34
Alternatives	
27) <u>Page 4-3, Section 4.2.3</u> : There is no explanation for why this alternative was selected for evaluation. It does not appear to reduce or avoid a significant impact identified for the proposed project. It therefore fails to comply with the requirements of <i>CEQA Guidelines</i> Section 15126.6.	35
28) <u>Page 4-7, first paragraph</u> : The discussion on cultural resources impacts for the Two Facilities and Treatment Center Alternative states that "because there are no known resources, this impact is unavoidable." There is no discussion or explanation for why this would be an unavoidable impact. If in fact a significant and unavoidable impact would result from implementation of this alternative, then the same conclusion could be reached for the proposed project, and that should have been disclosed in the DEIR. Disclosing significant environmental effects of a proposed project is one of the fundamental purposes of CEQA. Failure to disclose a significant impact would render the EIR deficient. If a new significant impact is identified in response to this comment, the Draft EIR should be recirculated, pursuant to Section 15088.5 of the <i>CEQA Guidelines</i> .	36
29) <u>Page 4-8, Table 4-1</u> : The impact comparison table indicates that the Two Facilities and Treatment Center Alternative would have "Less" land use impact than the proposed project. This contradicts the analysis presented in the text (Section 4.2.9.3, page 4-6), which indicates that the impacts would be the same. Although the discussion notes that the intensity of the alternative would be spread across a larger area, this does not justify or explain a conclusion of a reduced land use impact in comparison with the proposed project.	37

30) Page 4-8, Table 4-1: The impact comparison table indicates that the Two Facilities and Treatment Center Alternative would have greater short-term (construction) noise impacts than the proposed project. This contradicts the analysis presented in the text (Section 4.2.9.5, page 4-7), which concludes that overall noise impacts would be similar to those of the proposed project.

38

Other CEQA Considerations

31) Page 5-7, Section 5.2.1: As noted in Comment #1, this section states that the project would require additional access, yet absolutely no information is provided about this here or in the description of the project, and no access points are illustrated on a site plan. The lack of this basic project information precludes a meaningful, complete evaluation of the project's potential environmental effects. Absent this fundamental project information, it is not possible to evaluate, as required by CEQA (e.g., see Appendix G, Section XVI, of the *CEQA Guidelines*) whether the project could result in inadequate emergency access or would substantially increase traffic hazards due to a design feature (e.g., sharp curves or dangerous intersections).

39

32) Page 5-7, Section 5.3: This discussion states that the project would not have any significant and unavoidable impacts. However, as noted in Comment #28, above, the discussion on page 4-7 regarding cultural resources impacts for the Two Facilities and Treatment Center Alternative states that "because there are no known resources, this impact is unavoidable." There is no discussion or explanation for why this would be an unavoidable impact. If in fact a significant and unavoidable impact would result from implementation of this alternative, then the same conclusion could be reached for the proposed project. As acknowledged in DEIR Section 5.3, the *CEQA Guidelines* require significant and unavoidable impacts to be disclosed in the EIR.

40

33) Page 5-8, Section 5.4.3: The discussion erroneously states that operation of the project would not increase the use of nonrenewable resources because the project would not result in a net gain of beds in the County. Section 2.3 (page 2-2) of the DEIR states that the existing cells at the MDF would be repurposed for short-term housing of inmates for purposes of in-processing and release. Thus, the space heating and other energy requirements of the MDF would remain unchanged, while the energy, water, and wastewater requirements of the proposed project would constitute net increases in demand, which has not been disclosed in the DEIR. Therefore, the conclusion that there is no increase in the use of nonrenewable resources is incorrect. As a result of this deficiency, the DEIR goes on to make other faulty conclusions, such as this one, regarding the use of nonrenewable resources.

41

Conclusion

As detailed in the preceding comments, the DEIR fails to disclose significant features of the proposed project that are crucial to a complete understanding and evaluation of the project's potential environmental effects, thereby failing to meet a primary requirement of CEQA. In addition, the DEIR fails to disclose significant air quality, land use, noise, and cultural resources impacts, also representing a failure to comply with the requirements of CEQA. The DEIR should be revised to address these shortcomings, and then must be recirculated, in compliance with Section 15088.5 of the *CEQA Guidelines*.

42

Sincerely,



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2.5 Letter No. 5

2.5.1 Response to Letter No. 5

2.5.1.1 Comment #1

Please see the Section 2.1.1, *Project Description*, and the response to Comment #1 in Letter No. 4, also from the City of Richmond. For reasons explained in these responses, no changes to the project description are necessary in the Final EIR.

2.5.1.2 Comment #2

Distances to the nearest residences and businesses were measured and analyzed from the layout depicted on Figure 2-3 of the Draft EIR. Chapter 3, Section 3.4, *Noise*, of the Draft EIR provides a complete analysis of potential noise impacts, including identifying the distances between the proposed project and noise receptors. As described on page 3.4-5 of the Draft EIR, the nearest residence is approximately 450 feet from the proposed project site. Businesses in the Pinole Point Business Park are also approximately this distance from the project site. For these reasons, no changes are necessary in the Final EIR.

2.5.1.3 Comment #3

Building height information is provided in the Draft EIR based on preliminary design plans. The range of heights provided includes an upper range, which is sufficient to support the analysis. Chapter 3, Section 3.1, *Aesthetics*, provides a detailed analysis of potential aesthetic impacts, including an analysis of effects on residents, business employees and patrons, roadway users, and recreational users. The Draft EIR includes a detailed visual resource assessment based on established methods for evaluating aesthetic impacts (pages 3.1-1 through 3.1-4). Direct field observations, photographic documentation, and evaluation of the regional context are provided in the Draft EIR.

From many viewpoints, the new building would not be visible at all. For sensitive viewpoints, such as those from Point Pinole Regional Shoreline, views of the project site are limited or unavailable, regardless of the design elements or style of the proposed buildings. As explained on pages 3.1-6 and 3.1-7 of the Draft EIR, visitors to Point Pinole Regional Shoreline enjoy expansive views of San Pablo Bay, and the project would not affect these views. Park users currently have limited views of the WCDF and would be unlikely to see the project because of existing buildings in the foreground. From other viewpoints, the existing views contain elements similar to the proposed facility, and the aesthetic design of the buildings would not be a factor in determining the effects of the project on these views.

For these reasons, no changes are necessary in the Final EIR. Overall, the County is confident that there is sufficient information to evaluate the impacts of the project on visual resources, and the Draft EIR provides this evaluation. No changes are necessary in the Final EIR in response to this comment. Please also see Common Response Section 2.1.1 *Project Description*, and Section 2.1.2, *Aesthetics*.

2.5.1.4 Comment #4

High-security housing includes facilities that greatly restrict movement of inmates. These facilities are flexible enough to accommodate all classifications of inmates, but are designed with greater engineering standards to regulate and control inmate movements, and to ensure that facilities are secure and less prone to inmate destruction. Non-secure facilities are those facilities that are prone to destruction and have management or operational control challenges. For this project, high-security housing would limit outdoor movement of inmates. This is represented in the project description as one large building that includes housing, educational and vocational programs, healthcare and mental health facilities, central control, video visitation, administration, and mechanical and circulation elements, as summarized in Table 2-1.

2.5.1.5 Comment #5

The commenter has identified an error in the Draft EIR regarding a missing word. The Sheriff would continue to access the site as described in the project description and the sentence previous to the one noted by the commenter. The text of the Draft EIR has been corrected to add the word “not” to the second sentence in Section 5.2.1, *Remove Obstacles to Growth or Provide New Access*, of the Draft EIR:

The proposed project would not construct any new roads, infrastructure, or enhance access to the project site. The proposed project would be constructed entirely within the existing WCDF which, as a detention facility, does not require additional access in addition to the already established facility access points.

