

October 28, 2011

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Re: Comments on Adequacy of the Draft Environmental Report (DEIR) for the Creekside Memorial Park Cemetery, LP05-2096

Following are our comments on the adequacy of the Draft Environmental Impact Report (DEIR) for the proposed Creekside Memorial Park Cemetery, LP05-2096. While the DEIR properly identifies many adverse impacts of the Creekside Memorial Park Cemetery project (“the Project”), the DEIR lacks complete discussion of many of the Project’s adverse impacts and further contains many and substantive errors and internal discrepancies. To comply with its obligations under the California Environmental Quality Act, Contra Costa County must prepare a new DEIR that provides additional discussion of certain adverse impacts and corrects the DEIR’s errors and internal inconsistencies. Only with a new DEIR can the County meet the standard of “adequacy, completeness, and good faith effort at full disclosure” for an EIR set forth in Section 1.2 (page 1.0-2).

Also attached are copies of reports we submitted to the County between 2008 and 2010 which documented significant flaws in the data used to develop the DEIR, and therefore document additional inadequacies of the DEIR. Appendix II contains a list of these documents, which are referenced in this memo by our name and the date of the report, e.g. Newman 08/19/2008. Copies of these reports are attached at the end of this memo.

1. There are a number of serious discrepancies between the Impacts and Mitigation Measures listed in the Executive Summary in Section 1, Table 1 and the detailed discussions in Sections 3.8, 3.9, 3.10, 3.12, 3.13, 3.14, and 3.15. The first attachment (Appendix I of this memo) lists these discrepancies, which include such material issues as Impacts and Mitigation Measures listed in Table 1 not included in Section 3 and vice versa. As a result, someone who only reads the Executive Summary will have a very different understanding of the project than someone who only reads Section 3. In addition, when the two sections have conflicting Impacts and Mitigation Measures, it is not clear which are actually being proposed by the DEIR. This is a serious inadequacy in the DEIR.
2. The DEIR does not adequately address the urban nature of the proposed cemetery and its incompatibility with existing agricultural operations. The DEIR states (page 3.10-7, line 36) that the proposed cemetery is “generally consistent with all of the County’s General Plan goals and policies” and that “(t)his designation of a cemetery as a non-urban use within Agricultural Lands applies to the Creekside Memorial Park.” As detailed below, neither of these claims is justified and the DEIR is inadequate and misleading to make them.

- a. The DEIR does not state the full footprint of the Administrative Offices/Chapel Building; according to the Master Site Plan, page A-1, this building is to be 19,710 square feet at full build-out, which would include 15,200 square feet of building, 3,720 square feet of covered walks and a 790 square foot garage; the DEIR only includes the 15,200 feet and ignores the other 5,000 square feet, which is misleading and inadequate.
- b. The DEIR does not state the heights of the proposed structures, which precludes accurate assessment of the Project's urban nature. In particular, the DEIR does not state that the Admin Building/Chapel is 32 feet high with a 42 foot high tower, the Indoor Mausoleum 36 feet high and the four outdoor mausoleums each 24 feet high, according to the Master Site Plan (pages A.1 – A.4). In addition, the DEIR contains conflicting information on page 3.1-13, line 45, which refers to "mausoleums of up to 20 feet at the toe of the hill," but as noted above, the mausoleums are to be 24 or 36 feet high.
- c. Another aspect of the urban nature of the cemetery not addressed in the DEIR is the large amount of impervious area, including buildings, roads, pavement, and parking lots with spaces for 82 cars, totaling about 13 acres (Master Site Plan, page C.19); this urban impact should be included in the DEIR with appropriate mitigation measures. Nor does the DEIR address the impact of the increased road widths (to 28 or 36 feet instead of the original 24 feet) required by the San Ramon Valley Fire Protection District (Impact 3.14-2, page 3.14-14). These wider roads will increase the amount of impervious area, runoff, drainage, grading, etc., and the DEIR should include mitigation measures for these additional impacts. In addition, the DEIR states in Impact 3.9-1 (page 1.0-46) that "(t)he proposed project includes design elements (narrow streets) that will reduce the potential for increased runoff" which is inconsistent with the very wide roads required by the Fire District. The DEIR should eliminate such internal inconsistencies.
- d. The DEIR states (Page 3.10-8, impact 3.10-1) that the project is consistent with the zoning for the site. This is not true; the project has 60,000 square feet of massive buildings which is urban and inconsistent with the agricultural and open space zoning. The project also has two large chapels, each seating 138 people, which is inconsistent with A-80 zoning (see below). The project will also affect existing or potential agricultural uses nearby (i.e. in excessive water usage). As a result, this project is not consistent with the zoning for the site, which is a significant oversight by the DEIR.
- e. In addition, the project is in conflict with the Contra Costa County General Plan Land Use Element 3-G listed on page 3.10-4, which is "to discourage development on vacant rural lands outside of planned urban areas which is not related to agriculture, mineral extraction, wind energy or other appropriate rural use". A cemetery is a use that is not related to agriculture or other appropriate rural use. The DEIR is inadequate in not addressing this impact.

- f. The project is also in conflict with the voter-approved Urban Limit Line, listed on page 3.10-6. Given its urban nature, the proposed cemetery should not be allowed outside the urban limit line. Given the large number and footprint of buildings and footprint of extensive paving, the cemetery as proposed cannot reasonably be called an open space use. The DEIR is inadequate in not addressing this impact.
- g. Page 3.10-3, line 56, states that “the project is planned to have an agricultural appearance.” This is not true; given the planned 60,000 square feet of massive buildings, plus the 13 acres of impervious area (parking lot with spaces for 82 cars, roads, pavement, building etc.), the project will have a huge urban appearance, not an agricultural appearance. This statement is misleading and does not belong in the DEIR.
- h. Page 3.10-8, lines 20-29 state “because the cemetery has been defined by the County to be consistent with agricultural uses, the Project would not divide an existing community as a result of this new land use.” But this cemetery is not consistent with agricultural uses since it has a huge urban footprint and will also generate a huge increase in traffic (448 visitors per day versus very few today). And its location right in the middle of the last open space area of the Tassajara Valley, with cemetery structures on the ridge visible for miles from all directions, will definitely divide the existing agricultural community. The DEIR should list this as an impact, and mitigations should be discussed.
- i. Page 3.1-2, footnote 1, states that “CEQA requires that only public views are analyzed in EIRs unless there are other policies/ordinances that govern local visual resources.” However, the DEIR does not analyze the public view from the Windemere Hidden Valley Open Space trail, which runs only a few feet from the western edge of the site. The DEIR should list this as an impact, and mitigations should be discussed.
- j. Page 3.1-10, lines 18-19 state that the “visual simulations are based upon a plan that included a traditional approach to the landscaping on the ridgeline,” which makes the DEIR misleading because these simulations do not represent the cemetery landscape plan as presented in the DEIR (page 2.0-19). In particular, this earlier cemetery landscape plan had significantly more trees and lawn than the landscape plan in the DEIR project proposal. In addition, the “After” pictures do not adequately show the proposed buildings and so do not convey the full urban impact of the cemetery. Specifically:
  - i. The DEIR states on page 3.1-1 that “The views shown in Figures 3.1-3, 3.1-5 and 3.1-7 were prepared in 2006, and show the full landscaping as originally proposed. Subsequent to the preparation of the photomontages the landscaping has been substantially altered to be a xeric landscape, especially in the upper gardens. The revised landscape plan incorporates fewer non-native trees.” However this is completely inadequate. For example, the planned structures

