

OSEE's Press Release on Winning the Lawsuit

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<https://www.orindasee.com/post/osee-s-press-release-on-winning-the-lawsuit>

Orindans for Safe Emergency Evacuation Prevail in Lawsuit Against City of Orinda.

From the beginning, it was clear to the citizens group Orindans for Safe Emergency Evacuation, or OSEE, that the Environmental Impact Report (EIR) and the City's justification for their approval of Plan Orinda violated State law, and the Contra Costa County Superior Court has agreed.

Naturally OSEE is pleased with the ruling, and we were very impressed with the care and effort taken by the Court in its deliberations as evidenced in its extensive Minute Order. [Link to Court Order](#)

The Court describes the EIR's inadequacies and the resultant weakening of the City's approval justifications in detail in its Order and summarized their opinion as follows:

"Because the EIR provides ambiguous information on the impacts on evacuation in WFR-1 [Wildfire Risk-1] and does not provide the public and decision-makers with sufficient information to understand the magnitude of the impacts of the Project on evacuation in the face of wildfire hazards, the City did not have sufficient information to balance the benefits of the Project against its adverse impacts, after mitigation, and the City's Statement of Overriding Considerations is therefore not supported."

OSEE is particularly relieved because this gives the City the chance to take full advantage of the power of the Program EIR before it is too late. This EIR is the only opportunity the community will have to weigh in on the full development plan envisioned in Plan Orinda and any attached mitigations or alternatives comprehensively. Due to current housing development regulations, future projects will most likely be able to rely entirely on this EIR to fulfill their environmental review requirements. The fact that the EIR didn't cover wildfire risk adequately would be immaterial.

In addition, inadequate evacuation capacity and insufficient emergency response capability are not problems that can or should be solved by individual developments. Use of a program EIR allows the community to consider broad policy alternatives and program-wide mitigation measures and provides greater flexibility to address environmental issues and/or cumulative impacts on a comprehensive basis. If there is any environmental analysis done on individual developments in the future, any mitigations could only be piecemeal and ineffective.

OSEE hopes to work along with other community members and the City in good faith to advance the process as thoroughly and quickly as possible so that the job of reinvigorating downtown can restart. Along with many Orindans, half of OSEE's leadership team were on the Board of Orinda Vision – a group dedicated for years to reinvigorating the downtown.

Now the City needs to take responsibility and faithfully follow the Court's order – analyze the impacts to evacuation capacity from build-out of Plan Orinda, identify how to minimize or eliminate the impacts, and seek funding to make it happen.

Thank you,
Michele Jacobson
Member, OSEE leadership team