2.5.1.6 Comment #6

The project makes use of an existing site that is zoned for this type of use and was previously planned for an expansion. The intensity of the project is described as a 151,000-square-foot building to be constructed on a 2.3-acre portion of the 50-acre WCDF site. Please also see response to Comment #21 in this letter.

2.5.1.7 Comment #7

Information on programs is not essential to the characterization of potential environmental impacts. The Draft EIR presents the required information for environmental analysis, such as building size, the number of inmates, the number of staff, and the hours of operation. As the Sheriff has described in public meetings regarding the project, there is currently very limited program space for high-security inmates, and the proposed project is needed to be able to safely offer program space.

2.5.1.8 Comment #8

As described in Common Response Section 2.1.3 *Transportation of Inmates for Program Services*, the Sheriff does not propose to bring inmates from other facilities to participate in these programs. Inmates housed at WCDF including those currently in the medium security areas of WCDF would participate in these programs. For the reasons described in the common response, no additional environmental, traffic, or noise impacts are anticipated beyond those described, and no changes are necessary in the Final EIR.

Recent Reentry Solutions Group meeting discussions are intended to help determine the content of programs and potential staffing; these discussions have not changed the underlying project analyzed in the Draft EIR. As presented on page 2-5 of the Draft EIR, the Sheriff already operates a bus system that circulates between its facilities daily, and no changes would be required in the existing bus system operations to support the proposed project. For this reason, there would be no increase in emissions of criteria air pollutants and greenhouse gases related to transportation of inmates as a result of the proposed project.

2.5.1.9 Comment #9

As described above, the County is confident the project description is complete and provides enough information to support the analysis of the project's environmental impacts as required by CEQA. In response to comments, the County is making insignificant changes to the Draft EIR for clarification and, pursuant to State CEQA Guidelines Section 15088.5, is not required to recirculate the Draft EIR. The County has disclosed potential impacts associated with all resource topics required under CEQA and disagrees that the document needs to be substantially revised or recirculated.

2.5.1.10 Comment #10

The County has accurately characterized the project setting in the Draft EIR. As stated on page 3.1-5 of the Draft EIR, there are no designated scenic vistas in the area. The County agrees that the views from the Point Pinole Regional Shoreline Park are scenic and has characterized them as “expansive, intact, and vivid” (see page 3.1-6 of the Draft EIR). The project is not proposed in an area that would obstruct or otherwise interfere with these views, as described on page 3.1-7 of the Draft EIR. Because the park entrance and parking lot are located approximately 20–40 feet below the project site, and because of midground vegetation plantings, and the existing background building, parking lot and solar panels, it would be impossible to view the project from the park. Figure 3.1.5 provides a representative view from the Point Pinole Regional Shoreline Park, and it is clear that views from this direction toward the project location would not be obstructed by the project.

2.5.1.11 Comment #11

Businesses in this area currently face the perimeter landscaping of the WCDF, a fenced substation, and electric transmission lines. These elements are difficult to discern but illustrated on Figure 3.1-2. As described on page 3.1-2 of the Draft EIR, “intactness” is defined in the Draft EIR as the visual integrity of the natural and human-built landscape and its freedom from encroaching elements. Similarly, “unity” is defined in the Draft EIR as visual coherence and compositional harmony of the landscape considered as a whole. In the business park, the existing utility lines and substation encroach on the visual integrity of the area and its overall harmony. Further, the project is unlikely to be visible from this location because of the topography and height of existing vegetation, as described in detail on page 3.1-6 of the Draft EIR.

2.5.1.12 Comment #12

Section 3.2-1.3 of the Draft EIR generally describes Bay Area Air Quality Management District (BAAQMD) rules related to criteria emissions (e.g., toxic air contaminants, particulate matter, reactive organic compounds, and nitrogen oxides and carbon monoxide). These emissions are described further in the environmental setting and the impact analysis, and analyzed in context of

these regulations. A health risk assessment was conducted for the project consistent with BAAQMD's New Source Review regulations (see page 3.2-21 of the Draft EIR).

2.5.1.13 Comment #13

In Draft EIR Chapter 3, Section 3.2, *Air Quality, Greenhouse Gas Emissions, and Energy*, on page 3.2-20, the County indicates, "It was conservatively assumed that emissions at the MDF would not change with implementation of the project. However, it is likely area source emissions at the MDF would decrease because 480 inmates would be transferred to the WCDF." As clearly stated in the Draft EIR, the County's analysis assumed that area source emissions at the MDF would not change.

2.5.1.14 Comment #14

As noted on page 3.2-21 of the Draft EIR in the discussion of Impact AQ-3, "As discussed in Impact AQ-2, construction of the proposed project would result in a less-than-significant air quality impact with implementation of Mitigation Measures AQ-1 and AQ-2. All construction emissions would be short-term and would cease once construction is complete." Project-level operational impacts, as discussed in Impact AQ-2, would be less than significant. The cumulative impact evaluated in Impact AQ-3 would be the operational impact. It is appropriately determined to be less than significant because operational impacts would be well below the relevant BAAQMD thresholds for a significant impact.

2.5.1.15 Comment #15

The County has corrected the heading on the first column of Table 3.2-9. Concentrations downwind of an emissions source generally decrease as a function of distance. However, vehicle exhaust release height, meteorology, and pollutant deposition influence dispersion. Often, concentrations directly adjacent to an emissions source are not the highest; rather, the highest concentrations can be several yards downwind of a source. After the maximum concentration is reached, concentrations dissipate as a function of distance and topography.

2.5.1.16 Comment #16

Both BAAQMD screening criteria (increase traffic volumes at intersections affected by project traffic to more than 44,000 vehicles per hour and increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical or horizontal mixing is substantially limited) were used to evaluate the project. The 24,000 criterion is referenced in the analysis since it is the more conservative of the two. The project would not add more than 100 vehicles; therefore, neither criteria would be exceeded and the project would result in a less than significant CO impact.

2.5.1.17 Comment #17

As discussed in the document, construction odors would be temporary and localized. Moreover, construction equipment is not considered by the air district as a significant "odor producing facility." Construction activities are therefore not anticipated to result in nuisance odors that would result in complaints to the BAAQMD.

2.5.1.18 Comment #18

Please see response to Comment #13 in this letter.

2.5.1.19 Comment #19

The figure was accidentally not included in the Draft EIR. It has been added to the Final EIR. The figure shows areas vulnerable to future sea level rise projections, which do not include the project site. This information was summarized in the text of the Draft EIR on page 3.2-26.

2.5.1.20 Comment #20

The County has modified Table 3.3-1 to correct this information. This revision clarifies the City's minimum setbacks and does not alter the impact analysis because the revision reduces setback distances.

2.5.1.21 Comment #21

The County disagrees that the project would conflict with the site's existing zoning designation and floor area ratio (FAR). This site is clearly intended for this type of use, and WCDF expansion was previously contemplated and analyzed. The Draft EIR further analyzes the latest County-proposed expansion and appropriately concluded that it would not "conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect." The existing FAR at the WCDF site is 0.11:1 (249,342 square feet of existing building space on the 50-acre site). The addition of the proposed project would increase the FAR at the site to 0.18:1 (400,342 square feet on the 50-acre site), in compliance with the City zoning standard referenced in this comment.

2.5.1.22 Comment #22

As illustrated in Figure 3.1-6, residential views of the project area are obscured by a sound wall. There are three or four residences that have second story views of the project area, although vegetation screening would also obscure these views of the project site. The County has modified the text in Table 3.3-3, which summarizes the discussion in the land use section, to indicate that the project would not be visible from most residential areas.