on the ridgeline are not shown in these views. Also, other key alterations not reflected in the views include the facts that the latest landscape plans have very few trees (if any) on the ridgeline, and that ‘fewer non-native trees’ will significantly change the look of the front area along Camino Tassajara, since the non-native trees were ornamental plantings intended to be placed along the road, in the parking lots and around the buildings. In addition, the grading of the top of the ridge is not shown in these views.

- ii. Viewpoint one shows the Admin Building/Chapel, but does not show the huge Indoor Mausoleum (located directly to the right of the Admin Building when viewed from the road), nor the massive entry gates, nor the steep cut of the toe of the hillside behind the Admin Building, nor the parking lots in front of the Admin Building, nor the reduced height of the ridge behind the Admin Building, nor the structures (mausoleums and columbaria) on top of the ridge. It also shows additional trees on top of the ridge, which are not part of the landscape plan shown on page 2.0-19 (the top of the ridge is to be xeriscaped only, with “wildflowers, grasses and shrubs,” not the oak trees shown). This view should show the structures on top of the ridge, which it does not.
- iii. Viewpoint two shows additional trees on top of the ridge, which are not part of the landscape plan. It should show the structures on top of the ridge, which it does not.
- iv. Viewpoint three has the same issues as viewpoint two; also, it should show the new road that would be built along the side of the ridge to the upper gardens.
- v. The DEIR should be revised to include a view of the site taken from Camino Tassajara, looking north, from a point closer to the cemetery instead from the furthest possible point. That would have given a much clearer view of the proposed changes to the ridge, showing both the road going up the hillside to the upper gardens and the structures on top of the ridge.
- vi. The DEIR should be revised to include at least one view taken from the Windemere Hidden Valley Trail directly behind the site, since trail passes within 20 feet of the proposed site, and the site is visible for roughly one mile along the trail. This view would give a much clearer view of the proposed changes to the ridge (water tank, mausoleums and columbaria).
- vii. The DEIR should be revised to include a view taken from the site of the new proposed cemetery entrance on Camino Tassajara, showing the proposed massive entry gates, massive Admin Building and Mausoleums, etc.

- k. Page 3.2-5 states that CEQA impact 2.e. (conversion of farmland to non-agricultural use) has less than significant impact. But this is not true, and is an inadequacy of the DEIR for the following reasons:
    - i. On page 3.2-1, lines 32 and 33, this site is described as about 60% Farmland of Local Importance and about 40% Grazing Land, while page 3.2-5, line 37 states that the site would be converted to non-agricultural use as a result of this project. Therefore the DEIR is stating that Farmland of local importance would be converted to non-agricultural use by this project. This impact is not 'less than significant' and the DEIR should include it and discuss mitigation measures.
    - ii. In addition, page 3.2-1, lines 38-41 state "The Contra Costa County General Plan EIR determined that development in the County would not result in cumulative impacts to agricultural resources because of policies in the plan limiting the extent of development on agricultural lands. The Proposed Project is consistent with those policies." The DEIR is inadequate in making this statement because it ignores the huge urban nature of the proposed project; instead, the project would create a substantial amount of "development on agricultural lands," which is not consistent with the Contra Costa County General Plan.
    - iii. In addition, page 3.2-1, lines 41-42 state "As noted in the environmental setting, none of the Project's acreage meets the criteria of viable farmland resulting in a conversion to a nonagricultural use." There are two issues with this statement. First, the project is indeed "viable farmland" because 60% of it is listed as Farmland of local importance (the ability to irrigate crops is not a measure of viable farmland, since growing grasses does not require irrigation). In addition, this CEQA criterion says nothing about "viable" farmland, it just refers to farmland, and as noted above, this site does include Farmland of local importance. So the DEIR is misleading and inadequate.
  - l. Section 5.3, Cumulative Impacts, Land Use, page 5.0-5 - The DEIR does not consider the impact of the 60,000 square feet of massive buildings proposed by this project on the current open space nature of the Tassajara Valley.
3. Although the DEIR does state that the amount of water to be used by the proposed cemetery would have a significant and unavoidable impact, its description of the water available at the site is still inadequate because of the following:
    - a. Page 3.9-22, lines 6-7 states "the Project baseline for groundwater conditions is assumed to be 27.8 acre feet." This is a misleading statement because the 27.8 AFY shown in the table on page 3.9-28 is defined as "total water inflow" to the site; this number is not the total amount of water that can be sustainably pulled from the site wells on an ongoing basis. The DEIR should specifically point out how much water

is available for the project on a sustainable basis, since this is such a critical number in evaluating both the project and its alternatives.

- b. Drought conditions are inadequately dealt with in the DEIR. Many of the calculations in section 3.9 assume access to the entire amount of water that is available on a yearly basis. This strategy does not allow for the accumulation of water for periods of drought. If water is to be trucked in during the summer, many feasibility issues must be addressed (increased traffic, energy consumption, noise) by the DEIR.
- c. The water analysis in the DEIR does not include the amount of water that the proposed landscaping (trees and shrubs) will pull from the ground after the initial period of establishment. Even though the plantings will not be irrigated after the first few years, they still need water, which their roots will draw from the soil, reducing the amount of water recharge. Since the project proposal called for over 6,000 new trees and shrubs, this is a significant omission in the DEIR.
- d. The DEIR also includes a misleading anecdote to make it appear that there is plenty of water (page 2.0-7, lines 12-14): “Apparently, there is some local knowledge that in the past, ranchers with wagons, would, in the summer, come from as far away as Livermore and Pleasanton to fill wooden barrels with water from the southern pond.” Given that the anecdote is talking about wagons and wooden barrels, it is likely at least 75 to 100 years old, and so is meaningless given all of the development that has occurred on and around this site since then. Accordingly, it has no place in the DEIR.
- e. In addition, in Section 3.2, the DEIR does not address the increased pressures to convert existing farmland on near-by properties to non-agricultural use due to the loss of water caused by the cemetery drawing more water out of the aquifer than it receives for recharge; without sufficient water, both existing and future agricultural uses will be severely restricted.
- f. The DEIR does not address the impact of lower water table (i.e. less water in Tassajara Creek, less flow in the creek, the creek going dry earlier in the year and staying dry longer, etc.) on the special status species. Tassajara Creek water levels will also be affected in two other locations: outside the eastern property line (since water that would have drained to the creek will be taken by the cemetery instead) and downstream of the project site. The DEIR should include all of these impacts and propose mitigating measures for them.
- g. Page 3.9-29, line 49, mitigation measure 3.9-3c states that the project will be required to have ‘phased groundwater supply development’. But developing the needed groundwater supply on a phased basis is inconsistent with the project’s construction schedule, which is to do all of the grading in the first construction season and all of the landscaping in the second construction season. Given that schedule, this project must have all of the water it needs for all of its landscaping before it is allowed to

begin construction; phased landscaping is not an option. Therefore this mitigation measure is infeasible and the DEIR should not propose it.

