

City of Brentwood
Community Development Department



Dwelley-Mori Annexation Project
Initial Study/Negative Declaration

October 2020

Prepared by



1501 Sports Drive, Suite A, Sacramento, CA 95834

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INITIAL STUDY
October 2020

A. BACKGROUND

1. Project Title: Dwelley-Mori Annexation Project
2. Lead Agency Name and Address: City of Brentwood
Community Development Department
Planning Division
150 City Park Way
Brentwood, CA 94513
3. Contact Person and Phone Number: Debbie Hill
Senior Planner
(925) 516-5135
4. Project Location: West of Marsh Creek, south of Delta Road,
east of Brentwood Boulevard, and north of Lone Tree Way
Brentwood, CA 94561

Dwelley Property APNs: 018-310-009 and -010
Mori Property APNs: 018-290-005 through -009
Simmons Property APNs: 018-300-002, -008, -014, and -015
5. Project Applicant's Name and Address: Mark Dwelley and Larry Mori
WestGate Ventures
2551 San Ramon Valley Boulevard #204
San Ramon, CA 94583
6. Existing and Proposed City General Plan Designation: Residential-Low Density (R-LD)
7. Existing County Zoning Designation: General Agriculture (A-2)
8. Proposed City Pre-Zoning Designation: Residential Planned Development (PD)
9. Required Approvals from Other Public Agencies: Contra Costa Local Agency Formation
Commission (LAFCo)
10. Surrounding Land Uses and Setting:

The project site consists of 90.6 acres, located in unincorporated Contra Costa County, directly north of the City of Brentwood limits; however, the site is included within the City of Brentwood General Plan and Sphere of Influence area. The project site consists of three properties: the 55.5-acre Dwelley Property (APNs 018-310-009 and -010), the 33.4-acre Mori Property (APNs 018-290-005 through -009), and the 1.7-acre Simmons Property (018-300-002, -013, -008, and -009). The City of Brentwood General Plan designates the project site as Residential-Low Density (R-LD).

Currently, the majority of the Dwelley Property consists of actively-managed agricultural land, as well as associated structures and buildings within the northern portion of the property. The Mori Property primarily consists of actively-managed agricultural land that is absent of any structures or development. The Simmons Property consists of three existing residences and associated infrastructure. The project site is generally located west of Marsh Creek, south of Delta Road, east of Brentwood Boulevard, and north of Lone Tree Way. Existing land uses in the surrounding area include agricultural land to the east, public facilities and industrial businesses to the south, single-family residential to the north, and a senior center and care facility, church, and industrial businesses to the west.

11. Project Description Summary:

The proposed project includes a request for annexation of the 90.6-acre project site into the City of Brentwood. Annexation of the project site into the City of Brentwood is ultimately subject to approval by the Contra Costa Local Agency Formation Commission (LAFCo). Additionally, the proposed project includes a request to pre-zone the entire project site with City zoning consistent with the current R-LD General Plan land use designation for the site. Development of the project site is not being proposed at this time; however, a backbone infrastructure plan has been prepared for informational purposes illustrating the conceptual future roadway and utility improvements that would likely be needed to accommodate buildout of the project site. Detailed infrastructure plans would be provided at a later date, once specific development plans are brought forward. The detailed plans would be reviewed for conformance with the backbone infrastructure plan included in this IS/ND to determine if additional environmental review would be required.

12. Status of Native American Consultation Pursuant to Public Resources Code Section 21080.3.1:

In compliance with Assembly Bill (AB) 52 (Public Resources Code Section 21080.3.1), the City distributed project notification letters to the following tribes: Wilton Rancheria, The Ohlone Indian Tribe, North Valley Yokuts Tribe, Muwekma Ohlone Indian Tribe of the SF Bay Area, Lone Band of Miwok Indians, Indian Canyon Mutsun Band of Costanoan, Amah Mutsun Tribal Band of Mission, San Juan Bautista. The letters were distributed on March 6, 2020; request for consultation have not been received.

B. SOURCES

The following documents are referenced information sources used for the purposes of this Initial Study:

1. Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines*. May 2017.
2. California Air Resources Board. *Air Quality and Land Use Handbook: A Community Health Perspective*. April 2005.
3. California Air Resources Board. *The 2017 Climate Change Scoping Plan Update*. January 20, 2017.
4. California Department of Conservation. *California Important Farmland Finder*. Available at: <https://maps.conservation.ca.gov/DLRP/CIFF/>. Accessed March 2020.
5. California Department of Forestry and Fire Protection. *Contra Costa County, Very High Fire Hazard Severity Zones in LRA*. January 7, 2009.

6. California Department of Resources Recycling and Recovery (CalRecycle). *Facility/Site Summary Details: Keller Canyon Landfill (07-AA-0032)*. Available at: <https://www2.calrecycle.ca.gov/swfacilities/Directory/07-AA-0032/>. Accessed March 2020.
7. California Department of Transportation. *California Scenic Highway Mapping System*. Available at: <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>. Accessed February 2020.
8. California Energy Commission. *Title 24 2019 Building Energy Efficiency Standards FAQ*. November 2018.
9. California Geologic Survey. *Seismic Hazard Zone Report for the Brentwood 7.5-Minute Quadrangle, Contra Costa County, California*. 2018.
10. City of Brentwood. *City of Brentwood General Plan*. Adopted July 2014.
11. City of Brentwood. *Environmental Impact Report for the 2014 Brentwood General Plan Update*. April 2014.
12. City of Brentwood. *Final 2015 Urban Water Management Plan*. June 2016.
13. Contra Costa County Department of Conservation. *2016 Agricultural Preserves Map*. February 1, 2017.
14. Department of Toxic Substances Control. *Envirostor*. Available at: <https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=Lola+Lane+and+Delta+Road%2C+Brentwood%2C+CA>. Accessed March 2020.
15. Federal Emergency Management Agency. *Flood Insurance Rate Map 06013C0353F*. Effective June 16, 2009.
16. United States Department of Agriculture, Natural Resources Conservation Service. *Web Soil Survey*. Available at: <http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>. Accessed March 2020.

C. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

As indicated by the checklist on the following pages, the proposed project would not result in significant impacts to any of the environmental factors listed below, and mitigation would not be required.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forest Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology and Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards and Hazardous Materials |
| <input type="checkbox"/> Hydrology and Water Quality | <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population and Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities and Service Systems | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Mandatory Findings of Significance |

D. DETERMINATION

On the basis of this initial study:

- I find that the Proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the Proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the applicant. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the Proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Debbie Hill, Senior Planner

Printed Name

Date

City of Brentwood

For

E. BACKGROUND AND INTRODUCTION

This Initial Study/Negative Declaration (IS/ND) identifies and analyzes the potential environmental impacts of the Dwelley-Mori Annexation Project (proposed project). The information and analysis presented in this document is organized in accordance with the order of the California Environmental Quality Act (CEQA) checklist in Appendix G of the CEQA Guidelines.

On July 22, 2014, the City of Brentwood City Council adopted a comprehensive update to the City's General Plan and certified an associated Environmental Impact Report (EIR).¹ The General Plan EIR analyzed the potential impacts associated with full buildout of the General Plan Land Use Diagram. Although the project site is not within the City of Brentwood city limits, the site is included within the City of Brentwood General Plan and Sphere of Influence in unincorporated Contra Costa County, and thus, buildout of the site has been analyzed. The proposed project would be consistent with the General Plan designation for the project site. Per Public Resources Code (PRC) Section 21083.3, if a development project is consistent with the local general plan and zoning, the environmental analysis should be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior EIR. Therefore, in accordance with PRC Section 21083.3, the analysis within this IS/ND will rely on analysis and incorporate by reference the general discussions included in the General Plan EIR, as applicable.

It is important to note that CEQA acknowledges that the degree of specificity required in an environmental document will correspond to the degree of specificity involved in the underlying activity which is described in the environmental document (Guidelines Section 15146). On an annexation project, such as this, where no direct development is currently proposed, the degree of specificity is programmatic in nature, but an effort should be made to address the secondary effects that can reasonably be expected to follow from approval of the requested annexation and rezoning. In this case, the secondary effects that can be reasonably expected is development of the annexation area pursuant to the existing General Plan land use designation and requested rezoning. In doing such an analysis of the secondary effects, it need not be as detailed as that for a specific construction project (15146(b)).

F. PROJECT DESCRIPTION

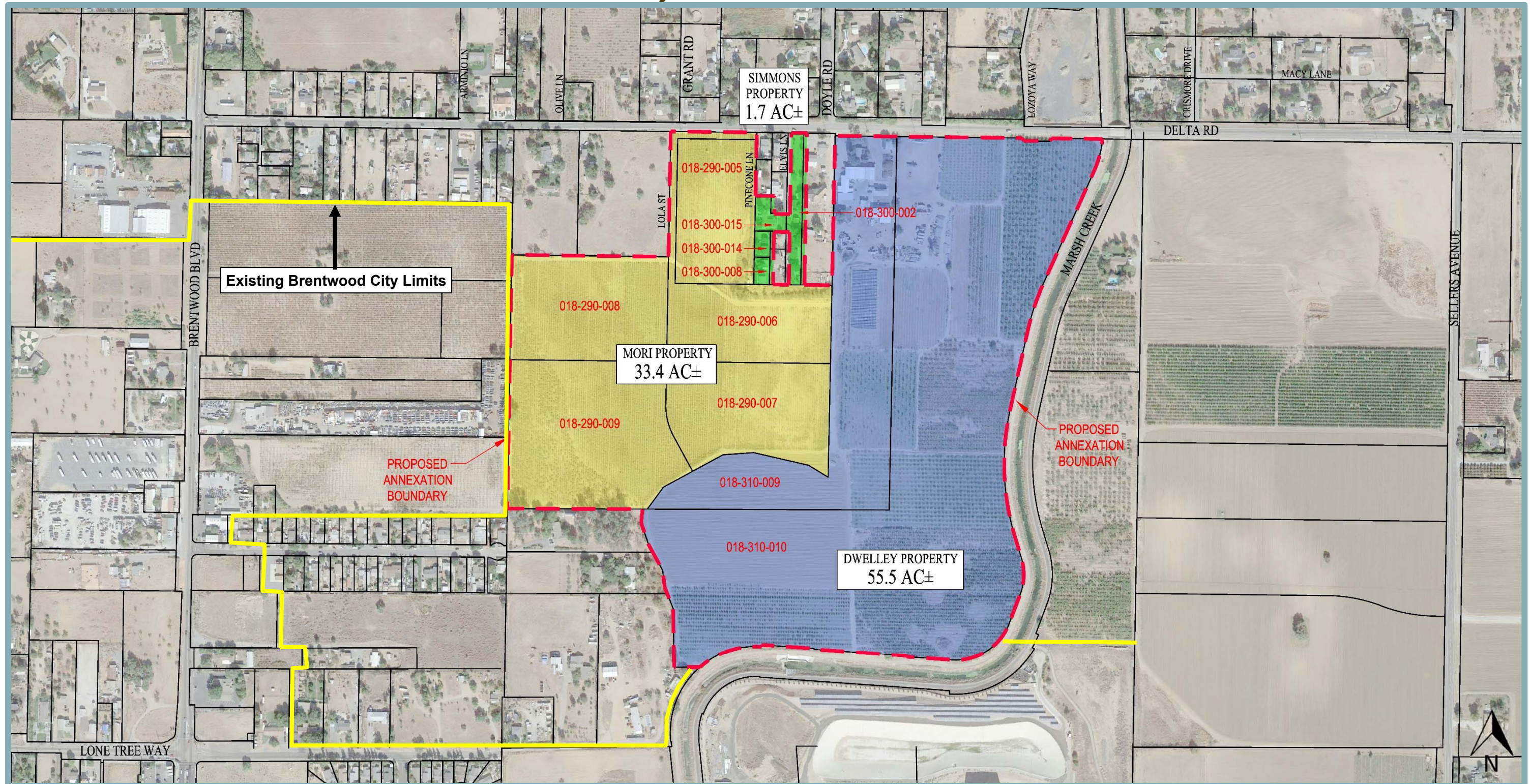
The following provides a description of the project site's current location and setting, as well as the proposed project components and the discretionary actions required for the project.

Project Location and Setting

The project site consists of approximately 90.6 acres, located outside and directly north of the City of Brentwood city limits; however, the property is included within the City of Brentwood General Plan Planning Area and Sphere of Influence in unincorporated Contra Costa County (see Figure 1). The project site consists of three properties: the 55.5-acre Dwelley Property (APNs 018-310-009 and -010), the 33.4-acre Mori Property (APNs 018-290-005 through -009), and the 1.7-acre Simmons Property (018-300-002, -008, -014, and -015) (see Figure 2). The City of Brentwood General Plan designates the project site as Residential-Low Density (R-LD).

¹ City of Brentwood. *City of Brentwood General Plan*. Adopted July 2014.
City of Brentwood. *2014 Brentwood General Plan Draft Environmental Impact Report*. April 2014.

Figure 2
Project Site Boundaries



Currently, the majority of the Dwelley Property consists of actively managed agricultural land, as well as associated structures and buildings within the northern portion of the property. The Mori Property primarily consists of actively managed agricultural land that is absent of any structures or development. The agricultural land within the Dwelley Property consists of orchards, vineyards, row crops, and irrigated pasture, while the Mori property primarily consists of land used for vineyards. The Simmons Property currently consists of three existing residences and associated structures.

The project site is generally located west of Marsh Creek, south of Delta Road, east of Brentwood Boulevard, and north of Lone Tree Way. Land uses in the surrounding area include agricultural land to the east, public facilities and industrial businesses to the south, single-family residences to the north, as well as a senior center and care facility, church, and industrial businesses to the west.

Based on the maximum allowable buildout pursuant to the R-LD land use designation for the site, the residential buildout capacity of the project site that could be expected to ultimately result from annexation of the project site would be 453 single-family residential units (90.6 acres x 5.0 units per acre). This IS/ND analyzes future buildout of the project site at the maximum residential capacity.

Project Components

The proposed project would include a request for annexation of the 90.6-acre project site into the City of Brentwood, and rezoning of the entire project site with City zoning consistent with the current General Plan land use designation for the site. Development of the project site is not being proposed at this time; however, a backbone infrastructure plan has been prepared illustrating anticipated future roadway and utility improvements needed to accommodate buildout of the project site. The proposed request for annexation and rezoning, as well as the backbone infrastructure plan, are discussed in further detail below.

Annexation and Pre-zone

The proposed project includes a request for annexation of the entire 90.6-acre site into the City of Brentwood. Annexation of the site into the City of Brentwood is a formal municipal reorganization action that requires approval by Contra Costa LAFCo. First, the Brentwood City Council would consider adopting a resolution to initiate the annexation proceedings, which would subsequently be submitted to the Contra Costa LAFCo for approval as a Responsible Agency. The City and the County would negotiate a property tax split to determine how much property tax the City would receive and how much the County would retain.

The annexation would formally transfer all governmental powers and municipal services pertaining to the project site from Contra Costa County to the City of Brentwood. Upon annexation, the City would be responsible for providing water service, sewer service, police protection, and general government services, along with maintaining water and sewer mains, and the on-site storm drainage system. Although City water and sewer services would be made available to the properties within the site, existing on-site water or wastewater systems could be maintained at the discretion of the land owner. However, should property owners wish to further develop their properties in the future, such development would be required to meet the City's development standards. Such standards include the requirement that new development be connected to City water and sewer services.

The project site is currently located within the jurisdiction of Contra Costa County. As such, the project site does not currently have any existing City zoning designations. As shown in Figure 3, the proposed pre-zoning designation for the site would be Residential PD. The Residential PD pre-zoning conceptual plan includes a backbone roadway network, 12.4 acres of open space area, and three residential subareas (see Figure 4). Subarea A would be approximately 21.3 acres, comprised of 4,000-square-foot (sf) lots. Subarea B would be approximately 20.0 acres, comprised of 5,000-sf lots. Subarea C would be approximately 35.2 acres, comprised of 6,000-sf lots. Because the Residential PD pre-zoning map is conceptual at this time, the analysis within this IS/ND assumes the pre-zoning for the project site would be consistent with the City of Brentwood General Plan land use designation of R-LD and would not exceed or conflict with the R-LD standards.

Backbone Infrastructure Plan

Although development of the project site is not proposed at this time, a conceptual backbone infrastructure plan has been prepared for the project site for informational purposes (see Figure 5). Additional or alternative infrastructure improvements may be required pending further review and analysis of any future proposed development of the site. This IS/ND is programmatic and does not include project-level analysis of the backbone infrastructure plan at this time, nor does the analysis herein preclude any future analysis or, if determined necessary, mitigation of impacts related to infrastructure improvements associated with future buildout of the site.

Based on the conceptual backbone infrastructure plan, stormwater falling on the project site would be collected in the open space areas along the eastern boundary and directed to three new outfall locations along Marsh Creek. Drainage lines would be routed from the Mori Property to Delta Road and eventually direct stormwater to the northernmost outfall point within Marsh Creek.

In addition, according to the conceptual backbone infrastructure plan, non-potable water lines would be constructed within the project site through new connections to the City's recycled water facilities to the south, across Marsh Creek. The new non-potable water lines would be located within the Lone Tree Way extension and eventually extended within a future roadway connection to Brentwood Boulevard. As part of the conceptual infrastructure plan, potable and non-potable water lines would be installed within Brentwood Boulevard and Delta Road.

Furthermore, based on the conceptual backbone infrastructure plan, sewer system improvements would be anticipated to include a new sanitary sewer lift station in the southeast corner of the site. From the sanitary sewer lift station, a new sewer line would be installed by bore and jack to connect to an existing manhole at the City's wastewater treatment plant to the south. The backbone infrastructure plan also identifies future roadway improvements for the project site. The future roadway improvements are anticipated to include the extension of Lone Tree Way to connect to Delta Road, as well as a future roadway connecting the site to Brentwood Boulevard. An additional future roadway would connect Delta Road to the future Lone Tree Way extension. A road would also bisect the future extension of Lone Tree Way to connect the future roadway that would extend from Delta Road.

The backbone infrastructure plan also accounts for the future widening of a segment of Brentwood Boulevard, as well as the future half-width widening of a portion of Lone Tree Way. It is anticipated that future development of the proposed site in accordance with the General Plan and pre-zoning designations would include construction of a new traffic signal at the intersection of Brentwood Boulevard and the future roadway connection extending to the site to the east. Infrastructure plans would also include the modification of the existing traffic signal at Brentwood Boulevard and Lone Tree Way.