2.5.1.23 Comment #23

Page 3.4-5 of the Draft EIR states, "For mobile construction equipment, the maximum sound level limit is 75 dBA at residences on weekdays between 7:00 a.m. and 7:00 p.m." This means that the maximum sound level (L_{max}) from construction equipment cannot exceed 75 dBA. No changes to the Draft EIR are required.

2.5.1.24 Comment #24

Giant Highway carries fewer than 5,000 vehicles per day. The posted speed is 35 miles per hour. The new facility would be about 175 feet from the roadway at the closest point. Using these parameters and the *Federal Highway Administration Traffic Noise Model*, the day-night sound level (L_{dn}) from traffic noise level at the facility is estimated to be 52 dBA. This is well below the City's noise compatibility standard of 65 dBA L_{dn} . Specific operation data on the nearby railroad operations are not available. However, the new facility would be about 265 feet from the tracks at the closest point. New two-story residences located along Links Drive at about 120 feet from the tracks have windows with a direct line of sight to the tracks. It is presumed that interior noise levels resulting from train operations at these residences meet the City's interior sound level requirements. It can therefore be

readily concluded that interior noise levels at the new facility resulting from train operations would be in compliance with City noise compatibility standards. No changes to the Draft EIR are required.

2.5.1.25 Comment #25

The acoustical use factors shown in Table 3.4-2 of the Draft EIR are factors recommended by the Federal Highway Administration in the document entitled *FHWA Roadway Construction Noise Model User's Guide* dated January 2006. No changes to the Draft EIR are required.

2.5.1.26 Comment #26

As stated on page 3.4-2 of the Draft EIR, "Sound levels from isolated point sources of noise typically decrease by about 6 dB for every doubling of distance from the noise source." Construction equipment is considered to be a point source, so the attenuation rate is 6 dB per doubling of distance, not 3 dB per doubling of distance as suggested in this comment. The attenuation rate of 3 dB per doubling of distance applies to line sources not point sources such as construction equipment. The calculations, sound level predictions, and impact conclusions reported in the Draft EIR are correct. No changes to the Draft EIR are required and recirculation of the Draft EIR is not required.

2.5.1.27 Comment #27

As discussed in response to Comment #23 in this letter, the outdoor construction noise level limit at residential uses is a maximum sound level of 75 dBA. The closest potential site for heavy equipment operation from existing outdoor use area used by inmates is about 150 feet. As stated on page 3.4-7 of the Draft EIR, the sound level associated with project construction is a maximum sound level of 88 dBA at 50 feet. At 150 feet, this sound level would attenuate to a maximum sound level of 78 dBA based on a point source attenuation rate of 6 dB per doubling of distance. The outdoor use area is completely surrounded by solid walls and building structures. A solid barrier (such as the existing walls and building structures) that breaks the line-of-sight between a noise source and a receiver will provide at least 5 dB of noise attenuation. The resulting construction sound level in the outdoor use area would then be 73 dBA (78 dBA minus 5 dBA). The potential construction noise level at the inmate outdoor use area is, therefore, not predicted to exceed the 75 dBA limit. There is no interior noise level limit for construction noise. However, exterior noise level limits for construction noise are typically set to provide an acceptable interior noise level assuming standard construction with windows closed. Accordingly, construction activity is not expected to result in excessive interior sound levels. No changes to the Draft EIR are required.

2.5.1.28 Comment #28

Please refer to response to Comment #26 in this letter. A packaged air handling unit is considered a point noise source, so the attenuation rate is 6 dB per doubling of distance, not 3 dB per doubling of distance. The calculation, sound level prediction, and impact conclusion reported in the Draft EIR are correct. No changes to the Draft EIR are required and recirculation of the Draft EIR is not required.

2.5.1.29 Comment #29

Please refer to the responses to Comments #26 and #28 in this letter. The 6 dB point source attenuation rate assumed in the analysis of noise from construction and a packaged air handling unit is correct. The calculations, sound level predictions, and impact conclusions reported in the Draft EIR are correct. No changes to the Draft EIR are required and recirculation of the Draft EIR is not required.

2.5.1.30 Comment #30

Please refer to response to Comments #26, #27, and #28 in this letter.

2.5.1.31 Comment #31

Existing traffic volumes were determined based on field observations and data gathered for the project, as stated on page 3.6-4 of the Draft EIR. Field observations were made in February 2015, as shown on the traffic count data sheets in the technical appendices to Appendix B, *Transportation Study Results*, of the Draft EIR. The Final EIR text has been amended to clarify the date of collection of data already presented in Appendix B. The Final EIR also contains updated Figures 3.6-3 and 3.6-4 to include the full legends for those figures. The figures in Section 3.6 of the Draft EIR are reproductions of the figures in the traffic study in Appendix B of the Draft EIR, but one legend item was accidentally cropped out in production of the figures for the Draft EIR chapter. As described above, all of this information has already been made available to the public for review as part of the Draft EIR.

2.5.1.32 Comment #32

Please see response to Comment #31 in this letter. This information was presented in Appendix B, *Transportation Study Results*, of the Draft EIR.

2.5.1.33 Comment #33

This category was used because it was most similar to the construction trips anticipated by the workforce described in the prior paragraph. Changes in the Final EIR clarify why this category was used.

2.5.1.34 Comment #34

Please see response to Comment #31 in this letter. This information was presented in Appendix B, *Transportation Study Results*, of the Draft EIR.

2.5.1.35 Comment #35

This alternative was included to address potential issues relating to visual impacts. Under this alternative, the project structures would be one story and would not be taller than the existing structures on the facility.

2.5.1.36 Comment #36

The site has previously been graded and is unlikely to contain cultural resources. The commenter has pointed out an error in the Draft EIR that has been corrected in the Final EIR. The word “unavoidable” has been replaced with the correct word, “unlikely,” matching the text on page 20 (first sentence of the second paragraph) of the Initial Study presented in Appendix C, *Initial Study, NOP, and Scoping Comments*, of the Draft EIR, which describes the potential cultural resources as the project site.

2.5.1.37 Comment #37

The text on page 4-6 of the Draft EIR is not inconsistent with Table 4-1 of the Draft EIR. The text on page 4-6 notes that Alternative 3 would not entail a change of land use, and would have the same number of beds, but would be more spread out (less intense) than the proposed project. For this reason, the land use impact was considered to be “less” in Table 4-1. No change is necessary to the Final EIR.

2.5.1.38 Comment #38

The County will modify the text on page 4-7 of the Draft EIR to reflect the text on page 4-8 and Table 4-1 of the Draft EIR. The text change to Section 4.2.9.5 *Noise*, is as follows:

Under this alternative there would be temporary increases in noise levels as a result of construction. Noise impacts from future operation of the facility under this alternative would be similar to existing operations and would be greater than the No Project Alternative. Under this alternative, impacts related to operational noise would be similar to those under the proposed project. Noise from construction would be greater than under the other alternatives because construction would take longer and the greatest amount of land would be developed under this alternative.

2.5.1.39 Comment #39

Please see response to Comment #5 in this letter. Additional access is not proposed.

2.5.1.40 Comment #40

Please see response to Comment #36 in this letter. Cultural resources are unlikely to be affected, but mitigation measures will be adopted to ensure that there would be no significant impacts in the event that unknown cultural resources are discovered.