- h. Page 3.9-23, CEQA Impact 3.9.c. (drainage, erosion) The DEIR has not adequately addressed the impact of the following issues:
    - i. During intense rainfall events, the extensive coverage of the site with impervious areas (paving and building footprints) will cause increased water flows into the tributaries and from there into Tassajara Creek, leading to more erosion on downstream properties
    - ii. The grading plan ignores an unnamed tributary which crosses over the southern boundary of the project and enters the property to the south; as a result, the Project would change the flow of surface water on the property to the south, potentially causing more erosion to occur along the southern property line.
    - iii. The potential to alter the flow of Tassajara Creek at the junction with the tributary due to increased runoff (mainly due to the new impervious surfaces) during heavy rain, which could have significant impact on the properties located downstream of that junction point.
  - i. Page 3.9-24, CEQA Impact 3.9e (runoff), is discussed as Impact 3.9-1 and notes that according to the “Creekside Memorial Park Storm water Control Plan” prepared by P/A Design Resources, 2<sup>nd</sup> revision November 2006, page 15, “The (detention) basins will attenuate the release of the 10-year flow to pre-development flows.” However, the DEIR is inadequate in failing to analyze the flooding and erosion that will be generated by storm events exceeding a 10-year storm and further failing to analyze the mitigation measures appropriate and necessary for mitigating larger storms. The DEIR should be revised to reflect such analysis of larger storm events.
  - j. Impact 3.9-2 does not include the possible degradation in water quality, or the possible impact on sensitive species, if the chemical treatments used to control algae in the lake escapes to the creek, nor do any of the mitigation measures address this issue. This is a lack in the DEIR.
  - k. The water supply analysis in the DEIR is based upon well tests performed in 2007; however, these well tests were significantly flawed, as described in the attached document Newman 08/19/2008. To make critical decisions based upon flawed data is an inadequacy of the DEIR.
4. The DEIR does not adequately detail the acreage and location of the conservation easement, oak woodland, riparian corridor, lawn entombment area, xeriscaped entombment area, ornamental irrigated landscaping area, impervious areas (roads, pavement, parking lots etc.), and the 10 acres to be excluded. The DEIR should include a map with all of these areas

clearly marked and also a table summarizing the acreage of each, since the information as provided in the DEIR is confusing, contradictory, and inadequate, as described below:

- a. According to the Landscape Plan in the DEIR (page 2.0-19), cemetery landscaping (i.e. lawn) is 9.4 acres, riparian corridor 13.6 acres, oak woodland 31.6 acres, xeriscaped entombment 20.82 acres, for a total of 75.42 acres. Subtracting this from the total 221 acres gives 145.58 acres. Less the 10 acres to be excluded gives 136 acres. And if the approximately 13 acres of impervious area is also subtracted, only about 123 acres remain. But the conservation easement is variously described as 147 or 153 acres, not 123 acres; the DEIR should reconcile these discrepancies.
  - b. Also, the DEIR should clearly show on a map what is included in the ‘developed area’; in some places in the DEIR it is 60 acres, in others it is 44 acres. These are significant differences which preclude accurate evaluation of the proposed cemetery’s impacts and the need for effective mitigation measures.
5. The DEIR should include the specific definition of the conservation easement, in particular (1) the property rights which are being given up, (2) the specific conservation values, such as water quality or migration routes, which are being targeted, and (3) to whom the easement is being given (i.e. to a private organization or public agency). In addition, the DEIR needs to define the acceptable uses of this ‘conservation easement’; i.e., any limitations to the number of people accessing it and any limitations to the kind and amount of earth movement (i.e. the project will be digging trenches throughout this area to get water from the 10 or more wells to the tank(s) at the back of the property, and to get the water back down to the area(s) that need irrigation, plus utilities, plus ongoing maintenance of the systems installed on or through the easement, etc.). Also, the DEIR should specify whether it is acceptable to drill water wells in the conservation easement or not, since on page 3.9-30, impact 3.9-4, the DEIR states that “(w)hile the existing wells are all located in the Tassajara Valley, wells could be located throughout the property,” implying that wells can be drilled in the conservation easement. The DEIR’s lack of consistent and incomplete information about the conservation easement makes it misleading and precludes accurate assessment of its adequacy.
6. The DEIR is confusing and contradictory in its description of the proposed landscaping, which precludes accurate assessment of the project’s water usage, visual impact and other impacts. Specifically:
- a. The DEIR uses the term “xeriscaped” to describe how 8.3 acres in the lower garden and 10.3 acres in the upper garden are to be landscaped for ground entombment (and potentially other areas as well), but the only definition is given on page 2.0-11, lines 23-25, which state “the upper gardens, approximately 20.8+/- acres in total, will be xeriscaped with native wildflowers, grasses and shrubs.” It is not clear if this definition of xeriscaping is to be used throughout the DEIR; without an adequate definition, it is not possible to understand or to evaluate the impact of the cemetery (i.e. water demand, look of the cemetery, ability to mask the structures on the ridgeline, impact on wildland fire protection etc.). In addition, since ongoing cemetery operations (burials) will continually disturb the ground, the shrubs will