Figure 3
Pre-Zoning Map

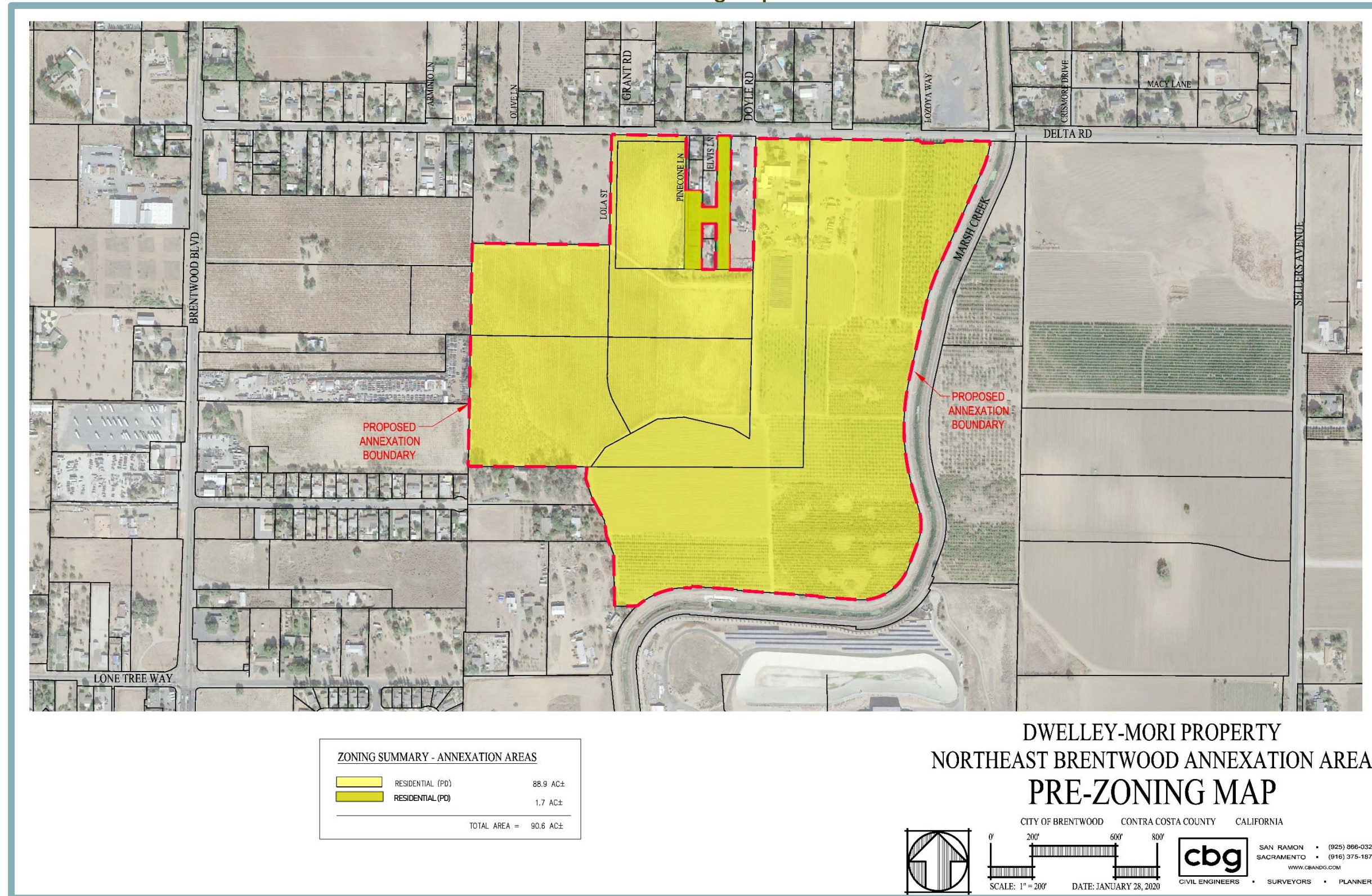


Figure 4
Residential PD Conceptual Pre-Zoning Map

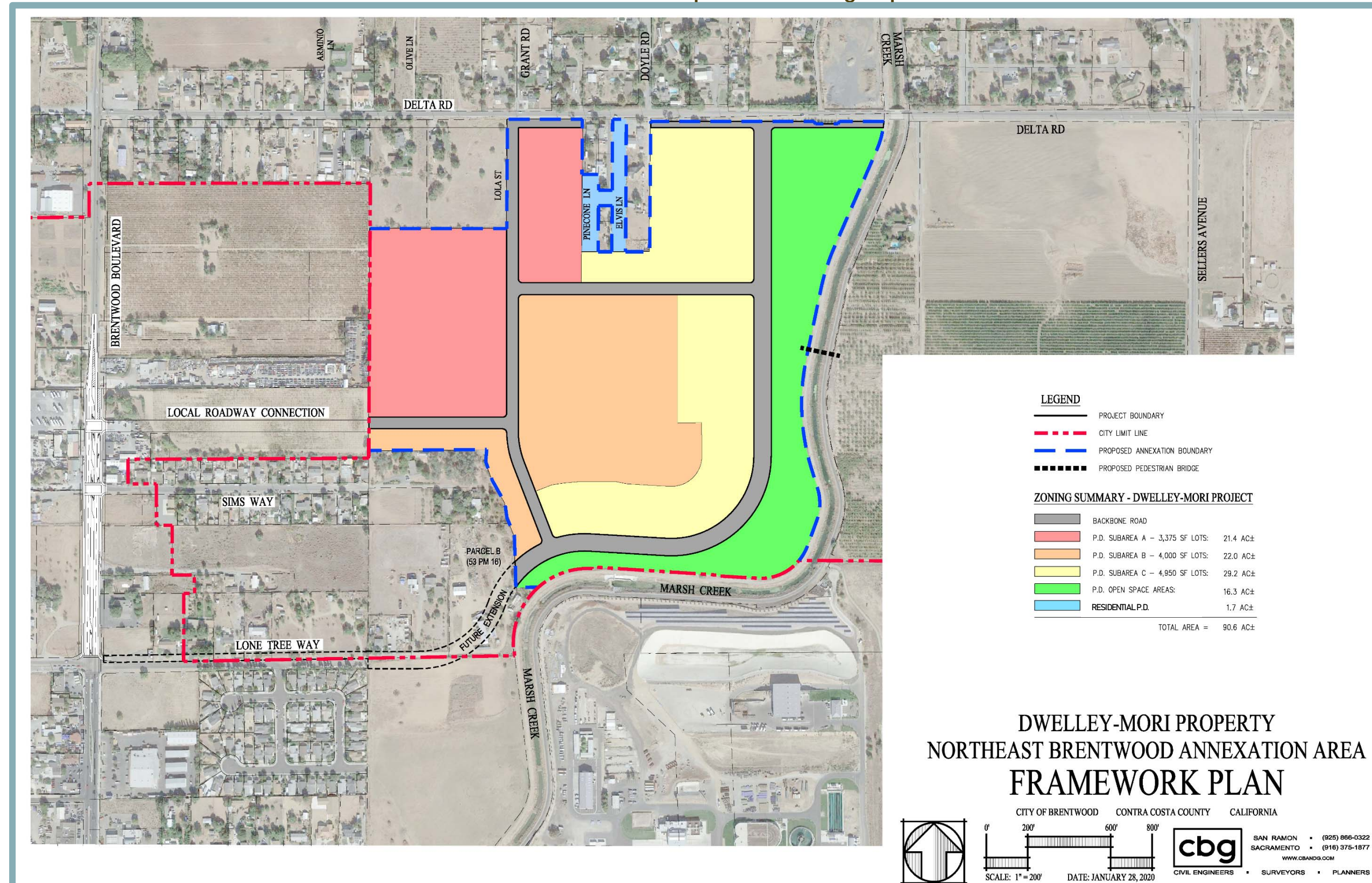
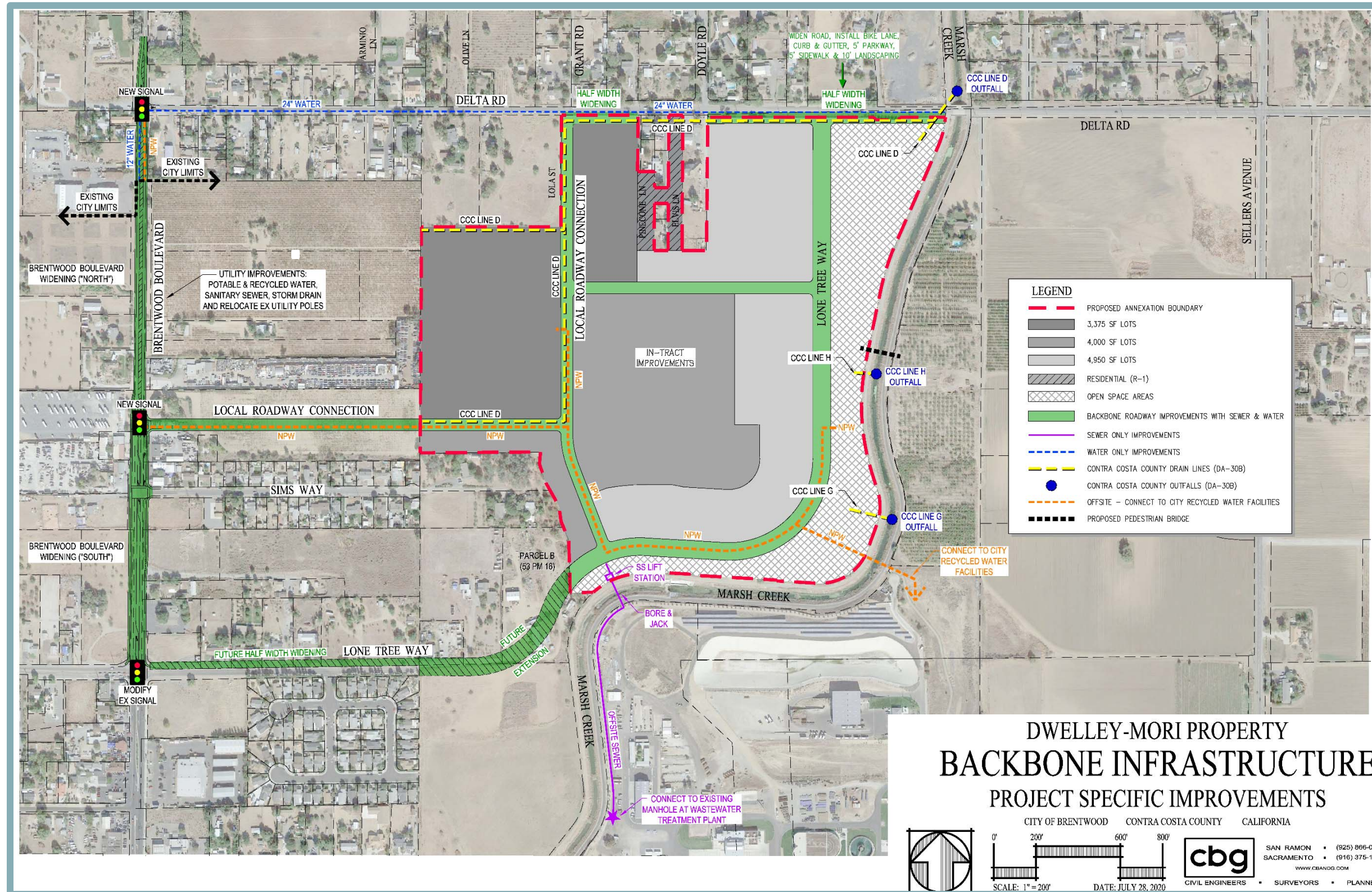


Figure 5
Backbone Infrastructure Plan



An additional half width widening would occur at Delta Road, along the northern boundary of the project site. In addition, a new traffic signal and associated roadway improvements would be included at the intersection of Brentwood Boulevard and Delta Road.

Discretionary Actions

The proposed project would require the following approvals from the City of Brentwood:

- Adoption of this Initial Study/Negative Declaration;
- Approval of Annexation Resolution authorizing submittal of annexation application for the project site to Contra Costa LAFCo; and
- Amendment to the City Zoning Map to pre-zone the site as Residential Planned Development and assignment of the Residential PD pre-zoning designation to the project site.

As a responsible agency, the Contra Costa LAFCo would be required to approve the proposed annexation and associated requirements.

G. ENVIRONMENTAL CHECKLIST

The following checklist contains the environmental checklist form presented in Appendix G of the CEQA Guidelines. The checklist form is used to describe the impacts of the proposed project. A discussion follows each environmental issue identified in the checklist. For this checklist, the following designations are used:

Potentially Significant Impact: An impact that could be significant, and for which no mitigation has been identified. If any potentially significant impacts are identified, an EIR must be prepared.

Less Than Significant with Mitigation Incorporated: An impact that requires mitigation to reduce the impact to a less-than-significant level.

Less-Than-Significant Impact: Any impact that would not be considered significant under CEQA relative to existing standards.

No Impact: The project would not have any impact.

I. AESTHETICS.

Would the project:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>

Discussion

a,c. Examples of typical scenic vistas include mountain ranges, ridgelines, or bodies of water as viewed from a highway, public space, or other area designated for the express purpose of viewing and sightseeing. The topography of the City’s planning area is characterized by the relatively flat terrain of the Central Valley, with gently sloping hills in the western and southwestern portion of the area approaching the foothills of the Diablo Range. Views of scenic vistas in the project vicinity include views of the Diablo Range, which are intermittently available from the project site frontage at Delta Road. In addition, the project site is located in an area primarily characterized by agricultural land. Development in the surrounding area includes public facilities to the south, rural residences to the north, a senior center and care facility, church, and industrial businesses to the west, and agricultural land to the east. In addition, the project site currently includes three residences and associated structures on the Simmons Property.

Although the proposed project would not include any new development at this time, upon annexation of the site into the City, future development of up to 453 homes could partially obstruct views of the Diablo Range for motorists, bicyclists, and pedestrians traveling on Delta Road. In addition, future development of the site with residences and associated improvements would alter the rural character of the project site. Thus, future development of the site could result in a substantial adverse effect on public views of the Diablo Range and alter the existing rural visual character of the project site. However, development of the project site in the future would be required to comply with all applicable City policies and standards, including, but not limited to, the following General Plan policies adopted for the purpose of preserving scenic vistas and the visual character of the City:

- Policy LU 1-5: Encourage new development to be contiguous to existing development, whenever possible.
- Policy LU 5-1: Maintain significant areas of permanent agricultural lands and open space surrounding the City limits.
- Policy LU 5-2: Protect agricultural land from urban development except where the General Plan Land Use Map has designated the land for urban uses.
- Policy LU 6-1: Create residential areas in Brentwood that include innovative designs which are linked with bikeways and pedestrian trails, commercial, and employment centers, and transit stops.

- Policy LU 6-2: Maintain the character of existing neighborhoods by ensuring new development is compatible in style, size, color, and footprint with the existing residences in the neighborhood.
- Policy LU 6-3: Residential neighborhoods should be well-defined with park and recreation facilities, school, open space, and neighborhood commercial land uses that incorporate unifying landscape and architectural themes and provide visible functional centers.
- Policy LU 6-4: Apply design standards regulating setbacks, landscaping, screening, and architectural style to new residential development and rehabilitation projects.
- Policy LU 6-6: Encourage quality landscape and design.
- Policy COS 1-1: General Plan land use designations that include agriculture, permanent open space, parks, and similar uses, as well as waterways (i.e., Marsh Creek, Dry Creek, Deer Creek, and Sand Creek), shall be considered open space.
- Policy COS 1-2: Preserve open space for conservation, recreation, and agricultural uses.
- Policy COS 1-3: Conversion of open space, as defined under Policy COS 1-1, to developed residential, commercial, industrial, or other similar types of uses, shall be strongly discouraged. Undeveloped land that is designated for urban uses may be developed if needed to support economic development, and if the proposed development is consistent with the General Plan Land Use Map.
- Policy COS 1-4: Where possible, integrate open space and stream corridors with trails and other recreational open space in an environmentally sustainable manner.
- Policy COS 1-5: Recognize urban open space as essential to maintaining a high quality of life within the city limits of Brentwood.
- Policy COS 1-6: Support regional and local natural resource preservation plans of public agencies that retain and protect open space within the city limits, the Sphere of Influence, and the Planning Area.
- Policy COS 1-7: Encourage public and private efforts to preserve open space.
- Policy COS 1-8: Common or private open space that is not City property shall be privately maintained.
- Policy COS 1-9: Encourage the protection and incorporation of existing, native, mature, non-orchard trees and areas of natural vegetation as part of new development.
- Policy COS 2-5: Work with the Local Agency Formation Commission (LAFCO) on issues of mutual concern including the conservation of agricultural land through consistent use of LAFCO policies, particularly those related to conservation of agricultural lands and establishment of adequate buffers between agricultural and non-agricultural uses, and the designation of a reasonable and logical Sphere of Influence (SOI) boundary for the City.

Per Public Resources Code Section 21083.3(b), if a development project is consistent with the local general plan, the environmental analysis should be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior EIR. According to the General Plan EIR, even with implementation of the policies above, impacts related to scenic vistas and visual character were determined to remain significant and unavoidable as a result of buildout of the General Plan, including the project site. The Brentwood City Council adopted a Statement of Overriding Considerations for the impacts resulting from adoption of the General Plan and associated EIR. Because the project would be consistent with the General Plan land use designation for the site, any potential impacts associated with future development of the site related to scenic vistas and visual character have been previously

anticipated by the City. In addition, the project would not include any effects on the environment that would be considered peculiar to the site. Accordingly, further analysis of scenic vistas and visual character is not necessary.

Furthermore, future development of the project site would be subject to Design and Site Development Review pursuant to Chapter 17.820 of the City's Municipal Code. The Design and Site Development Review would ensure that any new development is visually compatible with other existing uses in the site vicinity and would ensure consistency with all applicable development standards established in Chapter 17.820 of the Municipal Code. The Design Guidelines would ensure any future development on the project site would be designed to be consistent with the type and intensity of development in the surrounding areas.

Because the City's General Plan designates the project site for residential development, and the proposed project would be consistent with the General Plan designation for the site, potential impacts to scenic vistas and visual character associated with future development of the project site was already evaluated and considered in the General Plan EIR analysis. Therefore, the proposed project would not result in new or more severe impacts related to scenic vistas and visual character from what has already been anticipated and analyzed for the site. Therefore, the proposed project would not have a substantial adverse effect on a scenic vista or substantially degrade the existing visual character of the site and its surroundings, and a **less-than-significant** impact would occur.

- b. According to the California Scenic Highway Mapping System, the project site is not located within the vicinity of an officially designated State Scenic Highway.² The site is located approximately 2.5 miles east of State Route (SR) 4, which is listed as an eligible State Scenic Highway; however, SR 4 is not officially designated. Furthermore, views of the project site are not provided from SR 4. Therefore, development of the proposed project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic Highway, and, thus, a **less-than-significant** impact would occur.

- d. The primary sources of glare are generally sunlight reflecting from structures and other reflective surfaces and windows. Sources of light are generally from exterior building lights, street lights, and vehicle headlights. Although the proposed project would not result in development at this time and, thus, would not result in any new sources of light or glare, future development of the site could result in an increase in sources of light and glare. However, future development would be required to comply with all applicable goals and policies of the City's General Plan, as well as lighting and design standards set forth in the Brentwood Municipal Code. The City's General Plan does not include any light and glare policies related to the project; however, General Plan Action LU 6a requires implementation of the City's Design Guidelines during the review and permitting of all new development projects. As noted above, the Design Guidelines would ensure any future development on the project site would be designed to be consistent with the type and intensity of development in the surrounding areas. The Design Guidelines would be implemented through the design and site development approval process delineated in Chapter 17.820 of the City's Municipal Code. The Design Review process would include a review of the exterior appearance of all future facilities and structures to ensure

² California Department of Transportation. *California Scenic Highway Mapping System*. Available at: <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>. Accessed February 2020.

compliance with the City's established Residential Design Guidelines. The General Plan EIR concluded that with implementation of the General Plan Action listed above and the City's Design Guidelines, new development projects would use appropriate building materials that do not result in substantial light or glare, which would adversely affect day or nighttime views in the area.

Given the project's required compliance with applicable General Plan policies and the City's Design Guidelines, implementation of the proposed project would result in a **less-than-significant** impact with respect to creating a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

II. AGRICULTURE AND FOREST RESOURCES.

Would the project:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

a.e. Currently, the project site consists of actively managed agricultural land, as well as associated structures and buildings within the Dwelley and Simmons Properties. Per the U.S. Department of Agriculture (USDA) Web Soil Survey, the project site consists of Delhi sand and Sorrento silty clay loam with an Irrigated Capability rating of Class III for Delhi sand and Class II for Sorrento silty clay loam.³ In addition, per the California Department of Conservation Farmland Mapping and Monitoring Program, the project site consists of approximately 57.9 acres designated as Prime Farmland, approximately 29.8 acres designated as Farmland of Statewide Importance, and approximately 9.4 acres designated as Urban and Built up Land.⁴

The proposed project does not include any development at this time; however, future residential development of the site could convert Prime Farmland or Farmland of Statewide Importance to non-agricultural use. Future development of the site would be required to comply with all applicable General Plan goals and policies adopted for the purposes of preserving agricultural land, including, but not limited to the following:

- Policy COS 2-2: Maintain permanent agricultural lands surrounding the city limits to serve as community separators and continue the agricultural heritage of Brentwood.
- Policy COS 2-4: Participate in regional planning efforts with agencies such as Contra Costa County, the cities of Antioch and Oakley, land trusts, and other regional partners to establish and maintain permanent agricultural areas surrounding Brentwood.

³ United States Department of Agriculture, Natural Resources Conservation Service. *Web Soil Survey*. Available at: <http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>. Accessed March 2020.

⁴ California Department of Conservation. *California Important Farmland Finder*. Available at: <https://maps.conservation.ca.gov/DLRP/CIFF/>. Accessed March 2020.

- Policy COS 2-5: Work with Local Agency Formation Commission on issues of mutual concern including the conservation of agricultural land through consistent use of LAFCO policies, particularly those related conversion of agricultural lands and establishment of adequate buffers between agricultural and non-agricultural uses, and designation of a reasonable and logical Sphere of Influence boundary for the City.
- Policy COS 2-6: Minimize conflicts between agricultural and urban land uses.
- Policy LU 1-4: Require new development to occur in a logical and orderly manner, focusing growth on infill locations and areas designated for urbanization on the Land Use Map (Figure LU-1 of the City of Brentwood General Plan), and be subject to the ability to provide urban services, including paying for any needed extension of services.
- Policy LU 1-5: Encourage new development to be contiguous to existing development, whenever possible.
- Policy LU 2-7: Strongly encourage residential development in the City in a balanced and efficient pattern that reduces sprawl, preserves open space, and creates convenient connections to other land uses.
- Land Use Goal 5: Preserve Brentwood's agricultural heritage by protecting and maintaining significant areas of agricultural lands around the city.
- Policy LU 5-1: Maintain significant areas of permanent agricultural lands and open space surrounding the city limits.
- Policy LU 5-2: Protect agricultural land from urban development except where the General Plan Land Use Map has designated the land for urban uses.

In addition, the City of Brentwood General Plan designates the project site for residential development; thus, the impacts of farmland conversion on the project site have already been anticipated by the City. Per PRC Section 21083.3(b), if a development project is consistent with the local general plan, the environmental analysis should be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior EIR certified in conjunction with the General Plan adoption. The City's General Plan EIR concluded that buildout of the General Plan, including the project site, would result in a significant and unavoidable impact related to the conversion of agricultural land, even with implementation of General Plan goals and policies aimed at preserving agricultural lands, as feasible mitigation measures do not exist to reduce the loss of agricultural land to a less-than-significant level. The Brentwood City Council adopted a Statement of Overriding Considerations for the loss of agricultural land resulting from adoption of the General Plan and associated EIR. Therefore, conversion of agricultural land within the project site has been previously anticipated by the City.

Furthermore, future development of the site would be required to comply with the City's Agricultural Preservation Program. Pursuant to Chapter 17.730, Agricultural Preservation Program, of the Brentwood Municipal Code, future development would be required to preserve agricultural land by either:

1. Granting an agricultural conservation easement to or for the benefit of the City and/or a qualified land trust approved by the City on agricultural land deemed acceptable by the City. The easement shall encumber the exact acreage of the proposed entitlement, including any land used for park and recreation purposes and may encumber land acquired by the City and/or qualified land trust in fee; or

2. Paying an in-lieu fee established by City Council resolution. The fee may be adjusted annually but may not be increased by more than 10 percent during any 12-month period.

Contra Costa LAFCo also has an adopted Agricultural and Open Space Preservation Policy (AOSPP). In general, the purposes of the AOSPP are (i) to provide guidance to applicants for reorganization on how to assess the impacts on prime agricultural, agricultural and open space lands, and enable the applicant to explain how the applicant intends to mitigate those impacts; and (ii) to provide a framework for LAFCo to evaluate and consistently review and process applications submitted to LAFCo that involve or impact these resources. The AOSPP provides for a mitigation hierarchy which: (a) encourages avoidance of impacts to prime agricultural, agricultural and open space lands; (b) minimizes impacts to these lands; and (c) mitigates impacts that cannot be avoided while pursuing orderly growth and development. The following policies in Table 1 support the AOSPP goals and will be used by Contra Costa’s LAFCo when considering an application that involves prime agricultural, agricultural, and/or open space lands. As demonstrated in the table, the proposed project is generally consistent with the AOSPP policies.