2.5.1.41 Comment #41

The CEQA standard for determining a significant impact is significant and irreversible consumption of nonrenewable resources. The Draft EIR indicates that operation and maintenance of the project would not increase the use of nonrenewable resources because the same number of inmates would be housed in County facilities. Further, as indicated on Draft EIR page 3.2-26 in Impact EGY-1, the project would not result in the wasteful, inefficient, or unnecessary usage of energy. Therefore, the County stands by its conclusion that project operation will not increase the use of nonrenewable resources.

2.5.1.42 Comment #42

As detailed in the responses to all comments made by the City, the County is confident that the Draft EIR includes complete information and has fully disclosed the potential environmental impacts associated with the project with respect to air quality, land use, noise, and cultural issues. Minor and insignificant clarifications and typographical corrections do not prevent the public from understanding the impacts of the proposed project.

**CONTRA COSTA INTERFAITH SUPPORTING COMMUNITY ORGANIZATION**

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Letter 6

Contra Costa Public Works Department
Attn: Hillary Heard
255 Glacier Dr.
Martinez, CA 94553

July 1, 2015

Re: West County Detention Facility Expansion Draft Environmental Impact Report

Dear Ms. Heard:

Contra Costa Interfaith Supporting Community Organization (CCISCO) has reviewed the Draft Environmental Impact Report (DEIR) for the West County Detention Facility Expansion prepared by ICF International for the Contra Costa County Public Works Department. Upon close inspection of the DEIR, our organization believes that the DEIR does not fully disclose all of the impacts of the proposed project.

1

The DEIR does not include a detailed description of the proposed new building. Without this detailed project description, the DEIR's assumptions about the aesthetics of this project are merely speculative – and therefore cannot fully disclose the impact of the building. In fact, we believe the current assumptions underreport the aesthetic impacts that the new building will have on nearby scenic vistas, neighborhoods (including Parchester Village where many of our members live), and businesses (such as the Richmond Country Club and Pinole Point Business Park).

2

Additionally, the lack of a detailed project description makes it difficult to evaluate the accuracy of the DEIR's claims regarding the effects of construction – including the release of dust and equipment exhaust, the effects of noise on the surrounding populations (including the inmates already housed at the West County Detention Facility), and the effects of additional traffic in the area (both from moving large construction equipment and the day-to-day commute of construction workers).

3

Moreover, the DEIR does not address the potential environmental impacts of new programs located on the site. The Sheriff's Office has repeatedly said that all county inmates will be able to use programming at the new West County Detention Facility, not just those housed in the new building. The DEIR does not described the associated impact of this decision – such as the environmental, traffic and noise impacts of bussing inmates from the Martinez Detention Facility and Marsh Creek Detention Facility to the West County Detention Facility.

4

I look forward to your responses to these inquiries. Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Cristina Hernández'.

Cristina Hernández
Executive Director

2.6 Letter No. 6

2.6.1 Response to Letter No. 6

2.6.1.1 Comment #1

As described in the responses below, the information requested by the commenter is already provided in the Draft EIR. Therefore, the County believes it has adequately disclosed the impacts of the proposed project and changes are not required in the Final EIR.

2.6.1.2 Comment #2

The Draft EIR includes a project description with information on what is proposed on the site. This information is provided in Chapter 2, *Project Description*, and includes information on surrounding land use (page 2-1 of the Draft EIR) and the facility height of 32–45 feet (page 2-3 of the Draft EIR). Chapter 3, Section 3.1, *Aesthetics*, of the Draft EIR provides a detailed analysis of potential aesthetic impacts. The section identifies potential viewer groups, specifically residents, business employees and patrons, roadway users, and recreational users, and analyzes potential effects on them. These viewer groups represent those described in the letter. Pages 3.1-1 through 3.1-4 of the Draft EIR provide a detailed visual resource assessment based on established methods for evaluating aesthetic impacts. Direct field observations, photographic documentation, and evaluation of the regional context are provided in the Draft EIR. The analysis was able to be conducted with height information and without an actual building rendering given the limited views of the site. Overall, the County is confident that there is sufficient information to evaluate the environmental visual impacts of the project, and that the Draft EIR provides this evaluation. No changes are proposed in the Final EIR in response to this comment. Please also see Common Response Section 2.1.1 *Project Description*, and Section 2.1.2, *Aesthetics*.

2.6.1.3 Comment #3

As explained in the response to Comment #2 in this letter and in Common Response Section 2.1.1, *Project Description*, the Draft EIR does contain a detailed project description. The County evaluated air quality impacts, including construction and operational impacts, in Chapter 3, Section 3.2, *Air Quality, Greenhouse Gas Emissions, and Energy*, noise impacts in Chapter 3, Section 3.4, *Noise*, and traffic impacts in Chapter 3, Section 3.6, *Transportation and Traffic*. The regulatory setting, environmental setting, and approach to impact analysis, including methods and impact thresholds of significance, are described in detail in these chapters. The potential impacts on inmates and surrounding neighborhoods are described and analyzed, and the County concluded based on the analysis that most of these impacts would be less-than-significant. In one instance, an air quality impact required mitigation to ensure impacts remain less than significant (page 3.2-18 of the Draft EIR). Because this information is already included in the Draft EIR, no changes are necessary in the Final EIR.

2.6.1.4 Comment #4

The Sheriff does not propose to transport inmates from MDF or the Marsh Creek Detention Facility to WCDF to attend programs in the proposed new building. Please see Common Response Section

2.1.3, *Transportation of Inmates for Program Services*. No additional environmental, traffic, or noise impacts are anticipated beyond those described, and no changes are necessary in the Final EIR.

Faith Alliance for a Moral Economy

Letter 7

July 1, 2015

Contra Costa Public Works Department
Attn: Hillary Heard
255 Glacier Dr.
Martinez, CA 94553

Re: West County Detention Facility Expansion Draft Environmental Impact Report

Dear Ms. Heard:

I am writing on behalf of The Faith Alliance for a Moral Economy (FAME), a network of faith leaders throughout Contra Costa and Alameda Counties dedicated to economic and racial justice. We have reviewed the Draft Environmental Impact Report (DEIR) for the West County Detention Facility Expansion prepared by ICF International for the Contra Costa County Public Works Department. As a network of clergy and lay people rooted in religious teachings that support the responsible stewardship of creation as well as the dignity of all human beings, we oppose expanding the capacity for incarceration, which is already excessive in the state of California. We urge critical questioning of this DEIR, which we believe does not fully disclose the community and environmental impacts of the proposed expansion.

1

The DEIR does not include a detailed description of the proposed new building. Without this detailed project description, the DEIR's assumptions about the aesthetics of this project are merely speculative – and therefore cannot fully disclose the impact of the building. In fact, we believe the current assumptions underreport the aesthetic impacts that the new building will have on nearby scenic vistas, neighborhoods (including Parchester Village), and businesses (such as the Richmond Country Club and Pinole Point Business Park).

2

Additionally, the lack of a detailed project description makes it difficult to evaluate the accuracy of the DEIR's claims regarding the effects of construction – including the release of dust and equipment exhaust, the effects of noise on the surrounding populations (including the inmates already housed at the West County Detention Facility), and the effects of additional traffic in the area (both from moving large construction equipment and the day-to-day commute of construction workers). In today's grave urban environmental conditions, which already adversely affect so many in the Bay Area, we cannot afford to commit to the unknown prices of this expansion.

3

Moreover, the DEIR does not address the potential environmental impacts of new programs located on the site. The Sheriff's Office has repeatedly said that all county inmates will be able to use programming at the new West County Detention Facility, not just those housed in the new building. The DEIR does not described the associated impact of this decision – such as the environmental, traffic and noise impacts of bussing inmates from the Martinez Detention Facility and Marsh Creek Detention Facility to the West County Detention Facility.