- likely need to be replanted, and will require at least one year of watering (especially during the first summer they are planted); these additional water demands are not included in the estimated water demand of the project. These are additional inadequacies of the DEIR.
- b. Section 2.3, Proposed Landscaping, pages 2.0-11, 12 and 13, lists the plantings that will be included in the riparian corridor and oak woodland areas in figures 2.0-6 and 7 on pages 2.0-12 and 13, but it does not include a description of the ‘ornamental plantings’ that are planned for the areas around the buildings and parking lots. But without describing these ornamental plantings (i.e., indicating the number of plants of a given species to be planted, their height, and their density), the DEIR does not adequately describe what is proposed and so the impacts and mitigation measures cannot be appropriately addressed.
  - c. The ornamental plantings are listed on page 3.4-45: “non-native Canary Island pine, coast redwood, red horse chestnut, Pacific madrone, pin oak, red oak, California pepper, Lombardy poplar, quaking aspen, flowering cherry, flowering pear, and Chinese elm, among others,” and in this section of the DEIR, these plants are listed as occurring in the riparian corridor and conservation easement areas. However, the Conceptual Planting Plans included at the end of Appendix E contradict this statement. These ornamental plantings are what were specified by the project landscape consultants to go in the flat area around buildings, road, parking lots etc. This is another example of an error in the DEIR which makes it misleading and precludes accurate assessment of the Project’s impacts and the need for effective mitigation measures.
  - d. Page 3.4-45, lines 23-34, mitigation measure 3.4-2d requires that the density of the proposed tree plantings in the riparian corridor be cut by 50% and that many of the proposed plantings be eliminated due to non-native status (but this restriction is only for the riparian corridor and the conservation easement, not for the flat lower garden area where all of these non-native species were supposed to be planted, according to the Conceptual Planting Plan). So this is very confusing, especially since the location of the conservation easement is not specified in the DEIR. But if the intent is not to plant these non-native species on the flat lower garden area, the result will be a cemetery much more visible from Camino Tassajara. The DEIR is inadequate first by not clearly defining the mitigation measure, and second by not addressing all of the additional visual impacts it will cause.
  - e. Page 3.9-29 lines 21-35, mitigation measure 3.9-3a states that the area of traditional cemetery landscaping is to be reduced, but no specifics are provided. Without quantification, it is not possible to evaluate the effectiveness of the mitigation measure on reducing water demand. In addition, decreasing the area of traditional landscaping will have significant impact on the visual aspects of the cemetery, which is not addressed by the DEIR.

- f. Page 3.9-29, lines 21-35, mitigation measure 3.9-3a states that the area and density of plants in the riparian corridor and oak/buckeye woodland is to be decreased in coordination with mitigation measures 3.4-2a and 3.4-11a-d. But these earlier mitigation measures only discuss reducing the density of plants in the riparian corridor and conservation easement areas; they say nothing about reducing the density of plants in the oak woodland areas. This discrepancy makes the DEIR's analysis of mitigation measure 3.9-3a incomplete and inaccurate.
    - g. Additional issues with the report from P/A Design Resources, Inc., titled "Creekside Memorial Park Preliminary Anticipated Maximum Yearly Water Demand and Water Source Availability" dated June 12, 2009, revised January 29, 2010 are discussed in the attached reports (Newman 04/05/2010 and Newman 08/10/2009).
7. The DEIR inadequately addresses the issues associated with the proposed road to the upper garden area listed below:
  - a. Section 2.3, Proposed Roads and Parking, page 2.0-10, lines 51-53 states that the road to the upper gardens will be paved (as does the Master Site Plan), but it is described as unpaved on the following pages in Section 3.6, Geology and Soils: page 3.6-2, lines 30-21; page 3.6-11, line 46; and page 3.6-15, line 53. This is a significant discrepancy in the DEIR. A consistent description of the road is of course necessary for properly and accurately analyzing its impacts and appropriate mitigation measures to address these impacts.
  - b. Page 3.8-10, line 1, states that "Fire hydrants shall be located along the required access road of the upper gardens," but elsewhere it is stated that no utilities will be routed along the road to the upper gardens due to the high likelihood of landslides. The DEIR does not explain how these fire hydrants will be supplied with water, since underground utilities (i.e. water) are prohibited along this road. And when a landslide occurs in this area, there could be a significant discharge of water from the broken water lines, which would have a significant impact (erosion etc.) in the conservation easement area below it. These issues and the associated mitigating measures should be included in the DEIR
8. The DEIR does not adequately address the following issues relating to grading:
  - a. Section 2.3, Proposed Grading, page 2.0-7, lines 45-46 states that "The proposed grading operations will involve approximately 500,000+/- cubic yards of cut and fill which will be balanced on site." But according to the grading report for the Project (Earthcalc Inc., Creekside Memorial Park Master Site Plan and Grading Plan, September 22, 2006), the cut and fill will not be balanced on site. Instead, there will be 527,365 cubic yards of cut and 391,239 cubic yards of fill, resulting in 136,126 cubic yards of excess (over 25% of the cut) to be exported off site. This misstatement is repeated in many other places, making the DEIR misleading and inadequate because it does not consider the impacts associated with handling over 136,000 cubic yards of excess grading materials. In addition, although the DEIR includes the

- Project grading report as a cited reference (page 7.0-2, line 38), a copy is not included as an appendix to the DEIR; this is an oversight which should be corrected in a revised DEIR.
- b. Section 2.3, Proposed Grading, page 2.0-7, line 46 states that “Some remedial grading will be required,” but the DEIR does not provide any information such as where the remedial grading will be required, how much will be required, how often it will be required, and how much grading quantity imbalance will be generated. The DEIR is inadequate if it does not describe all of the grading that will be required by the project and all of the related impacts (i.e. to traffic, air quality, etc.) and mitigations.
  - c. Page 3.6-11, line 38 states that “lawn entombment areas are to receive up to 10 feet of engineered fill.” Although the DEIR states that “the fine-grained sandstone, claystone and siltstone sedimentary rocks encountered on the property (ENGEO 2005) are generally suitable for use as engineered fill” (page 3.6-7, lines 50-51), this statement is not found in ENGEO 2005, and in fact it is inconsistent with other statements in ENGEO 2005. In particular, “(b)ased on our experience in the area, fine-grained bedrock units, including claystone and siltstone, have a medium to high plasticity and moderate to critically high expansion potential” (ENGEO 2005, p. 6), and also that “(a) significant geotechnical consideration is the expansive nature of the native soil and bedrock across the proposed development area. The clayey soils and claystone units within the bedrock in this region have moderate to high plasticity’s and moderate to high expansion potential” (ENGEO 2005, p. 11). Since soils with high expansion potential cannot be used as engineered fill, the DEIR is inadequate by not addressing this inconsistency between ENGEO 2005 as quoted in the DEIR and the ENGEO 2005 report itself. In addition, the DEIR is inadequate in not stating how much engineered fill would be required, how much engineered fill (if any) would be available on site, and how much (if any) would be imported from off site; without this information, the Project’s impacts and the need for effective mitigation measures cannot be assessed. In addition, although the DEIR includes ENGEO 2005 as a cited reference (page 7.0-2, lines 50-51), a copy is not included as an appendix to the DEIR; this is an oversight which should be corrected in a revised DEIR.
  - d. Page 3.6-16 CEQA Impact 3.6b (erosion, loss of topsoil) The DEIR does not adequately evaluate the substantial loss of topsoil caused by removing up to 30 feet from the top of the ridgeline. In particular, the impacts that have not been addressed include whether this resulting soil located up to 30 feet below the surface is adequate to support landscaping, whether top soil or amendments will have to be added, and the increased risk of erosion due to the land newly exposed to the elements. In addition, this section only includes the construction phase, which is inadequate because it does not include the impact of ongoing burials. Also, since the term xeriscaped is not defined in the DEIR, it is not possible to evaluate whether it will be adequate to act as “erosion resistant vegetation” as required in mitigation measure 3.6-5 (page 3.6-16), nor what are the additional water requirements are to ensure this vegetation will grow.