Table 1 Contra Costa LAFCo Agricultural and Open Space Preservation Policy Comparison	
Policy	Discussion
<p>Policy 1. The Commission encourages local agencies to adopt policies that result in efficient, coterminous and logical growth patterns within their General Plan, Specific Plans and SOI areas, and that encourage preservation of prime agricultural, agricultural and open space lands in a manner that is consistent with LAFCo’s policy.</p>	<p>Brentwood General Plan Policy LU 1-4 meets the intent of AOSPP Policy 1 in that it states: <i>Require new development to occur in a logical and orderly manner, focusing growth on infill locations and areas designed for urbanization on the Land Use Map (Figure LU-1), and be subject to the ability to provide urban services, including paying for any needed extension of services.</i></p> <p>The project site is designated R-LD in the General Plan, which is envisioned for urbanization. The proposed project includes a request to pre-zone the entire project site with City zoning consistent with the current R-LD General Plan land use designation for the site. Given that the pre-zoning of the site would be consistent with the R-LD General Plan designation and adequate infrastructure would be available to serve the project, future development of the site would be considered logical growth. Thus, the proposed project would be consistent with what has been planned and anticipated for the site.</p>
<p>Policy 2. Vacant land within urban areas should be developed before prime agricultural, agricultural and/or open space land is annexed for non-agricultural and non-open space purposes.</p> <p>The Commission recognizes there may be instances in which vacant land is planned to be used in a manner that is important to the orderly and efficient</p>	<p>As discussed in Section, XV, Public Services, of this IS/ND, the proposed project would be required to comply with applicable general plan policies and actions to ensure adequate infrastructure capacity is available to serve the project. For example, as required by Action CSF 5b, the project applicant would be required to pay applicable school facility impact fees to ensure that adequate school and related facilities are available. In addition, as discussed in Section XIX, Utilities and Service Systems, of this IS/ND, future</p>

<p>long-term development of the county and land use agency and that differs from the proposed use of the area in an application to LAFCo. LAFCo will consider such situations on a case-by-case basis.</p>	<p>development would include utility infrastructure improvements to ensure that adequate capacity is available to serve the project site. While sufficient capacity may be accommodated at alternative sites with approved entitlements, the project would have to be built across multiple urban locations. Furthermore, as already stated, the project is in an area designated as a R-LD in the General Plan and, as such, the site is envisioned for urbanization.</p>
<p>Policy 3. Land substantially surrounded by existing jurisdictional boundaries (e.g., islands) should be annexed before other lands.</p>	<p>Currently, the City's Sphere of Influence includes two islands, one of which is the project site. The other island is also located along the northeastern edge of the City, adjacent to the City of Oakley, to the west of the project site. Per the City's General Plan, both of the islands are designated for residential development. Because the proposed project would involve annexation of an existing island, the project would be consistent with this policy.</p>
<p>Policy 4. Where feasible, and consistent with LAFCo policies, non-prime agricultural land should be annexed before prime agricultural land.</p>	<p>See Policy 3 above,</p>
<p>Policy 5. While annexation of prime agricultural, agricultural and open space lands is not prohibited, annexation of these areas for urban development is not encouraged if there are feasible alternatives that allow for orderly and efficient growth. Large lot rural development that places pressure on a jurisdiction to provide services, and causes agricultural areas to be infeasible for farming or agricultural business, is discouraged.</p>	<p>As noted above, the project site is anticipated for residential uses in the Brentwood General Plan. The policy specifically states that large lot rural development that affects a jurisdiction's ability to provide services or hinders the abilities of agricultural business, should be discouraged. The project site is not intended for large lot rural development and the proposed project does not proposed such. Rather, the proposed project would allow future development of 453 single-family residences. As such, the proposed project would not conflict with this policy.</p>
<p>Policy 6. The continued productivity and sustainability of agricultural land surrounding existing communities should be promoted by preventing the premature conversion of agricultural land to other uses and, to the extent feasible, minimizing conflicts between agricultural and other land uses. Buffers and/or local right to farm ordinances should be established to promote this policy. Contra Costa County has a Right to Farm ordinance which requires notification of purchasers and users of property adjacent to or near agricultural operations of the inherent potential problems associated with such purchase or residential use.</p>	<p>Currently, agricultural and open space uses are located to the east and west of the project site. As previously discussed, the conceptual Residential PD pre-zoning map includes open space within the project site. Although the precise configuration of the open space area cannot be known at this preliminary stage, there is certainty that on-site open space will be provided along Marsh Creek to the east.</p> <p>In addition, the project would be subject to the City's Right to Farm ordinance (Chapter 8.01 of the Brentwood Municipal Code), which requires notification of purchasers and users of property near agricultural operations of the potential inconveniences associated with such operations.</p>
<p>Policy 7. Development near agricultural land should minimize</p>	<p>See Policy 6 above.</p>

adverse impacts to agricultural operations.	
Policy 8. Development near open space should minimize adverse impacts to open space uses.	See Policy 6 above.
Policy 9. The Commission will consider feasible mitigation (found in the AOSPP Guidelines) if an application would result in the loss of prime agricultural, agricultural and/or open space lands.	The project site contains prime agricultural land, as defined by LAFCo. The proposed project would be subject to the requirements of the Brentwood Agricultural Preservation Program, which requires that projects of more than one acre that will permanently change agricultural land to non-agricultural uses mitigate the conversion by one of two methods: 1) the granting of a farmland conservation easement, farmland deed restriction, or other conservation mechanism (including fee title purchase by the City or qualifying entity) on qualifying lands; or 2) the payment of an in-lieu fee based upon a formula for a one-to-one land area ratio.
Policy 10. Any mitigations that are conditions of LAFCo's approval of an application should occur close to the location of the impact and within Contra Costa County.	The project applicant and the City will consider this policy's recommendations when considering the potential use of in-lieu fees for land acquisition.

Given the fact that the City's General Plan designates the project site for residential development, the conversion of Prime Farmland and Farmland of Statewide Importance associated with future development of the project site was already evaluated and considered in the General Plan EIR analysis. Therefore, the proposed project would not result in new or more severe impacts related to the conversion of agricultural land to non-agricultural use from what has already been anticipated and analyzed for the site. Thus, a **less-than-significant** impact would occur.

- b. The project site is currently zoned A-2 by the County. The proposed project would include rezoning of the site with City zoning consistent with the current General Plan land use designation for the site of R-LD. Although rezoning of the site would modify the existing County zoning for agricultural use, the project site is already designated by the City for residential development per the Brentwood General Plan. As such, rezoning the site for residential use would bring the site into conformity with the General Plan. Furthermore, because the proposed project would be consistent with the General Plan designation for the site, the associated impacts related to conversion of on-site agricultural land to non-agricultural use has already been anticipated and analyzed by the City in the EIR prepared for the General Plan update adopted in 2014. Per the County's Williamson Act Contract Map, the project site is not under a Williamson Act contract, nor was the site under contract in the past.⁵ Therefore, the proposed project would not conflict with existing zoning for agricultural use, or a Williamson Act contract, and a **less-than-significant** impact would occur.
- c,d. The project site is not considered forest land (as defined in PRC section 12220[g]), timberland (as defined by PRC section 4526), and is not zoned Timberland Production (as defined by Government Code section 51104[g]). Therefore, the proposed project would

⁵ Contra Costa County Department of Conservation. 2016 *Agricultural Preserves Map*. February 1, 2017.

not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production, and the project would not otherwise result in the loss of forest land or conversion of forest land to non-forest use. Thus, ***no impact*** would occur.

III. AIR QUALITY.

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
c. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>

Discussion

a-c. The City of Brentwood is located in the San Francisco Bay Area Air Basin (SFBAAB), which is under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). The SFBAAB area is currently designated as a nonattainment area for State and federal ozone, State and federal fine particulate matter 2.5 microns in diameter (PM_{2.5}), and State respirable particulate matter 10 microns in diameter (PM₁₀) ambient air quality standards (AAQS). The SFBAAB is designated attainment or unclassified for all other AAQS. It should be noted that on January 9, 2013, the U.S. Environmental Protection Agency (USEPA) issued a final rule to determine that the Bay Area has attained the 24-hour PM_{2.5} federal AAQS. Nonetheless, the Bay Area must continue to be designated as nonattainment for the federal PM_{2.5} AAQS until such time as the BAAQMD submits a redesignation request and a maintenance plan to the USEPA, and the USEPA approves the proposed redesignation.

In compliance with regulations, due to the nonattainment designations of the area, the BAAQMD periodically prepares and updates air quality plans that provide emission reduction strategies to achieve attainment of the AAQS, including control strategies to reduce air pollutant emissions through regulations, incentive programs, public education, and partnerships with other agencies. The current air quality plans are prepared in cooperation with the Metropolitan Transportation Commission and the Association of Bay Area Governments (ABAG).

The most recent federal ozone plan is the 2001 Ozone Attainment Plan, which was adopted on October 24, 2001 and approved by the California Air Resources Board (CARB) on November 1, 2001. The plan was submitted to the USEPA on November 30, 2001 for review and approval. The most recent State ozone plan is the 2017 Clean Air Plan (CAP), adopted on April 19, 2017. The 2017 CAP was developed as a multi-pollutant plan that provides an integrated control strategy to reduce ozone, PM, toxic air contaminants (TACs), and greenhouse gases (GHGs). Although a plan for achieving the State PM₁₀ standard is not required, the BAAQMD has prioritized measures to reduce PM in developing the control strategy for the 2017 CAP. The control strategy serves as the backbone of the BAAQMD's current PM control program.

The aforementioned air quality plans contain mobile source controls, stationary source controls, and transportation control measures to be implemented in the region to attain the State and federal AAQS within the SFBAAB. Adopted BAAQMD rules and regulations, as well as the thresholds of significance, have been developed with the intent to ensure

continued attainment of AAQS, or to work towards attainment of AAQS for which the area is currently designated nonattainment, consistent with applicable air quality plans.

The proposed project does not propose any physical development at this time, as the proposed project includes annexation of the site into the City and residential pre-zoning designation. However, future development on the project site consistent with the residential pre-zoning designation is a reasonably foreseeable consequence, which would result in emissions of criteria air pollutants, which could conflict with federal, State, and regional air quality plans. The General Plan provides a number of goals and policies intended to prevent such conflicts, including, but not limited to, the following:

- Policy COS 8-1: Improve air quality through continuing to require a development pattern that focuses growth in and around existing urbanized areas, locating new housing near places of employment, encouraging alternative modes of transportation, and requiring projects to mitigate significant air quality impacts.
- Policy COS 8-2: Minimize exposure of sensitive receptors to concentrations of air pollutant emissions and toxic air contaminants.
- Policy COS 8-3: Require discretionary projects involving sensitive receptors such as children, the elderly, or people with illnesses that are proposed within 500 feet of the State Route 4 corridor to include an analysis of mobile source toxic air contaminant health risks. The analysis, if necessary, shall identify feasible mitigation measures to reduce health risks to acceptable levels.
- Policy COS 8-4: Encourage new development or significant remodels to install fireplaces, wood stoves, and/or heaters which meet Bay Area Air Quality Management District (BAAQMD) standards.
- Policy COS 8-5: Continue to require all construction projects and ground disturbing activities to implement BAAQMD dust control and abatement measures.
- Policy COS 8-9: Preserve, protect, and enhance, as appropriate, the City's carbon sequestration resources, also referred to as "carbon sinks," to improve air quality and reduce net carbon emissions.
- Policy COS 8-10: Encourage public transit, ridesharing and van pooling, shortened and combined motor vehicle trips to work and services, use of bicycles, and walking. Minimize single passenger motor vehicle use.
- Policy COS 8-11: Encourage new construction to incorporate passive solar features.
- Policy COS 9-1: Require all new public and privately constructed buildings to meet and comply with the most current "green" development standards in the California Code of Regulations (CCR), Title 24.
- Policy COS 9-2: Support innovative and green building best management practices including, but not limited to, LEED certification for all new development, and encourage project applicants to exceed the most current "green" development standards in the California Code of Regulations (CCR), Title 24, if feasible.
- Policy COS 9-3: Promote the use of alternative energy sources in new development.
- Policy COS 9-4: Incorporate innovative green building techniques and best management practices in the site design, construction, and renovation of all public projects.
- Policy COS 9-5: Promote water conservation among water users.
- Policy COS 9-6: Continue to require new development to incorporate water efficient fixtures into design and construction.
- Policy COS 9-7: Promote the use of reclaimed water and other non-potable water sources.

- Policy COS 9-8: Encourage large-scale developments and golf course developments to incorporate dual water systems.
- Policy COS 9-9: Encourage and support the use of drought-tolerant and regionally native plants in landscaping.
- Policy COS 9-10: Ensure that the layout and design of new development and significant remodels encourages the use of transportation modes other than automobiles and trucks.
- Policy COS 9-11: Continue the citywide recycling program and actively encourage recycling.
- Policy COS 9-12: Continue efforts to reduce solid waste generation throughout the life of the General Plan.
- Policy COS 9-13: Continue to encourage and support the use of bicycles as an alternative means of transportation.

In addition, future development would be subject to General Plan Action COS 8b, which requires City staff to:

- Action COS 8b: Review development, infrastructure, and planning projects for consistency with BAAQMD requirements during the CEQA review process. Require project applicants to prepare air quality analyses to address BAAQMD General Plan requirements, which include analysis and identification of:
 1. Air pollutant emissions associated with the project during construction, project operation, and cumulative conditions.
 2. Potential exposure of sensitive receptors to toxic air contaminants.
 3. Significant air quality impacts associated with the project for construction, project operation, and cumulative conditions.
 4. Mitigation measures to reduce significant impacts to less than significant or the maximum extent feasible where impacts cannot be mitigated to less than significant.

Compliance with applicable General Plan goals and policies would ensure that future development of the site does not conflict with federal, State, and regional air quality plans. Specifically, implementation of General Plan Action COS 8b would require in-depth air quality analysis as part of future development. Thus, Action COS 8b would ensure that future residential development of the site would address BAAQMD thresholds. Furthermore, the proposed project would be consistent with the General Plan designation for the project site. Thus, development of the project site has been anticipated by the City and the associated impacts have been analyzed in the General Plan EIR. The proposed project would not result in new or more severe impacts related to air quality from what has already been anticipated and analyzed for the site.

Because future development would be required to adhere to General Plan goals and policies related to air quality, as well as federal, State, and regional air quality plans, the proposed project would not be expected to conflict with or obstruct implementation of an applicable air quality plan, result in a cumulatively net increase of any criteria pollutant for which the project region non-attainment under an applicable federal or state ambient air quality standard, or expose sensitive receptors to substantial pollutant concentrations. Therefore, a ***less-than-significant*** impact would occur.

- d. Emissions such as those leading to odor have the potential to adversely affect people. Emissions of principal concern include emissions leading to odors, emissions that have the potential to cause dust, or emissions considered to constitute air pollutants. Air pollutants have been discussed in sections “a” through “c” above. Therefore, the following discussion focuses on emissions of odors and dust.

Per the BAAQMD CEQA Guidelines, odors are generally regarded as an annoyance rather than a health hazard.⁶ Manifestations of a person’s reaction to odors can range from psychological (e.g., irritation, anger, or anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, and headache). The presence of an odor impact is dependent on a number of variables including: the nature of the odor source; the frequency of odor generation; the intensity of odor; the distance of odor source to sensitive receptors; wind direction; and sensitivity of the receptor.

Due to the subjective nature of odor impacts, the number of variables that can influence the potential for an odor impact, and the variety of odor sources, quantitative analysis to determine the presence of a significant odor impact is difficult. Typical odor-generating land uses include, but are not limited to, wastewater treatment plants, landfills, and composting facilities. The proposed project includes annexation of the site into the City and pre-zoning the site for future residential development. Residential development is not typically associated with substantial odor or dust sources. Although only conceptual, Figure 5 includes a sewer lift station in the southern portion of the site, which could result in the emission of odors. The location of the sewer lift station shown on Figure 5 would be separated from the designated residential area by the open space area and the extension of Lone Tree Way, thus enabling any potential odors to substantially dissipate before reaching any existing residences in the project area. The sewer lift station would also be required to comply with the City’s Sewer System Management Plan, which includes design and construction standards for lift stations. Because the sewer lift station and other backbone infrastructure improvements are only conceptual at this time, project-level analysis of the improvements would be conducted at a later date, at such time future development applications for the site are submitted to the City.

In addition, BAAQMD regulates objectionable odors through Regulation 7, Odorous Substances, which does not become applicable until the Air Pollution Control Officer (APCO) receives odor complaints from ten or more complainants within a 90-day period. Once effective, Regulation 7 places general limitation on odorous substances and specific emission limitations on certain odorous compounds, which remain effective until such time that citizen complaints have been received by the APCO for one year. As such, BAAQMD Regulation 7 would ensure that the emission of odors associated with the sewer lift station would not result in a significant impact.

Future development of the project site could result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. Construction activities often include diesel-fueled equipment and heavy-duty trucks, which could create odors associated with diesel fumes that may be considered objectionable. However, construction activities would be temporary, and hours of operation for construction equipment would be restricted to daytime hours from 7:00 AM to 6:00 PM, Monday through Friday, and from 8:00 AM to 5:00 PM on Saturdays per the City of Brentwood General Plan. Construction activities would also be required to comply with all applicable BAAQMD

⁶ *Ibid.*

rules and regulations, particularly associated with permitting of air pollutant sources. Furthermore, future development of the site would be required to comply with all applicable General Plan policies related to odors and dust, including Policy COS 8-5, which requires that all construction projects and ground disturbing activities implement BAAQMD dust control and abatement measures. The aforementioned regulations would help to minimize emissions, including emissions leading to odors. Accordingly, substantial objectionable odors would not be expected to occur during construction activities.

With respect to dust, all projects under the jurisdiction of BAAQMD are required to implement the BAAQMD's Basic Construction Mitigation Measures. Such measures would act to reduce construction-related dust by ensuring that haul trucks with loose material are covered, reducing vehicle dirt track-out, and limiting vehicle speeds within the project site, among other methods, which would ensure that any future construction activities do not result in substantial emissions of dust.

For the aforementioned reasons, future construction and operations on the project site would not result in emissions (such as those leading to odors) adversely affecting a substantial number of people, and a ***less-than-significant*** impact would result.

IV. BIOLOGICAL RESOURCES.

Would the project:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
d. Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>

Discussion

- a. Special-status species include those plant and wildlife species that have been formally listed, are proposed as endangered or threatened, or are candidates for such listing under the federal and State Endangered Species Acts. Both acts afford protection to listed and proposed species. In addition, California Department of Fish and Wildlife (CDFW) Species of Special Concern, which are species that face extirpation in California if current population and habitat trends continue are all considered special-status species. Although CDFW Species of Special Concern generally do not have special legal status, they are given special consideration under CEQA. In addition to regulations for special-status species, most birds in the U.S., including non-status species, are protected by the Migratory Bird Treaty Act (MBTA) of 1918. Under the MBTA, destroying active nests, eggs, and young is illegal. Furthermore, plant species on California Native Plant Society (CNPS) Lists 1 and 2 are considered special-status plant species and are protected under CEQA.

The project site is located within the boundaries of the *East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (ECCCHCP/NCCP)*, which is intended to provide an effective framework to protect natural resources in the County, including special-status species. According to the ECCCHCP/NCCP, the project site would be categorized by Grassland (Ruderal), Agricultural, and Developed (Urban) land cover types.⁷

⁷ East Contra Costa County Habitat Conservancy. *East Contra Costa County Habitat Conservation Plan and Natural Community Conservation Plan* [Figure 2-1]. October 2007.

In addition, Raney Planning & Management, Inc., conducted a search of the California Natural Diversity Database (CNDDDB) for the project site quadrangle, Brentwood, as well as the eight surrounding quadrangles (Clifton Court Forebay, Byron Hot Springs, Tassajara, Woodward Island, Bouldin Island, Jersey Island, Antioch North, and Antioch South). The intent of the database review was to identify documented occurrences of special-status species in the vicinity of the project area, to determine their locations relative to the project site, and to evaluate whether the site meets the habitat requirements of such species. Based on the results of the CNDDDB search, a total of 48 special-status plant species and 40 wildlife species are known to occur within the project region.

Although development is not currently proposed, the potential for species covered by the ECCCHCP/NCCP and other special-status species to occur on the project site is discussed in further detail below.

Special-Status Plants and Wildlife

Special-status plants generally occur in relatively undisturbed areas within vegetation communities such as vernal pools, marshes and swamps, chenopod scrub, seasonal wetlands, riparian scrub, chaparral, alkali playa, dunes, and areas with unusual soil characteristics.

Currently, the majority of the Dwellely Property consists of actively-managed agricultural land, existing on-site trees, as well as associated structures and buildings within the northern portion of the property. The Mori Property primarily consists of actively-managed agricultural land that is absent of any structures or development. The Simmons Property consists of existing residential uses with associated structures, and existing on-site trees. Accordingly, the grassland habitat within the project site has been disturbed by the agricultural uses, such as plowing and crop cultivation, and development on portions of the site.

Due to the disturbed nature of the site and the absence of potentially suitable habitat, special-status plants are not anticipated to be present on the site. Although unlikely, the determination of the presence of special-status plant species within the project site cannot be definitive until field surveys are conducted. Such surveys would be required as part of future development applications, in accordance with Brentwood General Plan Actions COS 3a and COS 3b set forth below. Thus, the proposed project would not result in adverse effects to special-status plant species.

Many of the 40 special-status wildlife species identified as a result of the CNDDDB search have habitat requirements that are not present on the project site (i.e., wetlands, chaparral, oak woodland, etc.). As noted previously, the site has been disturbed by agricultural uses and development on portions of the site. Based on such, of the 40 special-status wildlife species, the majority are unlikely to occur on-site due to habitat limitations. However, despite the low quality of the existing habitat within the project site, the on-site ruderal grassland and existing on-site trees may provide potential habitat for several special-status species, including but not limited to San Joaquin kit fox, western burrowing owl, Swainson's hawk, white-tailed kite, and golden eagle. Furthermore, other avian species protected by the MBTA could use the existing grassland as foraging habitat and on-site trees as potential nesting habitat.