4

I look forward to your responses to these inquiries. Please do not hesitate to contact me if you have any questions.

Blessings,

Kristi Laughlin
FAME Project Director

1814 Franklin Street, Suite 325, Oakland, CA 94612 * tel. 510.893.7106 * fax. 510.893.7010
www.workingeastbay.org * info@workingeastbay.org

Duplicate letter from FAME

EAST BAY ALLIANCE FOR A SUSTAINABLE ECONOMY
Building Power With Community, Workers & People of Faith

July 1, 2015

Contra Costa Public Works Department
Attn: Hillary Heard
255 Glacier Dr.
Martinez, CA 94553

Re: West County Detention Facility Expansion Draft Environmental Impact Report

Dear Ms. Heard:

The Fame Alliance for a Moral Economy (FAME), a project coordinated by the East Bay Alliance for a Sustainable Economy, has reviewed the Draft Environmental Impact Report (DEIR) for the West County Detention Facility Expansion prepared by ICF International for the Contra Costa County Public Works Department. As a network of clergy and lay people of faith, FAME supports the responsible stewardship of creation as well as the dignity of all human beings. We oppose expanding the capacity for incarceration, which is already excessive in the state of California. We urge critical questioning of this DEIR, which we believe does not fully disclose the community and environmental impacts of the proposed expansion.

The DEIR does not include a detailed description of the proposed new building. Without this detailed project description, the DEIR's assumptions about the aesthetics of this project are merely speculative – and therefore cannot fully disclose the impact of the building. In fact, we believe the current assumptions underreport the aesthetic impacts that the new building will have on nearby scenic vistas, neighborhoods (including Parchester Village), and businesses (such as the Richmond Country Club and Pinole Point Business Park).

Additionally, the lack of a detailed project description makes it difficult to evaluate the accuracy of the DEIR's claims regarding the effects of construction – including the release of dust and equipment exhaust, the effects of noise on the surrounding populations (including the inmates already housed at the West County Detention Facility), and the effects of additional traffic in the area (both from moving large construction equipment and the day-to-day commute of construction workers). In today's grave urban environmental conditions, which already adversely affect so many in the Bay Area, we cannot afford to commit to the unknown prices of this expansion.

Moreover, the DEIR does not address the potential environmental impacts of new programs located on the site. The Sheriff's Office has repeatedly said that all county inmates will be able to use programming at the new West County Detention Facility, not just those housed in the new building. The DEIR does not described the associated impact of this decision – such as the environmental, traffic and noise impacts of bussing inmates from the Martinez Detention Facility and Marsh Creek Detention Facility to the West County Detention Facility.

I look forward to your responses to these inquiries. Please do not hesitate to contact me if you have any questions.

Sincerely,

Kristi Laughlin
Project Director, Faith Alliance for a Moral Economy (FAME)

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2.7 Letter No. 7

2.7.1 Response to Letter No. 7

The comments contained in Letter No. 7 are identical to Letter Nos. 6, 8, and 9. Please see the responses to Letter No. 6 for a response to these comments.

Letter 8

Contra Costa County Racial Justice Coalition

July 1, 2015

Contra Costa Public Works Department
 Attn: Hillary Heard
 255 Glacier Dr.
 Martinez, CA 94553

Re: West County Detention Facility Expansion Draft Environmental Impact Report

Dear Ms. Heard:

The Contra Costa County Racial Justice Coalition, a coalition of organizations and individuals who work and live in Contra Costa County. We are a coalition of organizations and individuals committed to eliminating racial inequalities in Contra Costa. We have reviewed the Draft Environmental Impact Report (DEIR) for the West County Detention Facility Expansion prepared by ICF International for the Contra Costa County Public Works Department. Upon close inspection of the DEIR, our organization believes that the DEIR does not fully disclose all of the impacts of the proposed project.

1

The DEIR does not include a detailed description of the proposed new building. Without this detailed project description, the DEIR's assumptions about the aesthetics of this project are merely speculative – and therefore cannot fully disclose the impact of the building. In fact, we believe the current assumptions underreport the aesthetic impacts that the new building will have on nearby scenic vistas, neighborhoods (including Parchester Village), and businesses (such as the Richmond Country Club and Pinole Point Business Park).

2

Additionally, the lack of a detailed project description makes it difficult to evaluate the accuracy of the DEIR's claims regarding the effects of construction – including the release of dust and equipment exhaust, the effects of noise on the surrounding populations (including the inmates already housed at the West County Detention Facility), and the effects of additional traffic in the area (both from moving large construction equipment and the day-to-day commute of construction workers).

3

Moreover, the DEIR does not address the potential environmental impacts of new programs located on the site. The Sheriff's Office has repeatedly said that all county inmates will be able to use programming at the new West County Detention Facility, not just those housed in the new building. The DEIR does not described the associated impact of this decision – such as the environmental, traffic and noise impacts of bussing inmates from the Martinez Detention Facility and Marsh Creek Detention Facility to the West County Detention Facility.

4

I look forward to your responses to these inquiries. Please do not hesitate to contact us if you have any questions.

Sincerely,

Claudia Jimenez
 Cell: 510-414-9025

List of the organization part of CCCRJ

Alliance for Californians for Community Empowerment (ACCE)

Concilio Latino

Faith Alliance for a Moral Economy

League of Women Voters of Diablo Valley

Nancy P. Kelly, Chair, Social Justice Council, Unitarian Universalist Church of Berkeley in Kensington

Richmond Progressive Alliance

Safe Return Project

Somos Latin@s

2.8 Letter No. 8

2.8.1 Response to Letter No. 8

The comments contained in Letter No. 8 are identical to Letter Nos. 6, 7, and 9. Please see the responses to Letter No. 6 for a response to these comments.

Letter 9



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July 1, 2015

Contra Costa Public Works Department
 Attn: Hillary Heard
 255 Glacier Dr.
 Martinez, CA 94553

Re: West County Detention Facility Expansion Draft Environmental Impact Report

Dear Ms. Heard:

Richmond Progressive Alliance has reviewed the Draft Environmental Impact Report (DEIR) for the West County Detention Facility Expansion prepared by ICF International for the Contra Costa County Public Works Department. Upon close inspection of the DEIR, our organization believes that the DEIR does not fully disclose all of the impacts of the proposed project.

1

The DEIR does not include a detailed description of the proposed new building. Without this detailed project description, the DEIR's assumptions about the aesthetics of this project are merely speculative – and therefore cannot fully disclose the impact of the building. In fact, we believe the current assumptions underreport the aesthetic impacts that the new building will have on nearby scenic vistas, neighborhoods (including Parchester Village), and businesses (such as the Richmond Country Club and Pinole Point Business Park).

2

Additionally, the lack of a detailed project description makes it difficult to evaluate the accuracy of the DEIR's claims regarding the effects of construction – including the release of dust and equipment exhaust, the effects of noise on the surrounding populations (including the inmates already housed at the West County Detention Facility), and the effects of additional traffic in the area (both from moving large construction equipment and the day-to-day commute of construction workers).

3

Moreover, the DEIR does not address the potential environmental impacts of new programs located on the site. The Sheriff's Office has repeatedly said that all county inmates will be able to use programming at the new West County Detention Facility, not just those housed in the new building. The DEIR does not described the associated impact of this decision – such as the environmental, traffic and noise impacts of bussing inmates from the Martinez Detention Facility and Marsh Creek Detention Facility to the West County Detention Facility.

4

I look forward to your responses to these inquiries. Please do not hesitate to contact me if you have any questions.

Sincerely,

Marcos Banales
Richmond Progressive Alliance

2.9 Letter No. 9

2.9.1 Response to Letter No. 9

The comments contained in Letter No. 9 are identical to Letter Nos. 6, 7, and 8. Please see the responses to Letter No. 6 for a response to these comments.