9. The DEIR states that there is “an urgent need for additional cemetery space” (page 2.0-15), but the attached report Newman 4/30/2010 shows that this statement is not true and that the DEIR is based on flawed and incomplete assumptions, and therefore should be revised.
10. The DEIR does not adequately address the following cemetery-specific issues:
  - a. The DEIR does not describe the method to be used for burials; in particular, it does not specify whether graves will be dug one by one, on an as-needed basis, or whether concrete vaults, containing space for multiple caskets, will be used. Concrete vaults are used to prevent settlement, ground collapse, and toxic migration, which are all serious issues. In addition, the initial project description included double-level burials, but the impacts of double-level burials are not mentioned in the DEIR. Since the manner in which graves are dug could have serious impacts on erosion, landscaping, and water quality, the DEIR is inadequate in not defining the burial method and its associated impacts and mitigation measures.
  - b. The DEIR gives inadequate consideration to the impacts of long funeral processions on traffic in the area. An increase in accident rates could occur due to people trying to pass long processions, especially given the current rural, two-lane nature of Camino Tassajara for several miles on either side of the proposed cemetery. Also, these long processions could affect the response time of emergency vehicles anywhere up and down the Tassajara Valley, since Camino Tassajara is the main (and in some places only) through road in the area. This could seriously impact the health and safety of nearby residents because there are no alternate routes and because Camino Tassajara is currently only two lanes wide near the proposed cemetery. While Contra Costa County plans to widen Camino Tassajara from two lanes to between four to six lanes, from east of Blackhawk Drive to the Alameda County line, which includes the Project Site frontage, the widening is not slated for completion until 2025. The DEIR is inadequate in not addressing these issues.
  - c. Page 3.14-18, lines 21-23 state “per the Project Sponsor, the cemetery management is not planning to allow AM or PM peak hour services to be scheduled.” But the Creekside Memorial Park – Anticipated General Operations Schedule, included in Appendix E of the DEIR and also listed on pages 2.0-5 and 2.0-6, does not include this restriction. It states that regular hours are 9 AM to 5 PM, Monday thru Friday, plus occasional Saturdays or Sundays from 10 AM to 3 PM, plus occasional evening memorial services from 5 to 9 PM, Monday thru Friday. In other words, the cemetery could hold burials/memorial services not only all day Monday through Friday, but also most of the day on weekends and holidays and every night from 5 to 9 PM. In addition, these evening memorial services will definitely conflict with PM peak traffic hours. The impact of having these burials/services outside of normal working hours (i.e. additional traffic, noise, nighttime light, additional take of sensitive species, etc.) has not been addressed by the DEIR, nor have adequate mitigation measures been proposed.

- d. In Section 3.4, Biological Resources, the impacts and mitigation measures for special status species (plants and animals) only consider the initial construction phase of the cemetery. They do not consider the impact of ongoing burials, the presence of people, traffic, noise, vibration, etc., nor do they provide any mitigation measures for these impacts. These impacts and mitigation measures should be included in the DEIR.
- e. The height of the water table in the “Lower Garden” area of the project needs to be determined, since a high water table in burial areas significantly increases the risk of groundwater pollution due to the bio-hazards associated with human remains. This area is very likely to have a high water table based on the following facts: (1) the well test started with the well level at approximately 15 feet, (2) on the property to the south, the static well level is also approximately 15 feet, and (3) the same property to the south was required to install an alternative septic system (pressure dose system) due to the high water table. The DEIR should address the impacts of having a high water table throughout the lower burial areas.
- f. In the “Discussion of Impacts and Mitigation measures’ for Section 3.8 (pages 3.8-7 through 3.8-10), CEQA impact 3.8a (use or disposal of hazardous materials), is listed on page 3.8-9. However, the DEIR does not list any impacts or mitigation measures for this CEQA item, which is a significant inadequacy. In particular, the DEIR is inadequate in not including mitigating measures to account for the impacts due to the toxic nature of embalming chemicals and the biohazards associated with human remains; these mitigation measures should reflect the reality that a cemetery produces hazardous substances.
- g. Page 3.9-25, CEQA impact 9.f. (water quality) Although Impact 3.9-2 states that water quality could be degraded from contaminants from burials (page 3.9-25, line 45), the discussion on page 3.9-26 line 28-29 states that this risk is less than significant and so no mitigation measures are required. However, ground and surface water contamination due to burials is inadequately described and mitigated for two reasons:
  - i. There is a tacit assumption that only surface water contamination is an issue; the DEIR states “The proposed entombment areas are gently sloping, well drained, and characterized by clayey soils. Clayey soils are characterized by relatively slow infiltration rates and relatively high capacity to retain contaminants such as organic chemicals and metals. Accordingly, potential migration of contaminants to groundwater is less than significant.” But this implies that contaminants are completely contained near the grave site while water freely flows to the underlying aquifer and is available for wells, which is inconsistent.
  - ii. There is no discussion of the actual body decomposition. Cemeteries are known to cause groundwater pollution similar to that of a landfill, and hence the DEIR should include appropriate information, impact, and mitigation

measures. (See “Pollution Potential of Cemeteries, Draft Guidance, R&D Technical Report P223”, published on the internet at <http://publications.environment-agency.gov.uk/PDF/STR-P223-E-E.pdf>)

- h. The DEIR should note that ‘construction’ noise will not be limited to the first two construction seasons, but will be ongoing, due to the graves being dug, repairs to the road to the upper gardens, and remedial grading (details unspecified by the DEIR). Construction will also occur in future years when the buildings are expanded to their full footprint. This is an inadequacy of the DEIR; these impacts and mitigating measures should be included.
  - i. Although impact 3.11-1 on page 3.11-5 includes the noise impact during the digging of graves and states that it could be a short-term significant impact, the associated mitigation measure only discusses construction noise and has no mitigation measures for the digging of graves, such as limiting the digging to certain hours. This is an inadequacy of the DEIR.
  - j. The DEIR does not address having a continual presence of people, cars, noise, and heavy equipment on wildlife in an area which currently is used only for intermittent grazing.
  - k. Page 3.16-6, line 33 implies that it is possible to totally eliminate exterior building lighting, landscape lighting, roadway lighting and parking area lighting, but this is not true, since the cemetery is planning on having evening services (until 9 PM); plus in the winter time it is dark by 5:30 PM, and if it is stormy, outside lights may be needed in the daytime. (Also, note the typo on line 32 that visitation hours will be ‘dusk until dawn’ instead of ‘dawn until dusk’!). Also, while lights are necessary to discourage nighttime prowlers and trespassers, having the site lit up all night long is not desirable either. The proposed cemetery is in a rural area without street lights, with much less light pollution than in urban areas. Additional nighttime lighting could also affect the sensitive species found on the site. These are impacts not adequately considered in the DEIR, and the DEIR is inadequate in not addressing them.
11. The DEIR is inadequate due to lack of buffer/setback along the southern property line:
- a. According to the county document “Site and Project Characteristics Requiring Additional Information” which was provided to the project sponsor on 1/13/2006, the following information is required; however, the project as proposed in the DEIR does not include it, particularly along the southern property line which has no buffer:

Section XVII. Provision of on-site buffer to adjoining agricultural uses: “The project shall identify the nature of existing agricultural operations on adjoining properties and be designed to create a natural or constructed buffer between the agricultural and urban land use. Such buffer must occur on the parcel for which the discretionary permit is sought. An adequate setback shall be provided for any non-agricultural structures located within or adjacent to cultivated agriculture. In

grazing areas, include within buffers fencing that will effectively contain grazing animals, keep domestic dogs out of grazing areas and deter trespassing.”

- b. The DEIR is inadequate in not requiring the project to include a buffer of at least 100 feet along the southern property line for the following reasons:
    - i. Page 3.2-5-6, Section B. Impacts and Mitigation Measures, does not list CEQA impact 2b (Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?). Although the property itself is not under a Williamson Act contract, the property bordering the southern property line is under a Williamson Act contract, so a buffer should be included between the two properties.
    - ii. In Section 3.2, the DEIR does not address the increased pressure to convert existing farmland on near-by properties to non-agricultural use due to the proposed cemetery. In particular, the impact of locating burial sites along the southern property line would increase the pressure to convert the adjacent property to non-agricultural use due to the migration of toxic chemicals from the adjacent burial sites. In addition, the noise and odors which can accompany normal agricultural operations being incompatible with burial ceremonies. These impacts would be reduced by a buffer zone along the southern property line as a mitigation measure.
    - iii. While the proposed Project “will be required to provide a minimum 100-foot setback for grading and cemetery-related improvements from the ephemeral drainage and/or northern property line, whichever is greater” (page 3.4-45), no mention is made of a minimum setback for the southern unnamed tributary or for southern property line; the DEIR should treat all the setbacks along unnamed tributaries and buffers to adjacent properties equally.
    - iv. Page 3.4-39 (p. 160) line 18 states “While this property is currently undeveloped, maintenance of opportunities for wildlife movement should not be dependent on adjacent property that is not owned by the Project Sponsor...” This statement is used to support mitigation measure(s) requiring 100 foot minimum setbacks along the northern boundary. For the same reasons, it should also be applied to the southern boundary.
    - v. Page 3.6-5, lines 14-15 “During project site visits, evidence of soil creep and leaning property fences were observed at the southern property boundary.” The DEIR is inadequate by not including a buffer along the southern property line as a mitigating measure for this issue, rather than having grading and burials right up to the property line.
12. The “Creekside Memorial Park - Project Description - Design Features” submitted as part of the Pre-Application Review on July 8, 2002 includes a list of activities which will take place in the proposed cemetery; the third item on this list is “Funeral Home/mortuary – embalming,

cremation, chapel(s) for funeral services.” However, the project plans as described in the DEIR do not mention either embalming or cremation. If the intent is to include either of these activities at any time in the future, then their impact should be addressed in the DEIR. If the intent is to not include these, then the project description should state in writing that neither embalming nor cremation are projected to take place at any time in the future. Without one or the other of these alternatives being met, the DEIR is inadequate.

13. The DEIR does not adequately discuss the two excluded parcels, one of one acre and one of nine acres for a total of ten acres. In particular:
  - a. The DEIR does not include any information on how the nine acre parcel will be handled, nor does it specify the existing structures on this parcel. These nine acres (on lot APN 223-020-07) are specifically excluded from the project, but based on the landscape plan (page 2.0-19), it appears that almost half of that parcel would be heavily graded and the only access to and from it would be through the cemetery. If the intent is to use a residence on this property as a caretaker’s residence at some point in the future, or for some other cemetery-related use (which seems to be the only reasonable use for it), then the DEIR is inadequate in not disclosing this so that its impacts and appropriate mitigation measures can be assessed.
  - b. Alternatively, if the nine-acre site is truly to be excluded from the cemetery, it should have its own water source (at least 3 gallons/minute per residence is required by the County) and septic system. The DEIR does not specify whether this site will share its water supply and/or septic systems with the cemetery, or if it currently has water and a septic system on the nine acre parcel, or if it would have to construct new well(s) and/or septic system after the nine acres is excluded from the cemetery parcel. This is an inadequacy in the DEIR.
  - c. The DEIR does not specify what will be done with the one acre set aside for a possible future fire station before the date when (if ever) the fire department wants it. In particular, the landscape plan shows it as “no landscaping water needed”, but this plot adjoins Camino Tassajara, and so will be very visible; the DEIR is inadequate in not including the significance of this impact and whether it will require mitigation measures. In addition, its requirements for water, septic, etc. have not been identified; since the one acre parcel may not have enough water, septic etc. to support a fire station on a stand-alone basis, and if the intent is for it to share cemetery facilities at any time in the future, those impacts should be addressed in this DEIR, particularly the added water demand needed by a fire station.
  - d. Section 2.3, Water, page 2.0-14, lines 15-16, states that “Currently four (4) existing wells are located on site and may be utilized by the project.” This is a confusing statement, since upon comparison of the map showing the existing wells (page 3.9-8) with the cemetery landscape plan (page 2.0-19), it appears that wells PW-1 and PW-2 may be located on the ten acres to be excluded from the project, in which case they should not be included as possible water sources for the cemetery. The DEIR should be required to show the exact location for the wells on a map that also shows the ten



acres to be excluded. That map should also show the location of the wells with respect to the conservation easement area.

- e. The DEIR does not include the current or future water demand of the nine acre excluded parcel and the one acre future fire station, nor does it include how the cumulative impact of the water demand for these excluded parcels will affect the water supply and water demand for the Project. The DEIR needs to clarify this issue so that the appropriate mitigations and impacts can be considered.