While the proposed project would not include any development at this time, future development on the site has the potential to result in substantial adverse effects to the

special-status species. It should be noted that the backbone infrastructure plan is conceptual and is included herein for information purposes only. This IS/ND is programmatic and does not include project-level analysis of the backbone infrastructure plan at this time. Further analysis and review of any future infrastructure improvements would occur at a later date at the time specific development plan applications are received by the City. Any future development of the proposed project would be required to comply with or otherwise be subject to all applicable General Plan goals and policies adopted for the purpose of preserving and protecting special-status species, including, but not limited to, the following:

- Policy COS 1-1: General Plan land use designations that include agriculture, permanent open space, parks, and similar uses, as well as waterways (i.e., Marsh Creek, Dry Creek, Deer Creek, and Sand Creek), shall be considered open space.
- Policy COS 1-2: Preserve open space for conservation, recreation, and agricultural uses.
- Policy COS 1-3: Conversion of open space, as defined under Policy COS 1-1, to developed residential, commercial, industrial, or other similar types of uses, shall be strongly discouraged. Undeveloped land that is designated for urban uses may be developed if needed to support economic development, and if the proposed development is consistent with the General Plan Land Use Map.
- Policy COS 1-5: Recognize urban open space as essential to maintaining a high quality of life within the city limits of Brentwood.
- Policy COS 1-6: Support regional and local natural resource preservation plans of public agencies that retain and protect open space within the city limits, the Sphere of Influence, and the Planning Area.
- Policy COS 1-7: Encourage public and private efforts to preserve open space.
- Policy COS 1-9: Encourage the protection and incorporation of existing, native, mature, non-orchard trees and areas of natural vegetation as part of new development.
- Policy COS 3-1: Sensitive habitats include creek corridors, wetlands, vernal pools, riparian areas, wildlife and fish migration corridors, native plant nursery sites, waters of the United States, sensitive natural communities, and other habitats designated by State and Federal agencies.
- Policy COS 3-2: Preserve and enhance those biological communities that contribute to Brentwood and the region's biodiversity including, but not limited to, wetlands, riparian areas, aquatic habitat, and agricultural lands.
- Policy COS 3-3: Focus conservation efforts on high priority conservation areas that contain suitable habitat for endangered, threatened, migratory, or special--status species and that can be managed with minimal interference with nearby urban land uses.
- Policy COS 3-5: Avoid removal of large mature trees that provide wildlife habitat or contribute to the visual quality of the environment to the greatest extent feasible through appropriate project design and building siting. If full avoidance is not possible, prioritize planting of replacement trees on-site over off-site locations.
- Policy COS 4-1: Where feasible, protect and enhance surface water quality in creeks, streams, channels, seasonal and permanent marshland, wetlands, sloughs, riparian habitat, and vernal pools through sound land use planning, community design, and site planning.
- Policy COS 4-3: Where feasible, restore existing channelized waterway to a more natural condition. Restoration efforts should provide for naturalized hydraulic

functioning. Restoration should also promote the growth of riparian vegetation to effectively stabilize banks, screen pollutants from runoff entering the channel, enhance fisheries, and provide other opportunities for natural habitat restoration.

- Policy COS 4-6: Where feasible, new development adjacent to creeks and streams should include opportunities for beneficial uses, such as flood control, ecological restoration, public access trails, and walkways.
- Policy COS 4-7: Consult with State and Federal agencies during the development review process to help identify wetland and riparian habitat that has candidacy for restoration, conservation, and/or mitigation. Focus restoration and/or conservation efforts on areas that would maximize multiple beneficial uses for such habitat.
- Policy COS 4-8: Conserve riparian habitat along local creeks, including but not limited to Marsh Creek, Deer Creek, Dry Creek, and Sand Creek, in order to maintain water quality and provide suitable habitat for native fish and plant species.
- Policy COS 4-9: Consider the effects of development on ground and surface water quality, and implement measures to reduce water contamination.

In addition, the following actions from the General Plan require staff to process development applications in compliance with the ECCCHCP/NCCP, which, as part of future development applications for the project site, would require preparation of a Planning Survey Report, identifying special-status plant and wildlife species and sensitive habitats having the potential to occur on-site. Based on the findings of the PSR, avoidance and minimization measures would be required for the protection of covered species. In addition, future applicants would be required to pay land cover fees to help off-site habitat impacts and contribute to the conservation strategy of the HCP.

- Action COS 3a: Require new development, as well as infrastructure projects, long-range planning projects, and other projects, to comply with the requirements of the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan to Ensure that potentially significant impacts to special-status species and sensitive resources are adequately addressed.
- Action COS 3b: Where sensitive biological habitats have been identified on or immediately adjacent to a project site, the project shall include appropriate mitigation measures identified by a qualified biologist.

Compliance with the applicable General Plan goals, policies, and actions would ensure that future buildout of the project site would not result in substantial adverse effects to any special-status species. Furthermore, development of the project site with residential uses would be consistent with the site's existing General Plan land use designation; thus, development of the site and associated impacts on biological resources have been previously anticipated by the City and evaluated in the General Plan EIR.

Conclusion

Based on the above, because future buildout of the site would be required to comply with all relevant goals and policies associated with special-status species, the proposed project would not have an adverse effect, either directly or through habitat modifications, on species identified as special-status species in local or regional plans, policies, or regulations, or by the CDFW or the USFWS, and a **less-than-significant** impact would result.

- b,c. The only potential wetlands or Water of the U.S. in the vicinity of the project site is Marsh Creek, located directly east of the site. As discussed above, development of the site is not proposed at this time; however, future development of the site could have a substantial adverse effect on Marsh Creek. Specifically, as shown in Figure 3, although the proposed pre-zoning of the site would conserve the portion of the project site adjacent to Marsh Creek as open space, a future pedestrian bridge over the creek is anticipated, as conceptually shown on the backbone infrastructure plan, in conjunction with future development of the site (see Figure 5). Should the pedestrian bridge, storm drain outfalls, or any other aspects of future development involve work within the creek area, potentially significant impacts could occur. Compliance with the policies listed above addressing the preservation and protection of riparian habitat, sensitive natural communities, or federally protected wetlands would ensure that the proposed project would not have a substantial adverse effect on Marsh Creek. For example, Policy COS 3-2 establishes the goal to preserve and enhance biological communities that contribute to Brentwood and the region's biodiversity, including, riparian areas and aquatic habitats. In addition, COS 4-7 requires applicants to coordinate with resource agencies to obtain permits and implement mitigation, as required, for potential impacts to Marsh Creek. Therefore, because future buildout of the site would be required to comply with all relevant goals and policies, including Policy COS 3-2, associated with riparian habitat, sensitive natural communities, or federally protected wetlands, the proposed project would not have a substantial adverse effect on Marsh Creek. Thus, a **less-than-significant** impact would occur.
- d. Wildlife movement corridors are routes that animals regularly use and follow during seasonal migration, dispersal from native ranges, daily travel within home ranges, and inter-population movements. Movement corridors in California are typically associated with valleys, ridgelines, and rivers and creeks supporting riparian vegetation. While the site includes trees located near the existing on-site residences, the project site is bordered by existing urban development to the north and south, which act as impediments to wildlife movement. Although Marsh Creek is located to the east of the site, compliance with the policies listed above would ensure that impacts to Marsh Creek are minimal. In addition, Figure 3 indicates that pre-zoning of the site would be designed to avoid development immediately adjacent to Marsh Creek, thus, preserving an ongoing movement corridor. As such, the proposed project would not interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites, and a **less-than-significant** impact would occur.
- e. Currently, the project site contains various trees within the northern portion of the site, mainly near the Simmons Property. Development of the project site is not currently proposed. However, future development of the site could require removal of the existing on-site trees. Future development would be required to comply with those policies listed above regarding biological resources, specifically, Policies COS 1-9 and COS 3-5, which include general guidance for the removal of large trees. The City of Brentwood has not adopted a tree preservation ordinance that would govern the project site. Therefore, the proposed project would not conflict with local policies or ordinances protecting biological resources, and a **less-than-significant** impact would occur.
- f. The project site is located within the boundaries of the ECCCHCP/NCCP, which establishes an effective framework to protect natural resources in eastern Contra Costa County, while improving and streamlining the environmental permitting process for impacts on endangered species and provides guidance for the mitigation of impacts to

covered species. As noted previously, the site is within the range of potential habitat for several wildlife species covered under the ECCCHCP/NCCP. Future development of the project site would be subject to requirements of the ECCCHCP/NCCP, including the preparation of a Planning Survey Report and payment of applicable fees. Compliance with the ECCCHCP/NCCP and General Plan policies would ensure that future buildout of the site would not conflict with the applicable provisions of the ECCCHCP/NCCP. Thus, a ***less-than-significant*** impact would occur related to conflicts with an adopted HCP, NCCP, or other approved local, regional, or State HCP.

V. CULTURAL RESOURCES.

Would the project:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
b. Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
c. Disturb any human remains, including those interred outside of dedicated cemeteries.	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>

Discussion

a,b. Historical resources are features that are associated with the lives of historically important persons and/or historically significant events, that embody the distinctive characteristics of a type, period, region or method of construction, or that have yielded, or may be likely to yield, information important to the pre-history or history of the local area, California, or the nation. Examples of typical historical resources include, but are not limited to, buildings, farmsteads, rail lines, bridges, and trash scatters containing objects such as colored glass and ceramics. Archaeological resources typically include material remains of human life or activities which yield information important in prehistory or history. The project site generally consists of actively managed agricultural land with residences and associated structures, as well as limited existing residential use. According to the General Plan EIR, known historic and prehistoric resource sites are located throughout the City and within the Planning Area. A list of known historic and prehistoric sites are provided in Tables 3.5-1 through 3.5-3 of the General Plan. None of the properties listed are found within the project site; however, the General Plan EIR noted that additional undiscovered sites are also anticipated to be located in various areas of the City as well.

As discussed previously, development of the project site is not currently proposed. However, future development of the site could result in a substantial adverse change in the significance of a historical or archaeological resource, should any such resources be encountered during construction activities. Furthermore, the project site includes four residences, which could be found to be considered historic, depending on the age of the structures. The General Plan policies listed below would ensure that the structures are properly evaluated prior to any future development. The City’s General Plan includes a number of goals and policies for the purposes of protecting historical and archaeological resources, including, but not limited to, the following:

- Policy COS 6-1: Protect important historic resources and use these resources to promote a sense of place and history in Brentwood.
- Policy COS 6-2: Encourage the voluntary identification, conservation and reuse of historical structures, properties, and sites with special and recognized historic, architectural, or aesthetic value.
- Policy COS 6-3: Encourage historic resources to remain in their original use whenever possible. The adaptive use of historic resources is preferred, particularly as museums, educational facilities, or visitor-serving uses, when the original use can no longer be sustained. Older residences may be converted to office/retail use in commercial areas and to tourist or business use, so long as their historical authenticity is maintained or enhanced.

- Policy COS 6-4: Leverage the City's strong cultural and historic heritage to support and encourage historically-oriented visitor programs and heritage tourism through cooperation with local, regional, and State marketing efforts.
- Policy COS 6-5: Continue to support and promote annual festivals and community events that celebrate Brentwood's cultural heritage.
- Policy COS 6-6: Encourage and support community art projects, including murals, sculptures, educational programs, and events that highlight Brentwood's cultural and historic heritage.
- Policy COS 6-7: Review new development projects and work in conjunction with the California Historical Resources Information System to determine whether project areas contain known archaeological resources, either prehistoric and/or historic-era, or have the potential for such resources.
- Policy COS 6-8: Ensure that human remains are treated with sensitivity and dignity, and ensure compliance with the provisions of California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097.98.
- Policy COS 6-9: Consistent with State, local, and tribal intergovernmental consultation requirements such as SB 18, the City shall consult as necessary with Native American tribes that may be interested in proposed new development and land use policy changes.

Compliance with the applicable General Plan goals and policies would ensure that future buildout of the project site would not result in a substantial adverse change in the significance of a historical or archaeological resource. Specifically, Policy COS 6-7 requires that the City review new developments to determine whether project areas contain known archaeological resources, either prehistoric and/or historic-era, or have the potential for such resources. Accordingly, in conjunction with submittal of future tentative maps, the City will require the appropriate level of review to determine whether the portion of the site proposed for development could contain cultural resources. In addition, any future development on the project site would be required to comply with General Plan Action COS 6e, which requires all new development projects to comply with procedures upon discovery of archaeological resources. Specifically, Action COS 6e requires all new development, infrastructure and other ground-disturbing activities to comply with the following:

1. If construction or grading activities result in the discovery of significant historic or prehistoric archaeological artifacts or unique paleontological resources, all work within 100 feet of the discovery shall cease, the Community Development Director shall be notified, the resources shall be examined by a qualified archaeologist, paleontologist, or historian for appropriate protection and preservation measures; and work may only resume when appropriate protections are in place and have been approved by the Community Development Director.
2. If human remains are discovered during any ground disturbing activity, work shall stop until the Community Development Director and the Contra Costa County Coroner have been contacted; if the human remains are determined to be of Native American origin, the Native American Heritage Commission (NAHC) and the most likely descendants have been consulted; and work may only resume when appropriate measures have been taken and approved by the Community Development Director.

With implementation of the applicable policies and actions, the General Plan EIR concluded that buildout of the General Plan would result in less-than-significant impacts to historical and archaeological resources. Development of the project site with residential uses would be consistent with the site's existing General Plan land use designation; thus, potential impacts related to cultural resources associated with buildout of the site have been previously anticipated by the City and evaluated in the General Plan EIR. Therefore, the proposed project would not cause a substantial adverse change in the significance of a historical or archaeological resource pursuant to Section 15064.5, and a **less-than-significant** impact would occur.

- c. In accordance with AB 52, on March 6, 2020, letters were mailed to local native American Tribes to request information related to unrecorded tribal cultural resources that could potentially exist within the project area. No responses were received.

The proposed project does not propose development at this time; however, future development of the site could disturb human remains should any be discovered during construction activities. Compliance with the General Plan policies listed above would ensure that future development would not result in significant impacts related to the disturbance of human remains. For example, the General Plan includes Policy COS 6-8, which requires human remains to be treated with sensitivity and dignity, and ensures compliance with the provisions of California Health and Safety Code Section 7050.5 and California PRC Section 5097.98. Therefore, because future buildout of the site would be required to comply with applicable General Plan goals and policies, impacts related to disturbance of human remains, including those interred outside of dedicated cemeteries, would be **less than significant**.

VI. ENERGY.

Would the project:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>

Discussion

a,b. The proposed project would not involve development and, thus, would not directly result in increased energy use. However, future development of the site would involve up to 453 residential units on the site, which would involve an increase in energy use from existing conditions. The main forms of available energy supply are electricity, natural gas, and oil. A description of the 2019 California Green Building Standards Code and the Building Energy Efficiency Standards, with which any future development would be required to comply, as well as discussions regarding the potential effects related to energy demand during construction and operations of future development on the site, are provided below.

California Green Building Standards Code

The 2019 California Green Building Standards Code, otherwise known as the CALGreen Code (CCR Title 24, Part 11), is a portion of the California Building Standards Code (CBSC), which became effective with the rest of the CBSC on January 1, 2020. The purpose of the CALGreen Code is to improve public health, safety, and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices. The provisions of the code apply to the planning, design, operation, construction, use, and occupancy of every newly constructed building or structure throughout California. Requirements of the CALGreen Code include, but are not limited to, the following measures:

- Compliance with relevant regulations related to future installation of Electric Vehicle charging infrastructure in residential and non-residential structures;
- Indoor water use consumption is reduced through the establishment of maximum fixture water use rates;
- Outdoor landscaping must comply with the California Department of Water Resources’ Model Water Efficient Landscape Ordinance (MWELo), or a local ordinance, whichever is more stringent, to reduce outdoor water use;
- Diversion of 65 percent of construction and demolition waste from landfills;
- Mandatory use of low-pollutant emitting interior finish materials such as paints, carpet, vinyl flooring, and particle board; and
- For some single-family and low-rise residential development developed after January 1, 2020, mandatory on-site solar energy systems capable of producing 100 percent of the electricity demand created by the residence(s). Certain residential developments, including those developments that are subject to substantial shading, rendering the use of on-site solar photovoltaic systems infeasible, are exempted from the foregoing requirement.

Building Energy Efficiency Standards

The 2019 Building Energy Efficiency Standards is a portion of the CBSC, which expands upon energy-efficiency measures from the 2016 Building Energy Efficiency Standards. The 2019 Building Energy Efficiency Standards are in effect for building permit applications submitted after January 1, 2020. The 2019 standards provide for additional efficiency improvements beyond the previous 2016 standards. For residential buildings, compliance with the 2019 standards will use approximately seven percent less energy due to energy efficiency measures compared to homes built under the 2016 standards. Once rooftop solar electricity generation is factored in, homes built under the 2019 standards will use approximately 53 percent less energy than those under the 2016 standards.

Construction Energy Use

Construction activities associated with potential future development on the project site would involve energy demand and consumption related to the use of oil in the form of gasoline and diesel fuel for construction worker vehicle trips, hauling and material delivery truck trips, and operation of off-road construction equipment. In addition, diesel-fueled portable generators may be necessary to provide additional electricity demands for temporary on-site lighting, welding, and for supplying energy to areas of the site where energy supply cannot be met via a hookup to the existing electricity grid. Construction activities associated with future development would not involve the use of natural gas appliances or equipment.

The CARB has prepared the 2017 Climate Change Scoping Plan Update (2017 Scoping Plan), which builds upon previous efforts to reduce GHG emissions and is designed to continue to shift the California economy away from dependence on fossil fuels. Appendix B of the 2017 Scoping Plan includes examples of local actions (municipal code changes, zoning changes, policy directions, and mitigation measures) that would support the State's climate goals. The examples provided include, but are not limited to, enforcing idling time restrictions for construction vehicles, utilizing existing grid power for electric energy rather than operating temporary gasoline/diesel-powered generators, and increasing use of electric and renewable fuel-powered construction equipment. All construction equipment used for future construction activities would be required to comply with the CARB's In-Use Off Road regulation, which is consistent with the intention of the 2017 Scoping Plan and the recommended actions included in Appendix B of the 2017 Scoping Plan.

Based on the above, temporary energy use associated with potential future construction activities on the project site would not result in a significant increase in peak or base demands or require additional capacity from local or regional energy supplies. Construction activities would be required to comply with all applicable regulations related to energy conservation and fuel efficiency, which would help to reduce the temporary increase in demand. Furthermore, development of the project site with residential uses would be consistent with the site's existing General Plan land use designation; thus, development of the site and associated energy demands have been previously anticipated by the City and evaluated in the General Plan EIR.

Operational Energy Use

Energy use associated with operation of potential future residential development would be typical of residential uses, requiring electricity for interior and exterior building lighting, operation of stoves, kitchen and cleaning appliances, security systems, and more. Maintenance activities during operations, such as landscape maintenance, could involve

the use of electric or gas-powered equipment. In addition to on-site energy uses, the future development on the project site could result in transportation energy use associated with vehicle trips generated by the potential future residences.

Future development would be subject to all relevant provisions of the most recent update of the CBSC, including the Building Energy Efficiency Standards. Adherence to the most recent CALGreen Code and Building Energy Efficiency Standards would ensure that future development would consume energy efficiently. Required compliance with the CBSC would ensure that the building energy use associated with such future development would not be wasteful, inefficient, or unnecessary. In addition, electricity supplied to the residences by PG&E would comply with the State's Renewable Portfolio Standard (RPS), which requires investor-owned utilities, electric service providers, and community choice aggregators to increase procurement from eligible renewable energy resources to 33 percent of total procurement by 2020 and to 60 percent by 2030. Thus, a portion of the energy consumed during operations would originate from renewable sources.

As discussed previously, development of the project site is not currently proposed. However, future development of the site could result in wasteful, inefficient, or unnecessary consumption of energy resources or conflict with or obstruct a State or local plan for renewable energy or energy efficiency. The City's General Plan includes a number of goals and policies for the purposes of conserving energy resources, including, but not limited to, the following:

- Policy COS 8-6: Support the development and implementation of a GHG reduction plan, or Climate Action Plan, that addresses and reduces GHG emissions associated with community operations, including but not limited to, mobile sources (vehicle traffic), energy consumption, and solid waste.
- Policy COS 8-8: Encourage local businesses and industries to engage in voluntary efforts to reduce GHG emissions and energy consumption.
- Policy COS 9-1: Require all new public and privately constructed buildings to meet and comply with the most current "green" development standards in the California Code of Regulations (CCR), Title 24.
- Policy COS 9-2: Support innovative and green building best management practices including, but not limited to, LEED certification for all new development, and encourage project applicants to exceed the most current "green" development standards in the California Code of Regulations (CCR), Title 24, if feasible.
- Policy COS 9-3: Promote the use of alternative energy sources in new development.
- Policy COS 9-4: Incorporate innovative green building techniques and best management practices in the site design, construction, and renovation of all public projects.

Compliance with the applicable General Plan goals and policies would ensure that future development of the site would not result in wasteful, inefficient, or unnecessary consumption of energy resources or conflict with or obstruct a State or local plan for renewable energy or energy efficiency. Furthermore, as stated above, development of the project site with residential uses would be consistent with the site's existing General Plan land use designation; thus, development of the site and associated energy demands have been previously anticipated by the City and evaluated in the General Plan EIR.

Conclusion

Based on the above, the proposed project and future development on the site would not result in wasteful, inefficient, or unnecessary consumption of energy resources or conflict with or obstruct a State or local plan for renewable energy or energy efficiency. Thus, a ***less-than-significant*** impact would occur.

VII. GEOLOGY AND SOILS.

Would the project:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

ai-iv. Per the City of Brentwood General Plan EIR, the City’s planning area does not contain any active or potentially active faults. The nearest active faults are the Greenville Fault and the Concord-Green Valley Fault, located approximately 11.5 miles and 20 miles from the project site, respectively. Known active or potentially active faults do not exist on the project site. In addition, the project site is not located within a State-designated Alquist-Priolo Fault Zone.⁸ Thus, the potential for fault rupture risk at the project site is relatively low. Nonetheless, an earthquake of moderate to high magnitude generated by the above faults could cause considerable ground shaking at the project site.

The project site does not contain any steep slopes that would be subject to substantial landslide hazards. Liquefaction, settlement, ground lurching, ground displacement along the fault line, and landslides are often the secondary effects of earthquakes. Areas found throughout the City of Brentwood may be more susceptible to liquefaction during seismic events if perched groundwater conditions are present. The degree of liquefaction would in part depend on groundwater conditions at specific areas of the project site.