Chapter 3

Text Changes to Draft EIR

State CEQA Guidelines Section 15132 provides that a Final EIR must include, among other things, the Draft EIR or a revision of the Draft EIR. This chapter identifies the text changes that have been made to the Draft EIR. This chapter contains revisions to the Draft EIR that have been made in response to the comments received or to otherwise make insignificant changes and corrections to the Draft EIR. The revisions are organized according to their order of appearance in the Draft EIR.

Changes to the Draft EIR

The text revisions are identified by Draft EIR page number and section number, as applicable. Where practical, revisions are included in the full paragraph where they are found in the Draft EIR. Deletions from the Draft EIR are shown as ~~strikeout~~ text; additions are underlined (e.g., addition).

Changes to the List of Figures

The list of figures on page v is corrected as follows. The figure was accidentally not included in the Draft EIR. It has been added to the Final EIR. The figure shows areas vulnerable to future sea level rise projections, which do not include the project site. This information was summarized in the text of the Draft EIR on page 3.2-26.

Figures	Follows Page
1-1	Average Annual Occupancy at West County Detention Facilityon 1-1
2-1	Project Location..... 2-2
2-2	Project Site 2-2
2-3	Aerial View and Preliminary Site Plan 2-2
3.1-1	Representative Photo Locations3.1-4
3.1-2	Representative Photograph 13.1-4
3.1-3	Representative Photograph 23.1-4
3.1-4	Representative Photograph 33.1-4
3.1-5	Representative Photograph 43.1-4
3.1-6	Representative Photograph 53.1-4
<u>3.2-1</u>	<u>Areas Subject to Sea Level Rise3.2-26</u>
3.3-1	Project Site and Surrounding Zoning.....3.3-2
3.4-1	Contra Costa Noise and Land Use Compatibility Guidelines.....3.4-4
3.4-2	City of Richmond Noise Exposure Land Use Compatibility Standards..... on 3.4-5
3.6-1	Existing Road Network and Study Locations3.6-2
3.6-2	Existing Lane Configurations3.6-4
3.6-3	Existing Traffic Volumes3.6-4
3.6-4	Project Trip Distribution and Assignment3.6-10

Changes to the Executive Summary

No changes are necessary or proposed.

Chapter 1 Changes

No changes are necessary or proposed.

Chapter 2 Changes

No changes are necessary or proposed.

Chapter 3 Changes

Section 3.2 Air Quality, Greenhouse Gas Emissions, and Energy

Table 3.2-9 on page 3.2-22 of the Draft EIR is corrected as follows:

Table 3.2-9. Maximum Project-Level Health Risks during Construction

Receptor	Distance from Project (meters)	Cancer Risk (per million)	Chronic Non-Cancer Hazard Impacts	Annual PM2.5 Concentration ($\mu\text{g}/\text{m}^3$)
Nearest Receptor	~5	0.27	0.007	0.03
Maximum Concentration	31	0.28	0.007	0.04
<i>Threshold</i>	-	<i>10</i>	<i>1.0</i>	<i>0.3</i>
Note: Analysis assumes implementation of Mitigation Measures AQ-1 and AQ-2.				
PM2.5 = fine particulate matter				
$\mu\text{g}/\text{m}^3$ = micrograms per cubic meter				

Figure 3.2-1 as presented on the following page has been added.



Figure 3.2-1
Areas Subject to Sea Level Rise



Section 3.3 Land Use and Planning

Table 3.3-1 on page 3.3-2 of the Draft EIR is corrected as follows:

Table 3.3-1. Public and Civic Zone Development Standards^a

Min. Lot Area (square feet)	Maximum Building Height (feet)	Floor-to-Area Ratio	Minimum Setbacks and Yards (feet)		
			Front	Side	Rear
10,000	45	0.6:1	5±	5	15

^a When abutting R-district same as standards for the adjacent R-district.

Table 3.3-3 on page 3.3-4 of the Draft EIR is corrected as follows:

Table 3.3-3. Richmond General Plan Policy Consistency

Policy	Project Consistency
LU5.3 Land Use Compatibility: Minimize conflicts between land uses to protect wetlands, marshlands, and creeks, humans and environmental health and safety, preserve community character and retain job generating activities that have long term viability.	The proposed project would be entirely within the fence of the existing WCDF. Existing fencing and landscaping reduce the potential conflict with the adjacent recreational and business park uses, and with the nearby residential uses. Although the population of the WCDF may increase as a result of the proposed project, the activities taking place at the facility would be the same or similar to those currently taking place. Activities outside of the fence, such as buses transporting inmates to offsite facilities, would not occur more frequently, as described in Chapter 2, <i>Project Description</i> , because these activities occur on a schedule that can accommodate the increased population. Existing parking facilities have substantial additional capacity to serve all vehicles that may come to the site during operation of the proposed project; therefore, project parking demand would result in no effects on surrounding land uses.
LU5.B Design Guidelines: Develop design guidelines and standards for all land uses and development prototypes. The guidelines would build on zoning codes to promote high quality design. Guidelines should also address compatibility between new and existing historic structures and districts, residential and adjacent non residential uses and urban and natural areas.	As noted above, the proposed project would be entirely within the fence of the existing WCDF. Aesthetic effects are addressed in Section 3.1, <i>Aesthetics</i> . As discussed in that section, the proposed project would not have significant impacts related to aesthetics and visual quality. Changes in views from adjacent areas would be minimal and would not result in adverse impacts. The proposed project would not be visible from <u>most</u> the residential areas.

Section 3.6 Transportation and Traffic

The sixth paragraph on page 3.6-3 of the Draft EIR is modified as follows:

3.6.2.4 Existing Intersection Lane Configurations and Traffic Volumes

Existing intersection lane configurations (Figure 3.6-2) and A.M. and P.M. peak traffic volumes (Figure 3.6-3) are depicted in Figures 3.6-2 and 3.6-3 and are based on observations and data gathered for the project in February 2015 (see Appendix B).

Figures 3.6-3 and 3.6-4 have been replaced because a legend item was inadvertently cropped from the original figures in Appendix B and are presented on the following pages.