14. The DEIR does not adequately address the following issues regarding ridgeline impacts:

- a. Section 3.1, page 3.1-10, lines 40-41, CEQA impact 1.a, the DEIR states that “the project site is not located near any designated scenic vista and therefore will result in no impacts to such resources.” But the “Upper Garden” area is on top of a ridge which abuts a designated Contra Costa County “Scenic Ridge”, and can be seen for miles up and down Camino Tassajara and from the Windemere Hidden Valley Open Space Trails. For these reasons, changes to the ridge will have an impact on the current scenic view. In particular, Scenic Resource Policies (listed on page 3.1-9) numbered 9-17, 9-19, 9-21, 9-22, 9-23, 9-24 and 9-25 are being violated due to the amount of hilltop to be removed (up to 30 feet), placing of structures (mausoleums, columbaria and water tank(s)) on top of the ridge and huge amounts of grading. This will significantly change the contour of the hill and its current visual character. Note that since the Contra Costa policies apply to “ridges”, “hilltops”, “scenic ridges” and “major scenic ridges”, not only to “designated scenic ridgelines”, these policies do apply to this proposal. By not considering these impacts, the DEIR is inadequate.
- b. Page 3.1-11, Mitigation Measure 3.1-1 – restricting the height of family mausoleums to 14 feet high on the ridgeline is not adequate. A structure that is 14 feet high is quite tall, and will be very noticeable, especially if the xeric landscaping does not screen any of it (and since the xeric landscaping is not specified, it is not possible to assess its ability to screen these structures). The DEIR should spell out exactly what xeric landscaping means, and, if it will not serve to screen 14 foot high structures, then the structures should be reduced in height. Also, since the cemetery plans call for columbaria as well as mausoleums on the ridgeline, this mitigation should be worded “Height of *all structures* in the upper garden area shall be restricted to x feet”.
- c. Page 3.1-12, Mitigation measure 3.1-2 is supposed to mitigate the destruction of ridgeline but only addresses screening the water tank and does not address the fact that up to 30 feet of the ridge has been cut off and a 20 foot wide road has been carved out of the hillside to access it. These are significant issues and the DEIR is inadequate in not addressing them.
- d. Page 3.1-12, Mitigation Measure 3.1-3 is intended to mitigate the visually prominent destruction of hillsides but it does not do this. It only addresses a subset of the issues (mausoleum height, xeric planting, lowered water tank, and biological resource issues (section 3.4)), none of which mitigates the proposed visually prominent destruction of

the hillside by the project. The DEIR is inadequate and should revise this mitigation measure.

15. The DEIR does not adequately address the following issues associated with biological resources:

- a. Page 3.4-33, line 2-9 states “Because the completed Project would result in a relatively open environment even within the permanently affected 48 acres, and no significant barriers to movement would be introduced within the developed portions of the Project Site, the Proposed Project would not significantly affect wildlife movement corridors or result in habitat fragmentation.” However this statement is not true, since although they are not fixed, permanent barriers (such as a wall or a building) they are just as formidable – these barriers include ongoing foot traffic throughout all the walkways on the site, continual traffic on the project’s internal road system, ongoing earth excavations for graves, noise, vibration, light etc. These barriers will introduce a significant restriction on the movement of special status species and therefore the DEIR should include the significant overall impact and associated mitigating measures.
- b. Page 3.4-34 and 3.4-35, mitigation measure 3.4-1a describes relocating two special status plant species (Congdon’s tarplant and San Joaquin sparscale) to the southern tributary, but line 42 on page 3.4-34 says that the relocation area is not alkaline so the area is not really suitable on a long-term basis for these species. The DEIR is inadequate in presenting a mitigation measure that is not feasible, while still claiming that the impact becomes ‘less than significant’ after implementation.
- c. Page 3.4-46, lines 13-20, note that ongoing excavation of burial plots will disturb the special status species of California red-legged frogs, and that trash left on the site will attract other predators, but the accompanying mitigation measure 3.4-3 does not address these impacts. This is an inadequacy of the DEIR.
- d. Page 3.4-49, lines 8-10 state that “(t)he Project Sponsor shall monitor the preserved aquatic habitats within the Project Site for the first two years after construction to determine the effects of land use changes on hydrology of aquatic habitats.” However, the two year limitation is too short, given the ongoing nature of cemetery burials which could affect the red-legged frog. This is an inadequacy with the DEIR.
- e. The DEIR is inadequate in not addressing the issue of disturbance of native expansive soils, which often results in a disproportionate increase in the occurrence of undesirable plant species. The DEIR is also inadequate in proposing mitigation measures for this issue.

16. The DEIR is inadequate because the two proposed chapels, each 1,840 square feet and seating 138 people, are not an allowed use, for the following reasons:

- a. The applicable zoning laws for a cemetery and for A-80 are the following:

- i. Per Contra Costa Zoning Ordinances, Section 82-4.218, a “Cemetery” consists of one or more of the following:
  - 1. a burial park for earth interments,
  - 2. a mausoleum for crypt or vault interments,
  - 3. a columbarium for cinerary interments
- ii. According to Section 88-2.602, the following uses are authorized as incidental uses in connection with the operation and maintenance of a cemetery:
  - 1. An office building for administration of cemetery affairs;
  - 2. Maintenance sheds or buildings for storage of equipment and supplies used in connection with the maintenance and operation of the cemetery grounds;
  - 3. Greenhouse for the propagation of plants used in connection with maintenance of the cemetery grounds;
  - 4. Caretaker's residence
- iii. The site is zoned A-80, and according to Section 84-84.404, “No land use permits may be issued in the A-80 district for the uses listed in subsections (12) through (17) of Section 84-80.404”; these non-allowed uses include the following:
  - 1. Churches, religious institutions, parochial and private schools, including nursery schools
  - 2. Community buildings, clubs, activities of a quasi-public, social, fraternal or recreational character.
- b. Therefore, since the two proposed chapels are not authorized as part of what is allowed as a “cemetery”, and since they are places where community members can gather for “activities of a quasi-public” nature, or they are places where leaders of various faiths can talk to people, i.e. a “church or religious institution”, they are not allowed. The DEIR is inadequate in not addressing this issue.
- c. Note: although the description of the Urban Limit Line (page 3.10-6, lines 18-34), states that “Non-urban uses shall also include rural residential and agricultural structures and facilities for public purposes, whether privately or publicly funded or operated, which are necessary or desirable for public health, safety or welfare or required by State or federal law,” this does not change the conclusion that the two proposed chapels should not be allowed. The two proposed chapels are not necessary (because many cemeteries do not have them), nor are they desirable (because they will increase the urban nature of the proposal), nor are they required by State or federal law.

17. Section 4.0 Alternatives is also inadequate, as described below:

- a. The DEIR does not clearly describe the alternatives, and as a result it is not possible to evaluate them. As a minimum, each alternative should include the following (which it does not now): how many (and which) acres are to be developed, how much

grading (and where) will be required, how much water will be used, how the project proposal of 60,000 square feet of buildings will be changed.