The proposed project does not include development at this time. Future buildout of the project site would be required to comply with or would otherwise be subject to the goals

⁸ California Geologic Survey. *Seismic Hazard Zone Report for the Brentwood 7.5-Minute Quadrangle, Contra Costa County, California*. 2018.

and policies set forth in the City's General Plan relating to seismic and geologic hazards, including, but not limited to the following:

- Policy SA 1-1: Regulate development in areas of seismic and geologic hazards to reduce risks to life and property associated with earthquakes, liquefaction, erosion, landslides, and expansive soils.
- Policy SA 1-2: Where feasible, require new development to avoid unreasonable exposure to geologic hazards, including earthquake damage, subsidence, liquefaction, and expansive soils.
- Policy SA 1-3: Ensure that all new development and construction is reviewed by the City to ensure conformance with applicable building standards related to geologic and seismic safety.
- Policy SA 1-6: Development in areas subject to liquefaction shall be reviewed by qualified soils engineers and geologists prior to development in order to ensure the safety and stability of all construction (see Figure 5.5-2 in the General Plan Existing Conditions Report).

To the extent any geologic or soils reports prepared in compliance with these policies yields recommendations necessary to ensure construction safety and stability, such recommendations would be required to be implemented to the satisfaction of the Director of Public Works/City Engineer, per General Plan Action SA 1a. In addition to adherence to the City's General Plan goals and policies, future development would be required to comply with other applicable federal and State policies and standards, including the CBSC. The CBSC provides minimum standards to ensure that future structures would be designed using sound engineering practices and appropriate engineering standards. Projects designed in accordance with the CBSC should be able to: 1) resist minor earthquakes without damage; 2) resist moderate earthquakes without structural damage, but with some non-structural damage; and 3) resist major earthquakes without collapse, but with some structural, as well as non-structural, damage. Although conformance with the CBSC does not guarantee that substantial structural damage would not occur in the event of a maximum magnitude earthquake, conformance with the CBSC can reasonably be assumed to ensure that the future development would be survivable, allowing occupants to safely evacuate in the event of a major earthquake.

The General Plan EIR concluded that, with implementation of the applicable policies, buildout of the General Plan would result in a less-than-significant impact related to seismic rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, and landslides. Development of the project site has been anticipated by the City and the associated impacts have been analyzed in the General Plan EIR. The proposed project would not result in new or more severe impacts related to geology and soils from what has already been anticipated and analyzed for the site.

Based on the above, a **less-than-significant** impact would occur related to seismic rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, and landslides.

- b. Issues related to erosion are discussed in Section X, Hydrology and Water Quality, of this IS/ND. As noted therein, the proposed project would not result in substantial soil erosion or the loss of topsoil. A Storm Water Pollution Prevention Plan (SWPPP) for the site would be required for any construction activities where clearing, grading, or excavation results in

a land disturbance of one or more acres. A SWPPP describes best management practices to control or minimize pollutants from entering stormwater and addresses both grading/erosion impacts and non-point source pollution impacts of the development project, including post-construction impacts. The City of Brentwood requires all development projects to use BMPs to treat runoff. Thus, a **less-than-significant** impact would occur.

- c. As noted above, future development of the site would not be subject to substantial risks related to liquefaction or landslides. Furthermore, the project site is relatively flat and is not located on or near any slopes. Lateral spreading is horizontal/lateral ground movement of relatively flat-lying soil deposits towards a free face such as an excavation, channel, or open body of water; typically, lateral spreading is associated with liquefaction of one or more subsurface layers near the bottom of the exposed slope. The amount of movement depends on the soil strength, duration and intensity of seismic shaking, topography, and free face geometry. The project site does not contain any open faces that would be considered susceptible to lateral spreading. In addition, as noted above, the site is not anticipated to be subject to substantial liquefaction hazards. Furthermore, General Plan Action SA 1a requires the submission of geologic and soils reports for all new developments, and requires that the report recommendations are implemented during site development. Therefore, the potential for lateral spreading to pose a risk to the proposed development is relatively low.

Per the General Plan EIR, subsidence is the settlement of soils of very low density generally from either oxidation of organic material, or desiccation and shrinkage, or both, following drainage. Subsidence takes place gradually, usually over a period of several years. The General Plan EIR determined that subsidence in Contra Costa County has occurred primarily along the Delta; within the City's planning area, subsidence is not considered a significant issue. As such, subsidence/settlement would not pose a substantial risk to the proposed development.

Based on the above, the proposed project and future development on the project site would not be subject to substantial risks related to liquefaction, landslides, lateral spreading, and subsidence/settlement. Compliance with standard construction regulations included in the CBSC would ensure that future development would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving liquefaction, subsidence, or settlement, and would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site subsidence, liquefaction, or collapse. Furthermore, development of the project site has been anticipated by the City and the associated impacts have been analyzed in the General Plan EIR. The General Plan EIR concluded that with implementation of the applicable policies and actions, buildout of the General Plan, including the project site, would result in a less-than-significant impact related to geology and soils. The proposed project would not result in new or more severe impacts related to geology and soils from what has already been anticipated and analyzed for the site. Thus, a **less-than-significant** impact would occur.

- d. Expansive soils can undergo significant volume change with changes in moisture content. Specifically, such soils shrink and harden when dried and expand and soften when wetted. If structures are underlain by expansive soils, foundation systems must be capable of tolerating or resisting any potentially damaging soil movements, and building foundation

areas must be properly drained. Per the City's General Plan EIR, the soils within the vicinity of the project site are characterized by a low to moderate shrink-swell potential.⁹

While buildout of the site could occur in the future, development of the site is not proposed at this time. Future development would be required to comply with all applicable General Plan goals and policies adopted for the purposes of mitigating the effects of expansive soils, including those policies listed above, as well as Policy SA 1-11. That policy requires all structures and building foundations located within areas containing expansive soils to be designed and engineered to comply with the most current version of the California Code of Regulations (CCR), Title 24. Compliance with applicable General Plan goals and policies, as well as other applicable City and State regulations would ensure that the proposed project and future development on the site would not result in impacts related to being located on expansive soil, as defined in Table 18-1B of the Uniform Building Code, thereby creating substantial direct or indirect risks to life or property. In addition, as noted above, to the extent any geologic or soils reports prepared per General Plan Action SA 1a yields recommendations necessary to ensure construction safety and stability, such recommendations would be required to be implemented to the satisfaction of the Director of Public Works/City Engineer, per General Plan Action SA 1a. Therefore, a **less-than-significant** impact related to being located on expansive soil, as defined in Table 18-1B of the Uniform Building Code, would occur.

- e. The proposed project does not include any development at this time. Upon annexation of the site into the City, any future development would be provided sewer services by the City. Thus, impacts related to the use of septic tanks or alternative wastewater disposal systems would not be expected to occur. In addition, future development would be required to comply with or would otherwise be subject to the General Plan, including policies adopted for the purposes of maintaining wastewater infrastructure, such as the following:
- Policy IF 3-1: Ensure adequate sewage conveyance and treatment infrastructure to meet existing and future development.
 - Policy IF 3-2: Maintain the existing wastewater system on a regular basis to increase the lifespan of the system and ensure public safety.

Because the proposed project does not involve any development at this time, and future buildout would be required to comply with the policies listed above, the proposed project would result in **no impact** related to the construction or operation of septic tanks or other alternative wastewater disposal systems.

- f. As noted in the City's General Plan EIR, the majority of the City is underlain by Quaternary Marine/Alluvium, which contains mostly non-marine unconsolidated alluvium, lake, playa, and terrace deposits. Such soil types are not considered unique geologic features and are common within the geographic area of the City. The City's General Plan does not note the existence of any unique geologic features within the City. Consequently, implementation of the proposed project would not be anticipated to have the potential to result in direct or indirect destruction of unique geologic features. However, geologic formations, including the Upper Cretaceous marine sedimentary rocks and various Quaternary subunits, that

⁹ City of Brentwood. *Environmental Impact Report for the 2014 Brentwood General Plan Update* [Figure 3.6-4] April 2014.

have a moderate to high potential for paleontological resources, are present throughout many areas of the City.

Development of the project site is not currently proposed; however, future development of the site could result in the direct or indirect destruction of a unique paleontological resource should any such resources be encountered during construction activities. Any future development on the project site would be required to comply with all applicable General Plan goals and policies, including Action COS 6e, which requires all new development projects to comply with procedures upon discovery of unique paleontological resources. Specifically, Action COS 6e requires all new development, infrastructure and other ground-disturbing activities to comply with the following:

1. If construction or grading activities result in the discovery of significant historic or prehistoric archaeological artifacts or unique paleontological resources, all work within 100 feet of the discovery shall cease, the Community Development Director shall be notified, the resources shall be examined by a qualified archaeologist, paleontologist, or historian for appropriate protection and preservation measures; and work may only resume when appropriate protections are in place and have been approved by the Community Development Director.
2. If human remains are discovered during any ground disturbing activity, work shall stop until the Community Development Director and the Contra Costa County Coroner have been contacted; if the human remains are determined to be of Native American origin, the Native American Heritage Commission (NAHC) and the most likely descendants have been consulted; and work may only resume when appropriate measures have been taken and approved by the Community Development Director.

Implementation of Action COS 6e and compliance with the policies listed under Section IV, Cultural Resources, of this IS/ND would ensure that the proposed project would not result in the direct or indirect destruction of a unique paleontological resource, and a **less-than-significant** impact would occur.

VIII. GREENHOUSE GAS EMISSIONS.

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>

a,b. Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. Therefore, the cumulative global emissions of GHGs contributing to global climate change can be attributed to every nation, region, and city, and virtually every individual on Earth. An individual project's GHG emissions are at a micro-scale level relative to global emissions and effects to global climate change; however, an individual project could result in a cumulatively considerable incremental contribution to a significant cumulative macro-scale impact. As such, impacts related to emissions of GHG are inherently considered cumulative impacts.

Estimated GHG emissions attributable to future development would be primarily associated with increases of carbon dioxide (CO₂) and, to a lesser extent, other GHG pollutants, such as methane (CH₄) and nitrous oxide (N₂O) associated with area sources, mobile sources or vehicles, utilities (electricity and natural gas), water usage, wastewater generation, and the generation of solid waste.

The proposed project is located within the jurisdictional boundaries of BAAQMD. BAAQMD's approach to developing a threshold of significance for GHG emissions is to identify the emissions level for which a project would not be expected to substantially conflict with existing California legislation adopted to reduce statewide GHG emissions needed to move towards climate stabilization. If a project would generate GHG emissions above the threshold level, the project would be considered to generate significant GHG emissions and conflict with applicable GHG regulations.

Implementation of the proposed project would not include any physical development of the site. Future buildout of the site could cumulatively contribute to increases of GHG emissions. However, all future development would be required to comply with or would otherwise be subject to the following General Plan goals and policies related to the emission of GHG, including, but not limited to, the following:

- Policy COS 8-1: Improve air quality through continuing to require a development pattern that focuses growth in and around existing urbanized areas, locating new housing near places of employment, encouraging alternative modes of transportation, and requiring projects to mitigate significant air quality impacts.
- Policy COS 8-4: Encourage new development or significant remodels to install fireplaces, wood stoves, and/or heaters which meet BAAQMD standards.
- Policy COS 8-5: Continue to require all construction projects and ground disturbing activities to implement BAAQMD dust control and abatement measures.
- Policy COS 8-9: Preserve, protect, and enhance, as appropriate, the City's carbon sequestration resources, also referred to as "carbon sinks," to improve air quality and reduce net carbon emissions.

- Policy COS 8-10: Encourage public transit, ridesharing and van pooling, shortened and combined motor vehicle trips to work and services, use of bicycles, and walking. Minimize single passenger motor vehicle use.
- Policy COS 8-11: Encourage new construction to incorporate passive solar features.
- Policy COS 9-1: Require all new public and privately constructed buildings to meet and comply with the most current “green” development standards in the California Code of Regulations (CCR), Title 24.
- Policy COS 9-2: Support innovative and green building best management practices including, but not limited to, LEED certification for all new development, and encourage project applicants to exceed the most current “green” development standards in the California Code of Regulations (CCR), Title 24, if feasible.
- Policy COS 9-3: Promote the use of alternative energy sources in new development.
- Policy COS 9-4: Incorporate innovative green building techniques and best management practices in the site design, construction, and renovation of all public projects.
- Policy COS 9-5: Promote water conservation among water users.
- Policy COS 9-6: Continue to require new development to incorporate water efficient fixtures into design and construction.
- Policy COS 9-7: Promote the use of reclaimed water and other non-potable water sources.
- Policy COS 9-9: Encourage and support the use of drought-tolerant and regionally native plants in landscaping.
- Policy COS 9-10: Ensure that the layout and design of new development and significant remodels encourages the use of transportation modes other than automobiles and trucks.
- Policy COS 9-13: Continue to encourage and support the use of bicycles as an alternative means of transportation.
- Policy CIR 2-1: Establish and maintain a system of interconnected bicycle, pedestrian, and equestrian facilities that facilitate commuter and recreational travel, and that are consistent with the City’s parks, trails, and recreation goals and policies in this General Plan and the Contra Costa County Countywide Bicycle and Pedestrian Plan.
- Policy CIR 2-2: Routinely incorporate sidewalks and enhanced pedestrian crossing facilities as part of new street construction, and incorporate bicycle facilities on new collector and arterial streets (including bicycle lanes where appropriate, bicycle route and destination signs, and bicycle detection at signals).
- Policy CIR 2-3: Require development projects to construct on-site sidewalks, paths, and trails in a manner that is consistent with the City’s parks, trails, and recreation goals and policies in this General Plan and the Contra Costa County Countywide Bicycle and Pedestrian Plan, and as dictated by the location of transit stops and common pedestrian destinations.
- Policy CIR 2-13: Coordinate with Tri Delta Transit to increase the coverage areas and frequencies of bus service in Brentwood.
- Policy CIR 2-17: Encourage the use of park-and-ride lots and other transit incentives for Brentwood commuters.
- Policy CIR 2-19: Provide safe and continuous pedestrian, vehicular, and bicycle access at all transit park-and-ride facilities.

- Policy CIR 3-2: Prioritize high-density and mixed land use patterns that promote transit and pedestrian travel along transit corridors.
- Policy CIR 3-3: Design developments to include features that encourage walking, bicycling, and transit use. Design features shall include bus turnouts, transit shelters and benches, and pedestrian access points between subdivisions and between adjacent related land uses.
- Policy CIR 3-9: Design intersections to provide adequate and safe access for all users including pedestrians, bicyclists, and motorists of all ages and abilities.
- Policy CIR 3-10: Require new development to include effective linkages to the surrounding circulation system for all modes of travel, to the extent feasible.
- Policy LU 1-4: Require new development to occur in a logical and orderly manner, focusing growth on infill locations and areas designated for urbanization on the Land Use Map (Figure LU-1), and be subject to the ability to provide urban services, including paying for any needed extension of services.
- Policy LU 1-5: Encourage new development to be contiguous to existing development, whenever possible.
- Policy LU 2-6: Encourage new development that is convenient to bus or future passenger rail transit lines (e.g. eBART service) in order to reduce automobile dependence.
- Policy LU 2-7: Strongly encourage residential development in the city in a balanced and efficient pattern that reduces sprawl, preserves open space, and creates convenient connections to other land uses.

Compliance with applicable General Plan goals and policies, as well as other State regulations, related to GHG emissions would ensure that future development on the site does not have a significant impact on the environment related to GHG emissions. In addition, development of the project site with residential uses would be consistent with the site's existing General Plan land use designation; thus, development of the site and associated GHG emissions have been previously anticipated by the City and evaluated in the General Plan EIR. The General Plan EIR concluded that with implementation of the applicable policies and actions, buildout of the General Plan, including the project site, would result in less-than-significant impacts related to emissions of GHGs. Therefore, because future buildout of the site would be required to comply with all relevant goals and policies associated with the generation of GHG emissions, the proposed project would not be considered to generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. Thus, a ***less-than-significant*** impact would occur.

IX. HAZARDS AND HAZARDOUS MATERIALS.

Would the project:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✘
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✘
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✘
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
g. Expose people or structures, either directly or indirectly, to the risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>

Discussion

a,b. Development of the site is not currently included as part of the proposed project. The proposed project would include pre-zoning of the site for residential development. Residential uses are not typically associated with the routine transport, use, disposal, or generation of substantial amounts of hazardous materials. Operations would likely involve use of common household cleaning products, fertilizers, and herbicides on-site, any of which could contain potentially hazardous chemicals; however, such products would be expected to be used in accordance with label instructions. Due to the regulations governing use of such products and the amount utilized on the site, occasional use of such products would not represent a substantial risk to public health or the environment. Accordingly, the future residential uses would not involve any operations that could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment. However, the project site is primarily characterized by ongoing agriculture operations. As such, the potential exists for on-site soils to have been contaminated from the use of pesticides and herbicides associated with the agriculture operations. In addition, because the project site currently contains existing residences, any existing wells or septic fields associated with the residences would require proper abandonment and removal prior to any redevelopment of such sites. It should be noted that analysis of potential impacts related to soil contamination on the project site is outside the purview of CEQA, as the impacts would involve potential effects to future on-site residents and not the surrounding environment. Although further evaluation of potential soil contamination is not required pursuant to CEQA, the City would use its discretion to determine whether further investigation of on-site soils is necessary upon receipt of future development applications.

According to Figure 3.6-6 of the City's General Plan EIR, an existing plugged dry hole that was previously associated with an oil and gas well is located on the project site. However, the well has since been plugged and active oil wells or pipelines are not located on the project site. Section 17.680.021 of the Brentwood Zoning Ordinance contains regulations related to new development in the vicinity of petroleum facilities, including abandoned wells. Future development of the site would be required to comply with such standards, including, but not limited to, the following:

- Abandoned Wells. Tentative maps, planned development and other development plans submitted to the city shall show the location of all wells drilled on the property. Prior to development of an area, any well shown as abandoned shall be accompanied by written verification for the DOG. Development shall be designed such that the building official is satisfied that no structure will be built within ten feet of any well that has been properly abandoned pursuant to DOG requirements. Any lot or parcel containing an abandoned well shall be encumbered with a deed restriction specifying the exact location of such well and prohibiting any construction within the ten-foot area. If a final map is recorded, the encumbrance shall be recorded concurrent with the final map. The DOG, at their discretion, may also require that any abandoned well be uncovered, tested for leakage, require remedial work on leaking wells, and be accurately located on the final map before recordation of the map.

Construction activities associated with future buildout of the project site could include the use of heavy equipment, which would contain fuels and oils, and various other products such as concrete, paints, and adhesives. Small quantities of potentially toxic substances (e.g., petroleum and other chemicals used to operate and maintain construction equipment) would be used at the project site and transported to and from the site during construction. However, the contractors would be required to comply with all California Health and Safety Codes and local ordinances regulating the handling, storage, and transportation of hazardous and toxic materials. Compliance with such regulations would ensure that future construction activities would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment.

The General Plan includes a number of goals and policies adopted for the purposes of mitigating hazards to the public or the environment, including, but not limited to the following:

- Policy SA 4-3: Hazardous materials shall be stored in a safe manner, consistent with all applicable local, State, and federal laws.
- Policy IF 5-1: Provide adequate waste disposal, recycling, and reuse services, including programs that improve public access to solid waste collection and recycling facilities.
- Policy IF 5-2: Reduce the amount of waste requiring disposal at landfills and increase recycling and reuse among residents, businesses, and City department, as set forth in the City's Sources Reduction and Recycling Element.
- Policy IF 5-6: Participate with Contra Costa County to implement a hazardous materials collection and disposal program.

Future development on the project site would be required to comply with or otherwise be subject to the applicable General Plan goals and policies. Based on the above, future development on the project site and the proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Thus, a **less-than-significant** impact would occur.

- c. The project site is not located within a quarter mile of any existing or proposed schools. The nearest school is Gehringer Elementary, located approximately 0.65-mile northeast of the project site. Therefore, the proposed project would have **no impact** related to hazardous emissions or the handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- d. Per the EnviroStor database, the project site is not located on or adjacent to any sites included on a list of hazardous materials compiled pursuant to Government Code Section 65962.5.¹⁰ Thus, the proposed project would not create a significant hazard to the public or the environment related to such, and **no impact** would occur.
- e. The nearest public airport to the site is Byron Airport, which is located approximately 10 miles south of the site. In addition, a private airfield (Funny Farm Airfield) is located approximately 2.5 miles southeast of the proposed project site. As such, the project site is not located within two miles of any public airports, and does not fall within an airport land use plan area. Therefore, **no impact** would occur related to the project site being located within an airport land use plan or within two miles of a public airport or public use airport, thereby resulting in a safety hazard or excessive noise for people residing or working in the project area.
- f. As noted previously, the proposed project does not include any development at this time. Future buildout of the site would be required to comply with or otherwise be subject to all applicable General Plan policies designed to ensure that development does not impair implementation of or physically interfere with an adopted emergency response plan or evacuation plan, including, but not be limited to, the following:
 - Policy SA 3-1: Continue to maintain and implement the Emergency Operations Plan.
 - Policy SA 3-5: Ensure that all areas of the City are accessible to emergency response providers.

Compliance with applicable General Plan goals and policies, as well standards set forth in the City's Municipal Code, would ensure that the proposed project does not impair the implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Thus, a **less-than-significant** impact would occur.

- g. Issues related to wildfire hazards are discussed in further detail in Section XX, Wildfire, of this IS/ND. As noted therein, the project site is not located within or near a Very High Fire

¹⁰ Department of Toxic Substances Control. *Envirostor*. Available at: <https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=Lola+Lane+and+Delta+Road%2C+Brentwood%2C+CA>. Accessed March 2020.

Hazard Severity Zone.¹¹ In addition, the project site is bordered by single-family residences to the north, public facilities to the south, and actively managed agricultural land to the east and west. Due to the primarily developed nature of the area, the potential for wildland fires to reach the project site would be limited. Further, any future development would be subject to the fire safety requirements of the East Contra Costa Fire Protection District. Therefore, the proposed project would not expose people or structures to the risk of loss, injury or death involving wildland fires, and a ***less-than-significant*** impact would occur.

¹¹ California Department of Forestry and Fire Protection. *Contra Costa County, Very High Fire Hazard Severity Zones in LRA*. January 7, 2009. Available at: https://osfm.fire.ca.gov/media/6660/fhszl_map7.pdf. Accessed June 2020.