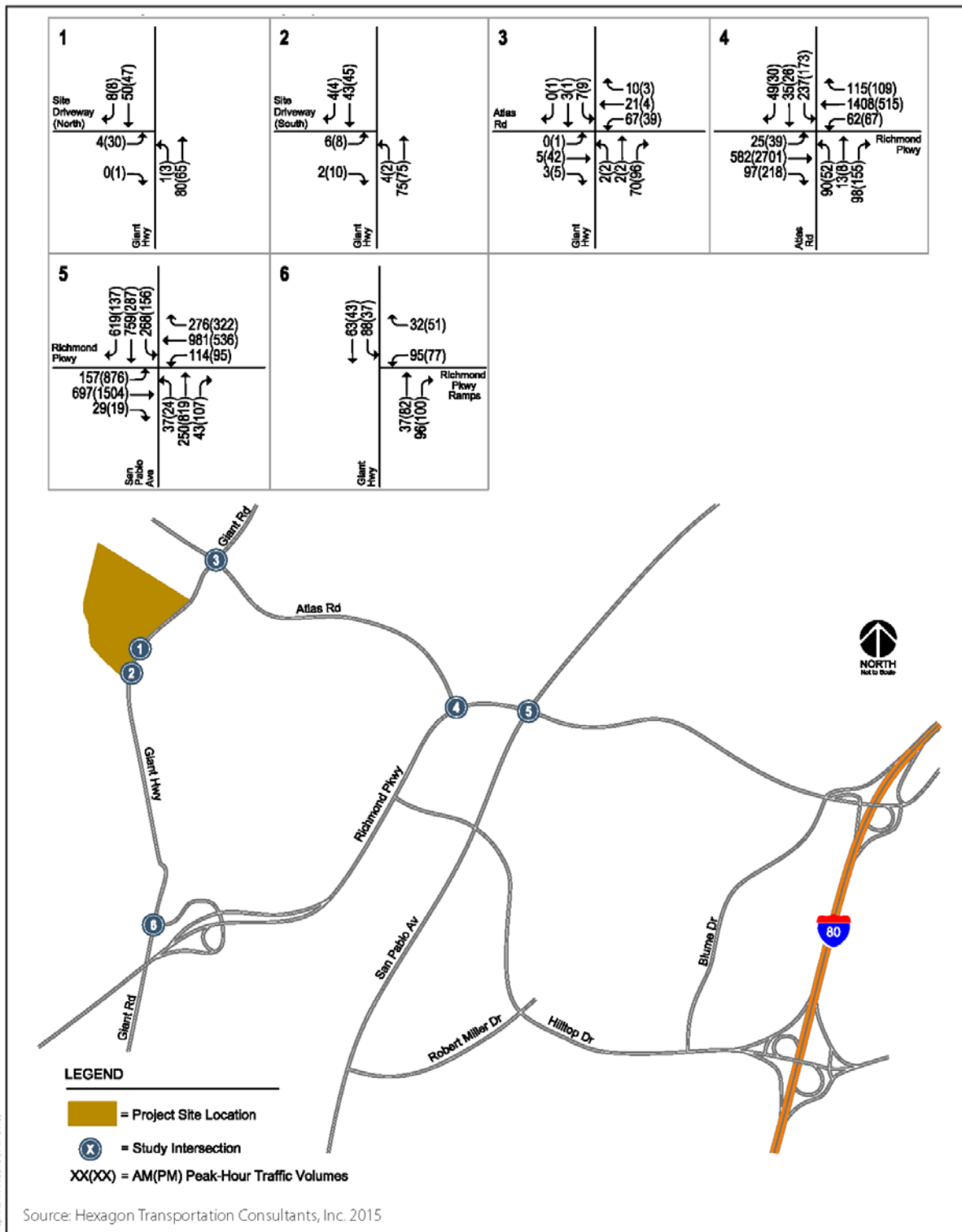


Figure 3.6-3
Existing Traffic Volumes

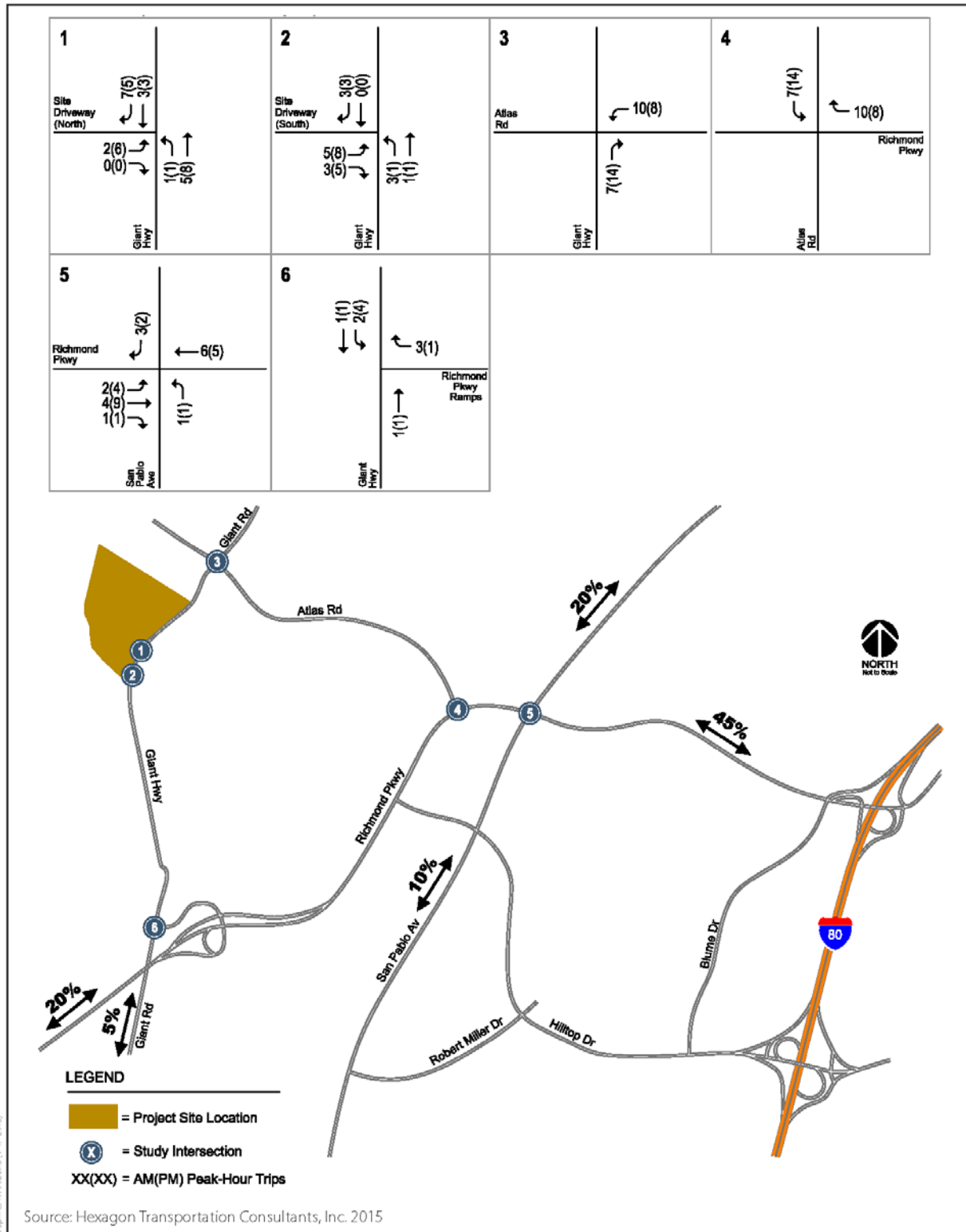


Figure 3.6-4
Project Trip Distribution and Assignment

The fourth and fifth paragraphs in the discussion of Impact TRA-1 on page 3.6-9 of the Draft EIR are modified as follows:

Construction of the proposed project would last for approximately 24 months beginning in spring 2016. Construction is anticipated from 6 a.m. to 6 p.m. on weekdays, with an average onsite construction staff of 20 people per day and a maximum onsite workforce of 40 people.

Based on these numbers, the trip generation rates under the general light industrial category in the ITE Trip Generation Manual are most similar to construction trips, which are 0.44 trips per worker during the A.M. peak hour and 0.42 trips per worker during the P.M. peak hour. These rates would equate to 18 A.M. peak hour trips and 17 P.M. peak hour trips by the proposed project's maximum onsite construction staff, which would be fewer peak hour trips than during project operation.

Chapter 4 Changes

The first and second paragraphs on page 4-7 of the Draft EIR are corrected as follows:

4.2.9.4 Cultural Resources

This alternative would involve ground-disturbing activities which would have the potential to disrupt historic and archaeological resources. No cultural or historical resources are known to be present at the project site; however, if they are to be discovered mitigation measures are identified in this EIR that would reduce potential cultural impacts to a less-than-significant level. The acreage that would be disturbed to build two buildings increases the chances of this discovery. However, because there are no known resources, this impact is unlikely/unavoidable. Because of this alternative's larger footprint, impacts on cultural resources have the potential to be greater than under the proposed project if cultural or historical resources are discovered.