- b. All of the proposed alternatives (except the No Project Alternative) appear to still use more water than is sustainably available on the site, which means that none of the alternatives are feasible. The DEIR is inadequate in not providing feasible alternatives.
  - c. The alternatives are evaluated based on the Project Sponsor's Objectives (listed on pages 4.0-2 and 3); however, these objectives appear to be written so that the only project that meets them is the original project proposal located on this specific site.
18. The DEIR does not adequately address the amount of energy required by the proposal. Page 3.16-5, line 35 states "Based on worst case estimates from the Project Sponsor's engineers (February 18, 2010 memo from P/A Design Resources), the various facilities that will be power consumers will use a combined 61,000 kilowatt hours per year (kWh/year) at full build-out". However, this number is seriously understated; the attached report Newman 8/24/2010 provides supporting information documenting the issues with it. The DEIR is incomplete because it fails to provide a realistic estimate of the energy consumption of the project and so impacts and mitigations cannot be evaluated.
19. The DEIR does not adequately address the traffic impacts of the proposed cemetery as described below:
- a. The traffic analysis used by the DEIR is flawed because it only considers AM and PM peak commute hours since "Funerals would be planned to occur outside the a.m. and p.m. peak hour periods and motorcycle traffic control escorts would accompany large funeral processions from off-site mortuaries or churches." (Appendix C, page 14). Yet as described above, the operations schedule for the cemetery does not restrict funerals to non-peak hours, and memorial services (from 5 to 9 PM) will definitely start during peak hours. The traffic study does not consider cemetery traffic patterns, procession sizes, LOS drop, unpredictability of travel and commute times, accident rates and emergency service delays or any other issues relating to the cemetery's normal operations that might affect traffic during the day. The conclusions in the traffic report (Appendix C, page 29) do not address these issues, without this data, the DEIR cannot adequately assess traffic impacts or propose adequate mitigation measures.
  - b. The DEIR is inadequate because it does not consider the increased peril to special status species due to the increased traffic on Camino Tassajara due to the proposed cemetery. The danger is especially acute at the main entrance to the proposed Cemetery, where many vehicles will be slowing down, following closely behind each other, and with drivers who are under impaired emotional states and not focused on avoiding wildlife. Since Tassajara Creek is within 800 feet of the entire 2,000 foot frontage of the proposed cemetery, the impact of this issue should be addressed by the

DEIR along with effective mitigation measures.

- c. Page 3.14-15, line 6, states that no new traffic will be added due to the cemetery; this is inconsistent with the traffic report that shows 448 new trips/day. The DEIR should correct this inconsistency.

20. The following DEIR issues are all minor, but should be corrected:

- a. Section 2.3, Proposed Roads and Parking, page 2.0-10, lines 52-53 states that the road to the upper gardens will have 8-foot wide turnouts every 400 feet but the Master Site Plan states that it will have 8-foot wide turnouts every 300 feet. This is a minor error but should be corrected.
- b. Section 2.3, Water, page 2.0-14, lines 18-22, does not specify the capacity of the water tank(s) and implies that the capacity has not yet been determined. However, in Section 3.6, page 3.6-11 (p. 302), line 49, the size of the tank is specified as 70 feet in diameter and 20 feet high, which would hold about 500,000 gallons, so the capacity has been determined. This is another example of the DEIR being inconsistent and misleading.
- c. Page 3.11-5, Table 3.11-2, shows the distance from construction of nearby residences. The line labeled Hansen (223-020-007) refers to the residence on the excluded 9 acres, on which significant grading will occur. While this is a minor issue, the DEIR states that this parcel is 60 feet +/- away from construction but really it is less than 0 feet.
- d. Page 3.14-2, lines 2-3, state that the posted speed limit on Windemere Parkway is 30 MPH; this is incorrect. It is 40 MPH over its entire length. This is minor point but should be corrected.
- e. Page 3.16-4, lines 47-50, states that construction of the project could last up to 48 months (i.e. four years), but two lines later, the project description states that construction will occur over two construction seasons...how can two construction seasons last 48 months? This is an inconsistency with the DEIR.

### **Appendices B and E**

Our analyses of the consultants' reports used in the preparation of the DEIR are listed in Appendix II; the issues listed in these attachments comprise additional inadequacies with the DEIR.

One correction: in our earlier analyses, we estimated the amount of impervious area at 22 acres; however, based on the table on page C.19 of the Master Site Plan, it should be 12.6 acres instead.

Also, we have not included all of our earlier analyses relating to water supply, since these have been superseded by the recent analyses prepared by Todd Engineers (July 2011, included as Appendix D of the DEIR) and by Hydrofocus (October 2011, included as an attachment to the

comment letter submitted by Environmental Advocates).

**Conclusion**

To conclude, the above comments, along with the additional issues raised in the attachments which follow, show many inadequacies with the DEIR which should be addressed.

Bill and Holly Newman

(Attachments)

**Appendix I** – Attachment with list of discrepancies between the Impacts and Mitigation Measures listed in the Creekside Memorial Park Cemetery DEIR, Executive Summary in section 1, Table 1 and the detailed discussion in Section 3

**Appendix II – Attachments documenting issues with consultants’ reports used in DEIR**

Newman 8/19/2008 - Newman, Bill and Holly, August 19, 2008, to John Osborne, Planner, Community Development Department, Contra Costa County, Issues with water well tests performed for proposed Creekside Memorial Park Cemetery, Tassajara Road, Contra Costa County, California

Newman 8/10/2009 - Newman, Bill and Holly, August 10, 2009, response to John Osborne, Planner, Community Development Department, Contra Costa County, regarding the report from P/A Design Resources, Inc., titled “Creekside Memorial Park Preliminary Anticipated Maximum Yearly Water Demand and Water Source Availability”, dated June 12, 2009

Newman 4/5/2010 - Newman, Bill and Holly, April 5, 2010, to Demian Hardman, Planner, Contra Costa County Department of Conservation and Development, regarding the report from P/A Design Resources, Inc., titled “Creekside Memorial Park Preliminary Anticipated Maximum Yearly Water Demand and Water Source Availability” dated June 12, 2009, revised January 29, 2010

Newman 4/30/2010 - Newman, Bill and Holly, April 30, 2010, to Demian Hardman, Planner, Contra Costa County Department of Conservation and Development, regarding the reports from P/A Design Resources, Inc., titled “Creekside Memorial Park Request for Justification and Need for Project”, dated September 30, 2009 and February 5, 2010

Newman 8/24/2010 - Newman, Bill and Holly, August 24, 2010, to Demian Hardman, Planner, Contra Costa County Department of Conservation and Development, regarding review of memo from P/A Design Resources, Inc., titled “Creekside Memorial Park – Estimate of Anticipated Energy Consumption”, dated February 18, 2010, and attachments consisting of (1) memo titled “Creekside Memorial Park – Project Architectural Component, Estimate of Anticipated Energy Consumption”, dated February 15, 2010 prepared by Chris Kelly of Chris Kelly Architects, and (2) technical memo titled “Summary of Vehicle Miles Traveled – Creekside Memorial Park (Proposed Project) vs. ‘Business as Usual’ Condition”, dated February 19, 2010 prepared by Vishnu Gandlura at TJKM Transportation Consultants