X. HYDROLOGY AND WATER QUALITY.

Would the project:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i. Result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
iv. Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>

Discussion

- a. Development of the project site is not currently proposed. Construction activities associated with future development of the site could expose topsoil during grading and excavation of the site. After grading and prior to overlaying the ground surface with impervious surfaces and structures, the potential exists for wind and water erosion to discharge sediment and/or urban pollutants into stormwater runoff, which could adversely affect water quality.

The State Water Resources Control Board (SWRCB) regulates stormwater discharges associated with construction activities where clearing, grading, or excavation results in a land disturbance of one or more acres. Should future development projects on the project site disturb more than one acre of land, the project applicant would be subject to applicable SWRCB regulations. Performance Standard NDCC-13 of the City’s National Pollutant Discharge Elimination System (NPDES) permit requires applicants to show proof of coverage under the State’s General Construction Permit prior to receipt of any construction permits. The State’s General Construction Permit requires a Storm Water Pollution Prevention Plan (SWPPP) to be prepared for future development of the site. A SWPPP describes BMPs to control or minimize pollutants from entering stormwater and must address both grading/erosion impacts and non-point source pollution impacts of future development, including post-construction impacts. The City of Brentwood requires all development projects to use BMPs to treat runoff.

Following completion of future development, the site would be largely covered with impervious surfaces and topsoil would no longer be exposed, based on the maximum permissible density of 5.0 du/acre and associated 453 residences. As such, the potential for impacts to water quality would be reduced during future operations. In addition, future development of the project site would be required to comply with or would otherwise be subject to all applicable General Plan goals and policies adopted to prevent the violation of any water quality standards or waste discharge requirements, or otherwise substantially degrade surface or groundwater quality, including, but not limited to, the following:

- Policy IF 1-1: Provide adequate public infrastructure (i.e., street, sewer, water, and storm drain) to meet the needs of existing and future development.
- Policy IF 4-1: Maintain and improve Brentwood's storm drainage facilities.
- Policy IF 4-3: Require all development projects to demonstrate how storm water runoff will be detained or retained on-site and/or conveyed to the nearest drainage facility as part of the development review process and as required by the City's NPDES Municipal Regional Permit. Project applicants shall mitigate any drainage impacts as necessary.
- Policy SA 2-2: Require all development projects to demonstrate how storm water runoff will be detained or retained on-site, treated, and/or conveyed to the nearest drainage facility as part of the development review process. Project applicants shall demonstrate that project implementation would not result in increases in the peak flow runoff to adjacent lands or drainage facilities that would exceed the design capacity of the drainage facility or result in an increased potential for off-site flooding.
- Policy COS 4-1: Where feasible, protect and enhance surface water quality in creeks, streams, channels, seasonal and permanent marshland, wetlands, sloughs, riparian habitat, and vernal pools through sound land use planning, community design, and site planning.
- Policy COS 4-5: Encourage the use of natural features such as bio swales, vegetation, retention, ponds, and other measures to remove storm water pollutants prior to discharge, subject to State regulations.
- Policy COS 4-6: Where feasible, new development adjacent to creeks and streams should include opportunities for beneficial uses, such as flood control, ecological restoration, public access trails, and walkways.
- Policy COS 4-7: Consult with State and Federal agencies during the development review process to help identify wetland and riparian habitat that has candidacy for restoration, conservation, and/or mitigation. Focus restoration and/or conservation efforts on areas that would maximize multiple beneficial uses for such habitat.
- Policy COS 4-8: Conserve riparian habitat along local creeks, including but not limited to Marsh Creek, Deer Creek, Dry Creek, and Sand Creek, in order to maintain water quality and provide suitable habitat for native fish and plant species.
- Policy COS 4-9: Consider the effects of development on ground and surface water quality and implement measures to reduce water contamination.
- Policy COS 4-10: Where feasible, encourage and support multipurpose detention basins that provide water quality protection, storm water detention, open space amenities, and recreational amenities.

Compliance with applicable General Plan goals and policies, as well as other City and State regulations, would ensure that future development would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. Therefore, because future buildout of the site would be required to comply with all relevant goals and policies associated with water quality, the

proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. Thus, a **less-than-significant** impact would occur.

- b,e. Upon annexation of the site into the City, water supplies for future development on the project site could be supplied by the City of Brentwood. Per the City's 2015 Urban Water Management Plan (UWMP),¹² 30 percent of the City's water is supplied by groundwater. The City pumps groundwater from the Tracy Subbasin underlying the City. The proposed project would not involve any development at this time. While future development of the project site would create new impervious surfaces, the Tracy Subbasin is 345,000 acres in size; therefore, the groundwater basin within which the project site is located would be recharged from many sources over a large area. Except for seasonal variations resulting from recharge and pumping, the General Plan EIR anticipates the City will pump a relatively stable amount of groundwater through the year 2035. Therefore, any new impervious surfaces associated with buildout of the project would not interfere substantially with groundwater recharge within the Tracy Subbasin.

In addition, future development of the project site would be required to comply with or would otherwise be subject to the City's General Plan goals and policies adopted to prevent substantially decreasing groundwater supplies or interfering with groundwater recharge, including, but not limited to, the following:

- Policy IF 2-1: Ensure the water system and supply is adequate to meet the needs of existing and future development.
- Policy SA 2-8: Encourage and accommodate multipurpose flood control projects that incorporate recreation, resource conservation, preservation of natural riparian habitat, and scenic values of Brentwood's streams, creeks, and wetland/riparian areas. Where appropriate and feasible, the City shall also encourage the use of flood and/or storm water retention facilities for use as groundwater recharge facilities.

Compliance with applicable General Plan goals and policies would ensure that future development of the site would not substantially decrease groundwater supplies or interfere with groundwater recharge such that development would impede sustainable groundwater management of the basin. In addition, the aforementioned policies would ensure that future development would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Furthermore, development of the project site with residential uses would be consistent with the site's existing General Plan land use designation; thus, development of the site and associated impacts related to groundwater have been previously anticipated by the City and evaluated in the General Plan EIR. The General Plan EIR concluded that with implementation of applicable policies, buildout of the General Plan, including the project site, would result in less-than-significant impacts related to the decrease in groundwater supplies or interference with groundwater recharge such that development would impede sustainable groundwater management of the basin. Thus, the proposed project would result in a **less-than-significant** impact.

- ci-iii. The proposed project includes annexation of the site into the City and does not involve any proposals for physical development at this time. Thus, implementation of the proposed project would not involve the creation of any new impervious surface area. Future buildout of the site could create new impervious surfaces.

¹² City of Brentwood. *Final 2015 Urban Water Management Plan*. June 2016.

All municipalities within Contra Costa County are required to develop more restrictive surface water control standards for new development projects as part of the renewal of the Countywide NPDES permit. Known as the “C.3 Standards”, new development and redevelopment projects that create or replace 10,000 or more square feet of impervious surface area must contain and treat stormwater runoff from the site. In addition to compliance with the County’s NPDES Permit and C.3 standards, future development would be required to comply with or would otherwise be subject to all applicable General Plan goals and policies related to increased runoff, siltation, or erosion, including, but not limited to, the following:

- Policy IF 1-2: Require development, infrastructure, and long-term planning projects to be consistent with all applicable City infrastructure plans, including the Water Master Plan, the Wastewater Master Plan, and the Capital Improvement Program.
- Policy IF 1-3: Require all development projects to mitigate their infrastructure service impacts or demonstrate that the City’s infrastructure, public services, and utilities can accommodate the increased demand for services, and that service levels for existing users will not be degraded or impaired.
- Policy IF 1-4: Require new development projects to develop comprehensive infrastructure plans for City review and approval as part of an application submittal.
- Policy IF 1-7: Require the payment of impacts fees for all new development.
- Policy IF 4-1: Maintain and improve Brentwood's storm drainage facilities.
- Policy IF 4-2: Incorporate recreational trails and parkway vegetation design in channel improvements, and explore utilizing detention basins for parks, ball fields, and equestrian areas.
- Policy IF 4-3: Require all development projects to demonstrate how storm water runoff will be detained or retained on-site and/or conveyed to the nearest drainage facility as part of the development review process and as required by the City’s NPDES Municipal Regional Permit. Project applicants shall mitigate any drainage impacts as necessary.
- Policy IF 4-4: Maintain drainage channels in a naturalized condition to the greatest extent feasible, subject to health and safety requirements and as otherwise described in the Conservation and Open Space Element of the General Plan.
- Policy SA 2-2: Require all development projects to demonstrate how storm water runoff will be detained or retained on-site, treated, and/or conveyed to the nearest drainage facility as part of the development review process. Project applicants shall demonstrate that project implementation would not result in increases in the peak flow runoff to adjacent lands or drainage facilities that would exceed the design capacity of the drainage facility or result in an increased potential for offsite flooding.
- Policy SA 2-3: Ensure that construction activities will not result in adverse impacts to existing flood control and drainage structures.
- Policy SA 2-6: Unless otherwise mitigated, require new structures to be located outside of the 100-year floodplain to the greatest extent possible.
- Policy SA 2-8: Encourage and accommodate multipurpose flood control projects that incorporate recreation, resource conservation, preservation of natural riparian habitat, and scenic values of Brentwood’s streams, creeks, and wetland/riparian areas. Where appropriate and feasible, the City shall also encourage the use of flood and/or storm water retention facilities for use as groundwater recharge facilities.

- Policy SA 2-9: Encourage flood control measures that respect natural drainage features, vegetation, and natural waterways, while still providing for adequate flood control and protection.
- Policy SA 2-11: Ensure that new development or governmental action does not compound the potential for flooding.
- Policy SA 2-12: Ensure that adequate drainage and erosion control measures are provided during construction of all new development.

In addition, future development would also be required to comply with all policies listed under questions 'a', 'b', and 'e' above.

Noteworthy is the requirement that future development projects will be required by the City to demonstrate how storm water runoff will be detained or retained on-site, treated, and/or conveyed to the nearest drainage facility as part of the development review process. In addition, project applicants are required to demonstrate that project implementation would not result in increases in the peak flow runoff to adjacent lands or drainage facilities that would exceed the design capacity of the drainage facility or result in an increased potential for offsite flooding.

Compliance with the goals and policies listed above, as well as relevant State and local policies, would ensure that future development would not result in impacts related to stormwater management and treatment. Furthermore, development of the project site with residential uses would be consistent with the site's existing General Plan land use designation; thus, development of the site and associated impacts related to stormwater have been previously anticipated by the City and evaluated in the General Plan EIR. The General Plan EIR concluded that with implementation of applicable policies and actions, buildout of the General Plan, including the project site, would result in a less-than-significant impact related to the alteration of existing drainage patterns. In addition, although conceptual, according to the backbone infrastructure plan, stormwater falling on the project site would be collected in the open space areas along the eastern boundary and directed to three new outfall locations along Marsh Creek. Drainage lines would be routed from the Mori Property to Delta Road and eventually direct stormwater to the northernmost outfall point within Marsh Creek. The final drainage system for the project area would be reviewed and approved by the City of Brentwood at such time that future development applications are submitted for the project area. The City would ensure that the drainage system meets all state and local regulations related to stormwater treatment and detention.

Based on the above factors, the proposed project and future development on the project site would result in a **less-than-significant** impact related to substantially altering the existing drainage pattern of the site or area, including through the alteration of a course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion, siltation, or flooding on- or off-site, creating or contributing runoff water which would exceed the capacity of existing or planned stormwater drainage systems, or providing substantial additional sources of polluted runoff.

- civ. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map for the project site, the portions of the project site adjacent to Marsh Creek are designated as flood hazard zones AH and AE, which are defined as Regulatory

Floodways.¹³ The remainder of the site is located within Zone X, which is located outside of the 100-year flood limits and is not considered a special flood hazard zone. As noted previously, the proposed project does not include any development at this time. Future development on the project site would be subject to the following General Plan policies that address flood flows:

- Policy SA 2-4: For properties located within a flood hazard zone, as identified on the most recent FEMA floodplain map or identified by the California Department of Water Resources, the City shall not enter into a development agreement, approve discretionary entitlement, tentative parcel map, parcel map, final map, or any ministerial permit that would result in the construction of a new residence unless flood protection findings consistent with the requirements of California Government Code Sections 65865.5, 65962, 66474.5 can be made and documented.
- Policy SA 2-5: All new development within an identified floodplain shall be built according to Federal Emergency Management Agency standards.

Compliance with the General Plan policies listed above would ensure that future development of the project site would not impede or redirect flood flows. In addition, the areas located near Marsh Creek would be preserved as open space. It is anticipated that this area would contain the limits of the floodplain area; however, the floodplain limits would be confirmed as part of future entitlement review. Furthermore, development of the project site with residential uses would be consistent with the site's existing General Plan land use designation; thus, development of the site and associated impacts related to flooding have been previously anticipated by the City and evaluated in the General Plan EIR. The General Plan EIR concluded that with implementation of applicable policies and actions, buildout of the General Plan, including the project site, would result in a less-than-significant impact related to flood flows. Therefore, the proposed project would not impede or redirect flood flows and a **less-than-significant** impact would occur.

- d. As discussed under question 'civ' above, the proposed project would not include development at this time and future development of the project site would not impede or redirect flood flows due to being located within a flood hazard zone. Tsunamis are defined as sea waves created by undersea fault movement, whereas a seiche is a long-wavelength, large-scale wave action set up in a closed body of water such as a lake or reservoir. The project site is not located in proximity to a coastline and would not be potentially affected by flooding risks associated with tsunamis. Seiches do not pose a risk to the proposed project, as the project site is not located adjacent to a large closed body of water. Based on the above, the proposed project would not pose a risk related to the release of pollutants due to project inundation due to flooding, tsunami, or seiche, and a **less-than-significant** impact would occur.

¹³ Federal Emergency Management Agency. *Flood Insurance Rate Map 06013C0353F*. Effective June 16, 2009.

XI. LAND USE AND PLANNING.

Would the project:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>

Discussion

- a. A project risks dividing an established community if the project would introduce infrastructure or alter land use so as to change the land use conditions in the surrounding community, or isolate an existing land use. Existing land uses in the project vicinity include agricultural land to the east, public facilities and industrial businesses to the south, single-family residences to the north, as well as a senior center and care facility, church, and industrial businesses to the west. Future development of the project site with residential uses would be consistent with the site’s existing General Plan land use designation; thus, development of the site and associated impacts related to land use and planning have been previously anticipated by the City and evaluated in the General Plan EIR. The proposed project does not include any development at this time and future development of the site in conformance with the existing General Plan land use designation and proposed zoning for the site would not isolate an existing land use. Therefore, the proposed project would not physically divide an established community and a **less-than-significant** impact would occur.

- b. The project site is currently designated R-LD per the City’s General Plan and is zoned A-2 by Contra Costa County. The proposed project would include annexation of the site to the City of Brentwood and pre-zoning of the entire project site to Residential PD according to City zoning designations. This pre-zoning would be consistent with the current General Plan land use designation for the site of R-LD, insomuch as it would permit residential development up to five dwelling units per gross acre. Though the R-LD land use designation generally only permits development at the mid-range (3.0 dwelling units per acre), the General Plan does provide that higher density developments may be accommodated if offset with sufficient open space or other amenities in order to maintain the gross density within the indicated range. The conceptual pre-zoning map for the site includes over 12 acres of on-site open space. In addition, the project’s density would not exceed the top of the R-LD range. Development of the project site with residential and open space uses would thus be consistent with the site’s existing General Plan land use designation. Therefore, development of the site and associated impacts related to land use and planning have been previously anticipated by the City and evaluated in the General Plan EIR.

Moreover, General Plan Land Use Policy LU-1-6 encourages the early annexation of all lands within the City’s Sphere of Influence, provided three criteria are met:

1. The land is within the Sphere of Influence and Urban Limit Line;
2. The capacity of the water, sewer, fire, school, and police services are adequate to service the area; and
3. The area to be annexed is contiguous to existing developed areas.

Given that (1) the project site is within the City's Sphere of Influence and the Urban Limit Line, (2) water, sewer, fire, school, and police services are adequate to service the project, and (3), the project site is contiguous to existing developed areas, the proposed annexation would be consistent with this General Plan Policy.

Contra Costa LAFCo has policies related to annexations and creation of unincorporated County "island" properties. Specifically, annexation of the site into the City would create small islands of County land to the southwest and north of the site, and potentially conflict with Government Code Section 56744. Government Code Section 56744 states that, unless otherwise determined by the LAFCo pursuant to subdivision (m) of Section 56375, territory shall not be incorporated into, or annexed to, a city if, as a result of that incorporation or annexation, unincorporated territory is completely surrounded by that city or by territory of that city on one or more sides and the Pacific Ocean on the remaining sides. However, because the project site is currently considered an island itself, the islands that would remain with approval of the proposed project would be much smaller than the original island area. Furthermore, based on Government Code Section 56375(m), the area that would be enclosed by the annexation is located so that it cannot reasonably be annexed to another City or incorporated as a new city. As such, the proposed project could be waived from the restrictions of Government Code Section 56744, provided LAFCo found that the application of 56375 would be detrimental to the orderly development of the community. Therefore, because the proposed project would annex the majority of the original island area into the City of Brentwood and could be waived from the restrictions of Government Code Section 56744, Contra Costa LAFCo would be accomplishing the goal of reducing the amount of island area in unincorporated Contra Costa County.

In addition, Contra Costa County has a 65/35 Land Preservation Ordinance, which limits urban development within the County to a maximum of 35 percent of the land in the County. At least 65 percent of all land in the County shall be preserved for agriculture, open space, wetlands, parks, and other non-urban uses. According to the County's Urban Limit Line Map, the project site is located within the Urban Limit Line boundaries and is identified as an unincorporated urban area.¹⁴ Because the project site is located within the County's Urban Limit Line and is identified as an urban area, the project would not conflict with the County's 65/35 Land Preservation Ordinance. Furthermore, as discussed in Section II, Agriculture and Forest Resources, of this IS/ND, the proposed project is generally consistent with the LAFCo's Agricultural and Open Space Preservation Policy policies.

As discussed throughout this IS/ND, the proposed project does include any direct development and would not result in any significant environmental effects. In addition, future development of the site would be required to comply with all applicable General Plan policies, development standards established in the City's Municipal Code, and other applicable local, regional, and State regulations. Therefore, the proposed project would not cause a significant environmental impact in excess of what has already been analyzed and anticipated in the General Plan EIR, and would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental impact. Accordingly, a **less-than-significant** impact would occur.

¹⁴ Contra Costa County. *Urban Limit Line*. May 5, 2014.

XII. MINERAL RESOURCES.

Would the project:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✘
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✘

Discussion

a,b. Per the City’s General Plan EIR, within the Planning Area, documented mineral resources include sand, gravel, coal, oil, and gas.¹⁵ Sediments throughout most of the City consist of young alluvial deposits. Historically, large amounts of sand were mined from the dune sands of the northern portion of the City; however, competition from sand and gravel pits in the Tracy and Livermore areas caused a gradual decline in production. As of January 1, 2013, three aggregate mines exist within Contra Costa County: the Byron Plant, Clayton Quarry, and Clayton Mine. None of the three mines are located within the City of Brentwood planning area, and, thus, would not be adversely affected by the proposed project. Furthermore, the project site is not designated for mineral resource production. Therefore, **no impact** to mineral resources would occur as a result of development of the project.

¹⁵ City of Brentwood. 2014 Brentwood General Plan Draft Environmental Impact Report. April 2014.

XIII. NOISE.

Would the project result in:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
b. Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✘

Discussion

- a. Rulings by the California Supreme Court have clarified that environmental analyses prepared under CEQA are intended to analyze a project’s impact on the environment, rather than the potential impact of the environment on the project (*Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455, 473). Nonetheless, for informational purposes and in order to take a conservative approach, this analysis includes a discussion of the potential impacts on future sensitive receptors.

Some land uses are considered more sensitive to noise than others, and, thus, are referred to as sensitive noise receptors. Land uses often associated with sensitive noise receptors generally include residences, schools, libraries, hospitals, and passive recreational areas. Noise sensitive land uses are typically given special attention in order to achieve protection from excessive noise. The proposed project does not include development at this time. The proposed project would include annexation of the site into the City and pre-zoning of the site for residential uses, consistent with the General Plan land use designation for the site. Future development of the site with residential uses would be considered a sensitive noise receptor. The nearest existing sensitive receptors to the site would be the single-family residences to the north, and senior center and care facility and church to the west.

Residential uses do not typically involve generation of substantial on-site noise levels; however, temporary noise level increases could occur related to construction activities and permanent noise level increases could occur related to traffic. Per General Plan Action N-1e, noise generating construction activities, including truck traffic coming to and from the construction site, are limited to the hours of 7:00 AM and 6:00 PM on weekdays, and between 8:00 AM and 5:00 PM on Saturdays. Construction is prohibited on Sundays and City holidays. Compliance with such restrictions would ensure that construction noise associated with any proposed future development would be less than significant.

Per Public Resources Code Section 21083.3(b), if a development project is consistent with the local general plan, the environmental analysis should be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior EIR. The City’s General Plan EIR concluded that buildout of the General Plan, including the project site, would result in a significant

and unavoidable impact, even with implementation of General Plan goals and policies aimed at reducing traffic noise, due to the proximity of sensitive receptors to major roadways and because noise attenuation may not be feasible for all projects. The Brentwood City Council adopted a Statement of Overriding Considerations for the increase in ambient traffic noise levels resulting from adoption of the General Plan and EIR. Therefore, the increase in ambient traffic noise levels within the site vicinity, including traffic from residential buildout of the project site, has been previously anticipated by the City.

The City of Brentwood General Plan Noise Element establishes noise level criteria for both transportation and non-transportation noise sources. Table N-2 of the General Plan provides the noise level performance criteria for residential uses affected by non-transportation noise sources. Furthermore, future buildout of the site would be required to comply with or would otherwise be subject to the applicable General Plan goals and policies intended to reduce noise impacts, including, but not limited to the following:

- Policy N 1-1: Ensure the noise compatibility of existing and future development when making land use planning decisions.
- Policy N 1-3: Require new development to mitigate excessive noise through best practices, including building location and orientation, building design features, placement of noise-generating equipment away from sensitive receptors, shielding of noise-generating equipment away from sensitive receptors, shielding of noise-generating equipment, placement of noise-tolerant features between noise sources and sensitive receptors, and use of noise-minimizing materials such as rubberized asphalt.
- Policy N 1-6: Require acoustical studies for new developments and transportation improvements that affect noise-sensitive uses such as schools, hospitals, libraries, group care facilities, convalescent homes, and residential areas.
- Policy N 1-7: For projects that are required by the California Environmental Quality Act (CEQA) to analyze noise impacts, the following criteria shall be used to determine the significance of those impacts:

Stationary and Non-Transportation Noise Sources

- A significant impact will occur if the project results in an exceedance of the noise level standards contained in this element, or the project will result in an increase in ambient noise levels by more than 3 dB, whichever is greater.