4.2.9.5 Noise

Under this alternative there would be temporary increases in noise levels as a result of construction. Noise impacts from future operation of the facility under this alternative would be similar to existing operations and would be greater than the No Project Alternative. Under this alternative, impacts related to operational noise would be similar to those under the proposed project. Noise from construction would be greater than under the other alternatives because construction would take longer and the greatest amount of land would be disturbed under this alternative.

Chapter 5 Changes

The second paragraph on page 5-7 of the Draft EIR is corrected as follows:

The proposed project would not construct any new roads, infrastructure, or enhance access to the project site. The proposed project would be constructed entirely within the existing WCDF which, as a detention facility, does not require additional access in addition to the already established facility access points.

Chapter 4

Mitigation Monitoring and Reporting Program

4.1 Purpose of and Need for Monitoring

In compliance with CEQA, a Final Environmental Impact Report (Final EIR) has been prepared for the proposed project. The Final EIR identified potentially significant impacts in the resource areas listed below and mitigation measures to reduce these impacts to a less-than-significant level.

Project-level significant impacts pertaining to the following resource areas would be reduced to a less-than-significant level by mitigation measures identified in the Final EIR.

- Air Quality
- Cultural Resources
- Public Services and Utilities

CEQA requires that a lead agency adopt a Mitigation Monitoring and Reporting Program (MMRP) for the measures the agency has proposed to avoid or mitigate significant environmental effects (State CEQA Guidelines Section 15097). The purpose of the MMRP is to ensure that the mitigation measures identified in the Final EIR are implemented and to identify who is responsible for their implementation.

Table 4-1, which follows this introductory section, identifies the mitigation measures for the proposed project, the parties responsible for implementing and monitoring the measures, the timing of each measure, and a summary of the actions necessary to implement and monitor each measure.

4.2 Mitigation Monitoring and Reporting Program Requirements

This MMRP has been prepared for the proposed project in accordance with Public Resources Code Section 21081.6, which specifies that when a public agency makes findings required by paragraph (1) of subdivision (a) of Section 21081, it “shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” Public Resources Code Section 21081.6 further specifies that the MMRP will “ensure compliance during project implementation.”

This MMRP is intended to ensure the effective implementation of mitigation measures that are within Contra Costa County’s authority to implement, including monitoring where identified, throughout the phases of development and operation of the proposed project.

Table 4-1. Mitigation Monitoring and Reporting Program.

Mitigation Measure	Timing	Implementing Party	Monitoring Party	Monitoring Actions
Air Quality				
Mitigation Measure AQ-1: Implement Measures to Reduce Construction-Related Dust and Equipment Exhaust Emissions The County will require all construction contractors to implement the Basic Construction Mitigation Measures recommended by the Bay Area Air Quality Management District (BAAQMD) to reduce fugitive dust and equipment exhaust emissions. Emission reduction measures will include, at a minimum, the following measures. Additional measures may be identified by BAAQMD or contractor as appropriate. <ul style="list-style-type: none"> • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. • 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 shall be limited to 15 mph. • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. • 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 in 13 California Code of Regulations Section 2485). 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 visible emissions evaluator. • Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. 	At least 30 days prior to construction and during construction	Construction contractor	Contra Costa County	A dust control plan will be required in grading and building permits. Compliance with the dust control plan will be verified periodically during construction by Contra Costa County. The construction contractor will provide an approved plan to reduce equipment exhaust emissions including, but not limited to, the Basic Construction Mitigation Measures recommended by BAAQMD.

Mitigation Measure	Timing	Implementing Party	Monitoring Party	Monitoring Actions
<p>Mitigation Measure AQ-2: Implement Measures to Reduce Construction-Related Equipment Exhaust Emissions</p> <p>The County will require all construction contractors to implement the Additional Construction Mitigation Measures recommended by BAAQMD to reduce equipment exhaust emissions. Emission reduction measures will include, at a minimum, the following measures. Additional measures may be identified by BAAQMD or contractor as appropriate.</p> <ul style="list-style-type: none"> • Minimize the idling time of diesel powered construction equipment to two minutes. • Develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20% nitrogen oxides (NO_x) reduction and 45% particulate matter (PM) reduction compared with the most recent California Air Resources Board (ARB) fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available. • Require that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NO_x and PM. • Require that all contractors use equipment that meets ARB's most recent certification standard for off-road heavy duty diesel engines. 	At least 30 days prior to construction and during construction	Construction contractors	Contra Costa County	Construction contractor compliance with the emission control plan will be verified periodically during construction by Contra Costa County.
Cultural Resources				
<p>Mitigation Measure CUL-1: Stop Work at Discovery of Cultural Resources</p> <p>If buried cultural resources such as chipped or ground stone, historic debris, or building foundations, are inadvertently discovered during ground-disturbing activities, work will stop in that area and within a 100-foot radius of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop a response plan, with appropriate treatment measures, in consultation with the County, the State Historic Preservation Officer, and other appropriate agencies. Preservation in place shall be the preferred treatment method pursuant to State CEQA Guidelines Section 15126.4(b) (avoidance, open space, capping, easement). Data recovery of important information about the resource, research, or other actions determined during consultation is allowed if it is the only feasible treatment method.</p>	During construction	Construction contractors	Contra Costa County, construction contractors, and subcontractors	Construction contractor and subcontractors shall perform visual inspections of the site during construction. Contra Costa County will perform a site inspection in consultation with a qualified archaeologist in the event cultural resources are discovered.

Mitigation Measure	Timing	Implementing Party	Monitoring Party	Monitoring Actions
Mitigation Measure CUL-2: Stop Work at Discovery of Paleontological Resources The construction contractor and subcontractors shall stop all work in the area immediately in the event that paleontological resources are encountered during grading, construction, landscaping, or other construction-related activity. The Contra Costa Public Works Department shall be notified and a qualified archaeologist will be contacted to evaluate the resources and recommend appropriate mitigation.	During construction	Construction contractors	Contra Costa County, construction contractors, and subcontractors	Construction contractor and subcontractors shall perform visual inspections of the site during construction. Contra Costa County will perform a site inspection in consultation with a qualified archaeologist in the event paleontological resources are discovered.
Public Services and Utilities				
Mitigation Measure PUB-1a: Incorporate design measures or contribute to improvements to ensure adequate water pressure for fire suppression needs The County will coordinate with the Richmond Fire Department to ensure that pressure tests will be performed to ensure water pressure fire performance objectives are met for the proposed project. If tests indicate that the pressure is insufficient, the County will incorporate design measures or contribute to improvements to ensure adequate water pressure for fire suppression needs.	Before and during construction	Contra Costa County, City of Richmond Fire Department	Contra Costa County	Contra Costa County will ensure appropriate pressure tests are performed and incorporate appropriate design measures if required.
Mitigation Measure PUB-1b: Comply with all applicable Building Code and Fire Code requirements, subject to review and approval by the City of Richmond Planning and Building Services The County will ensure the design and construction of the proposed project complies with all building and fire code requirements as established by Chapter 8.16 of the Municipal Code of the City of Richmond and the 2013 California Administrative Code, California Code of Regulations, Title 24, Part 1 (California Building Code).	Before, during, and after construction	Contra Costa County	Contra Costa County, City of Richmond Planning Department	Contra Costa County will ensure designs comply with all code requirements prior to, and during, construction. The City of Richmond will issue a building permit prior to construction and will perform a building inspection once construction is complete.

5.1 Contra Costa County

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