Transportation Noise Sources

- Where existing traffic noise levels are less than 60 dB L_{dn} at the outdoor activity areas of noise-sensitive uses, a +5 dB L_{dn} increase in roadway noise levels will be considered significant; and
- Where existing traffic noise levels range between 60 and 65 dB L_{dn} at the outdoor activity areas of noise-sensitive uses, a +3 dB L_{dn} increase in roadway noise levels will be considered significant; and
- Where existing traffic noise levels are greater than 65 dB L_{dn} at the outdoor activity areas of noise-sensitive uses, a + 1.5 dB L_{dn} increase in roadway noise levels will be considered significant.

- Policy N 1-8: Support noise-compatible land uses along existing and future roadways, including County, State, and Federal routes.
- Policy N 1-9: Local truck traffic, including loading and unloading, shall be limited to specific routes, times, and speeds appropriate to each zoning district.
- Policy N 1-11: Ensure that existing development is protected, to the greatest extent feasible, from noise impacts due to construction on adjacent or nearby properties.
- Policy N 1-13: Control non-transportation related noise from site specific noise sources to the standards shown in Table N-2 [of the City of Brentwood General Plan].
- Policy N 1-14: Ensure that new development does not result in indoor noise levels exceeding 45 dBA Ldn for residential uses.
- Policy N 1-15: Require construction activities to comply with standard best practices (see Action N 1e).

As noted above, per Public Resources Code Section 21083.3(b), if a development project is consistent with the local general plan, the environmental analysis should be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior EIR. Given that the General Plan EIR concluded that buildout of the General Plan, including the project site, would result in a significant and unavoidable impact, even with implementation of General Plan goals and policies aimed at reducing traffic noise, per Public Resources Code Section 21083.3(b), further evaluation is not required. Thus, a **less-than-significant** impact would occur.

- b. Similar to noise, vibration involves a source, a transmission path, and a receiver. However, noise is generally considered to be pressure waves transmitted through air, whereas vibration usually consists of the excitation of a structure or surface. As with noise, vibration consists of an amplitude and frequency. A person's perception to the vibration depends on their individual sensitivity to vibration, as well as the amplitude and frequency of the source and the response of the system which is vibrating.

Vibration is measured in terms of acceleration, velocity, or displacement. A common practice is to monitor vibration in terms of peak particle velocities (PPV) in inches per second (in/sec). Standards pertaining to perception as well as damage to structures have been developed for vibration levels defined in terms of PPV. Human and structural response to different vibration levels is influenced by a number of factors, including ground type, distance between source and receptor, duration, and the number of perceived vibration events. Table 2, which was developed by the California Department of Transportation (Caltrans), shows the vibration levels that would normally be required to result in damage to structures. As shown in the table, the threshold for architectural damage to structures is 0.20 in/sec PPV and continuous vibrations of 0.10 in/sec PPV, or greater, would likely cause annoyance to sensitive receptors.

The proposed project does not include development at this time. Future development of the project site with residential uses would be required to submit project-specific acoustical studies but are not anticipated to result in elevated vibration levels, as residential uses are not typically associated with any substantial sources of vibration. However, construction activities associated with future development on the project site could expose people to or generate excessive groundborne vibration or groundborne noise levels. Table 3 shows the typical vibration levels produced by construction equipment at various distances. The

most substantial source of groundborne vibrations associated with project construction would be the use of vibratory compactors. The nearest sensitive receptors are the residences located near the Simmons Property, located within 25 feet of the project site boundaries.

Table 2			
Effects of Vibration on People and Buildings			
PPV		Human Reaction	Effect on Buildings
mm/sec	in/sec		
0.15 to 0.30	0.006 to 0.019	Threshold of perception; possibility of intrusion	Vibrations unlikely to cause damage of any type
2.0	0.08	Vibrations readily perceptible	Recommended upper level of the vibration to which ruins and ancient monuments should be subjected
2.5	0.10	Level at which continuous vibrations begin to annoy people	Virtually no risk of “architectural” damage to normal buildings
5.0	0.20	Vibrations annoying to people in buildings (this agrees with the levels established for people standing on bridges and subjected to relative short periods of vibrations)	Threshold at which there is a risk of “architectural” damage to normal dwelling - houses with plastered walls and ceilings. Special types of finish such as lining of walls, flexible ceiling treatment, etc., would minimize “architectural” damage
10 to 15	0.4 to 0.6	Vibrations considered unpleasant by people subjected to continuous vibrations and unacceptable to some people walking on bridges	Vibrations at a greater level than normally expected from traffic, but would cause “architectural” damage and possibly minor structural damage
Source: Caltrans. Transportation Related Earthborne Vibrations. TAV-02-01-R9601. February 20, 2002.			

Table 3		
Vibration Levels for Various Construction Equipment		
Type of Equipment	PPV at 25 feet (in/sec)	PPV at 50 feet (in/sec)
Large Bulldozer	0.089	0.029
Loaded Trucks	0.076	0.025
Small Bulldozer	0.003	0.000
Auger/drill Rigs	0.089	0.029
Jackhammer	0.035	0.011
Vibratory Hammer	0.070	0.023
Vibratory Compactor/roller	0.210	0.070
Source: Federal Transit Administration, Transit Noise and Vibration Impact Assessment Guidelines, May 2006.		

Although noise and vibration associated with construction of future development on the project site would add to the noise and vibration environment in the immediate project vicinity, construction activities would be temporary in nature and would be required to only take place during normal daytime working hours. Future development of the site would be required to comply with General Plan Policy N1-15, which requires construction activities to comply with standard best practices (see Action N 1e). Compliance with applicable General Plan goals and policies would ensure that future development does not expose people to or generate excessive groundborne vibration or groundborne noise levels.

Furthermore, development of the project site has been anticipated by the City and the associated impacts have been analyzed in the General Plan EIR. The General Plan EIR concluded that, with implementation of applicable policies and action, buildout of the General Plan, including the project site, would result in a less-than-significant impact related to construction vibration. The proposed project would not result in new or more severe impacts related to vibration from what has already been anticipated and analyzed for the site.

Based on the above, the proposed project would not expose people to or generate excessive groundborne vibration or groundborne noise levels, and a ***less-than-significant*** impact would occur.

- c. The nearest public airport to the site is Byron Airport, which is located approximately 10 miles south of the site. In addition, a private airfield (Funny Farm Airfield) is located approximately 2.5 miles southeast of the proposed project site. As such, the project site is not located within two miles of any public airports, and does not fall within an airport land use plan area. Given that the project site is not located within two miles of a public or private airport, the proposed project would not expose people residing or working in the project area to excessive noise levels associated with airports. Thus, ***no impact*** would occur.

XIV. POPULATION AND HOUSING.

Would the project:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>

Discussion

- a. The project site is currently designated R-LD per the City’s General Plan and is zoned A-2 by Contra Costa County. The proposed project would include annexation of the site to the City of Brentwood and pre-zoning of the entire project site with City zoning consistent with the current General Plan land use designation for the site R-LD. Specifically, the entire project site would be zoned Residential PD. The Residential PD zoning district would permit residential development at densities no greater than that allowed by the density limitations of the R-LD land use designation. Development of the project site with residential uses would be consistent with the site’s existing General Plan land use designation; thus, development of the site and associated impacts related to population and housing have been previously anticipated by the City and evaluated in the General Plan EIR. Accordingly, the proposed project would not induce substantial unplanned population growth either, directly or indirectly, and a **less-than-significant** impact would occur.

- b. While the proposed project does not include any physical development, future development of the site could include demolition of the existing three residences on the Simmons Property and development of additional residences. Ample replacement housing for the few existing residents would be available elsewhere in the City of Brentwood. As such, the proposed project would not displace a substantial number of existing housing or people and would not necessitate the construction of replacement housing elsewhere. Indeed, future development of the site would increase the residential inventory available in the City. Therefore, a **less-than-significant** impact would occur.

XV. PUBLIC SERVICES.

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
d. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
e. Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>

Discussion

a-e. The proposed project does not include any development at this time. Fire protection services are currently provided to the site by the East Contra Costa Fire Protection District (ECCFPD). The ECCFPD protects approximately 249 square miles and over 115,000 residents, across three fire stations. The City of Brentwood is served primarily by Station 52, which is the nearest station to the project site and is located approximately 2.2 miles to the north of the site at 530 O’Hara Avenue. Currently, the project site is served primarily by the Contra Costa County Sheriff’s Department. Upon annexation of the site into the City, the City of Brentwood Police Department would provide police protection services to the site. The City’s Police Department headquarters is located at 9100 Brentwood Boulevard, approximately 3.1 miles south of the project site. The community is also served by a Brentwood branch of the Contra Costa Public Library located at 104 Oak Street.

The proposed project does not include any development at this time. However, future buildout of the project site could result in increased demand for public services including, fire protection, police protection, schools, parks, and libraries. The Brentwood General Plan provides a number of goals and policies to address the provision of adequate public services, including, but not limited to, the following:

- Policy CSF 1-1: Ensure that new growth and development participates in the provision and expansion of community services and facilities, and does not exceed the City’s ability to provide them.
- Policy CSF 1-2: Require new development to demonstrate that the City’s community services and facilities can accommodate the increased demand for said services and facilities associated with the project.
- Policy CSF 1-3: Require new development to offset or mitigate impacts to community services and facilities to ensure that service levels for existing users are not degraded or impaired by new development, to the satisfaction of the City.
- Policy CSF 2-1: Ensure the provision of sufficient land that is well distributed and interconnected throughout the community for parks, trails, and recreation facilities.
- Policy CSF 2-2: Achieve and maintain a minimum overall citywide ratio of 5 acres of park land per 1,000 residents.
- Policy CSF 2-3: Park acreage should be provided in accordance with the following standards:
 - Neighborhood Park - 3.0 acres per 1,000 residents; and
 - Community Park - 2.0 acres per 1,000 residents.

- Policy CSF 2-4: Develop new parks, trails, and recreation facilities through developer fees in areas which are accessible and convenient to the community, prioritizing areas that are lacking these facilities.
- Policy CSF 2-6: Uphold design, construction, implementation, and maintenance standards to ensure high quality parks, trails, and recreation facilities, programs, and services, now and into the future.
- Policy CSF 2-8: Consider the effects of new development on parks, trails, and recreation facilities, programs, and services, and condition new development appropriately to ensure that the City maintains an adequate inventory and network of facilities and resources.
- Policy CSF 2-9: Continue to collect development impact fees in order to fund the acquisition of parkland, construction of new facilities and resources, and maintenance of City parks, trails, and recreation facilities. The City shall ensure that park facility impact fees are collected for new development that increases demand for parks, trails, and recreation facilities.
- Policy CSF 2-11: Encourage the provision and dedication of parkland within future development projects in order to ensure that the City maintains an extensive network of neighborhood parks that serve all areas of the community.
- Policy CSF 2-12: Through conditions of approval and/or development agreements, ensure that the development of new parks, trails, and recreation facilities occurs during the infrastructure construction phase of new development projects so that they are open and available to the public prior to completion of the project.
- Policy CSF 2-17: Encourage and maintain diverse public access to parks, trails, and recreation facilities to the greatest extent feasible.
- Policy CSF 3-1: Ensure that the Police Department has adequate funding, staff, and equipment to accommodate existing and future growth in Brentwood.
- Policy CSF 3-2: The City shall strive to maintain a police force level of 1.5 to 2.5 officers per 1,000 population.
- Policy CSF 3-3: Promote and support community-based crime prevention programs, as an important augmentation to the provision of professional police services.
- Policy CSF 3-4: Emphasize the use of physical site planning as an effective means of preventing crime. Open spaces, landscaping, parking lots, parks, play areas, and other public spaces should be designed with maximum feasible visual and aural exposure to community residents.
- Policy CSF 3-5: Promote coordination between land use planning and urban design through consultation and coordination with the Police Department during the review of new development applications.
- Policy CSF 4-1: Encourage and support the East Contra Costa Fire Protection District and providers of emergency medical services to maintain adequate staff and equipment to provide high quality and responsive fire protection and emergency medical services to existing and future growth in Brentwood.
- Policy CSF 4-2: Encourage, and work cooperatively with, the East Contra Costa Fire Protection District and providers of emergency medical services to maintain a three to five-minute response time for all emergency response calls within Brentwood.
- Policy CSF 4-4: Design and maintain roadways in such a way so as to maintain acceptable emergency vehicle response times.

- Policy CSF 4-5: Ensure that new development is designed, constructed, and equipped consistent with the requirements of the California Fire Code in order to minimize the risk of fire.
- Policy CSF 4-6: Ensure that new development is served with adequate water volumes and water pressure for fire protection.
- Policy CSF 5-17: Consider the needs of seniors and people with disabilities when reviewing future development applications and land use plans.
- Policy COS 1-4: Where possible, integrate open space and stream corridors with trails and other recreational open space in an environmentally sustainable manner.
- Policy COS 1-5: Recognize urban open space as essential to maintaining a high quality of life within the City limits of Brentwood.
- Policy COS 1-7: Encourage public and private efforts to preserve open space.
- Policy COS 1-9: Encourage the protection and incorporation of existing, native, mature, non-orchard trees and areas of natural vegetation as part of new development.
- Policy ED 5-1: Ensure that public, residential, and non-residential developments locating along local creeks, waterways, and open space are designed to include these natural features as an attraction and amenity, while also providing for their conservation where appropriate.
- Policy ED 6-2: Provide high quality public amenities, including parks, community facilities, and other public infrastructure.
- Policy LU 4-2: Require development projects to provide adequate and appropriately located land, easements, or other accommodation for recreational uses, including neighborhood parks, existing and planned trails, and connection to existing or planned trails and other recreational resources as set forth in the Conservation and Open Space Element, the Community Services and Facilities Element, and the Circulation Element.
- Policy LU4-4: Site new park and recreation facilities where they will be accessible by the City's pedestrian and bicycle network and in close proximity to medium and higher density residential uses, where appropriate.

In addition, future development would be subject to the following General Plan Actions and Policies, which mandate that the City:

- Action CSF 1a: Require new development to pay its fair share of the cost of on and offsite community services and facilities.
- Action CSF 5b: Require new development to pay applicable school facility impact fees and work with developers and the school districts to ensure that adequate school and related facilities will be available.
- Policy IF 1-7: Require the payment of impact fees for all new development.

Future buildout of the project site would be required to comply with or otherwise be subject to the General Plan policies above. In addition, the proposed project would include annexation of the site to the City of Brentwood and pre-zoning of the entire project site with City zoning consistent with the current General Plan land use designation for the site of R-LD, with the entire site being zoned Residential PD. Development of the project site with residential uses would be consistent with the site's existing General Plan land use designation. As such, future buildout of the site, including associated demand for fire, protection, police protection, schools, parks and libraries, has been anticipated by the City and analyzed in the General Plan EIR. The General Plan EIR concluded that, with

implementation of applicable policies and actions, buildout of the General Plan, including the project site, would result in less-than-significant impacts to public services. The proposed project would not result in new or more severe impacts related to public services from what has already been anticipated and analyzed for the site.

The City of Brentwood Police Department has reviewed the annexation proposal and confirmed that the area of annexation does not present any particular challenge as far as response times or ability to provide quality police protection services.¹⁶ While not a CEQA issue, the Police Department has further indicated that additional staffing and equipment that may be needed to serve future residential development in the annexation area would be met given required compliance with General Plan policies CSF 3-1 and 3-2.

With respect to fire protection, because the proposed project does not include any physical development at this time, the provision of new or physically altered fire protection facilities would not be required.¹⁷ Residential development cannot occur on-site without first obtaining additional discretionary entitlements from the City of Brentwood. At such time project-level entitlements are sought by the property owner(s), the ECCFPD would review tentative map applications prior to development to ensure that future buildout complies with all applicable standards and regulations related to fire prevention. Future residential development would also be subject to compliance with Action CSF 1a of the General Plan, which requires new development to pay their fair share fees of the cost of on- and off-site community services and facilities. The City Council adopted resolutions approving the ECCFPD Development Impact Fee Study and an agreement with the ECCFPD for the administration of the Fire Protection Facilities Fees on July 28, 2020. The recently adopted ECCFPD fee for single-family units is \$1,317.97 per unit. If the project site were built out to the maximum allowed density, a total of approximately \$597,040 would be generated toward ECCFPD capital facility needs, such as new fire stations. Pursuant to the Mitigation Fee Act, the fire development fees may not be used for on-going operating costs, which could be addressed by other mechanisms such as a Community Facilities District. Operating expenses are outside of the scope of CEQA given that they pertain to staffing and equipment needs, which are not directly related to physical environmental impacts. While future residential development on the project site would incrementally increase the demand for new fire stations within the project area, payment of the ECCFPD development impact fees on a per unit basis would constitute the project's fair share payment toward new capital facilities.

It should also be noted that an increase in response times or in demand on public services does not, on its own, constitute an environmental impact under CEQA. Rather, if such an increase requires the construction of new or expanded public facilities to meet the increased demand, then the construction necessitated by that project could result in impacts to the physical environment, and thus, may require CEQA analysis and, potentially, mitigation. (*City of Hayward v. Trustees of California State University* (2015) 242 Cal.App.4th 833.)

In addition, in accordance with LAFCo law, the City would be required to negotiate a tax sharing agreement with the County to ensure that the incorporation would result in a

¹⁶ Brentwood Police Department. Personal communication with Debbie Hill, City of Brentwood. July 7, 2020.

¹⁷ Aubert, Steve, Fire Marshal, East Contra Costa Fire Protection District. Personal communication [phone] with Nick Pappani, Vice President, Raney Planning and Management, Inc. October 9, 2020.

similar exchange of both revenue and responsibility for service delivery among the County and the City.

Based on the above, the proposed project would not require the provision of new or physically altered fire protection, police protection, schools, parks, and libraries beyond what was analyzed in the General Plan EIR. Therefore, the proposed project would have a ***less-than-significant*** impact related to the need for new or physically altered fire protection, police protection, schools, parks, or other public facilities, the construction of which could cause significant environmental impacts.

XVI. RECREATION.

Would the project:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>

Discussion

a,b. The proposed project does not include any physical development at this time. Future buildout of the site could increase the use of existing neighborhood and regional parks or other recreational facilities, and require the construction or expansion of new park and recreation facilities. Such proposals would be subject to environmental review in conjunction with any proposed discretionary development project.

The Brentwood General Plan provides a number of goals and policies to address the provision of recreational opportunities, including, but not limited to, the following:

- Policy CSF 1-1: Ensure that new growth and development participates in the provision and expansion of community services and facilities, and does not exceed the City’s ability to provide them.
- Policy CSF 1-2: Require new development to demonstrate that the City’s community services and facilities can accommodate the increased demand for said services and facilities associated with the project.
- Policy CSF 1-3: Require new development to offset or mitigate impacts to community services and facilities to ensure that service levels for existing users are not degraded or impaired by new development, to the satisfaction of the City.
- Policy CSF 2-1: Ensure the provision of sufficient land that is well distributed and interconnected throughout the community for parks, trails, and recreation facilities.
- Policy CSF 2-2: Achieve and maintain a minimum overall citywide ratio of 5 acres of park land per 1,000 residents.
- Policy CSF 2-3: Park acreage should be provided in accordance with the following standards:
 - Neighborhood Park - 3.0 acres per 1,000 residents; and
 - Community Park - 2.0 acres per 1,000 residents.
- Policy CSF 2-4: Develop new parks, trails, and recreation facilities through developer fees in areas which are accessible and convenient to the community, prioritizing areas that are lacking these facilities.
- Policy CSF 2-6: Uphold design, construction, implementation, and maintenance standards to ensure high quality parks, trails, and recreation facilities, programs, and services, now and into the future.
- Policy CSF 2-8: Consider the effects of new development on parks, trails, and recreation facilities, programs, and services, and condition new development appropriately to ensure that the City maintains an adequate inventory and network of facilities and resources.

- Policy CSF 2-9: Continue to collect development impact fees in order to fund the acquisition of parkland, construction of new facilities and resources, and maintenance of City parks, trails, and recreation facilities. The City shall ensure that park facility impact fees are collected for new development that increases demand for parks, trails, and recreation facilities.
- Policy CSF 2-11: Encourage the provision and dedication of parkland within future development projects in order to ensure that the City maintains an extensive network of neighborhood parks that serve all areas of the community.
- Policy CSF 2-12: Through conditions of approval and/or development agreements, ensure that the development of new parks, trails, and recreation facilities occurs during the infrastructure construction phase of new development projects so that they are open and available to the public prior to completion of the project.
- Policy CSF 2-17: Encourage and maintain diverse public access to parks, trails, and recreation facilities to the greatest extent feasible.

In addition, future development would be subject to parkland dedication or the payment of in-lieu fees pursuant to Section 16.150.020 of the City's Municipal Code, which would be used to fund the construction of new park and recreation facilities within the City. Compliance with such, as well as the above-noted General Plan policies related to provision of parks, would ensure that the proposed project would not result in increased use of existing recreational facilities, nor would the proposed project result in substantial adverse physical effects on the environment associated with construction or expansion of recreational facilities. Thus, a ***less-than-significant*** impact would occur with regard to recreation facilities.

XVII. TRANSPORTATION.

Would the project:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
b. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
d. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>

Discussion

a. The proposed project does not include physical development of the site at this time. Future buildout of the site with up to 453 residences, pursuant to the existing General Plan land use designation and requesting pre-zoning for the project site, would increase traffic within the project vicinity, which could result in a conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. However, future development of the site would be required to comply with all applicable General Plan goals and policies adopted for the purpose of minimizing impacts to the circulation system, including, but not limited to, the following:

- Policy CIR 1-2: Ensure that the City’s circulation network is a well-connected system of streets, roads, highways, sidewalks, and paths that effectively accommodates vehicular and non-vehicular traffic in a manner that considers the context of surrounding land uses and the needs of all roadway users.
- Policy 1-5: Maintain LOS D or better operation at intersections within Brentwood that are not designated Routes of Regional Significance, and LOS E or better operation at intersections in the Downtown Specific Plan area. At unsignalized intersections, levels of service shall be determined for both controlled movements and for the overall intersection. Controlled movements operating at LOS E or LOS F are allowable if the intersection is projected to operate at LOS C or better overall, and/or if the “Peak Hour” signal warrant outlined in the California Manual on Uniform Traffic Control Devices remains unmet.
- Policy CIR 1-6: Intersections may be exempted from the LOS standards established in Policy CIR 1-5 in cases where the City Council finds that the infrastructure improvements needed to maintain vehicle LOS (such as roadway or intersection widening) would be in conflict with goals of improving multimodal circulation, or would lead to other potentially adverse environmental impacts. For those locations where the City allows a reduced motor vehicle LOS or queuing standard, additional multimodal improvements may be required in order to reduce impacts to mobility.
- Policy CIR 1-7: Improve circulation in locations with high levels of congestion, but avoid major increases in street capacities unless necessary to remedy severe traffic congestion on major arterial corridors.
- Policy CIR 1-12: Maintain and improve critical transportation facilities for emergency vehicle access and emergency evacuation needs.
- Policy CIR 2-1: Establish and maintain a system of interconnected bicycle, pedestrian, and equestrian facilities that facilitate commuter and recreational travel, and that are consistent with the City’s parks, trails, and recreation goals and

policies in this General Plan and the Contra Costa County Countywide Bicycle and Pedestrian Plan.

- Policy CIR 2-2: Routinely incorporate sidewalks and enhanced pedestrian crossing facilities as part of new street construction, and incorporate bicycle facilities on new collector and arterial streets (including bicycle lanes where appropriate, bicycle route and destination signs, and bicycle detection at signals).
- Policy CIR 2-3: Require development projects to construct on-site sidewalks, paths, and trails in a manner that is consistent with the City's parks, trails, and recreation goals and policies in this General Plan and the Contra Costa County Countywide Bicycle and Pedestrian Plan, and as dictated by the location of transit stops and common pedestrian destinations.
- Policy CIR 2-9: Where possible, integrate multi-use path facilities into utility corridor rights-of-way.
- Policy CIR 3-1: Recognize the role of streets not only as vehicle routes but also as parts of a system of public spaces, with quality landscaping, street trees, and bicycle and pedestrian paths.
- Policy CIR 3-3: Design developments to include features that encourage walking, bicycling, and transit use. Design features shall include bus turnouts, transit shelters and benches, and pedestrian access points between subdivisions and between adjacent related land uses.
- Policy CIR 3-4: Provide an interconnected street network that provides multiple points of access, discouraging cut-through traffic while maintaining neighborhood connectivity.
- Policy CIR 3-9: Design intersections to provide adequate and safe access for all users including pedestrians, bicyclists, and motorists of all ages and abilities.
- Policy CIR 3-10: Require new development to include effective linkages to the surrounding circulation system for all modes of travel, to the extent feasible.
- Policy CIR 4-2: Require new development to contribute its proportional cost of circulation improvements necessary to address cumulative transportation impacts on roadways throughout the City, as well as the bicycle and pedestrian network.

In addition to compliance with the applicable General Plan goals and policies, Action CIR 1d would be required to be implemented during the review process for any future development. Action CIR 1d requires City staff to:

- Action CIR 1d: As part of the development review process, the Community Development Department and the Public Works Department shall review development projects to ensure that developers:
 1. Construct transportation improvements along property frontages when appropriate.
 2. Address the project's proportional share of impacts to the City's circulation network through payment of traffic mitigation and other fees.
 3. For local project-related circulation impacts requiring improvements that are not included in an adopted impact fee program, either complete the necessary improvements or pay a proportional-share of the cost.
 4. Provide for complete streets to the extent feasible, facilitating walking, biking, and transit modes.
 5. Fund traffic impacts studies that identify on-site and off-site project effects and mitigation measures.

6. Provide adequate emergency vehicle access.

The General Plan EIR analyzed potential impacts to intersections in the project area upon buildout of the General Plan. According to the General Plan EIR, the intersection of Lone Tree Way and Brentwood Boulevard is anticipated to operate LOS F during the AM peak hour and LOS E during the PM peak hour upon buildout of the General Plan, including the project site. The General Plan EIR concluded that, with implementation of applicable policies and action, buildout of the General Plan, including the project site, would result in a less-than-significant impact related to study intersections. The future development of residential uses that would be permitted under the proposed project would not result in new or more severe impacts related to study intersections from what has already been anticipated and analyzed for the site.

Although the proposed project does not include any development at this time, a conceptual backbone infrastructure plan has been prepared for the project site. As shown in Figure 5, the backbone infrastructure plan preliminarily identifies multiple intersections where signal installation/modification is expected to occur as the annexation area builds out. For example, the backbone infrastructure plan identifies installation of a new traffic signal at the intersection of Brentwood Boulevard and the future roadway connection extending east into the site, as well as the intersection of Brentwood Boulevard and Delta Road. The backbone infrastructure plan also includes the modification of the existing traffic signal at Brentwood Boulevard and Lone Tree Way. Although the traffic signal at the intersection of Brentwood Boulevard and Delta Road is within the City of Oakley jurisdiction and would occur outside of the City of Brentwood city limits, the improvement is identified in the City of Brentwood's Development Fee Program. The cost of implementation of the improvement is intended to be split between the City of Brentwood and the City of Oakley. Future development of the project site, as well as other development within the City, would contribute fair share fees towards the City of Brentwood's Development Fee Program, which would help to ensure implementation of the improvement.

The project site is located in the vicinity of multiple Eastern Contra Costa Transit Authority (Tri Delta Transit) bus routes. Tri Delta Transit provides transit service in eastern Contra Costa County, serving the communities of Brentwood, Antioch, Oakley, Concord, Discovery Bay, Bay Point, and Pittsburg. Thirteen routes operate on weekdays, with four routes operating on weekends. Four stops are located in the vicinity of the project site. The four stops are located at the intersections of Main Street and Neroly Road, Main Street and Delta Road, and two stops at Brentwood Boulevard and Lone Tree Way.

Bicycle and pedestrian facilities in the project vicinity include a multi-use trail which runs along Marsh Creek to the east of the site, as well as the existing bicycle and pedestrian facilities located on Brentwood Boulevard. The future widening of Delta Road would also include the construction of bicycle lanes. Although Delta Road is located within the City of Oakley city limits, the anticipated widening along the project frontage on Delta Road would occur within the City of Brentwood jurisdiction. The City of Brentwood would coordinate with the City of Oakley in order to complete the improvements; however, the improvements would not require any approvals by the City of Oakley. Policies CIR 2-3 and CIR 3-3, as well as Action CIR 3a, require new development to construct pedestrian and bicycle improvements that encourage walking, bicycling, and transit use. Furthermore, the proposed project would be required to comply with the CCTA Countywide Bicycle and Pedestrian Plan, which is intended to support and encourage walking and bicycling in Contra Costa County. Compliance with such would ensure that future development does

not conflict with an applicable plan, ordinance, or policy addressing bicycle and pedestrian facilities.

Future development of the project site with residential uses would be consistent with the site's existing General Plan land use designation; thus, development of the site and associated impacts related to transportation have been previously anticipated by the City and evaluated in the General Plan EIR. The General Plan EIR concluded that with implementation of applicable policies and actions, buildout of the General Plan, including the project site, would result in a less-than-significant impact related to a conflict with an applicable plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. The proposed project would not result in new or more severe impacts to the circulation system from what has already been anticipated and analyzed for the site.

Therefore, because future buildout of the site would be required to comply with all relevant goals and policies associated with the circulation system, including transit, roadway, bicycle, and pedestrian facilities, the proposed project would not conflict with an applicable plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities, and a **less-than-significant** impact would occur.

- b. The proposed project does not include physical development of the site at this time. Annexation and pre-zoning the site will have no direct impacts on this inquiry area. However, future development of the project site may have secondary effects. Section 15064.3 of the CEQA Guidelines provides specific considerations for evaluating a project's transportation impacts. Per Section 15064.3, analysis of vehicle miles traveled (VMT) attributable to a project is the most appropriate measure of transportation impacts. While a qualitative discussion of VMT has been provided below, the provisions of Section 15064.3 apply only prospectively; determination of impacts based on VTM is not required Statewide until July 1, 2020.

Per Section 15064.3(3), a lead agency may analyze a project's VMT qualitatively based on the availability of transit, proximity to destinations, etc. While changes to driving conditions that increase intersection delay are an important consideration for traffic operations and management, the method of analysis does not fully describe environmental effects associated with fuel consumption, emissions, and public health. Section 15064.3(3) changes the focus of transportation impact analysis in CEQA from measuring impact to drivers to measuring the impact of driving. As noted in question 'a' above, the project site is located in close proximity to public transit facilities. Access to public transportation infrastructure would encourage use of alternative means of transportation to and from the project site.

In addition, per General Plan Policy CIR 2.3, new development within the City of Brentwood is required to construct on-site sidewalks, paths, and trails consistent with the City's parks, trails, and recreation goals and policies and the Contra Costa County Countywide Bicycle and Pedestrian Plan. Furthermore, per General Plan Policies CIR 2-1 and 2-2, new development within the City must incorporate sidewalks and enhanced pedestrian crossing facilities, and incorporate bicycle facilities on new collector and arterial streets in order to establish and maintain a system of interconnected bicycle and pedestrian system facilities consistent with the Countywide Bicycle and Pedestrian Plan. Therefore, due to the project's close proximity to public transit facilities and compliance with applicable General Plan policies, future residential within the project site would not

conflict or be inconsistent with CEQA Guidelines Section 15064.3(b), and a **less-than-significant** impact would occur.

- c,d. Although the proposed project does not include any development at this time, a conceptual backbone infrastructure plan has been prepared for the project site. As shown in Figure 5, the backbone infrastructure plan preliminarily identifies several roadway segments that would require widening, and multiple intersections where signal installation/modification is expected to occur as the annexation area builds out. For example, the backbone infrastructure plan identifies future widening of a segment of Brentwood Boulevard, as well as the future half-width widening of Lone Tree Way and Delta Road along the northern boundary of the project site. In addition, the plan includes installation of a new traffic signal at the intersection of Brentwood Boulevard and the future roadway connection extending east into the site, as well as the intersection of Brentwood Boulevard and Delta Road. The backbone infrastructure plan also includes the modification of the existing traffic signal at Brentwood Boulevard and Lone Tree Way.

As noted previously, the backbone infrastructure plan is conceptual at this time. Additional or alternative infrastructure improvements may be required pending further review and analysis of any future proposed development of the site. This IS/ND is programmatic and does not include project-level analysis of the backbone infrastructure plan. Further analysis and review of any future infrastructure improvements would occur at a later date at the time specific development plan applications are received by the City. Notwithstanding, construction of any future roadway improvements associated with future development would be required to comply with applicable City engineering standards related to access and roadway design. In addition, the General Plan provides a number of goals and policies adopted for the purposes of preventing hazards due to design features of incompatible uses or inadequate emergency access with which future development on the project would be required to comply, including, but not limited to the following:

- Policy CIR 1-9: Provide High quality regular maintenance for existing and future transportation facilities including streets, sidewalks, and paths.
- Policy CIR 1-12: Maintain and improve critical transportation facilities for emergency vehicle access and emergency evacuation needs.
- Policy CIR 2-2: Routinely incorporate sidewalks and enhanced pedestrian crossing facilities as part of new street construction, and incorporate bicycle facilities on new collector and arterial streets (including bicycle lanes where appropriate, bicycle and designation signs, and bicycle detection at signals).
- Policy CIR 3-4: Provide an interconnected street network that provides multiple points of access, discouraging cut-through traffic while maintaining neighborhood connectivity.
- Policy CIR 3-9: Design intersections to provide adequate and safe access for all users including pedestrians, bicyclists, and motorists of all ages and abilities.

In addition to compliance with the above policies, the proposed project would be consistent with the City's General Plan designation for the site. Thus, buildout of the site has been anticipated by the City, and the effects of such have been generally analyzed in the General Plan EIR. The General Plan EIR concluded that with implementation of applicable policies and actions, buildout of the General Plan, including the project site, would result in a less-than-significant impact related to the increase of hazards due to design features

or incompatible uses, or result in inadequate emergency access. The proposed project would not result in new or more severe impacts to the increase of hazards or inadequate emergency access from what has already been anticipated and analyzed for the site.

Therefore, the proposed project would not substantially increase hazards due to design features or incompatible uses, or result in inadequate emergency access. Therefore, the project would result in a ***less-than-significant*** impact.

XVIII. TRIBAL CULTURAL RESOURCES.

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

a,b. As discussed in Section V, Cultural Resources, of this IS/ND, the proposed project would not include any physical development at this time. The project site has been subject to disturbance as a result of past development and agricultural activities. Based on the history of disturbance at the project site as a result of past development and agricultural uses, known tribal cultural resources are not expected to occur within the site. As stated above, development of the project site with residential uses would be consistent with the site’s existing General Plan land use designation; thus, development of the site and associated impacts to cultural resources have been previously anticipated by the City and evaluated in the General Plan EIR. Future development would be required to comply with applicable General Plan policies related to the protection of cultural resources listed in Section V, Cultural Resources, of this IS/ND, above. Compliance with such would also ensure that future development does not result in a substantial adverse change in the significance of a tribal cultural resource should any previously unknown tribal cultural resources are uncovered during grading or other ground-disturbing activities.

In compliance with AB 52 (PRC Section 21080.3.1), the City distributed project notification letters to the following tribes: Wilton Rancheria, The Ohlone Indian Tribe, North Valley Yokuts Tribe, Muwekma Ohlone Indian Tribe of the SF Bay Area, Lone Band of Miwok Indians, Indian Canyon Mutsun Band of Costanoan, Amah Mutsun Tribal Band of Mission, San Juan Bautista. The letters were distributed on March 6, 2020; request for consultation were not received within the mandatory 30-day period.

Therefore, a **less-than-significant** impact to tribal cultural resources would occur.

XIX. UTILITIES AND SERVICE SYSTEMS.

Would the project:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>

Discussion

a,c. The proposed project does not include development at this time. Upon annexation of the site into the City, future buildout of the site could result in impacts related to water, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities. The conceptual backbone infrastructure plan indicates that sewer and water service for the project site would be provided by the City by way of new connections to existing sewer and water lines located in the project vicinity (see Figure 5). As noted in Section, X, Hydrology and Water Quality, future development would be required to treat and detain stormwater on-site before discharging into the City's stormwater system and ensure that post-development flows do not exceed predevelopment flows. In addition, future development would be required to comply with the policies listed in Section X, Hydrology and Water Quality, of this IS/ND, related to stormwater infrastructure. Electricity, natural gas, and telecommunications utilities would be provided by way of connections to existing infrastructure located within the immediate project vicinity. Furthermore, future development would be required to comply with or would otherwise be subject to all applicable General Plan goals and policies related to increased water and wastewater, including, but not limited to, the following:

- Policy IF 1-1: Provide adequate public infrastructure (i.e., street, sewer, water, and storm drain) to meet the needs of existing and future development.
- Policy IF 1-2: Require development, infrastructure, and long-term planning projects to be consistent with all applicable City infrastructure plans, including the Water Master Plan, the Wastewater Master Plan, and the Capital Improvement Program.
- Policy IF 1-3: Require all development projects to mitigate their infrastructure service impacts or demonstrate that the City's infrastructure, public services, and

utilities can accommodate the increased demand for services, and that service levels for existing users will not be degraded or impaired.

- Policy IF 1-4: Require new development projects to develop comprehensive infrastructure plans for City review and approval as part of an application submittal.
- Policy IF 1-7: Require the payment of impacts fees for all new development.
- Policy IF 2-1: Ensure the water system and supply is adequate to meet the needs of existing and future development.
- Policy IF 3-1: Ensure adequate sewage conveyance and treatment infrastructure to meet existing and future development.
- Policy IF 3-2: Maintain the existing wastewater system on a regular basis to increase the lifespan of the system and ensure public safety.

Furthermore, future development of the project site with residential uses would be consistent with the site's existing General Plan land use designation; thus, development of the site and associated impacts related to utilities and service systems have been previously anticipated by the City and evaluated in the General Plan EIR. The General Plan EIR concluded that, with implementation of applicable policies and actions, buildout of the General Plan, including the project site, would result in a less-than-significant impact related to utility infrastructure and demand. Given the proposed project's consistency with the site's General Plan land use designation, the utility infrastructure within the project vicinity would have been planned and designed with adequate capacity to accommodate demand from future development of the project site, as well as other existing and planned uses in the project area. Therefore, the proposed project would result in a **less-than-significant** impact related to the relocation or construction of new or expanded water, wastewater treatment, or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

- b. Upon annexation of the site into the City, water supplies for future development on the project site would be supplied by the City of Brentwood. Per the City's 2015 UWMP, 58 percent of the City's water supply is from treated surface water, 30 percent from groundwater, 10 percent from untreated surface water for landscape irrigation, and 0.5 percent from recycled water.¹⁸

Per the 2015 UWMP, the City is projected to have sufficient water supplies to meet projected water needs through 2040 during normal, dry, and multiple dry years. The water demand projections presented in the 2015 UWMP are based on buildout of the City's General Plan, including the project site. Given that the proposed project is consistent with the current General Plan land use designation for the site, water demand associated with future buildout of the project site has been anticipated by the City and accounted for in regional planning efforts, including the 2015 UWMP. In addition, future development would be required to comply with those policies listed under Section X, Hydrology and Water Quality, of this IS/ND, to ensure that impacts related to water supply are minimized.

Considering the above, the City would have sufficient water supplies available to serve the project site and reasonably foreseeable future development during normal, dry, and multiple dry years, and a **less-than-significant** impact would occur.

¹⁸ City of Brentwood. *Final 2015 Urban Water Management Plan*. June 2016.

- d,e. Solid waste, recyclable materials, and compostable material collection within the City of Brentwood is transported to a Solid Waste Transfer Station operated by the City. All solid waste is transferred to the station, where the City disposes and/or processes the waste at the Keller Canyon County Landfill. Keller Canyon Landfill covers 2,600 acres of land; 244 acres are permitted for disposal. The site currently handles 2,500 tons of waste per day, although the permit for the site allows up to 3,500 tons of waste per day to be managed at the facility. According to the California Department of Resources Recycling and Recovery (CalRecycle), the Keller Canyon Landfill has a remaining capacity of 63,408,410 cubic yards out of a total permitted capacity of 75,018,280, or 85 percent remaining capacity.¹⁹

The General Plan EIR concluded that, with implementation of applicable policies and actions, buildout of the General Plan, including the project site, would result in a less-than-significant impact related to the generation of solid waste and solid waste laws and regulations. Because the proposed project is consistent with the project site's current General Plan land use designation, the proposed project and future development of the project site thereunder would not result in increased solid waste generation beyond what has been previously anticipated for the site by the City and analyzed in the General Plan EIR. In addition, any future development within the site would be required to comply with all applicable provisions of Chapter 8.16, Solid Waste, of the City's Municipal Code.

Therefore, the proposed project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals and would comply with federal, State, and local management and reduction statutes and regulations related to solid waste. Therefore, a **less-than-significant** impact would occur.

¹⁹ California Department of Resources Recycling and Recovery (CalRecycle). *Facility/Site Summary Details: Keller Canyon Landfill (07-AA-0032)*. Available at: <https://www2.calrecycle.ca.gov/swfacilities/Directory/07-AA-0032/>. Accessed March 2020.

XX. WILDFIRE.

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>

Discussion

a-d. The proposed project does not include development at this time. According to the CAL FIRE Fire and Resource Assessment Program, the project site is not located within or near a state responsibility area or lands classified as a Very High Fire Hazard Severity Zone (VHFHSZ).²⁰ The nearest VHFHSZ is approximately 11 miles west of the project site. In addition, the project site is bordered by single-family residences to the north, public facilities to the south, and actively managed agricultural land to the east and west. Thus, the potential for wildland fires to reach the project site would be limited. Therefore, the proposed project would not be subject to risks related to wildfires, and a ***less-than-significant*** impact would occur.

²⁰ California Department of Forestry and Fire Protection. *Contra Costa County, Very High Fire Hazard Severity Zones in LRA*. January 7, 2009.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE.

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

- a. The proposed project does not include development at this time. As discussed in Section IV, Biological Resources, of this IS/ND, the proposed project would not result in any significant impacts to special-status species or other biological resources. In addition, the site does not contain known historical or cultural resources. Although unlikely, the possibility exists that for unknown cultural resources exist within the project site. However, compliance with the City’s General Plan goals and policies would ensure that any impacts to such resources associated with future residential development would be less than significant. Therefore, the proposed project’s impact related to degradation of the quality of the environment, substantial reduction of habitat or plant and wildlife species, and elimination of important examples of the major periods of California history or prehistory would be **less than significant**.

- b. As discussed in Section XI, Land Use and Planning, of this IS/ND, the proposed project would include annexation of the site to the City of Brentwood and a request to pre-zone the entire project site with City zoning consistent with the current General Plan land use designation for the site of R-LD. Specifically, the entire site would be zoned Residential PD. The Residential PD zoning district would permit residential development at densities no greater than that allowed by the density limitations of the R-LD land use designation. Development of the project site with residential uses would be consistent with the site’s existing General Plan land use designation; thus, impacts related to development of the site have been previously anticipated by the City and evaluated in the General Plan EIR. As such, the proposed project has been generally anticipated per the General Plan and associated cumulative environmental effects have been analyzed in the General Plan EIR. Furthermore, as demonstrated in this IS/ND, the proposed project would not result in any significant environmental impacts. When viewed in conjunction with other closely related past, present, or reasonably foreseeable future projects, development of the proposed project would not contribute to cumulative impacts in the City of Brentwood, and the project’s contribution to the cumulative impact would be **less than significant**.

- c. As described in this IS/ND, the proposed project would comply with all applicable General Plan policies, Municipal Code standards, and all other applicable local and State regulations. In addition, as discussed throughout this IS/ND, the proposed project would not result in substantial adverse impacts to human beings, either directly or indirectly, including effects related to exposure to air pollutants, hazardous materials, traffic, and noise. Therefore, a ***less-than-significant*** impact would result.